

Reformulating National Criminal Law for Protecting Child Victims of Cyberbullying Crimes

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Article	Abstract
<p>How to cite: Iwan Fahmi & Fanny Tanuwijaya, 'Reformulating National Criminal Law for Protecting Child Victims of Cyberbullying Crimes' ((2025) Vol. 6 No. 2 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p>DOI: 10.35719/rch.v6i2.363</p> <p>Article History: Submitted: 15/04/2025 Reviewed: 18/06/2025 Revised: 12/07/2025 Accepted: 26/08/2025</p> <p>ISSN: 2723-0406 (printed) E-ISSN: 2775-5304 (online)</p>	<p>The advancement of digital technology has led to the emergence of new types of crime, including cyberbullying, which often targets children as the most vulnerable victims. Indonesia currently lacks specific legal provisions that regulate cyberbullying as a criminal offense against children. This research aims to examine the effectiveness of existing legal protections and the urgency of reformulating a more specific criminal framework. Using a normative legal approach and comparative study with the Philippines and California (USA), the findings indicate the need for comprehensive legal reform in Indonesia to ensure better protection for children against digital violence. The study highlights how the absence of a clear definition and categorization of cyberbullying in Indonesian legislation creates legal uncertainty and hinders law enforcement. Meanwhile, experiences from the Philippines and California show that explicit regulations provide stronger preventive and punitive measures. Therefore, reformulating a progressive legal framework that integrates criminal, civil, and administrative approaches is urgently needed to address the complexity of cyberbullying and safeguard children's rights in the digital era.</p> <p>Keywords: <i>Cyberbullying, Child, Criminal Law.</i></p> <p>Abstrak</p> <p>Kemajuan teknologi digital telah menyebabkan munculnya jenis kejahatan baru, termasuk perundungan siber, yang seringkali menyasar anak-anak sebagai korban paling rentan. Indonesia saat ini belum memiliki ketentuan hukum khusus yang mengatur perundungan siber sebagai tindak pidana terhadap anak. Penelitian ini bertujuan untuk mengkaji efektivitas perlindungan hukum yang ada dan urgensi merumuskan kembali kerangka hukum pidana yang lebih spesifik. Dengan menggunakan pendekatan hukum normatif dan studi perbandingan dengan Filipina dan California (AS), temuan penelitian menunjukkan perlunya reformasi hukum yang komprehensif di Indonesia untuk memastikan perlindungan yang lebih baik bagi anak-anak dari kekerasan digital. Penelitian ini menyoroti bagaimana ketiadaan definisi dan kategorisasi yang jelas tentang perundungan siber dalam peraturan perundang-undangan di Indonesia menciptakan ketidakpastian hukum dan menghambat penegakan hukum. Sementara itu, pengalaman dari Filipina dan California menunjukkan bahwa peraturan yang eksplisit memberikan langkah-langkah pencegahan dan hukuman yang lebih kuat. Oleh karena itu, merumuskan kembali kerangka hukum progresif yang mengintegrasikan pendekatan pidana, perdata, dan administratif sangat dibutuhkan untuk mengatasi kompleksitas perundungan siber dan melindungi hak-hak anak di era digital.</p> <p>Kata Kunci: <i>Perundungan Siber, Anak, Hukum Pidana.</i></p>

Introduction

The development of the era will be perpendicular to globalization and provide an impact in the form of progress in the field of information. With the progress in information technology, the whole world is involved in modern life that expands the space in access to fulfilling the interests and desires of individuals and social life. Technology and information media and communication systems have a strategic role because they are able to eliminate boundaries between regions and times. This causes unavoidable changes in people's ways of life. Thus, renewal is always needed, especially in the fields of culture, economy, security, and law enforcement.¹

The development of technology not only provides benefits through easy access to information, but also has negative impacts through new opportunities for crime. One of them is online bullying or cyberbullying. Cyberbullying is an act that is done intentionally and repeatedly with acts to bully or intimidate by utilizing electronic media. Cyberbullying is often found on social media and messaging platforms, as well as online games by harassing or criticizing others.²

There are many factors that can be used as the basis for online bullying among children and adolescents, one of which is the lack of supervision in the home, school, family environment, and the interaction of each individual in cyberspace. Through relentless bullying, many victims of cyberbullying are afraid to report the act. In addition, with bullying that is carried out online and without face-to-face, it is often difficult to identify and track the perpetrators of online bullying.³

Cyberbullying is a form of violence that is increasingly dominating the digital era, and defining it clearly in the law is essential. A precise definition of Cyberbullying helps distinguish it from other forms of bullying, such as physical or verbal bullying, which may have different characteristics and impacts. Establishing specific criteria that cover what behaviors fall into the category of Cyberbullying such as spreading false information, threats via social media, or online stalking can help law enforcement and provide better protection for victims.⁴

The definition of cyberbullying can be found in the international instrument The Cyber-Safety Act of Nova Scotia, namely any form of electronic communication using technology without restrictions on computer media, electronic media forms, social media, message media, pages and e-mail. which is done repeatedly and continuously which is intended to cause fear, intimidation, embarrassment, and other damage to the health of others, emotions, conditions, self-confidence or reputation and also includes those who provide support for this form of communication.⁵ It was found that of the 17 countries in Asia that have domestic laws related to cyberbullying are Japan, the Philippines, and Korea, then Singapore is considered to have legislation related to the world of online bullying even though it does not explicitly mention the

¹ Ramasari, et al., *Criminal Liability of Members of the Indonesian Grassroots Movement of Self-Help Community Who Threaten Journalists through the Media, Causing Hatred and Hostility Based on Ethnicity, Race, Religion, and Personal Groups (Study of Decision No. 175/Pid.Sus/PN Gdt)*, UNES Law Review, Vol. 5 No. 4, (2023), 2906.

