

Juridical Analysis of Cyberbullying as a Criminal Offense

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Article Info

Article history:

Received, 28 Feb, 2025

Revised, 05 Mar, 2025

Accepted, 24 Apr, 2025

Keywords:

Cyberbullying, Criminal
Offense, Indonesian Law,
Cyber Harassment, Regulations

ABSTRACT

Cyberbullying refers to any actions aimed at hurting or intimidating someone through information technology, particularly the internet. This form of bullying can take various shapes, such as threats, the spread of harmful personal information, or defamation. With the advancement of technology and the increasing accessibility of the internet, cyberbullying has become an increasingly urgent issue to address. Indonesian law covers several aspects related to cyberbullying, but its implementation still faces challenges. This article will analyze the regulations governing cyberbullying, the obstacles encountered in law enforcement, and the legal protection available to victims in Indonesia. The analysis aims to provide a deeper understanding of how Indonesian law addresses cyberbullying as a criminal offense and to strengthen efforts in preventing and combating this issue.

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INTRODUCTION

As information and communication technology rapidly advances, the virtual world has become an arena that offers various conveniences, such as social interaction, information exchange, and even the development of digital economies. The internet, with its easy access, has transformed various aspects of human life, from communication to work and learning. Thanks to social media platforms and instant messaging apps, people can easily connect with each other regardless of distance or time. However, behind all the benefits, the internet also holds significant risks, one of which is the emergence of various types of cybercrimes, including cyberbullying. This phenomenon has become increasingly relevant with the growing use of the internet, particularly among teenagers, who are more active in using social media and other online platforms (Betania & Tarigan, 2024).

Cyberbullying is a form of bullying carried out in the virtual world with the intent to harm or intimidate the victim. This bullying can take the form of insults, the spread of false or harmful information, threats, or other actions that create fear and shame for the victim. A distinctive feature of cyberbullying is that the perpetrators often hide behind anonymity, using various digital platforms such as social media, instant messaging apps, online forums, and even video games to carry out their actions. The existence of a digital space not bound by geographical or time limitations provides freedom for perpetrators to attack victims without facing them directly. With this convenience, cyberbullying can occur anytime, anywhere, and even more frequently, as perpetrators can continue to intimidate victims in ways that are more difficult to detect.

However, despite the significant psychological and emotional impact of cyberbullying on the victims, it is often considered a trivial issue, especially by those who do not experience it firsthand or do not

understand the magnitude of its effects. In reality, the effects of cyberbullying can be severe and may lead to long-term mental health issues such as depression, anxiety, post-traumatic stress disorder (PTSD), and even extreme actions such as suicide. Studies have shown that victims of cyberbullying often feel isolated, lose their sense of security, and sometimes do not know where to report or how to seek help. Victims often also face social stigma, where they are perceived as weak or incapable of handling their own problems, leading them to hide their suffering (Law, 2019).

In addition to the psychological impact, cyberbullying can also damage the victim's reputation and self-image in the virtual world, which is often difficult to repair. A single post or the spread of harmful images or information can spread widely and is challenging to remove, even if the victim tries to delete or correct it. In some cases, victims can even face financial losses due to false information that damages their careers or business relationships. This further highlights the importance for both society and authorities to address this issue seriously.

In Indonesia, despite the increasing use of the internet and social media, handling cyberbullying still faces various challenges. The Indonesian government has made efforts to introduce several regulations to address this issue, one of which is Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), which was later amended by Law No. 19 of 2016 (Khudhair, 2021). The ITE Law includes several provisions related to the misuse of information technology, such as the spread of hatred, defamation, and threats or actions that harm others. However, despite the existence of such regulations, challenges in implementing these laws remain substantial.

One of the main issues in handling cyberbullying is the lack of a clear legal definition of cyberbullying itself. Many incidents of cyberbullying take very diverse forms, ranging from mild insults on social media to more serious threats of violence or sexual harassment. This makes law enforcement efforts related to cyberbullying often hindered due to the absence of a clear legal boundary for what constitutes cyberbullying. Additionally, existing regulations tend to be broad and not specific enough to address this complex and dynamic problem.

Proof of evidence also poses a significant challenge in the law enforcement process for cyberbullying cases. Cyberbullying perpetrators often use anonymity or fake identities to conceal themselves, such as by using fake accounts or even VPNs (Virtual Private Networks) to hide their true identities. As a result, authorities investigating cyberbullying cases face significant challenges in identifying perpetrators and collecting valid evidence for legal proceedings. Furthermore, many digital platforms or social media services still do not provide sufficiently effective reporting mechanisms for victims to report bullying, or if they do, these reports often take a long time to process (Frensh & Mulyadi, 2018).

