

Implementation of Criminal Law Against Cyberbullying on Social Media

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ABSTRACT

Cyberbullying in Indonesia has become a serious concern in recent years, with the increasing use of digital technology such as social media and instant messaging applications as the main platform. This phenomenon not only includes various forms such as insults and threats, but also has a serious impact on the mental health of victims, including high levels of stress, anxiety, and depression. The ITE Law and the Criminal Code are the legal basis for dealing with cyberbullying, although their implementation still faces challenges in terms of consistency and effectiveness of law enforcement. Effective prevention strategies, such as education on digital ethics and increasing public awareness, are needed to reduce cyberbullying incidents in Indonesia. Active cooperation between the government, educators, technology platforms, and the community is key to creating a safe and supportive online environment for all technology users, especially the younger generation who are most vulnerable to the negative impacts of cyberbullying. Cybercrime will not occur if users have knowledge, awareness, especially students who should be more aware of the negative impacts on social media. Thus, it is necessary to conduct an analysis related to user awareness on social media.

Keywords: Social Media, Cyberbullying, ITE Law

INTRODUCTION

Cyberbullying is defined as bullying through communication technology. Cyberbullying is one of the increasingly complex and concerning phenomena in today's digital era. In Indonesia, this phenomenon has become a major concern in various fields, including law, education, and mental health. Cyberbullying includes actions that use communication technology to threaten, hurt, or endanger others through platforms such as social media, email, text messages, or chat platforms such as Whatsapp. Some forms of cyberbullying include sending threatening messages, spreading false rumors, or statements that trigger conflict in other people's relationships. According to research, platforms that are often used to carry out cyberbullying include social media such as Instagram and Facebook, online game platforms, and chat applications. The use of this media allows perpetrators to carry out bullying without having to deal directly with their victims, making this action difficult to identify and stop.

The expansion of physical bullying crimes into the digital realm shows that even though there is no direct physical contact, the impact of cyberbullying can be the same, if not more severe. Victims of cyberbullying can experience psychological, mental, and even physical disorders, which are often more intense than physical bullying. In addition, the existence of social media that continuously displays negative content can prolong and deepen the negative impact on victims. In Indonesia, reported cases of cyberbullying have increased significantly in recent years. Many of these cases end in legal proceedings and criminal penalties for the perpetrators. This shows that society is increasingly aware of the importance of handling and preventing this crime.

From a legal perspective, cyberbullying is regulated in Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE), which was later amended by Law Number 19 of 2016. The ITE Law, especially in Chapter VII concerning Prohibited Acts, Articles 27 to 29, provides a legal framework to deal with various forms of cyberbullying. In addition, articles in the Criminal Code that regulate defamation and insults, such as Article 310 paragraphs (1) and (2) and Article 315, are also relevant in the context of cyberbullying crimes. With the existence of this law, it is hoped that legal protection for victims of cyberbullying can be more effective and efficient. These steps are not only important to punish the perpetrators but also to prevent similar crimes from occurring in the future. Strong implementation of these legal regulations is essential to creating a safe and healthy digital environment for all users.

In this context, the need for an effective prevention strategy to reduce cyberbullying incidents becomes very important. The strategy not only includes education on digital ethics and public awareness of the consequences of cyberbullying, but also involves the active role of various parties such as educators, government, technology platforms, and families in monitoring and assisting technology users, especially the younger generation who are vulnerable to cyberbullying attacks. By outlining this problem, this study aims to further explore the dominant forms of cyberbullying in Indonesia, its impact on the mental health of victims, an evaluation of the effectiveness of existing laws, and the preparation of prevention strategies that can reduce cyberbullying incidents in the future. These steps are expected to make a positive contribution in creating a safer and more supportive online environment for all technology users in Indonesia. This study aims to analyze the application of material criminal law against children in the crime of social media abuse and review legal protection for children who commit the crime of spreading cybercrime in cyberspace based on the ITE Law.

METHODS

In this study, the author uses a normative legal approach to evaluate the legal principles and coordination of applicable regulations related to legal protection for victims of cybercrime in Indonesia. And analyzes the basis for handling cybercrime in Indonesia with a focus on the implementation of Law Number 19 of 2016 concerning Information and Electronic Transactions (UU ITE), as well as to evaluate the effectiveness and efficiency of the methods used in handling cybercrime.

RESULTS AND DISCUSSION

Implementation of Criminal Law in Indonesia in Cyberbullying Cases

The Criminal Code is a book used as a basis for determining the sanctions that will be imposed on a criminal act. Regulations on acts that are classified as criminal acts in Indonesian law are regulated in the Criminal Code and regulated in several special laws outside the Criminal Code such as the ITE Law. Regulations that can be used as a basis for reference for criminal acts of insult through cyberspace (cyber bullying) are Article 310, Article 311 and Article 315 of the Criminal Code. However, for now, the most suitable legal basis for the crime of cyber bullying is Article 315, which states "Every intentional insult that is not defamatory or written defamation, which is carried out against a person, either in public orally or in writing, or in front of the person

himself or herself orally or by means of a letter sent or received to him, is threatened as a minor insult, with a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiah". The term that is also commonly used for criminal acts against honor is the crime of "insult". The term minor insult as regulated in Article 315 of the Criminal Code in 8 is translated into Dutch as *eenvoudige belediging* which means "normal" but some experts translate it as "minor". This article is not sufficient to accommodate all acts of insult through cyberspace (cyber bullying) that we often encounter lately. Article 315 of the Criminal Code is still limited because it regulates insults that are carried out intentionally which are not defamatory or defamatory, whether carried out by a person in public or in front of the person himself using oral or written language.