² Alinda Julietha Adnan, et al., *Legal Protection for Children as Victims of Cyberbullying*, Indonesia Journal of Criminal Law and Criminology, Vol. 5 No. 1, (2024), 26.

³ Novita Maulidya Jalal, et al., *Factors of Cyberbullying in Adolescents*, IKRA-ITH Humaniora Journal, Vol. 5 No. 2, (2021) 146-154.

⁴ Karyanti, *Cyberbullying & Body Shaming*, (Yogyakarta: K-Media, 2018), 43

⁵ Siti Khairunnisa, et al., *Law on Cyberbullying in Indonesia, Malaysia, and Brunei Darussalam*, International Conference of Asean Perspective and Policy, 64.

term cyberbullying, while 13 other countries including Indonesia do not have specific regulations related to cyberbullying.⁶

Children as victims of Cyberbullying need special protection that goes beyond the law. This protection includes keeping their identities confidential to avoid stigma and deeper psychological impacts. In addition, children should have easy access to legal and psychological assistance to help them overcome the trauma they may experience. This protection is essential to ensure that they not only get justice, but also the support they need to recover. Legal processes and law enforcement need to be designed to facilitate the reporting of cyberbullying by children. This includes providing simple and safe reporting procedures, as well as specific training for law enforcement and related professionals to handle cases sensitively. Law enforcement must be trained to understand the psychological impact of cyberbullying and to handle these cases with empathy and effectiveness.

In this study, a comparison was made to the Philippines and the United States, especially the state of California. The comparison to the Philippines was made because of similarities in terms of cultural, geographical, and social culture, besides that it is also a country that combines the traditions of two legal systems, namely common law and civil law, although the division of its material law is largely influenced by Spanish law. Furthermore, the United States is a country that has a different legal system from Indonesia. Barda Nawawi Arief understands comparative law as a science that studies the legal system (criminal) of two or more legal systems using comparative methods.⁷

Research Method

This research uses a normative juridical method by examining legal norms through statute, conceptual, and comparative approaches. The statute approach analyzes Indonesian and international laws on cyberbullying against children, while the conceptual approach clarifies the term "cyberbullying" based on legal doctrines due to the lack of definition in national law. The comparative approach reviews legal frameworks in the Philippines and California (USA) to identify best practices. Data consists of secondary legal materials, primary laws such as the Child Protection Act, ITE Law, and Penal Code, and secondary sources like books and journal articles that analyzed through qualitative methods using deductive reasoning to propose legal reforms for protecting children in digital spaces.

Enforcement of the Law on the Protection of Children as Victims of Cyberbullying Crimes in Indonesia

The development of technology and social media has brought significant changes in social interactions, including among children. Platforms such as Facebook, Instagram, and Twitter allow children to connect and interact widely. However, this convenience also opens up opportunities for negative behavior such as cyberbullying. The anonymity offered by social media is often used by perpetrators to carry out intimidation without fear of consequences.⁸

⁶ International Center for Missing and Exploited Children, "Protecting Children from Cybercrime : Legislative Responses in Asia to Fight Child Pornography, Online Grooming, and Cyberbullying" <https://www.icmec.org/cybercrime-legislative-responses-in-asia/>, accessed 24 September 2024.

⁷ Barda Nawawi Arief, *Comparative Criminal Law*, (Jakarta: RajaGrafindo, 1990), 3.

⁸ <https://kominfo.kotabogor.go.id/index.php/post/single/1179?>

The impact of cyberbullying on children is very serious and covers various aspects of their lives. Psychologically, victims can experience depression, anxiety, and decreased self-confidence. Meanwhile, socially, they may face isolation from friends and the surrounding environment. In an academic context, concentration in learning can be disrupted, leading to decreased academic achievement.⁹ The urgency of legal regulations to protect children as victims of cyberbullying is becoming increasingly important. Without effective law enforcement, perpetrators will feel immune and continue to carry out these actions freely. Strict law enforcement sends a message that cyberbullying cannot be tolerated and will be punished in accordance with applicable provisions.¹⁰

In Indonesia, legal protection for child victims of cyberbullying is regulated in several laws. Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE) regulates sanctions for perpetrators who distribute electronic information containing insults or defamation. In addition, Law Number 35 of 2014 concerning Child Protection emphasizes that the state is responsible for protecting children from all forms of violence, including in cyberspace.¹¹

In the face of the ever-evolving digital era, protecting children from the threat of cyberbullying must be a priority. Through strict regulations, effective law enforcement, and comprehensive education, it is hoped that children can enjoy the benefits of technology without having to face risks that endanger their well-being.