Another obstacle is the lack of awareness among both the public and relevant authorities about the dangers of cyberbullying. Many people still view cyberbullying as a minor issue that does not require serious attention. This ignorance often causes victims to feel isolated and reluctant to report because they feel no meaningful action will be taken. Education about cyberbullying needs to be expanded across various sectors, from schools to social media campaigns, and through the creation of regulations that require digital service providers to take a more active role in addressing and preventing cyberbullying. Moreover, there are challenges related to the social stigma attached to victims. Many victims feel ashamed to expose their issues for fear of being perceived as weak or unable to protect themselves. This exacerbates the situation, as unreported cases mean authorities cannot take action.

In terms of regulations, Indonesia has some existing laws that can be used to combat cyberbullying. However, law enforcement in Indonesia is still hindered by several factors, such as differing interpretations of the law, a lack of understanding among law enforcement officers in handling cybercrimes, and the difficulty of identifying perpetrators who use fake identities. Additionally, there are issues with lengthy and complex legal procedures, which often make victims feel uncertain about the legal process and ultimately choose not to report.

In addition to existing regulations, victim protection remains limited. In some cases, victims of cyberbullying do not receive adequate support from their families, friends, or relevant institutions. The absence of a clear and easily accessible protection system is also a major obstacle in reducing the impact of cyberbullying. Therefore, the development of a better victim protection system, both from a legal and social support perspective, is crucial.

Concrete steps need to be taken to address this issue. Public education and awareness are key to preventing cyberbullying. Proper education can help society better understand the dangers of cyberbullying and how to protect themselves and report such actions. The government needs to continue updating existing regulations to accommodate rapid technological developments and strengthen cooperation between law enforcement and digital service providers in handling cyberbullying cases.

Furthermore, digital platform providers have a significant responsibility to prevent cyberbullying on their platforms. They must ensure that they have accessible reporting mechanisms for victims and respond promptly to incoming reports. They should also collaborate with authorities in identifying perpetrators and

preventing further bullying.

In conclusion, tackling cyberbullying requires collaboration among the government, society, digital platform providers, and law enforcement. Clearer and more specific regulations, a better victim protection system, and increased social awareness are necessary to create a safer and bullying-free virtual world. Moreover, society must recognize that cyberbullying is a criminal act that can be subject to criminal penalties and that everyone has the right to feel safe, both in the real world and online.

RESEARCH METHODS

This study adopts a comprehensive approach by integrating both normative legal research and empirical methods to conduct an in-depth analysis of the juridical aspects surrounding cyberbullying as a criminal offense in Indonesia. The primary focus of the normative legal research is to examine the existing legal frameworks pertaining to cyberbullying, including Law No. 11 of 2008 concerning Electronic Information and Transactions (the ITE Law), which was subsequently amended by Law No. 19 of 2016, as well as other legal provisions related to cybercrimes and the protection of victims.

The purpose of analyzing these regulations is to assess whether they effectively align with the evolving needs for addressing cyberbullying cases in Indonesia. In contrast, the empirical aspect of the research aims to delve into how these laws are applied in practice. This part of the study investigates the actual implementation of laws related to cyberbullying enforcement, the challenges faced by law enforcement agencies, and the level of legal protection available to victims.

The study's data sources include both primary and secondary data. Primary data is gathered through in-depth interviews with individuals who have direct knowledge or involvement in handling cyberbullying cases. These individuals include law enforcement officers (such as police, prosecutors, and judges), legal practitioners (including lawyers), digital platform providers, and representatives from non-governmental organizations (NGOs) that focus on child and women's rights protection.

The purpose of these interviews is to gather firsthand insights into the practical challenges and obstacles encountered in addressing cyberbullying, particularly from legal, social, and cultural perspectives. Alongside primary data, secondary data is collected through literature reviews, which include academic books, journal articles, research papers, theses, and legal documents such as statutory regulations, court rulings, and reports on cyberbullying and its social and psychological impacts. This secondary data provides a broader theoretical and contextual understanding of the legal aspects related to cyberbullying, offering important insights into how laws are framed and how they function in practice.

Data collection for the study involves three key techniques: literature review, in-depth interviews, and case studies. The literature review is conducted to analyze the current legal provisions that regulate cyberbullying, allowing for the identification of gaps or shortcomings in the existing laws. The in-depth interviews are designed to capture detailed experiences from legal professionals and other relevant stakeholders about their involvement in cyberbullying cases, highlighting both the successes and challenges of enforcement. The case study approach will examine real-world examples of cyberbullying incidents in Indonesia, offering a clearer understanding of how these laws are applied and whether current regulations effectively address the issue of cyberbullying.

