UNIVERSITAS BHAYANGKARA JAKARTA RAYA
FAKULTAS HUKUM
Kampus I : Jl. Harsono RM No. 67 Ragunan Pasar Minggu, Jakarta Selatan 12140
Tlp: 021. 7231948 7267655 Fax: 7267657
Kampus II : Jl. Perjuangan Raya Marga Mulya Bekasi Utara Telp: 021. 88955882

SURAT TUGAS

Nomor : ST/783-B/IX/2022/FH-UBJ

Tentang

PELAKSANAAN PENELITIAN
PRODI ILMU HUKUM FAKULTAS HUKUM UNIVERSITAS BHAYANGKARA JAYA
SEMESTER GANJIL T.A. 2022/2023

DEKAN FAKULTAS HUKUM UNIVERSITAS BHAYANGKARA JAYA

Menimbang : Sehubungan dengan kegiatan pelaksanaan penelitian Dosen Tetap pada Prodi Ilmu Hukum Fakultas Hukum Universitas Bhayangkara Jakarta Raya, maka dipandang perlu mengeluarkan Surat Tugas.

Mengingat :
1. Undang-Undang No. 20 Tahun 2003 Tentang Sistem Pendidikan Nasional.
2. Undang-Undang No. 14 Tahun 2005 Tentang Guru dan Dosen.
3. Undang-Undang No. 12 Tahun 2012 Tentang Pendidikan Tinggi.
4. Undang-Undang No. 49 Tahun 2014 Tentang Standar Nasional Pendidikan Tinggi.
5. Program Kerja Fakultas Hukum Universitas Bhayangkara Jakarta Raya Tahun Akademik 2022.
6. Kalender Akademik Universitas Bhayangkara Jakarta Raya T.A. 2022-2023.

MENUGASKAN :

Kepada :
Nama : **FRANSISKA NOVITA ELEANORA, S.H., M.Hum.**
NIDN : 0313047703

Untuk :
1. Melaksanakan tugas penelitian Dosen pada Program Studi Ilmu Hukum Fakultas Hukum Semester Ganjil Tahun Akademik 2022-2023 pada Novateur Publications JournalNX-A Multidisplinary Peer Reviewed Journal Volume 8 No. 7, dengan judul **"*Legal Aspects of Protecting Children Victims of Cyberbullying in Indonesia*".**
2. Kegiatan penelitian dilaksanakan sejak tanggal dikeluarkannya Surat Tugas ini.
3. Melaporkan hasil kegiatan penelitian kepada Dekan Fakultas Hukum.
4. Melaksanakan tugas ini dengan penuh tanggung jawab.

Selesai.

Ditetapkan di : Jakarta
Pada tanggal : 16 September 2022
Dekan Fakultas Hukum,

Dr. Ika Dewi Sartika Saimima, S.H., M.H., M.M.
NIP. 2001450

NOVATEUR PUBLICATIONS
JournalNX- A Multidisciplinary Peer Reviewed Journal
ISSN No: 2581 - 4230
VOLUME 8, ISSUE 7, July-2022

LEGAL ASPECTS OF PROTECTING CHILDREN VICTIMS OF CYBERBULLYING IN INDONESIA

Fransiska Novita Eleanora
Universitas Bhayangkara Jakarta Raya, Indonesia
fransiska.novita@dsn.ubharajaya.ac.id

ABSTRACT
The purpose of this paper is to find out the legal aspects of child protection as a result of cyberbullying, which is intimidation from cyberspace or from oppression of cyberspace and all forms of violence experienced or felt by children or adolescents and also carried out by friends of the same age as them in the world virtual. This action can also be considered as an act that is included in committing violence against children that is degrading to children, and this is a form of violation of children's human rights, the actions they take on social media are actions that do not go directly to the physical, but use other technologies. Therefore, there is a separate regulation in these provisions in addition to the enforcement of regulations on child protection and child welfare that provide protection to children from the point of view of age and since the child is in the womb, besides this bullying is violence in the form of psychic and its impact can cause children become mentally disturbed, and depressed and traumatized, and because children are the next generation of the nation**,** it is necessary to give special protection to children as victims of criminal acts of bullying.

Keywords: Child, Victim, Protection, Bullying

INTRODUCTION

The development of information technology and telecommunications facilities greatly influences developments in society and with these developments it can provide advantages and disadvantages, as a result of the use of this technology there is a trend of social media among teenagers through the use of social media, but sometimes it can provide losses in its use, namely [1] the existence of One of the negative impacts is the existence of cyber bullying. The act of cyberbullying has become a new phenomenon, especially among teenagers. Cyberbullying is more cruel than bullying because it leaves digital traces such as photos, videos, and writing, the impact of cyberbullying is also quite powerful because it can shake someone psychologically.

One of the factors that most influence the emergence of cyber bullying is the lack of moral education or character in children to respect others, then several factors that generally cause a child to be bullied due to differences in race, religion, economic/social factors and psychological factors, due to From what is known as cyber bullying, it turns out that it can bring or give victims to children, in other words, there are impacts that are felt by children as victims, namely withdrawing from the social environment, feeling ostracized from the environment, disrupting physical and mental health, depression, trauma and even wanting to suicide

Children as victims of cyberbullying will feel depression and low self-esteem, even trauma and fear, this is what must be avoided so that children do not feel inferior and fearful or there are other factors that cause themselves and their souls to be uneasy, and the need for special protection for children in such situations and conditions, in the fulfillment of the enforcement and protection of their rights as victims [2]. The

fulfillment of the protection of children as victims of prohibited acts or acts is the obligation of every society and government to provide protection for children as victims. The victims here are victims of cyber bullying which is often used through social media, and sometimes it can cause depression and trauma for children

However, children must still be protected and guarded, because they are the successors of generations and the ideals of the nation, for this reason, the laws and regulations in Indonesia must see that the elements of a criminal act have been fulfilled, and if the perpetrator is a child it will be imposed or imposed sanctions or punishments that are different from the punishment for adults, not the same as adults because in this case the implementation is very different starting from the investigation stage to the stage of prosecution and punishment if the child is proven guilty.