Bullying is a form of digital-based violence that is now increasingly prevalent among children and adolescents. This form of violence includes various behaviors such as harassment, intimidation, and insults carried out through electronic devices such as mobile phones, social media, email, and instant messaging applications. According to **Patchin and Hinduja** Cyberbullying is aggressive behavior that is done intentionally and repeatedly through digital media, with the aim of hurting or humiliating the victim. The characteristics of cyberbullying are the anonymity of the perpetrator and the wide reach of the spread of information that can worsen the psychological impact on the victim.¹²

In the international context, UNICEF defines cyberbullying as a form of digital violence that targets children and adolescents in various ways, including online humiliation, exclusion, and harassment. UNICEF highlights that children who are victims of cyberbullying often experience emotional disorders such as anxiety, depression, and social isolation. Because of its difficult nature to identify and stop, cyberbullying poses a major challenge for parents, educators, and policymakers in protecting children from the dangers of the digital world.¹³

In Indonesia, the criteria for children are regulated in Law Number 35 of 2014 concerning Child Protection, which states that a child is someone who is not yet 18 years old, including those who are still in the womb. This article emphasizes that all individuals under the age of 18 have the right to receive protection from all forms of violence, including digital-based violence

⁹ Ahmad Ma'mun Fikri, Initial Analysis of the Dynamics of Cyberbullying Prevention in Indonesia's Digital Space from a Criminal Law Perspective, *Unes Law Review Journal*

¹⁰ <https://www.puskomedia.id/blog/hukum-dan-cyberbullying-berikan-efek-jera-bagi-pelaku/>

¹¹ Dian Istimeisyah, The Impact of Cyberbullying on Indonesian Society and the Implementation of State Legislation in Protecting Indonesian Society from Cyberbullying, *Jurnal Media Hukum Indonesia (MHI)* Published by Yayasan Daarul Huda. Vol.2, No.3 (2024), 440

¹² <https://www.unicef.org/indonesia/id/child-protection/apa-itu-cyberbullying> accessed on January 14, 2025

¹³ <https://www.unicef.org/eca/press-releases/unicef-poll-more-third-young-people-30-countries-report-being-victim-online-bullying> accessed on January 14, 2025

such as cyberbullying. This law aims to protect children's rights so that they can grow and develop safely, without the threat of detrimental behavior, both in the real world and in cyberspace.¹⁴

The types of cyberbullying that often occur to children are very diverse. One common type is **harassment**, which is repeated verbal attacks in the form of text messages, social media comments, or emails with insulting and hurtful content. This type can easily spread in cyberspace, especially if it is done on a public platform that allows comments to be seen by many people. Harassment often has a negative impact on the victim's self-esteem and self-confidence. In addition to harassment, there is also a form of cyberbullying known as **flaming**, which is an online argument that involves the use of rude and offensive language. Flaming usually occurs in forums or social media groups, where the perpetrator and victim openly insult each other. This type can attract the attention of many other users, who often make the situation worse by joining in the debate.¹⁵

Other types of cyberbullying are **outing and trickery**, which is revealing the victim's secrets or personal information without permission, with the aim of embarrassing or humiliating the victim in public. This is usually done by someone who has previously gained the victim's trust to know the information. Outing can have a very big impact because the victim's personal information is widely spread in cyberspace and is difficult to completely erase.¹⁶

Exclusion is also a form of cyberbullying that is often experienced by children. Exclusion is the act of removing or excluding someone from an online group or digital community. This is often done intentionally to make the victim feel isolated and unwanted. Feelings of isolation due to exclusion can have an impact on a child's psychological condition, such as feeling inferior and losing social confidence. Another form of cyberbullying that is quite dangerous is **impersonation**, which is when the perpetrator pretends to be the victim by using a fake account or identity. The perpetrator will usually send inappropriate messages or make posts that are detrimental to the victim's good name. Impersonation can cause serious social harm, because the victim's good name is tarnished in the eyes of the online community.¹⁷

Cyberbullying against children is becoming an increasingly complex problem due to the limitless and uncontrollable nature of cyberspace. Perpetrators often feel freer to commit aggressive acts because they feel protected by the anonymity provided by the internet. Therefore, strong regulations and cooperation from various parties, including the government, schools, and families, are needed to protect children from the threat of cyberbullying.¹⁸ The importance of protecting children from the threat of cyberbullying is also recognized in international regulations. The Convention on the Rights of the Child (CRC) ratified by Indonesia through Presidential Decree Number 36 of 1990 emphasizes that every child has the right to protection from all forms of violence, exploitation, and discrimination, both directly and

¹⁴ Sugiri, *Legal Aspects of Child Protection*, (Jakarta: Bumi Aksara, 1990), 25.

¹⁵ Fasya Syifa Mutma, *Description of Understanding Cyberbullying on Social Media in Students*, Common Journal Volume 4 Number 1 (2020), 37

¹⁶ Sylvia Molrangthem, "Cyber bullying and its impact on youth: A study on the students of Lovely Professional University" *International Journal of Health Sciences*, Vol. 6, No. 2, (2022) 8293. <https://doi.org/10.53730/ijhs.v6nS2.7328>

¹⁷ Yv Wima Riyayanatasya & Rahayu, "Involvement of Teenage-Students in Cyberbullying on WhatsApp" *Jurnal Komunikasi Indonesia*, Vol. 9 No. 1, 2020. 3. DOI: 10.7454/jki.v9i1.11824.

