Cyberbullying in Media Social: A Mainstreaming the Victim Protection Principles in Indonesian Criminal Justice System

Abdiel Abraar Arya Aradhana*
Faculty of Law, Universitas Negeri Semarang, Indonesia

Charles Sahalatua Pangaribuan
Faculty of Law, Universitas Negeri Semarang, Indonesia

ABSTRACT: The presence of the era of globalization presents a technological assistance in human life. It is also possible that the digitization process is used by irresponsible people to commit crimes in cyberspace or cybercrime. We often find that in the process of developing the virtual world there is also the development of new types of crime. The form of crime in question is cyberbullying or cyber bullying. In this article, the author will discuss the impact of cyber bullying, especially on children and the protection of victims of bullying in the Indonesian legal system, which in this case is related to the Bowo case. This study uses a normative juridical method with a statutory approach and an analytical approach by examining the contents of the law and discussing an analysis of the legal case being discussed regarding the act of bullying cyberbullying on social media in the Bowo case. Bowo received insults on social media related to his physical appearance or body shaming. The state has regulated in the ITE Law that forms of humiliation, threats and defamation in the scope

* *Corresponding author's email: abdielabraar@students.unnes.ac.id*

of the use of technology such as social media can be criminally punished. The guarantee that victims are also protected by the state in the recovery process after a crime has occurred is regulated in the Republic of Indonesia Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 for the Protection of Witnesses and Victims.

KEYWORDS: E-Commerce, Agreement, Legal Certainty

I. INTRODUCTION

Humans as social beings have nothing more to do with the life that is around them. When a person is still in infancy, toddlers and their children always live among their families. This family plays a part in the child's developmental growth which will have an impact on how he gets along in the future, how he behaves. From an early age children will absorb the life values shown by their parents. [1] Growing up as they grew into teenagers, human associations began to

---

[1] Ela Zain Zakiyah, Sahadi Humaedi, and Meilanny Budiarti Santoso, "Faktor Yang Mempengaruhi Remaja dalam Melakukan Bullying," *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat* 4, No. 2 (2017): 324–330, https://doi.org/10.24198/jppm.v4i2.14352. *See also* Rahayu, Flourensia Sapty. "Cyberbullying sebagai dampak negatif penggunaan teknologi informasi." *Journal of Information Systems* 8, No. 1 (2012): 22-31; Maya, Nur. "Fenomena cyberbullying di kalangan pelajar." *JISIP: Jurnal Ilmu Sosial dan Ilmu Politik* 4, No. 3 (2015).

experience broader social associations as individuals outside the scope of the family.

Indonesia is a country that has a variety of unique people because it has various dispositions and ethics. It is not uncommon toencounter people who have behaviors that seem to like to be repressive and have a high appetite for direct physical activity or in the use of words that come out of the individual's mouth when speaking. With these attitudes and actions, individuals who are repressive and aggressive to other individuals can be called acts of bullying. Bullying is an activity that has often occurred in various parts of the world, including inIndonesia itself. People who typically have bullying involvement can come from a variety of age groups from schoolchildren to someone categorized as an adult. Bullying cases do not look at age group boundaries and canmake anyone a perpetrator or victim of bullying.[2]

Sadly, in some cases that are often reported in the mass media, most victims are people who tend to be weak and helpless when faced with treatment that is far from good and tends to lead to this form of intimidation. However, for victims who are underage and still in parental guardianship, parents are expected to make a strong effort to protect and supervise their children. Parents can start with simple

---

[2] Rukmana, Virda. "Perlindungan Hukum Terhadap Korban dan Pelaku Bullying Anak di Bawah Umur." *Jurnal Education and Development* 10, No. 2 (2022): 78-83; Fadillah, Astuti Nur. "Perlindungan Hukum Terhadap Anak Yang Menjadi Korban Aksi Perundungan." *Jurnal Belo* 5, No. 1 (2019): 86-100; Saerang, Willhen Shalomo. "Tindakan Perundungan Anak di Bawah Umur dalam Perspektif Perlindungan Anak di Indonesia." *Lex Administratum* 10, No. 2 (2022); Fitri, Winda, and Nadila Putri. "Kajian Hukum Islam Atas Perbuatan Perundungan (Bullying) Secara Online di Media Sosial." *Jurnal Pendidikan Kewarganegaraan Undiksha* 9, No. 1 (2021): 143-156.

ways such as getting their children to talk actively in order to show mutual openness and form of support in the family. [3] But with the development of a very pes at times, supervision of children's lives is not only limited to the real world, but in social media life or cyberspace as well.