The data collected will be analyzed using qualitative methods, focusing on several key aspects. First, the study will assess the consistency between the current legal frameworks and their practical enforcement in handling cyberbullying cases. Second, it will explore the challenges faced by law enforcement, including difficulties in gathering evidence, the anonymous nature of many cyberbullies, and the complexities involved in prosecuting these crimes. Third, the study will investigate the extent of legal protection available to victims of cyberbullying and examine the efforts made to offer them support throughout the legal process. Finally, the study will consider the roles of various stakeholders, including digital platform providers, educational institutions, and society at large, in preventing and addressing cyberbullying. By analyzing these factors, the study aims to identify legal deficiencies and provide well-founded recommendations for improving the overall effectiveness of legal protection for victims and addressing cyberbullying in a more comprehensive manner.

While this study strives to provide an in-depth analysis, it acknowledges certain limitations. One such limitation is the difficulty in obtaining comprehensive data from victims, particularly due to the sensitive nature of cyberbullying. Victims often feel reluctant to report their experiences due to fear of social stigma or retaliation, making it challenging to collect detailed and representative data. Additionally, the study faces time and resource constraints, meaning it can only examine a small subset of cyberbullying cases in Indonesia, rather than addressing the full extent of the problem.

Despite these limitations, the study aims to make a meaningful contribution to the understanding and management of cyberbullying through a thorough juridical analysis, as well as by offering relevant policy recommendations to enhance victim protection and improve law enforcement mechanisms in Indonesia. The findings of this research are intended to inform the development of more effective strategies for combating

cyberbullying and ensuring a safer online environment for all.

RESULT AND DISCUSSION

This section will delve deeper into various juridical aspects related to cyberbullying as a criminal offense in Indonesia. The discussion will focus on four main subtopics: the definition and characteristics of cyberbullying, legal provisions governing cyberbullying in Indonesia, challenges in law enforcement against cyberbullying, and legal protection for victims of cyberbullying. The aim of this discussion is to explore the existing issues and potential solutions that could be implemented to effectively address the phenomenon of cyberbullying in Indonesia.

Definition and Characteristics of Cyberbullying

Cyberbullying refers to bullying conducted through digital platforms, such as social media, instant messaging apps, online forums, or websites that allow perpetrators to attack victims verbally or emotionally. This phenomenon has rapidly increased with the rise of information and communication technologies, especially among vulnerable groups like teenagers and children.

According to various studies, cyberbullying includes actions such as insults, defamation, spreading false rumors, and threats made through text, images, or videos shared online. One key distinction between cyberbullying and traditional bullying is the anonymity of the perpetrator. Perpetrators can use anonymous accounts to hide their identity, making the victim feel more pressured, as they do not know who is bullying them. This anonymity often exacerbates the psychological effects on the victim, who may feel isolated and powerless to fight back (Takdir & Fitriasih, 2023).

Furthermore, the reach and impact of cyberbullying are far broader than conventional bullying. Negative information or content spread through the internet can quickly reach a wide audience without geographic limitations. This can increase the victim's embarrassment, as the attacks they experience can be seen by many people, even those they do not know. For instance, cyberbullying on social media platforms is often accessible to individuals outside the victim's social circle, thereby increasing stress and anxiety levels.

The impact of cyberbullying is also significant in the daily life of victims. Studies show that victims of cyberbullying are more prone to mental health issues such as anxiety, depression, and even suicidal tendencies due to feelings of helplessness and isolation. Therefore, a deeper understanding of the characteristics of cyberbullying is essential to ensure more effective prevention and intervention efforts.

Legal Provisions Governing Cyberbullying in Indonesia

In Indonesia, although cyberbullying is not explicitly mentioned in the legal framework, this act can be prosecuted through various existing legal provisions, particularly in Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), which was amended by Law No. 19 of 2016. This law contains provisions addressing cybercrimes, including insults, defamation, the unauthorized dissemination of personal information, and hate speech, all of which often form part of cyberbullying (Khoirunnisa, 2025).

Article 27, paragraph (3) of the ITE Law states that anyone who intentionally and unlawfully distributes or transmits electronic information containing insults or defamation may be subject to criminal sanctions. This provides a legal basis for prosecuting perpetrators of cyberbullying who engage in verbal attacks or defamation online. Additionally, Article 28, paragraph (2) of the ITE Law regulates the dissemination of content containing hatred, insults, or hostility based on ethnicity, religion, race, or inter-group relations (SARA), which can cover many forms of cyberbullying based on personal or group identity differences.

However, despite these legal provisions, there are several shortcomings worth noting. First, the lack of a clear definition of cyberbullying in Indonesian legislation leads to ambiguity in its application, particularly because cyberbullying can involve various actions not always explicitly addressed in the existing laws. For example, not all forms of psychological or emotional abuse through digital platforms can easily be categorized under defamation or insults as outlined in the ITE Law.