¹⁸ Khofidhotur Rovida & Sasmini, "Cyberbullying in Indonesia: Phenomenon, Impact and Legal Anticipation" *ICOLESS*, (2024), 52.

through electronic media. This convention provides an international legal basis for member countries to develop comprehensive child protection policies. Given the various types of cyberbullying and its serious impact on children, the government and society need to raise awareness and understanding of the dangers of cyberbullying. Digital education campaigns for children and parents are an important step to reduce the risk of cyberbullying. In addition, increasing digital literacy among children can help them recognize the signs of cyberbullying and learn how to report and avoid such behavior.

Future Policy on Reformulating Regulations on Children as Victims of Cyberbullying

Nowadays, the development of information and telecommunication technology also influences people's behavior. If previously there was a saying "mulutmu tigermu", now the term has transformed into "jarimu tigermu". Through their fingers, people can now post hate speech, insults, vulgar content, hoaxes, and fake news that can harm others. One case that is often encountered is *cyberbullying* through social media, which can cause victims to become depressed. This phenomenon is increasingly widespread, especially among teenagers. *Cyberbullying* is considered more cruel than ordinary bullying because it can leave digital traces in the form of photos, videos, or writing. Threats through electronic media can be in the form of speech (such as telephone) or writing (such as email, SMS, WhatsApp, Facebook, Twitter, Instagram, YouTube, and so on). Many news stories in print and television media report cases of threats through electronic media, which cause both psychological and material losses for victims who feel threatened.¹⁹

Cyberbullying is influenced by various factors, including: a) individual factors, such as experience of violence, gender perception, age, psychological control, and use of addictive substances; b) family factors, including parenting patterns, family support, and parental stress; c) peer factors, namely social support from friends; d) school factors, such as the type of school attended; e) environmental factors, which have a negative influence on children to behave badly and not in accordance with community values; and f) internet use factors, including intensity and competence in using media ethically. These factors can influence adolescent involvement in *cyberbullying*, both as perpetrators and victims. This *cyberbullying crime* can be classified as *cybercrime* because it has special characteristics, namely: not involving physical violence (*non-violence*), minimal physical contact (*minimized physical contact*), using devices and technology, and utilizing global telematics (telecommunications, media, and informatics) networks.²⁰

Cyberbullying has become one of the increasingly worrying social problems along with the rapid development of technology and social media. Children as the main users of digital platforms are vulnerable to becoming victims of *bullying behavior* spread through the internet. In this context, the policy of reformulating regulations on children as victims of *cyberbullying* needs to be a major concern for the government and related institutions. The reformulation of these regulations must include preventive measures, protection, and recovery for children involved in *cyberbullying incidents*.²¹

¹⁹ Wahyudin Naro, et al, "Shariah Assessment Toward the Prosecution of Cybercrime in Indonesia", International Journal of Criminology and Sociology Vol. 9, no. 9 (2020), 581.

²⁰ Dikdik M. Arief Mansur and Elisatris Gultom, "Cyber Law: Legal Aspects of Information Technology" (Bandung: Refika Aditama, 2009), 27.

²¹ Ibid, 28.

Normatively, *cyberbullying* against children as victims in Indonesia is normatively recorded in the Criminal Code (KUHP), specifically in Article 310 paragraph (1) and Article 310 paragraph (2).

Article 310 paragraph (1):

"Anyone who intentionally attacks the honor or good name of a person by accusing them of something, with the clear intention of making it known to the public, is threatened with defamation with a maximum prison sentence of 9 months or a maximum fine of Rp. 4.5 million."

Article 310 paragraph (2):

"If this is done through writing or images that are broadcast, shown or posted in public, then it is threatened because of written defamation with a maximum prison sentence of 1 year and 4 months or a maximum fine of IDR 4.5 million."

As it developed, Article 310 paragraph (1) of the Criminal Code has undergone changes and was declared conditionally unconstitutional through Constitutional Court Decision No. 78/PUU-XXI/2023. In its decision, Article 310 paragraph (1) of the Criminal Code was considered to be contrary to the 1945 Constitution and did not have binding legal force, unless interpreted with certain provisions.²²

"Anyone who intentionally attacks the honor or good name of a person by accusing him of something verbally, with the clear intention of making it known to the public, is threatened with defamation with a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiah. "

From the Constitutional Court's decision above, Law No. 1 of 2023 (New Criminal Code) accommodates the defamation article regulated in Article 433 of Law 1/2023 concerning the new Criminal Code which is valid for 3 years from the date of enactment, namely 2026, which in full reads:

Article 433 paragraph (1)

"Any person who verbally attacks the honor or good name of another person by accusing them of something, with the intention of making it publicly known, shall be punished for defamation, with a maximum imprisonment of 9 months or a maximum fine of category II, namely IDR 10 million."

Article 433 paragraph (2)

"If the act as referred to in paragraph (1) is carried out in writing or images that are broadcast, shown or posted in a public place, the perpetrator shall be punished for written defamation, with a maximum prison sentence of 1 year and 6 months or a maximum fine of category III, namely IDR 50 million."