The presence of the era of globalization opens a door where all the development of information technology and communication systems is born. The rise of this development has gone global globally, and is not only in rich or developed countries, but has also developed in many developing countries which are then used as a steppingstone to help cultural exchanges, social relations that are no longer hindered by national borders, and others. The development of information technology as one of the important parts of human life is indisputable in modern times today. In the process, there have been many aspects of life that have begun the transition from 'real' life to the digital world by simply needing an electronic device. On several occasions we also often encounter people who are busier on their respective mobile phones and the role of mobile phones or other types of electronic devices not only as a companion in today's modern needs, but also holding a lot of personal data of each individual who

---

[3]   Teddy Tri Setio Berty, "Peran Orangtua Ketika Anak Menjadi Korban Bully," *Liputan6*, 2020, https://www.liputan6.com/global/read/4427382/4-peran-orangtua-saat-anak-jadi-korban-bully-di-sekolah. *See also* Setiawati, Nanda Ayu, Taruli Marito Silalahi, and Winny Sunfriska Limbong. "Optimalisasi Peran Orang Tua dalam Menurunkan Kejadian Bullying Pada Anak SD Negeri 064884 Mabar." *Jurnal Abdimas Mutiara* 2, No. 2 (2021): 56-64; Aini, Dian Fitri Nur. "Self esteem pada anak usia sekolah dasar untuk pencegahan kasus bullying." *Jurnal Pemikiran dan Pengembangan Sekolah Dasar (JP2SD)* 6, No.1 (2018): 36-46; AYUNI, ANNA QURROTUL, and Diana Rahmasari. "Gambaran Ketiadaan Peran Orangtua Pada Remaja Pelaku Bullying di SMP Negeri 1 Palang." *Character: Jurnal Penelitian Psikologi*. 6.1 (2019).

owns it.[4] In its need for a technology and communication information system, this system also connects to a device called the internet network. The internet network is a medium to connect its users for various needs, one of which is communication as a form of social interaction.

In February 2022, the number of internet users in Indonesia reached 204.7 million users out of a total population of 278 million. This means that the distribution of internet users has reached a very large percentage of around 73.7%. [5] With the large number of Indonesian internet users, it will create a diversity of age of users so that in practice, the use of the internet needs to be used carefully and wisely because there is a potential for minors to also enjoy content on the internet. According to records from the Central Statistics Agency (BPS) 48.2% of Indonesian children in the age range of seven years to seventeen years have access to use the internet in their daily lives. 75.8% of this percentage use the internet to use social media which functions to establish unlimited social communication interactions.[6]

In the process of adapting to the digital world that has developed very rapidly, it is also necessary to remember that security in today's digital world is still vulnerable to hacking and other risk

---

[4] Priscyllia, Fanny. "Perlindungan Privasi Data Pribadi Perspektif Perbandingan Hukum." *Jatiswara* 34, No. 3 (2019): 239-249.

[5] Cindy Mutia Annur, "Ada 204,7 Juta Pengguna Internet di Indonesia Awal 2022," *Katadata*, 2022, https://databoks.katadata.co.id/datapublish/2022/03/23/ada-2047-juta-pengguna-internet-di-indonesia-awal-2022.

[6] Badan Pusat Statistik, "BPS: 88,99% Anak 5 Tahun Ke Atas Mengakses Internet Untuk Media Sosial," *Katadata*, 2022, https://databoks.katadata.co.id/datapublish/2021/11/24/bps-8899-anak-5-tahun-ke-atas-mengakses-internet-untuk-media-sosial.

