Prevention of Cyberbullying Against Children from the Aspect of Criminology

Ahmad Yusron Abdillah[1], Abdul Madjid[2], Patricia Audrey Ruslijanto[3]
[1]Fakultas Hukum, Universitas Brawijaya, Malang, Indonesia, [2] Fakultas Hukum, Universitas Brawijaya, Malang, Indonesia, [3] Fakultas Hukum, Universitas Brawijaya, Malang, Indonesia
Corresponding Author: ahmadyusron99@gmail.com

ABSTRACT
Bullying is happening all around us, even in schools and colleges. schools and colleges. Cases of *cyberbullying* in Indonesia are very high. Criminology can also be referred to as the sociology of criminals as this field is concerned with human with human learning that goes against social norms. Legal regulation of *cyberbullying* criminal offense of *cyberbullying* in Indonesia contained in the Criminal Code and outside the Criminal Code, namely Undang-Undang No.11 Tahun 2008 About Electronic Information and Transactions which has been updated with Undang-Undang No. 1 Tahun 2024. The cause of children committing *cyberbullying* is the influence of the child's socialization that normalizes the act, prevention strategies for *cyberbullying*.normalizing these actions, the appropriate prevention strategy is to supervise children's socialization and provide understanding that *cyberbullying* is a bad act and can be charged with criminal sanctions. and can be charged with criminal sanctions.

Keyword:
Cyberbullying, Prevention, Criminology

INTORUCTION

From January to September 2023, the Federation of Indonesian Teachers' Unions (FSGI) recorded 23 cases of bullying in schools. Of the 23 cases, half occurred in junior high schools; 23% occurred in elementary schools; 13.5% occurred in high schools; and 13.5% occurred in vocational schools. Bullying is usually aimed at people who are considered weaker or different from the majority. Bullying can occur verbally or non-verbally. Verbal bullying usually consists of diatribes and hateful curses, while physical violence usually occurs without communication. Bullying is done just for fun. (Ki, 2023) Bullying is happening all around us, even in schools and colleges. UNICEF (United Nations International Children's Emergency Fund) describes cyberbullying as repeated behavior that aims to frighten, anger, or humiliate the targeted person. Cases of cyberbullying in Indonesia are very high.

Social media is a development of the internet that contributes to the criminal act of cyberbullying. Social media is a medium or means to share personal data or information, communicate with each other, share stories, post writings, pictures or videos. Social media that are now widely used by Indonesians are Instagram, Tiktok, Facebook, and Twitter.(Mutma, 2019)

According to research conducted by the Center for Digital Society in 2021, out of 3,077 junior and senior high school students, 45.35% have been victims and 38.41% have committed cyberbullying. In addition, Unicef data in 2022 showed that 45.35% of 2,777 children in Indonesia claimed to have been victims of cyberbullying. (Muhtar, 2023)

The results of a study conducted by APJII (Indonesian Internet Service Providers Association) show that 49% of the 5,900 people who responded have been victims of

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cyberbullying. The increase in children's internet usage and lack of parental supervision has led to this increase. One of the most common types of cyberbullying in Indonesia is flaming. Flaming is when someone uses frontal words in a text message or comment on a social media platform to offend another person.(BabelAntaranews.com, 2023)

Criminology is a field of social science that studies crime from a social perspective. In addition, criminology can also be referred to as the sociology of criminals as it is concerned with the learning between individuals who go against social norms. Criminology seeks to find out about the symptoms of crime in society or why defendants commit their crimes.(Sahetapy, 1982)

Criminology has many theories that can influence societal crime. In addition, there are social structure theories such as social disorganization theory, strain theory, cultural deviance theory, and behavioral norms theory. In addition, there are Associatom difference theory, anomy theory, general strain theory, cultural deviance theory, and behavioral norms theory. Legal scholars in Indonesia use criminology to research or examine a crime that occurs in society to find out what motives and reasons people commit crimes. Criminology theory can be used to analyze and investigate many crimes that occur in Indonesia.