In addition, this is also regulated in Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), which is stated in Article 27A, Article 28 paragraph (2), Article 45 paragraph (4), and Article 45A paragraph (2):

Article 27A:

"Any person who intentionally attacks the honor or good name of another person by accusing them of something, with the intention that this matter becomes public knowledge in the form of Electronic Information and/or Electronic Documents carried out through an Electronic System."

Article 28 Paragraph (2):

²² Constitutional Court Decision No. 78/PUU-XXI/2023, 358.

"Any person who intentionally and without authority distributes and/or transmits Electronic Information and/or Electronic Documents that are inciting, inviting, or influencing others so as to cause hatred or hostility towards individuals and/or certain community groups based on race, nationality, ethnicity, skin color, religion, belief, gender, mental disability, or physical disability."

Article 45 paragraph (4):

"Any person who intentionally attacks the honor or good name of another person by accusing them of something, with the intention that the matter becomes public knowledge in the form of Electronic Information and/or Electronic Documents carried out through the Electronic System as referred to in Article 27A shall be punished with imprisonment for a maximum of 2 (two) years and/or a maximum fine of Rp. 400,000,000.00 (four hundred million rupiah)."

Article 45A paragraph (2):

"Any person who intentionally and without the right distributes and/or transmits Electronic Information and/or Electronic Documents that are inciting, inviting, or other people so as to give rise to feelings of hatred or hostility towards individuals and/or certain community groups based on race, nationality, ethnicity, skin color, religion, belief, gender, mental disability, or physical disability as referred to in Article 28 paragraph (2) shall be punished with imprisonment for a maximum of 6 (six) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah)."

Cyberbullying discussed in the context of the Criminal Code and the ITE Law has several similarities, namely that both contain elements of intent in each article. In addition, both the Criminal Code and the ITE Law contain provisions regarding acts of an aggressive nature, which in this case include attacks on a person's honor, good name, and psyche. However, in terms of handling *cyberbullying*, there are many things that are not covered in the two laws. One of them is the affirmation that *cyberbullying* can be categorized as an act of *bullying* if it is done repeatedly and involves an imbalance of power. Therefore, not all acts that insult someone can be directly said to be *cyberbullying*. Therefore, this unclear formulation can make it difficult to overcome *cyberbullying*. In addition, victims who are usually children, need to get more attention than just being used as evidence in the trial process.²³

Based on the discussion above, it can be concluded that the criminal law policy related to overcoming *cyberbullying* in Indonesia is currently not explicitly regulated. Although there are changes to the law, the structure of the norms still does not provide special attention to children as victims. Therefore, a new, more specific regulation is needed to handle this problem. One step that can be taken is to revise the ITE Law, especially by adding a paragraph that regulates the protection of children as victims of *cyberbullying*, as well as adding provisions that provide increased criminal sanctions if the victim is a child. This change is expected to strengthen efforts to overcome and provide maximum protection for children as victims of *cyberbullying*.

The importance of this regulatory reformulation is based on the fact that *cyberbullying* can have long-term impacts on children's mental and emotional development. Unlike traditional bullying that usually occurs in physical environments such as schools, *cyberbullying* is more difficult to track and prohibit due to its virtual and timeless nature.²⁴ Therefore, existing policies must be more responsive to this threat, including by adapting laws that are able to address various forms of digital harassment and the spread of harmful content on online platforms.

²³ Lehavre Abeto Hutasuhut and Mada Apriandi Zuhir, "Law Enforcement of Cyber Crimes (Cyber Bullying) Against Children", Scientific Journal of Legal Science 3, no. 3 (2020), 602.

²⁴ Rofi Whanisa, et.al, "Preventive Measures of Cyberbullying on Adolescents in Indonesia: A Legal Analysis" *Lentera Hukum*, Vol. 8 No. 2, (2021), 269. <https://doi.org/10.19184/ejhl.v8i2.23503>

In addition, the policy of regulatory reformulation must consider the role of parents, educators, and communities in providing children with an understanding of the dangers of *cyberbullying* and how to report and deal with it. The government needs to work with various parties to provide adequate training and education on digital literacy, so that children can be wiser in using technology and protecting themselves from threats in cyberspace. The implementation of this policy also needs to involve social media and technology companies so that they are responsible for mitigating harmful content.²⁵

Reformulation of regulations on children as victims of cyberbullying must also include effective recovery mechanisms. Psychologists and counselors need to be involved in assisting children who experience trauma due to *cyberbullying*. This policy must also encourage social and legal support to restore children's mental condition and give them the opportunity to continue their lives without being burdened by the incident. Strengthening this support system is important to ensure that children who are victims can feel safe and have the opportunity to heal emotionally.

Overall, the future regulatory reformulation policy for children as victims of *cyberbullying* must be more holistic and integrated. It is not only aimed at providing legal protection, but also at creating a safer and more supportive digital ecosystem for children. These efforts must involve cooperation between the government, educational institutions, families, and technology companies to create a healthier digital environment and reduce the risk of cyberbullying.

Rapid developments in information and communication technology (ICT) have created an increasingly complex and interconnected digital landscape. With the advent of the internet, social media, and *mobile devices*, children can now access a variety of information, interact with peers, and explore the world online. However, these changes have also had a significant impact on children's behavior, both in terms of their social and psychological development. On the other hand, the existence of an easily accessible virtual world also opens up opportunities for the increasingly widespread phenomenon of digital bullying or *cyberbullying*, affecting children and adolescents around the world.