considerations. The progress made in the development of information systems and technology has also given rise to various changes in behavior that exist in society such as social values, social rules, morals, and behavior and the orderor ganization of society. [7] However, the development of information and communication technology has also provided wider access and more opportunities to criminals who use technology deviantly to commit crimes andvarious other unlawful acts. The use of information technology and digital communication systems that are also supported by internet network access that should be able to help human productivity activities also has negative impacts such asabuse that can be related to new dimensions of criminal activities in the cyber and virtual world. [8] The forms and types of crimes that occur a lot in modern times and have attracted international attention are cybercrime. The invention of the computer marked the era of the development of information technology. A computer is a device that processes electronic data systems that run various algorithms, functions, memory, logic and arithmetic. Computers in modern times today are not only large in shape such as *personal computers* or laptops that are generally used for media in offices, but also include tools that fulfill the stated meanings and functions, for example mobile phones.[9]

---

[7] Josua Sitompul, *Cyberspace, Cybercrimes, Cyberlaw: Tinjauan Aspek Hukum Pidana* (Jakarta: PT. Tatanusa, 2012).

[8] Djanggih, Hardianto, and Nurul Qamar. "Penerapan Teori-Teori Kriminologi dalam Penanggulangan Kejahatan Siber (Cyber Crime)." *Pandecta Research Law Journal* 13, No. 1 (2018): 10-23.

[9] Prastini, Endang. "Kebijakan Kriminal Pemerintah Terhadap Kejahatan Dunia Maya (Cyber Crime) di Indonesia." *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan* 5, No. 2 (2019).

The interactions that occur in sounlucky media are not only communication that is carried out properly. There are certain parties who want to use social media as advice for carrying out activities that are far from good morals in order to intimidate and bully their victims. The emergence of new innovations also has an influence on new types of crimes that will occur, especially in relation to the use of social media as part of advances in communication technology. Crimes originating from cyberspace have a special nickname in the field of legal experts called *cybercrime.* The victims of cybercrime are dominated by women and children because they see cases found in cyberspace related to them such as violence against gender backgrounds, *online porn*, *cyberstalking*, *cyberbullying*.

In the life of modern man who relies heavily on technology. Underage children who use social media can potentially commit various crimes there. Those who are *still minor* and unstable to distinguish between good and bad can be affected by the cruel use of the internet on a daily basis. This is inseparable from a new type of bullying known as *cyberbullying.* Cyberbullying is a new type of bullying that utilizes the sophistication of technology to target its victims, especially on social media. The term cyberbullying itself refers to the use of communication technology developments in order to carry out activities aimed at threatening, intimidating or even harassing victims using the help of communication tools. If previously bullying or bullying of children was only carried out directly physically either at school or other places, in today's era, *bullies* can use socialmedia such as Instagram, twitter facebook and the like to carry out *bullying* actions that become cyberbullying. The number of social media site providers, especially those with the main purpose of showing daily life, social interaction, and mutual communication, seems to be a new

place for the birth of a crime, especially bullying which if it occurs in the internet social media is called *cyberbullying*. Perpetrators who carry out cyberbullying activities also have the advantage of hiding their identity so that victims often do not know who has bullied them.[10] Cyber bullying can take shape in various ways, several forms of cyber bullying include provoking online commotion (*flaming*), spreading harassment sentences on the victim's social media (*harassment*), making bad stories about victims that are not proven to be true (*slander*), and hate speech.[11]

II. METHODS

In writing this scientific work will use the type of research with juridical-normative methods. Normative juridical research itself is legal research carried out by reading library materials as a basic basis for conducting research, which is then continued by looking at regulations that are related to the problem of the case being studied.[12] The research approach is carried out with an analytical approach to analyze a case problem and atatue approach to see the available laws and regulations. This writing is also assisted by research from library

---

[10] Canty, Rachmaya Noor. "Analisis Perlindungan Hukum Terhadap Korban Tindak Pidana Perundungan Siber (Cyberbullying) Melalui Media Sosial Berdasarkan Undang-Undang Nomor 31 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 13 Tahun 2006 Mengenai Perlindungan Saksi dan Korban". *Thesis*. (Universitas Islam Kalimantan Muhammad Arsyad Al-Banjari, 2020).

[11] Ardhaya Fauzah, Zanetha A Herlant, and Ricky Hendriana, "Perlindungan Hukum Bagi Korban Cyber Bullying Pada Anak di Bawah Umur," *De Juncto Delicti: Journal of Law* 1, No. 2 (2021): 75–88.