In terms of cyberbullying against children, society and the Indonesian government must act to stop it. This is due to the effects of cyberbullying that can affect the perpetrator, the victim, and the community on social media. Victims of cyberbullying may experience anxiety, depression, and even suicidal thoughts. Perpetrators, on the other hand, tend to become aggressive, violent, irritable and impulsive, with a desire to dominate others. In addition, if cyberbullying continues to occur and is not prevented, it will create a stigma in society, especially on social media, if cyberbullying is considered socially acceptable.(Unicef.org, 2020)

One of the branches of law, criminology can study why a perpetrator commits a crime, such as cyberbullying. By understanding why someone commits cyberbullying, we can also find out how we can prevent cyberbullying against children. If these prevention measures are implemented effectively, we can expect the level of cyberbullying that occurs in children in Indonesia to decrease. The problems that will be discussed in this research are 1) How is legal protection for victims of cyberbullying against children in Indonesia, 2) How are prevention efforts against cyberbullying in Indonesia viewed from the aspect of criminology.

METHOD

The type of research in this study is normative juridical, namely legal research conducted by examining library materials or secondary data. (Soerjono & Mamuji, 2013) The research approach in this research is a statutory approach, which is a procedure carried out by examining the regulations and laws that are relevant to the legal issues being addressed.(Marzuki, 2013) The legal materials used in this research are divided into two, namely primary legal materials and secondary legal materials. Primary legal materials in this research are Undang-Undang No. 35 Tahun 2014 concerning Child Protection, Undang-Undang No. 1 Tahun 2024 concerning the Second Amendment to Undang-Undang No. 11 Tahun 2008 concerning Electronic Information and Transactions.

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Meanwhile, secondary legal materials in this research are legal materials consisting of books, journals, doctrines, cases, jurisprudence, and the results of recent symposiums related to research issues.(Ibrahim, 2006) The data collection method in this research is by means of literature study and Internet study. The data analysis technique in this research is descriptive-qualitative, namely describing the data obtained qualitatively, then linking the data with theories and legal provisions in order to discuss each research problem.

RESULT AND DISUCUSSION

1. Legal protection for child victims of cyberbullying in Indonesia

Cyberbullying is a type of online harassment committed by children against other children. Cyberbullying is one of the new aspects of modern crime that has received widespread attention from the general public in the country and around the world. The rapid development of information and communication technology has led to this crime, which is also caused by the lack of ethical awareness of users when using the technology.

In Dina Satalina's journal, Wilder also mentions the following classifications or categories of cyberbullying:

a. Harassment: Nuisance messages sent periodically via email, SMS, or social networking texts.
b. Flaming is sending text messages with angry words. In addition, this term "flaming" refers to the words in the message that ignite.
c. Cyberstalking is the activity of harassing and defaming someone in a way that frightens them.
d. Denigration, also known as libel, is the process of spreading someone's ugliness on the internet with the aim of damaging that person's reputation and good standing.
e. Impersonation: Becoming someone else and sending unkind messages or statuses.
f. Outing and Trickery: Outing is spreading someone else's secrets or private photos, and Trickery is getting someone the wrong way to get their secrets or private photos.
g. Exclusion, is deliberately and cruelly excluding someone from an online group. (Rini et al., 2021)

Indonesian criminal legislation regulates cyberbullying, which is contained in:

a. Article 310 of the Criminal Code paragraph 1 "Whoever deliberately attacks the honor or good name of a person by alleging something, with the clear intention of making it known to the public, shall, being guilty of libel, be punished by a maximum imprisonment of nine months." (Relating to cyberbullying in the form of harassment)
b. Article 27 paragraph (3) of Undang-Undang No. 11 Tahun 2008 on Electronic Information and Transactions "Every person intentionally and without right distributes and/or transmits and/or makes accessible Electronic information and/or Electronic Documents that contain insults and/or defamation." In the explanation of this article, the criminal behavior of cyberbullying action is in the form of cyber harassment (torture by continuously attacking and criticizing).
c. Article 27 paragraph (4) of Undang-Undang No. 11 Tahun 2008 on Electronic Information and Transactions "Every person intentionally and without right distributes and/or transmits and/or makes accessible Electronic information and/or Electronic