Children today spend more time online through social media, instant messaging apps, and video sharing platforms. These platforms give them the freedom to communicate, share experiences, and form a digital identity. However, this unlimited use of technology also makes children vulnerable to negative influences, such as peer pressure and bullying. Because many social interactions occur online, children are often unaware that their actions or words can have a big impact on others. This poses a challenge for parents and educators in educating children to use technology wisely.

In cyberspace, bullying is no longer limited to physical or verbal violence that occurs in the real world. *Cyberbullying*, which involves harassment, insults, or threats via the internet, has become an increasingly common form of bullying among children and adolescents. This digital bullying can occur anytime and anywhere, because communication in cyberspace is not bound by time or place. Children who are victims of digital bullying often feel lonely, anxious, and isolated. In fact, some cases lead to more serious impacts, such as depression and mental disorders. This phenomenon makes the importance of awareness of the risks of digital bullying even more urgent.

²⁵ Laura J. Kowalski, et al, "Cyberbullying in Schools: A Research of School Systems' Responses to Bullying and Cyberbullying", *Journal of School Violence* Vol. 14, no. 4 (2015), 420.

In today's digital era, the presence of children in cyberspace has opened up new opportunities, both for self-development and for interacting with peers. However, cyberspace also presents significant risks, especially related to the increasingly rampant digital bullying or *cyberbullying*. The impact of *cyberbullying* on children and adolescents is enormous, ranging from psychological disorders, anxiety, to serious depression. Therefore, the preparation of the Child Protection Law in Cyberspace is very important to provide a clear legal basis in protecting children from bad behavior in the digital world, as well as creating a safer online environment for them.²⁶

Protection of children in cyberspace requires a different approach compared to protection in the real world. In cyberspace, bullying or the spread of negative content can occur more quickly and widely, and involve many unidentified parties. This often makes victims feel helpless, isolated, and have no place to complain. The Law on Child Protection in Cyberspace needs to cover various aspects, including a clear definition of *cyberbullying*, sanctions against perpetrators, and children's rights that are protected in the digital space. In this context, legal regulations must be able to firmly regulate the use of technology that can harm children, as well as prevent long-term impacts on victims.

One of the things that needs to be regulated in the Child Protection Law in Cyberspace is the provision of an adequate mechanism to handle complaints about digital bullying. Children and parents must be given knowledge and easy access to report cases of *cyberbullying*, as well as get the psychological and legal support they need. The drafting of this law must also involve collaboration between the government, educational institutions, digital platform providers, and the community. Digital platform providers, for example, must be given the obligation to provide effective monitoring and complaint features, and be responsible for content that has the potential to harm children.²⁷

The rapid development of technology and the internet has brought positive impacts, but also raises new challenges in terms of protecting children in cyberspace. Although many countries, including Indonesia, have regulations governing the use of technology, there are still many aspects that have not been specifically accommodated, especially in terms of digital bullying or *cyberbullying*. Current regulations focus more on general regulations regarding internet use and electronic transactions, but are less in-depth in dealing with the increasingly rampant problem of digital bullying. Thus, it is important to update existing legal regulations to be more specific and comprehensive in addressing this phenomenon.²⁸

One of the regulations that needs to be updated is the Child Protection Law, which currently does not provide clear regulations regarding digital bullying. In cyberspace, bullying is not only limited to physical or verbal violence, but also involves harassment, insults, and threats that can be spread quickly via the internet. Therefore, there needs to be a clearer definition of *cyberbullying* in this law. With a clear definition, it will be easier for law enforcement officers to identify and handle cases of digital bullying, as well as provide appropriate protection for children who are victims.

In addition, the ITE (Information and Electronic Transactions) Law also needs to be updated to include strict action against perpetrators of *cyberbullying*. Although this law has

²⁶ Robert S. Tokunaga, "The State of the Art of Cyberbullying Research: A Literature Review," *Computers in Human Behavior* Vol. 29, no. 1 (2013), 38.

²⁷ FS Rahayu, "Cyberbullying as a Negative Impact of Using Information Technology. *Information System Journal*", Vol. 8 No. 1, (2013), 27.

²⁸ *Ibid*, 28.

regulated several things related to the use of technology, often cases of digital bullying cannot be resolved properly using existing regulations, due to gaps in the regulations relating to children's rights in cyberspace. Updates to this law must include clear and firm sanctions against perpetrators of digital bullying, as well as provide space for victims to obtain their rights, such as obtaining legal protection, as well as psychological recovery from the impact of the bullying they experience.

The new legal regulation should also establish the right of victims of cyberbullying to receive effective legal protection. Currently, victims often find it difficult to report cases of *cyberbullying*, due to the lack of adequate mechanisms to handle such reports. The updated law should guarantee access for victims to report cyberbullying easily, as well as establish clear protection measures, such as the removal of harmful content, blocking the perpetrator's account, and providing psychological support for victims. This will ensure that victims receive the protection they need, both legally and emotionally.