[12] Sri Mamudji and Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. (Jakarta: Rajawali Pers, 2015).

research by reading journals, articles, news, and books related to the case being discussed.[13]

III. THE IMPACT OF CYBERBULLYING ON GROWING CHILD DEVELOPMENT

Bullying or bullying is a behavior or attitude to intentionally hurt the hearts of others, and the treatment is carried out over a long period of time continuously towards the same person. Bullying or bullying is often followed by a "*threat*" or something that makes the victim feel disturbed so that it results in serious disturbances to the psychic, mental or physical and so on. So, bullying is a very negative thing and cannot be tolerated for whatever reason.

In general, the targets of bullying are children who are considered to have shortcomings both from the outside and inside, such as usually young people who rarely get along so that they do not have friends (commonly called introverts) and children who have mental or physical disabilities.

Actually, the phenomenon of bullying or bullying has existed for a long time but bullying or bullying tends to be done directly because the media of social interaction between children or society is conventional. However, the difference is that at this time, social media as a means of communication is increasingly being used, where information transactions and communication lanes are becoming very wide and fast. So, the term cyberbullying was born as

---

[13] Kartini Kartono, *Pengantar Metodologi Riset Sosial* (Bandung: Mandar Maju, 1986).

a new form of bullying that is carried out online without face-to-face face-to-face.

Cyberbullying or bullying carried out through the internet network does not make the negative impact of bullying disappear, precisely with the breadth of information and interactions makes the consequences worse for the victim both in terms of the victim's psychic. This allows everyone from all walks of life and places to bully the victim quickly and massively. Cyberbullying cases *often* occur among young people to teenagers, both victims, and as perpetrators. Based on the results of a survey from U-Report and UNICEF in 2019, 45% of 2,777 young Indonesian respondents admitted to having experienced cyberbullying.

Especially in this phenomenon of *cyberbullying*, often victims and perpetrators do not realize that these actions fall into the category of cyberbullying, so cyberbullying cases feel trivial and simply missed. Whereas cyberbullying can have a big impact on victims and perpetrators. Here are the impacts of cyberbullying on korban:

1) Serious and ongoing psychological impact
2) The impact of social interaction such as loss of interest in getting along, avoiding social activities, distancing oneself on the social environment, and so on
3) The impact of education, such as drastically dropped grades in schools, reduced achievement, loss of interest in learning, and not wanting to go to school
4) Changes in behavior by being alone, shutting down, even severe ones can give rise to self-harm behaviors
5) Physical impacts, namely declining health conditions, psychosomatis, sleep and eating disorders

6) Emotional impacts such as living out a variety of negative emotions that collapse

7) Thought pattern disorders such as Difficulty concentrating, blaming yourself, judging yourself negatively

The negative impact caused by the development of social media (cyberbullying) is exacerbated by the lack of parental supervision of children in accessing internet networks that are not yet age-appropriate, especially social media that can cause *cyberbullying* in children. Mukarromah (2019) concluded in the results of his research that the use of gadgets carried out by early childhood has both positive and negative impacts depending on the intensity and supervision of parents. The high intensity and duration of the use of gadgets and applications that are often played should be limited in their use because they are not suitable or not suitable at their age. According to the National Crime Prevention Council (NCPC), it is explained that minors who experience *cyberbullying* have a negati effect that is not much different from *bullying* or bullying directly. The negative effects in question can be related to low school grades, having a low level of self-confidence, interest in something changing or depression. However, *cyberbullying* can look more severe for victims if the following factors occur:[14]

1) If bullying also occurs at home, it can take away the sense of security from children so that they cannot find a safe place anywhere

---

[14] National Crime Prevention Council, "Information and Resources to Curb the Problem of Cyberbullying," NCPC, n.d., https://www.ncpc.org/resources/cyberbullying/.

2) Cyberbullying can feel rougher. Sometimes children dare to say something inappropriate online because they dare not say it directly.

3) Wider range. Bullies can make jokes or relate to cyberbullying activities through just one post on the website. By uploading these activities on the website can make public access so that the whole world can find out.

4) The perpetrators of the Bully can go unnoticed. A bullycan easily forge an identity or even use an anonymous account to cyberbully his victims. Victims who do not know the perpetrator of the bully can add anxiety to her.

5) Cyberbullying is inevitable. Avoiding cyberbullying seems easy if we are not active on social media, but for some children to be inactive on social media can eliminate one of the important themes of their socializing.