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Documents that contain extortion and/or threats." In the explanation of this article, the behavior of cyberbullying takes the form of cyber stalking.

d. Article 28 paragraph (2) of Undang-Undang No. 11 Tahun 2008 Concerning Electronic Information and Transactions "Every person intentionally and without the right to disseminate information aimed at creating a sense of hatred or hostility of individuals and/or certain community groups based on ethnicity, religion, race and intergroup (SARA)." This article describes cyberbullying behavior in the form of Cyber Harrasment (the act of tormenting by continuously attacking and criticizing).

e. Article 29 of Undang-Undang No. 11 Tahun 2008 on Electronic Information and Transactions "Every person intentionally and unlawfully transmits Electronic information and/or Electronic Documents containing threats of violence or fear that are personally intended." This article describes cyberbullying behavior and actions in the form of cyber stalking. Cyber stalking is the act of threatening, harassing, or annoying someone through several e-mail messages, such as through the internet with the intention of positioning the recipient to feel fear through illegal actions by attacking family, institutions and other subjects.

Taking into account the aforementioned regulations, cyberbullying behavior falls under the insult, slander, and threatening articles in Law Number 11/2008 on Electronic Information and Transactions (ITE). However, since the Criminal Code was created long before cyberspace, these articles are not suitable for cyberspace. The shortcomings lie in the terms "publicly known" and "in public". Constitutional Court Decision No. 50/PUU-VI/2008 states that, due to the element of "in public", insults regulated in the Criminal Code do not reach insults and defamation committed on the internet. Including the terms "publicly known", "in public", and "broadcast" is still insufficient. "Distributing", "transmitting", and "making accessible" all require broad formulations. The insults associated with acts of cyberbullying themselves occur in cyberspace, but the Criminal Code regulates insults in real life. Another weakness of the KUHP is that it does not explain in detail what constitutes defamation.(Arif, 2002)

The criminal penalties for perpetrators of cyberbullying crimes are regulated in Articles 45-52 of Undang Undang No. 1 Tahun 2024. The following is the formulation of several articles in Chapter XI as follows

a. Article 45
   a) Any person who fulfills the elements as referred to in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp 1,000,000,000.00 (one billion rupiah).
   b) Any Person who fulfills the elements as referred to in Article 28 paragraph (1) or paragraph (2) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp 1,000,000,000.00 (one billion rupiah).
   c) Every person who fulfills the elements as referred to in Article 29 shall be punished with a maximum imprisonment of 12 (twelve) years and/or a maximum fine of Rp 2,000,000,000.00 (two billion rupiah).

b. Article 52

a) In the event that the criminal offense as referred to in Article 27 paragraph (1) involves decency or sexual exploitation of children, the punishment shall be aggravated by one third of the basic punishment.

b) In the event that the acts as referred to in Article 30 through Article 37 are directed against computers and/or electronic systems as well as electronic information and/or electronic documents belonging to the Government and/or used for public services, the basic punishment shall be increased by one third.

c) In the event that the acts as referred to in Article 30 through Article 37 are directed against Computer and/or Electronic System as well as Electronic information and/or Electronic Documents belonging to the Government and/or strategic bodies including and not limited to defense institutions, central banks, banking, finance, international institutions, aviation authorities shall be punished with the maximum penalty of the principal punishment of each Article plus two thirds.

d) In the event that the criminal offense as referred to in Article 27 through Article 37 is committed by a corporation, it shall be punished with the maximum of the basic punishment plus two-thirds.