In addition, there needs to be an update to the regulations governing the responsibilities of digital platform providers in monitoring and preventing digital bullying. Platforms such as social media, instant messaging applications, and online forums play an important role in spreading content that can have a negative impact on children, including verbal violence, harassment, or the spread of harmful information. New regulations should require platform providers to take responsibility for content uploaded by users, as well as provide a fast and efficient reporting and removal mechanism for content. In this way, digital bullying can be prevented early on, and children can interact safely in cyberspace without the risk of being exposed to harmful content.²⁹

Overall, updating legal regulations related to child protection in cyberspace is very important to create a safe and healthy digital environment for children. With more comprehensive and specific regulations regarding cyberbullying, as well as strict sanctions for perpetrators and protection rights for victims, we can more effectively address this issue. In addition, policy updates must also include the responsibility of digital platforms to monitor and remove harmful content, so that cyberspace can be a safer place for children to grow.

The importance of child protection in cyberspace also includes regulations regarding the collection and distribution of children's personal data. Laws governing child protection in cyberspace must clarify children's rights regarding their privacy, especially on platforms that frequently collect user data, such as social media and gaming applications. These regulations must ensure that children's personal data is not misused and protect them from digital exploitation that can lead to bullying or other abuse. In addition, these laws also need to include provisions that require digital education for children, parents, and educators so that they are better prepared to face the challenges of cyberspace.

As another step, the Cyberspace Child Protection Law must provide clear sanctions for perpetrators of *cyberbullying* and parties who violate the provisions on child protection in cyberspace. These sanctions include not only criminal penalties, but also rehabilitation efforts for perpetrators, as well as providing psychological assistance for victims.³⁰ Thus, this regulation not only aims to combat digital bullying, but also to form positive attitudes among children, adolescents, and all elements of society towards the safe and responsible use of

²⁹ Anastasiaa Siwi Fatma Utami & Nur Baiti, "The Influence of Social Media on Cyberbullying Behavior Among Adolescents" *Cakrawala - Humaniora Journal* Vol. 18 No. 12 (2018), 259.

³⁰ Sameer Hinduja & Justin W. Patchin, "Cyberbullying Research Summary: School Climate and Cyberbullying," *Cyberbullying Research Center* (2018), 119.

technology. The drafting of this law will be an important step towards creating a safer and healthier cyberspace for children, as well as providing the protection they need to grow and develop well amidst the rapid digital transformation.³¹

Additionally, cyberbullying is harder to police than traditional bullying. Many interactions occur anonymously, giving perpetrators the freedom to act without fear of immediate consequences. This leaves children and young people who are being victimized feeling powerless. Furthermore, the ability to record and instantly share images or videos online makes the situation worse. Once something is posted online, it is very difficult to completely remove it, meaning the digital footprint of the bullying can last forever. In these circumstances, children involved in bullying may not fully realize the impact of their actions, while victims often feel trapped in a cycle of ongoing abuse.³²

It is important for parents, teachers, and authorities to work together to provide understanding and education about the dangers of digital bullying to children. In addition, the technology used to facilitate communication must also be used wisely and responsibly. The government and educational institutions must also play a role in developing educational policies and programs that prioritize digital ethics and protection for children in cyberspace. In facing this rapid change in the digital landscape, collaboration between families, schools, and communities is key to creating a safe and healthy environment for children in cyberspace, while reducing the increasing risk of digital bullying.

Conclusion

The enactment of laws on the protection of children as victims of cyberbullying in Indonesia is an important step to address the rampant digital violence among children. Cyberbullying, which includes intimidation, insults, and harassment through electronic media, has serious psychological, social, and academic impacts on victims. Although Indonesia already has regulations such as Law Number 35 of 2014 concerning Child Protection and the ITE Law, challenges in law enforcement are still significant, especially related to the anonymity of perpetrators and low digital literacy in society. Therefore, in addition to strengthening regulations and law enforcement, educational efforts and collaboration between the government, society, and digital platforms need to be made to create a safe online environment for children. Preventive efforts through increasing digital literacy, socializing the dangers of cyberbullying, and involving parents and educators are essential so that children can enjoy technology without the threat of digital violence.

Updating legal regulations related to cyberbullying and child protection in cyberspace is very important considering that current regulations are not effective enough in dealing with digital bullying. Digital bullying has serious impacts, especially on children, and needs to be regulated more clearly in the Child Protection Law and the ITE Law, by adding precise definitions, strict sanctions for perpetrators, and victims' rights to receive legal protection and psychological support. In addition, digital platform providers must be more responsible in monitoring and removing harmful content, and providing easily accessible reporting mechanisms. The government, educational institutions, families, and communities need to work together to educate children about the dangers of digital bullying, and create a support

³¹Sartana, & Afriyeni, N, "Cyber Bullying in Adolescents", Journal of Psychological Insight Vol. 2 No.2 (2017), 37.

³² Ibid, 39.

system that allows victims to recover emotionally. This policy update aims to create a safer, healthier digital ecosystem that supports children's growth and development in cyberspace.

Bibliography

Book

Arief, BN. *Comparative Criminal Law*. Jakarta: RajaGrafindo, 1990.

Dikdik, MAM & Gultom, E. *Cyber Law: Legal Aspects of Information Technology*. Bandung: Refika Aditama, 2009.