Article 315 of the Criminal Code does not explain in detail what forms of insults can be said to be minor insults, or in other words the Criminal Code that is currently in force only regulates insults in a broad sense without detail so that it is feared that it can cause multiple interpretations in its implementation. The regulation of criminal acts of insults through cyberspace (Cyber Bullying) in addition to Article 315 of the Criminal Code which can be used as a legal umbrella for criminalizing acts of insults through cyberspace (cyber bullying), there are also regulations outside the Criminal Code that regulate this matter which have been used in a court decision, namely in several articles in Law No. 11 of 2008 concerning Information and Electronic Transactions which was later amended in Law No. 1 of 2024 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions or (hereinafter referred to as the ITE Law). Basically, the ITE Law accommodates the criminal provisions of cybercrime, where a crime in the context of using cyber as a means. 15 Based on the wording of Article 27 paragraph (3) of the ITE Law which states "any person intentionally and without the right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that contain insults and/or defamation".

Then in Article 27 paragraph (4) of the ITE Law which states that Any Person intentionally and without the right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that contain blackmail and/or threats. The formulation of this article is aimed at the criminal act of insult which refers to the Criminal Code. The scope of this crime includes defamation, slander and minor insults. Although in the Criminal Code this has been formulated into different articles, the existence of the offense of insult in the Criminal Code can be linked to Article 27 paragraph (3) concerning the criminal act of insult through cyberspace (cyber bullying). Based on Article 27 Paragraph (3) of the ITE Law, if examined, there is actually no sentence in the regulation that explicitly mentions the crime of insulting through cyberspace or cyber bullying, there is only a clause on "insult/defamation" which is general in nature and often gives rise to multiple interpretations in the Article. The scope of this crime also includes minor insults, which if seen from the characteristics of cyber bullying can already fulfill the elements of the crime of minor insults in Article 315 of the Criminal Code.

Thus, Article 27 Paragraph (3) of the ITE Law is still relevant to be used for cases of cyberbullying crimes if the act is carried out via computer or electronic media, it can be punished if it meets the qualifications of a crime. It should be underlined that the elements of "making accessible", "distributing", "transmitting" in this article are related to the elements in public in the Criminal Code. With the three types of acts mentioned in Article 27 paragraph 3 of the ITE

Law, it is hoped that law enforcers will not abuse their authority when taking action against cyber crime. However, regarding the understanding of Article 27 paragraph (3) of the ITE Law, basically cyberbullying can be recognized as a form of recognized insult crime but is still based on Article 310, Article 311 and Article 315 of the Criminal Code.

Factors Affecting the Effectiveness of Law Implementation

1. Understanding the Law

Many students may not fully understand the legal boundaries of digital interactions, so they tend to think of cyberbullying as a “joke” without realizing its serious impact. Socialization involving counseling from police officers or lawyers can help students understand that their actions in cyberspace also have legal consequences.

2. School Policy and Teacher Attitudes

A firm school policy in dealing with cyberbullying is essential to prevent similar cases in the future. Teachers and schools must also have the understanding and awareness to act quickly if they see signs of cyberbullying. In addition, school support in developing educational and counseling programs greatly helps students understand the risks and consequences of cyberbullying.

3. The Role of Parents and the Environment

Parents play an important role in supervising and educating students' character outside of school. Open communication between parents and children regarding the use of social media and the impact of cyberbullying behavior will greatly help prevent these cases. A supportive social environment can also build students' awareness to respect others in cyberspace. In its development, the internet has actually brought a negative side, by opening up opportunities for anti-social actions that have previously been considered impossible or unthinkable to occur. A theory states that crime is a product of society itself, which can be simply interpreted as society itself that produces crime. Crimes that arise as a negative impact of the development of internet applications are often referred to as cybercrime. Related to the large number of social media users in Indonesia. It also creates the potential for great crime through the use of social media. Social media, which was initially used as a place to socialize between users and also as a place to communicate with someone far away, is currently being widely misused by its users. Criminalization is an effort that can be made as a crime prevention effort in which there are sanctions that regulate it. Criminal punishment is carried out as a reaction to a crime and is in the form of suffering that is deliberately given by the state or authorized institution to the perpetrator. The suffering is only given as the closest option, not as the final goal that is aspired to in accordance with the efforts of guidance.

CONCLUSION

Misuse of Social Media by minors occurs because of the freedom to access social media that is used negatively and cannot be controlled and supervised regularly by parents. Misuse of social media by minors is regulated in Law Number 19 of 2016 concerning Information and Electronic Transactions, but regarding criminal liability committed by children, this is regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. It is explained in

Article 1 number 3 that children in conflict with the law are children aged 12-18 years.

Schools can formulate a firm and structured policy regarding handling cyberbullying. This policy should include reporting procedures that are easily accessible to students, disciplinary action for perpetrators, and protection for victims. With a clear policy, students will better understand that the school is serious about handling cyberbullying cases. Teachers need to be given training to identify signs of cyberbullying and assist students in dealing with this problem. Teachers who are sensitive to student behavior in cyberspace can help prevent or immediately follow up on cyberbullying cases before they develop further.

Schools are also advised to provide counseling services or work with psychologists to assist victims of cyberbullying who are experiencing emotional distress. In addition, perpetrators of cyberbullying also need to receive assistance to understand the negative impacts of their actions and learn healthier ways to communicate. In addition to legal education, schools also need to improve students' understanding of ethics and the social impacts of using the internet. Through digital ethics training, students will better understand the importance of behaving politely, respecting the privacy of others, and avoiding actions that can harm others psychologically or socially.

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