Moreover, the issue of anonymous perpetrators poses another challenge. In many cases, cyberbullies use fake identities or anonymous accounts, making it difficult for law enforcement to trace them. The use of encryption tools and VPNs further complicates the process of identifying perpetrators, worsening the situation and hindering law enforcement efforts.

Challenges in Law Enforcement Against Cyberbullying

Enforcing the law against cyberbullying in Indonesia faces various challenges, both in terms of regulation and its implementation on the ground. One of the biggest challenges is the anonymity of the perpetrators, which allows them to engage in bullying without being recognized. In many cases, cyberbullies use fake accounts or anonymous identities to carry out their actions. This makes the identification and tracking of the perpetrators extremely difficult. Perpetrators can hide behind technology, and their identities

are hard to trace through IP addresses, especially if they are using VPNs or proxies.

Furthermore, the process of proving cyberbullying cases is highly complex. Unlike traditional bullying, which is typically supported by eyewitnesses or physical evidence, cyberbullying requires digital proof, such as screenshots or electronic conversation records. However, such evidence can easily be manipulated or deleted by perpetrators, making it difficult to build a solid case. Additionally, many victims are hesitant to report or lack trust in the legal system, causing cyberbullying cases to often be neglected by law enforcement authorities (Frensh et al., 2021).

Moreover, the lack of training for law enforcement officials in information and communication technology exacerbates the problem. Many law enforcement officers lack a deep understanding of how to handle cyberbullying cases, which makes them less responsive in investigating and gathering valid digital evidence. Therefore, it is essential to provide specialized training on handling cybercrimes to enable law enforcement officials to handle cases of cyberbullying more professionally and effectively.

Legal Protection for Victims of Cyberbullying

Legal protection for victims of cyberbullying in Indonesia remains limited. While there are some legal provisions that can be used to protect victims, their implementation has not been maximized. One of the biggest obstacles is the lack of awareness in society about the importance of reporting when one becomes a victim of cyberbullying. Many victims feel that they will not receive justice or fear social stigmatization if they report the incident to authorities (Syahid, 2023).

Furthermore, even though victims can report to law enforcement, many feel that the lengthy and complicated legal process is not worth the impact they have suffered. Slow legal processes and the lack of psychological support further pressure victims, leaving them feeling unsupported. Therefore, a more integrated system is needed to provide long-term protection for victims, not only through legal resolutions but also through psychological and social support to help them recover from the trauma caused by cyberbullying.

Victim protection must also involve public education on the dangers of cyberbullying and ways to protect oneself from cyber attacks. Wider awareness campaigns are necessary to increase understanding of internet ethics and to inform people on how to report cyberbullying cases and the rights victims have.

Cyberbullying is a complex social issue that requires a holistic approach to address. Although there are regulations governing online bullying through the ITE Law, several obstacles remain in law enforcement, from definition issues to challenges in proving and tracking perpetrators. Therefore, more specific regulations on cyberbullying are needed, along with improvements in law enforcement capacity to handle cybercrimes. Additionally, legal protection for victims must be strengthened by creating a system that supports them from legal, social, and psychological perspectives. A collaborative effort from various parties government, society, and digital platform providers is crucial to create a safer online environment free from cyberbullying.

CONCLUSION

Cyberbullying has become a growing issue alongside the rapid advancements in information and communication technology. The consequences of such bullying, which takes place via digital platforms, are profound for the victims, affecting them both mentally and socially. While regulations like the ITE Law offer legal tools to address cyberbullying, enforcement remains challenging. One major issue is the absence of a precise definition of cyberbullying, which creates difficulties in properly identifying and classifying online cases.

Moreover, law enforcement in Indonesia struggles with proving and identifying cyberbullying perpetrators. Since such actions are often carried out anonymously, with the perpetrators concealing their identities, authorities find it difficult to conduct effective investigations or prosecutions. Additionally, there is still a lack of awareness among the public regarding the importance of reporting cyberbullying, worsening the situation. As such, educating the public about the significance of reporting these cases and providing better training for law enforcement to handle cybercrime is crucial.

Victims of cyberbullying also face inadequate legal protection. Even though victims can report their cases to the police, many are hesitant to do so because they fear retaliation or feel that the legal process will not bring about satisfactory outcomes. Therefore, it is important to strengthen victim protection systems that not only focus on legal actions but also offer adequate psychological and social support. Collaborative efforts from the government, law enforcement, and society are essential to creating a safer online environment and raising awareness of cyberbullying risks, helping to reduce its prevalence and ensure the safety of internet users.

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