2. Prevention efforts against cyberbullying from the aspect of criminology

Bullying can be done in many different ways. Sullivan defines bullying as physical and non-physical. Physical bullying, for example by hitting, kicking, punching, biting, pulling, pulling hair, scratching, spitting, or damaging the victim's property Bullying that is done physically will definitely be easy to recognize. It is no different from a criminal or a murderer even when the bullying is severe and indiscriminate.(Vandebosch & Green, 2019)

Bullying can happen in any place and under any circumstances. The internet and social media are like two sides of a coin: there are advantages and disadvantages. One of the disadvantages is bullying on social media, also known as cyberbullying. This is because social media allows one to communicate verbally without the need to meet someone in person; however, bullying can now be done on the internet.(Mulawarman & Nurfitri, 2017)

Those who bully others on social media use a variety of ways to communicate, all with the aim of upsetting the person they are bullying. Cyberbullying here is defined as aggressive behavior towards individuals or groups using information and communication technology. In contrast, it is defined as deliberate, frequently repeated, and hostile behavior aimed at harming a victim using information and communication technologies, especially through mobile phones and the Internet.(Vandebosch & Green, 2019)

Since children are the future assets of the country, they must be taken care of. A child's development is crucial to their future as it is the gradual development of biologically related traits and characteristics that occurs when a child learns from his or her own experiences. (Kesuma et al., 2019) Legal protection is the responsibility to guarantee and protect the interests of children. According to legal protection theory, child protection is a commercial form that creates conditions and circumstances that allow children's rights and obligations to be carried out humanely.(Aprilianda, 2017)

Criminology is a social science discipline that studies crime from a social perspective. As such, criminology can also be referred to as the sociology of criminals as it is concerned with the learning between individuals who go against social norms. Criminology seeks to find out about the symptoms of crime in society or why defendants commit their criminal acts.(Sahetapy, 1982)

To prevent criminal acts, such as cyberbullying committed by children, it is necessary to know the reasons why a child does it. Sutherland's differential association theory is known in criminology. According to his theory, crimes committed by humans stem from societal influences and normal psychological and sociological lessons.

When viewed from a criminological point of view and associated with the differential association theory proposed by Sutherland, it can be analyzed that factors in a child's surrounding environment can influence the reasons why a child commits cyberbullying. An environment that normalizes or accustoms bullying as a social habit makes children believe that bullying is something natural and common in their environment.

Another factor that influences the number of cyberbullying crimes committed by children on social media is the culture of Indonesian netizens who like to harass on social media. A survey conducted by Microsoft showed that Indonesian netizens often bully or cyberbully social media account users who disagree with them. In addition, based on research conducted by the ChildFund organization on 1,610 respondents from 13 to 24 years old in four provinces: DKI Jakarta, Central Java, Lampung, and East Nusa Tenggara (NTT) from July to October 2022. K-pop music fans often bully and are vulnerable to online harassment.(CNNIndonesia.com, 2023)

In addition to using the differential association theory proposed by Sutherland, researchers also relate it to the theory of situational crime prevention. Situational prevention is a prospective approach to crime prevention. According to Clark, Cornish and Heuer, situational prevention includes a series of actions that can be taken by many parties to prevent crime through eliminating or reducing opportunities for crime to occur. This strategy focuses on changing the environment, in order to reduce the opportunity for offenders to commit crimes and protect victims. Parties should always take the appropriate actions needed to reduce opportunities and situations to change criminal behaviour, and change the relationship between offenders and victims, for example by changing the circumstances of the crime and victimisation of an individual or changing environmental conditions including time and place, because in some cases, changes in environmental conditions make it more difficult for crime to occur. The operationalisation of situational prevention includes: eliminating some hazards, reducing some risks by reducing the level of damage, reducing some risks by taking security measures, and increasing the number of police to frighten and prevent offences.(Dermawan, 2001)

The situational crime prevention approach seeks a deeper understanding of crime and crime prevention strategies in terms of the context of crime, including through understanding the environment, organisations, and communities and spaces that may trigger crime. If the phenomenon of cyberbullying is associated with situational crime prevention theory, what must be known is the cause of a person committing cyberbullying, namely because of the influence of their environment that legalises or permits

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cyberbullying. In fact, cyberbullying is a criminal act that can be subject to criminal sanctions.