The negative impact in general has beenexplained above, but the impact of *cyberbullying* in particular itself that can be interpreted as affecting children's growth and development is also a serious mental health impact, namely victims experiencing severe trauma to the perpetrator or even people in thecity, severe depression that causes concentration to decrease, reduced self-confidence, a sense of wanting revenge by bullying others with the aim that people Others also felt what he felt, social fear, excessive anxiety, and even did not rule out the possibility of suicide. Factors that affect mental health in the child's growth and development are as follows:

1. Family

   The first is from family factors, namely the development and growth of the child's nature, mentality, character, and personality, which first occurs in the family. If you want to create future generations to have a healthy mentality, it is necessary to prepare future mothers and future fathers who are able to create a safe, peaceful, and happy family life. Because the family is the first place to foster children's growth and development.

2. Environment or Society

   Secondly from society or environment, environmental society also has an influence on the development of mental health of children and adolescents. From the age of four to five, it has been seen that there is a child's need for his peers, he needs friends to play and hang out with and express himself and his feelings. A child who does not get the opportunity to get along with his peers in his infancy will not get the skills to get along, so in his later adulthood he becomes stiff and unable to adjust, perhaps even moving away from the environment.

3. School Environment

   The third is from the sekol ah environment, in a developing and developed society, almost no child immediately moves from the family into the community. School is an environment that every child must pass through before entering the community that counts for his opinion. School is a place to prepare and equip children with a variety of knowledge, skills, and beliefs to be able to live harmoniously, appropriately, and responsibly in society.

4. External

   External factors are also a factthat is no less important in influencing a person's mental health, including social stratification, social interaction, environment, both the family environment, school and community which also contains the

environment in which he lives or occupies. So mental health is influenced by external and internal factors of a person so that both have a very strong position in human life.

IV. EXAMPLE OF THE CASE: VICTIMOLOGICAL ANALYSIS IN THE CASE OF CYBERBULLYING AGAINST BOWO

The beginning of the *cyberbullying* case against Bowo occurred after bowo held a *meet and greet* or association with his new fans. Bowo, who was originally a minor who suddenly became famous fordancing content against the background of the song sound, which is the hallmark of the tiktok application, decided to hold a meeting with his new fans because of the high demand. But when the real meeting was realized, many viewers were disappointed because bowo's physique displayed on tiktok was not the same as his physical condition in the real world.

After holding a meeting with his fans, suddenly there were many posts on various social media such as Facebook, Instagram, tiktok and others by making jokes related to bowo. Many of his bullies on social media discussed the cost of a meet and greet or meeting with his fans was pegged at a very high price, even though at that time bowo was not a top artist who was required to pay a large nominal because it was considered not worth it. Bowo then clarified that those who held various meetings that invited him as a form of *meeting and greet* or meeting with fans were not the inization of piha k bowo, but it was the result of the initiation of other parties who were also fans of bowo. The bowo fan then took advantage of it as a business opportunity by setting a high price on every ticket sold. The ticket price to be able to attend the meeting is pegged from the price range of one hundred

thousand rupiah to two hundred thousand rupiah. After a lot of bullying directed at bowo discussing the cost of the meeting, there were also Many parties who blatantly insulted bowo's physique. [15] The posts that are known to be insulting to bowo come from fictitious accounts that are not someone's real account. Therefore, bowo could not do much When he received a very massive *cyberbullying* attack until the Indonesian Child Protection Commission, the Ministry of Communication and Information of the Republic of Indonesia, and TikTok who came from China had to be involved in efforts to solve the polemic of bullying cases in the social world mehe Indonesia at that time.

Insults aimed at a person's physical appearance are one of the activities of *bullying*, or in the case of bowo has become *cyberbullying* because it is carried out on social media networks. By posting an edited photo with a shabby look by mentioning that bowo's look and likeness on social media is inversely proportional to the appearance of his face in the real world so that such insults are included in the form of physical insults because the main reference of the post refers to the description of the photo and the title of the post. The insult can be categorized as *body shaming* which has actually been around for a long time and has happened a lot on social media. [16] The form of activity to comment on the appearance of other individuals has become a habit of people who are unconsciously commonplaced,

---

[15] Sahaya Anisa, "Disesalkan, Bowo Alpenliebe 'Tik Tok' Dilanda Bullying," *Detik*, 2018, https://news.detik.com/berita/d-4106505/disesalkan-bowo-alpenliebe-tik-tok-dilanda-bullying.%0A.