Karyanti. *Cyberbullying & Body Shaming*. Yogyakarta: K-Media, 2018.

Sugiri. *Legal Aspects of Child Protection*. Jakarta: Bumi Aksara, 1990.

Journal

Adnan, A. J., et al. "Legal Protection for Children as Victims of Cyberbullying." *Indonesian Journal of Criminal Law and Criminology* 5, no. 1 (2024): 26.

Fatma Utami, A. S., and N. Baiti. "The Influence of Social Media on Cyberbullying Behavior Among Adolescents." *Cakrawala – Humaniora Journal* 18, no. 12 (2018): 259.

Hutasuhut, L. A., and M. A. Zuhir. "Law Enforcement of Cyber Bullying Against Children." *Scientific Journal of Legal Science* 3, no. 3 (2020): 602.

Jalal, N. M., et al. "Factors of Cyberbullying in Adolescents." *IKRA-ITH Humaniora Journal* 5, no. 2 (2021): 146–154.

Kowalski, L. J., et al. "Cyberbullying in Schools: A Research of School Systems' Responses to Bullying and Cyberbullying." *Journal of School Violence* 14, no. 4 (2015): 420.

Molrangthem, Sylvia. "Cyber Bullying and Its Impact on Youth: A Study on the Students of Lovely Professional University." *International Journal of Health Sciences* 6, no. 2 (2022): 8293. <https://doi.org/10.53730/ijhs.v6nS2.7328>.

Mutma, F. S. "Description of Cyberbullying Understanding on Social Media in Students." *Common Journal* 4, no. 1 (2020): 37.

Naro, W., et al. "Shariah Assessment Toward the Prosecution of Cybercrime in Indonesia." *International Journal of Criminology and Sociology* 9, no. 9 (2020): 581.

Rahayu, F. S. "Cyberbullying as a Negative Impact of Using Information Technology." *Journal of Information Systems* 8, no. 1 (2013): 27–28.

Ramasari, et al. "Criminal Liability of Members of the Community Organization... (Study of Decision No. 175/Pid.Sus/PN Gdt)." *UNES Law Review* 5, no. 4 (2023): 2906.

Riyayanatasya, Yv Wima, and Rahayu. "Involvement of Teenage-Students in Cyberbullying on WhatsApp." *Jurnal Komunikasi Indonesia* 9, no. 1 (2020): 3. <https://doi.org/10.7454/jki.v9i1.11824>.

Rovida, Khofidhotur and Sasmini. "Cyberbullying in Indonesia: Phenomenon, Impact and Legal Anticipation." *ICOLESS*, 2024: 52.

Sartana, and N. Afriyeni. "Cyber Bullying in Adolescents." *Journal of Psychological Insight* 2, no. 2 (2017): 37–39.

Whanisa, Rofi, et al. "Preventive Measures of Cyberbullying on Adolescents in Indonesia: A Legal Analysis." *Lentera Hukum* 8, no. 2 (2021): 269. <https://doi.org/10.19184/ejhl.v8i2.23503>.

Legislations

- Law Number 1 of 1946 on Regulations on Criminal Law as last amended by Law Number 1 of 2023 concerning the Criminal Code.
- Law Number 1 of 2024 on the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions.
- Law Number 8 of 1981 on Criminal Procedure Law.
- Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.
- Law Number 35 of 2014 on Amendments to Law Number 23 of 2002 concerning Child Protection.
- Constitutional Court Decision No. 78/PUU-XXI/2023, p. 358.
- Republic Act No. 10627. (2013). *The Anti-Bullying Act of 2013*. Retrieved September 24, 2024, from https://lawphil.net/statutes/repacts/ra2013/ra_10627_2013.html

Websites

- Fikri, A. M. (2024). *Analisis Awal Terhadap Dinamika Penanggulangan Cyberbullying*. *Unes Law Review*.
[Online] <https://www.puskomedia.id/blog/hukum-dan-cyberbullying-memberikan-efek-jera-bagi-pelaku/>
- International Centre for Missing and Exploited Children. *Protecting Children from Cybercrime: Legislative Responses in Asia*.
<https://www.icmec.org/cybercrime-legislative-responses-in-asia/>
- Khairunnisa, S., dkk. *Law on Cyberbullying in Indonesia, Malaysia, and Brunei Darussalam*. *International Conference of Asean Perspective and Policy*, hlm. 64.
- Bogor City Communication and Information. (2024). Retrieved from <https://kominfo.kotabogor.go.id/index.php/post/single/1179?>
- Social Media Victims. (2024). *Cyberbullying Laws in California*.
<https://socialmediavictims.org/cyberbullying/california-laws/#::~:~:text=The%20penalties%20include>
- Tokunaga, R. S. (2013). *The State of the Art of Cyberbullying Research: A Literature Review*. *Computers in Human Behavior*, 29(1), pp. 38.
- UNICEF Indonesia. (2025). *What is Cyberbullying*.
<https://www.unicef.org/indonesia/id/child-protection/apa-itu-cyberbullying>
- UNICEF ECA. (2025). *UNICEF Poll: More Than a Third of Young People*.
<https://www.unicef.org/eca/press-releases/unicef-poll-more-third-young-people-30-countries-report-being-victim-online-bullying>