In this case, a situational crime prevention approach can be an alternative prevention in preventing cyberbullying. What can be done is to limit the use of social media for children so that they are not exposed to cyberbullying. In addition, it can be done by training children or adults to be able to control their emotions in social media. One of the causes of the rise of cyberbullying is because many people are less able to control their emotions, so that when their emotions have peaked they will commit cyberbullying against others.(Me & Spagnoletti, 2005)

If it is known that the reason why a child commits cyberbullying on social media is because Indonesian citizens bully them if they disagree, then the actions that should be taken by the government, law enforcement, and society are as follows:,

a. Provide counseling to students, and the community about the dangers of bullying others by groups and individuals.

Children should definitely be educated about the dangers of cyberbullying from an early age. In this case, the considerable influence of cyberbullying on one's mental health should be given special attention. Children should be educated about the dangers of cyberbullying and social media etiquette. The hope is to reduce and even prevent cyberbullying crimes that have become rampant.

b. Adjust the rules to article by article in the Electronic Technology Information (ITE) laws and regulations as follows:
   a) Responding to the demands of the complainant that can accommodate their aspirations
   b) Offer youths to become anti-cyberbullying ambassadors.

c. Involving student organizations in campaigning against cyberbullying, in addition to involving social organizations, youth organizations, professional organizations, and student organizations.

It is possible that the role of students in fulfilling the tri dharma of higher education, including community service, can be used to encourage anti online harassment campaigns. As we know, students are agents of change, and they serve as mobilizers in society. In addition, students have an obligation to contribute to society. They can do so by informing others, especially parents and children, about the importance of avoiding online harassment.

d. Make regulations regarding age restrictions for children to access social media

As Indonesian law does not set a maximum age limit for children to use social media, it cannot be denied that this is one of the factors causing many children to commit criminal offences, especially cyberbullying. Children easily register and access social media, so they can access the content there, both positive and negative. Because children have easy access to social media, they learn about all the behaviours of netizens on social media, including cyberbullying that Indonesian netizens often commit.

e. Parents must supervise their children's socialisation

Parents play an important role in monitoring how their children behave. Parents should know who their children are hanging out with. This is due to the fact that the

friends a child hangs out with can influence them; if children hang out with good people, they will also be influenced to be good, but if children hang out with bad people, the badness of the person will also be contagious and followed by the child.

In addition, parents can supervise their children on social media by knowing their social media accounts and passwords. Although children need privacy in their lives, parents also have the right to monitor their children when they interact with social media because children can be affected by the influences that are there. In addition, since parents can still control the age of the child, parents are also automatically responsible for unwanted circumstances. Therefore, parents are expected to supervise their children's socialisation both in the real world and on social media.

CONCLUSION

In Indonesia, Law Number 11/2008 on Electronic Information and Transactions, as well as Article 310 of the Criminal Code, Article 27(3), Article 27(4), Article 28(2), and Article 29 of Law Number 11/2008 regulate cyberbullying. Regarding the sanctions imposed on cyberbullying, Law Number 19 Year 2016 replaces them.

From a criminological point of view, differential association theory suggests that environmental factors play a role in encouraging children to commit cyberbullying. In this case, Indonesian citizens enjoy bullying when they have differences of opinion on social media. Children believe that harassment is the solution when they disagree with others and have larger numbers. This is what encourages children to engage in cyberbullying.

Based on a criminological review of the causes of cyberbullying committed by children, it can be seen that preventive measures that can be taken by the government, law enforcement, and parents include providing counselling to students and the community about the dangers of bullying others, both in groups and individually, and changing article by article in the ITE regulations. make laws that limit the age of children to use social media and require parents to monitor children's activities.

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