[16] Hartiningtiyah, Hartiningtiyah. "Moralitas Netizen dalam Kasus Body Shaming di Media Sosial Instagram". *Thesis.* (UIN Sunan Ampel Surabaya, 2020).

even though if the comment contains a negative charge, it can hurt the feelings of the individual being commented on.

Those who are usually bullied in *body shaming* will be associated with a body shape that may be too fat or a face that is far from the ideal standard in the community. The physical appearance of a person who is expected is not as perfect as the expectations of netizens in sosial media so that there is a certain group of netizens who then take advantage of the loopholes to insult and cyberbullying. Victims of *cyberbullying* crimes will certainly suffer a loss both psychically, physically, materially and the victim's self-confidence as a relation to her condition in her social circle. Experiencing these losses is something that victims of crime must accept because their right to be treated respectfully and fairly has been interfered with by cybercriminals. Usually, the victims and perpetrators in cyberbullying cases do not know directly. This is in line with one of the victim typologies studied by Stepen Schafer which states that the perpetrator and the victim have no connection or *unrelated victims*. Bullies only choose their victims because they feel there is potential.

The perception of standards of beauty in a society that has high standards of beauty or good looks occurs due to the values of globalization that also enter the country with various western cultures If we examine a view of a person's physique that does not enter the standards of other individuals, society should be able to tolerate the imperfections of that person. Another person or party who is not concerned about his life does not need to interfere in matters concerning the appearance of the individual's face.

V. LAW ENFORCEMENT & LEGAL PROTECTION FOR PEOPLE INVOLVED IN CYBERBULLYING IN INDONESIA

Cyberbullying activities are one of the negative impacts of technological advances that have also given birth to new types of crime. For this reason, the government and society must also synergize in their role against cybercrime. The state has also arranged legal remedies to combat *cyberbullying* activities through legislation. Laws that have a connection to criminalize cyberbullying *perpetrators* can be seen in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions or known to the wider community as the ITE Law. If in general, there are several acts prohibited by the law, such as the content of Article 27 paragraph (3) of the ITE Law explaining if:[17]

"Any Person who intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have the content of contempt and/or defamation"

As well as chapter 27 paragraph (4):

"Any Person intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have the charge of extortion and/or tampering."

The meaning of the two articles contains the content that any individual who is in the territory of Indonesia and outside the jurisdiction of Indonesiabut has a relationship and is related to legal interests in Indonesia, both by foreign nationals and Indonesian

---

[17] Republic of Indonesia. *Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions* (Jakarta, Sekretariat Negara, 2016).

citizens and legal entities negates that thearticle will apply to those who intentionally commit these types of prohibited acts. As explained in the previous discussion, the form of bullying can be in the form of insults and insults to individuals. Moreover, the article is focused on the act of crime and its legal arrangements in the scope of the use of information technology.

Criminal law enforcement to punish cyberbullying perpetrators has also been regulated in Article 45 paragraph (3) of LawNumber 19 of 2016 concerning Amendments to Law Number 11 of 2008 which has the potential to get penalties:

"Any Person who intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/orElectronic Documents that have the content of contempt and/or defamation as referred to in Article 27 paragraph (3) shall be punished with a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp750,000,000.00 (seven hundred and fifty million rupiah)."

And also, in chapter 45 subsection (4) which reads:

"Any Person who intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have the content of extortion and/or stoning as referred to in Article 27 paragraph (4) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp1,000,000,000.00 (one billion rupiah)."

Those who are found to have violated the provisions relating to some forms of *cyberbullying* may be sentenced to three to six years' imprisonment or a fine of seven hundred and fifty million to one billion rupiah each. The validity of the criminal article needs to go

through a thorough complaint and investigation process first. In the sense of contempt or defamation within the scope of criminal law, it can be interpreted as a form of assaulting the honor of another person by giving an accusation that is intended to be known to the general public that is not necessarily the truth.

The state is obliged to constitutionally provide legal guarantees to every citizen of its country both to perpetrators and victims as aform of fulfillment of human rights. To protect victims of *cyberbullying*, the state also needs to provide protection to its citizens through the rule of law. Through Law of the Republic Number 31 of 2014 concerning Amendments to Undang-Law Number 13 of 2006 concerning Protection of Witnesses and Victims provides a form of guarantee for the security of victims and witnesses to fight *cyberbullying* crimes. In chapter 1 Number 1 explains:

"A witness is a person who can provide information for the purposes of investigating, prosecuting, and examining in court about a criminal act that he heard himself, saw for himself, and/or experienced himself."

Meanwhile, the definition of victims can be seen in article 1 number 3, namely:

"A victim is a person who has suffered physical, mental, and/or economic harm resulting from a criminal act."

If we look specifically at cyberbullying cases in the bowo tiktok case, witnesses who can be questioned can come from friends or family who saw the bullying activities to bowo in cyberspace. While the victim was clearly in the bullying case was a bowo because in his own statement he was physically insulted which caused him to experience a decline in self-confidence related to his mentality. In order to

provide protection for witnesses and victims, its implementation needs to be adjusted to the principle of respect for human dignity and dignity, providing a sense of security, fairness, non-discriminatory and legal certainty. If the cyberbullying case reaches the court stage, the right of the victim is to receive medical assistance and psycho-social rehabilitation assistance in order to restore mental health after receiving a lot of blasphemyn directed at him.

VI. CONCLUSION

Human communication in the world can be well connected because it is connected by social networks as a medium of cyber communication. Social interaction in cyberspace (internet), of course, has a positive and negative impact. If used properly and correctly, it can provide positive benefits for its users. However, if the social interaction that occurs is not based on communication ethics that should be like interaction in general, then the result is the misuse of social media which leads to the emergence of *cyberbullying* which often occurs at this time. Analysis of the factors that result in bullying through social networks or social media, namely oneself, lingkungan, and family also has a significant influence as well. Analysis of the factors that cause the perpetrator's behavior to act can also be seen from how social and legal protection of the victim (Bowo) and also what kind of action it looks likeregarding law enforcement against the perpetrator so that this kind of phenomenon decreases and disappears. The victimological view examines this case against the rights of victims. This view is very important considering that cyberbullying itself has not been considered aserious problem but is often considered a natural act in social media life, often even

considered a joke. With this view, it is certain that the rights of victims of bullying have not been widely realized, although the impact of this behavior is very real. Legal protection for witnesses and victims based on Law Number 31 of 2014 can be applied effectively to deal with victims and assist victims. This is because Lembaga Witness and Victim Protection exists only in the center, not yet in the area. So that witness and victim protection agencies can also exist at the regional level.

ACKNOWLEDGMENTS

None.

COMPETING INTERESTS

The Authors declared that they have no competing interests.

REFERENCES

Aini, Dian Fitri Nur. "Self esteem pada anak usia sekolah dasar untuk pencegahan kasus bullying." *Jurnal Pemikiran dan Pengembangan Sekolah Dasar (JP2SD)* 6, No.1 (2018): 36-46.

Anisa, Sahaya. "Disesalkan, Bowo Alpenliebe 'Tik Tok' Dilanda Bullying," *Detik*, 2018, https://news.detik.com/berita/d-4106505/disesalkan-bowo-alpenliebe-tik-tok-dilanda-bullying.%0A.

Annur, Cindy Mutia. "Ada 204,7 Juta Pengguna Internet di Indonesia Awal 2022," *Katadata*, 2022, https://databoks.katadata.co.id/datapublish/2022/03/23/ada-2047-juta-pengguna-internet-di-indonesia-awal-2022.

Ayuni, Anna Qurrotul, and Diana Rahmasari. "Gambaran Ketiadaan Peran Orangtua Pada Remaja Pelaku Bullying di SMP Negeri 1 Palang." *Character: Jurnal Penelitian Psikologi.* 6, No. 1 (2019).

Badan Pusat Statistik, "BPS: 88,99% Anak 5 Tahun Ke Atas Mengakses Internet untuk Media Sosial," *Katadata*, 2022, https://databoks.katadata.co.id/datapublish/2021/11/24/bps-8899-anak-5-tahun-ke-atas-mengakses-internet-untuk-media-sosial.

Berty, Teddy Tri Setio. "Peran Orangtua Ketika Anak Menjadi Korban Bully," *Liputan6*, 2020, https://www.liputan6.com/global/read/4427382/4-peran-orangtua-saat-anak-jadi-korban-bully-di-sekolah.

Canty, Rachmaya Noor. "Analisis Perlindungan Hukum Terhadap Korban Tindak Pidana Perundungan Siber (Cyberbullying) Melalui Media Sosial Berdasarkan Undang-Undang Nomor 31 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 13 Tahun 2006 Mengenai Perlindungan Saksi dan Korban". *Thesis*. (Universitas Islam Kalimantan Muhammad Arsyad Al-Banjari, 2020).

Djanggih, Hardianto, and Nurul Qamar. "Penerapan Teori-Teori Kriminologi dalam Penanggulangan Kejahatan Siber (Cyber Crime)." *Pandecta Research Law Journal* 13, No. 1 (2018): 10-23.

Fadillah, Astuti Nur. "Perlindungan Hukum Terhadap Anak Yang Menjadi Korban Aksi Perundungan." *Jurnal Belo* 5, No. 1 (2019): 86-100.

Fauzah, Ardhaya, Zanetha A Herlant, and Ricky Hendriana, "Perlindungan Hukum Bagi Korban Cyber Bullying Pada Anak di Bawah Umur," *De Juncto Delicti: Journal of Law* 1, No. 2 (2021): 75–88.

Fitri, Winda, and Nadila Putri. "Kajian Hukum Islam Atas Perbuatan Perundungan (Bullying) Secara Online di Media Sosial." *Jurnal Pendidikan Kewarganegaraan Undiksha* 9, No. 1 (2021): 143-156.

Hartiningtiyah, Hartiningtiyah. "Moralitas Netizen dalam Kasus Body Shaming di Media Sosial Instagram". *Thesis.* (UIN Sunan Ampel Surabaya, 2020).

Kartono, Kartini. *Pengantar Metodologi Riset Sosial* (Bandung: Mandar Maju, 1986).

Mamudji, Sri and Soerjono Soekanto. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. (Jakarta: Rajawali Pers, 2015).

Maya, Nur. "Fenomena cyberbullying di kalangan pelajar." *JISIP: Jurnal Ilmu Sosial dan Ilmu Politik* 4, No. 3 (2015).

National Crime Prevention Council, "Information and Resources to Curb the Problem of Cyberbullying," NCPC, n.d., https://www.ncpc.org/resources/cyberbullying/.

Prastini, Endang. "Kebijakan Kriminal Pemerintah Terhadap Kejahatan Dunia Maya (Cyber Crime) di Indonesia." *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan* 5, No. 2 (2019).

Priscyllia, Fanny. "Perlindungan Privasi Data Pribadi Perspektif Perbandingan Hukum." *Jatiswara* 34, No. 3 (2019): 239-249.

Rahayu, Flourensia Sapty. "Cyberbullying sebagai dampak negatif penggunaan teknologi informasi." *Journal of Information Systems* 8, No. 1 (2012): 22-31.

Republic of Indonesia. *Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions* (Jakarta, Sekretariat Negara, 2016).

Rukmana, Virda. "Perlindungan Hukum Terhadap Korban dan Pelaku Bullying Anak di Bawah Umur." *Jurnal Education and Development* 10, No. 2 (2022): 78-83.

Saerang, Willhen Shalomo. "Tindakan Perundungan Anak di Bawah Umur dalam Perspektif Perlindungan Anak di Indonesia." *Lex Administratum* 10, No. 2 (2022).

Setiawati, Nanda Ayu, Taruli Marito Silalahi, and Winny Sunfriska Limbong. "Optimalisasi Peran Orang Tua dalam Menurunkan Kejadian Bullying Pada Anak SD Negeri 064884 Mabar." *Jurnal Abdimas Mutiara* 2, No. 2 (2021): 56-64.

Sitompul, Josua. *Cyberspace, Cybercrimes, Cyberlaw: Tinjauan Aspek Hukum Pidana* (Jakarta: PT. Tatanusa, 2012).

Zakiyah, Ela Zain, Sahadi Humaedi, and Meilanny Budiarti Santoso, "Faktor Yang Mempengaruhi Remaja dalam Melakukan Bullying," *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat* 4, No. 2 (2017): 324–330. https://doi.org/10.24198/jppm.v4i2.14352.