Protection is also given since it is proven that the child has experienced acts of bullying in cyberspace with reports and complaints which can be accompanied by his parents or guardians that the child has been intimidated and has received unpleasant treatment through social media, be it through Facebook, or Instagram and so on.

Aspects of victim protection for children can be carried out or carried out with social recovery or rehabilitation, where in the implementation of the recovery because the child who is the victim will feel afraid, anxious and also not calm in his life and will have an impact on his psychosocial and mental health, it is also given social rehabilitation for children because children as victims of cyberbullying or cyber bullying have experienced psychological violence in their lives [3]

The protection given to the child is in accordance with and based on the existence of a regulation in Indonesia regarding the law on child protection, namely Number 35 of 2014 which is stated in Article 54 in conjunction with Article 9 paragraph 1a which states that children in the environment and education units must receive protection from acts of physical, psychological violence, sexual crimes, and other crimes committed by educators, education staff, fellow students and/or other participants.

In relation to the application of the rules in the form of the article above, the child is obliged to get protection from all acts of violence in the form of physical or that affect his psychic body which is directed to his psyche or mentality and even psychology, crimes in the form of sexual or other crimes that are classified as basically disturbing or damaging. Children as generations of the nation and its successors and in line with this, children as victims who suffer have the right to get the law and also its protection. Based on the above provisions, this paper will examine the legal aspects of protecting child victims of cyberbullying in Indonesia [4].

PROBLEMS

Based on the introduction above, the formulation of the problem is regarding the legal aspects of the protection of child victims of cyberbullying in Indonesia.

RESEARCH METHODOLOGY

Using a normative method means by using or referring to the literature, laws and regulations that have a correlation with the problem to be studied and can provide answers to these problems.

RESEARCH RESULTS

CYBERBULLYING

Cyberbullying or usually bullying from cyberspace in specific or legal terms is defined as an act in the form of a crime or a crime committed by someone intentionally in the form of slander and harsh words, also with insults and ridicule can also be done with threats. and harassment, where the actions and forms taken can [5] result in psychological violence to those receiving such treatment or commonly called victims, because it is very degrading to dignity and also intimidates others through cyberspace, and aims to experience psychological disturbances to the target, and can be done anywhere and anytime and by anyone

While the characteristics of cyberbullying include no physical violence, physical contact between perpetrators and victims is very little involved, in particular in using or utilizing equipment and technology, and telecommunications as well as its network and media and informatics can be utilized globally [6]. Because cyberbillying is included in cybercrime, in Indonesian law there are regulations in Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE).

There are several types of cyberbullying, namely:

1. Flaming an act where someone sends from a text message that contains text and frontal words and is also full of anger, which can also be in the form of insults and also mockery as well as provocation or offending other people and this is flaming in the form of action.
2. Harassement, someone who in carrying out his actions through interference in sending messages via SMS, as well as e-mail and social networks with continuous intensity, where the perpetrators also often write comments with the aim of causing anxiety, and can also cause incitement in the form of words so that others can do the same.
3. Denigration is carried out with a deliberate act of deliberately spreading someone's ugliness, which as a result can damage and destroy the good name and reputation of a person on social networks.
4. Cyberstalking as a result of depression and also the magnitude of fear for the victim, due to the act of spying and disturbing and also his reputation is being polluted which is intensely carried out
5. Impersonation sends unfavorable status and messages to expedite the action by impersonating someone else by pretending to act
6. Outing and trickery what is meant by Quting is an action taken to spread other people and their secrets including personal photos of someone and the impact can cause depression and shame, while Trickey is a trick done to persuade other people to can obtain private and confidential photos of potential victims [7]

CHILD VICTIMS OF CYBERBULLYING

The term cyberbullying is known as cyberbullying, and is a form of intimidation towards someone with the aim of disturbing or degrading self-esteem and is clearly aimed at the victim. According to Indonesian Positive Law, an act that causes harm or suffering to other people and because it causes suffering is included in a criminal act, namely an act that can be punished or sanctioned [8] for the perpetrator of the unpleasant act.

It is called a criminal act because the act done harms other people, and to declare the act committed is an act of crime there are several elements that are fulfilled such as the existence of the subject, namely the perpetrator himself or the corporation as the person who committed the crime, the act has been regulated in the Act. regulations or laws, there is an error that is intentional because of intention and negligence

because the perpetrator is not aware of the consequences of his actions resulting in the suffering of others and bullying in cyberspace, and is against the law associated with the element of error, as well as the time and place and the circumstances of the perpetrator

Children as victims are parties who experience suffering, because their ignorance often becomes predators for other predators, the victims referred to here can also occur because these actions occur as a result of associations using social media which result in children being cyberbullying or intimidated using other electronic means, and sometimes as a result of from existing actions or the child suffers psychologically and the consequences of this psychic are usually called violence.

In general, violence does not only include physical violence, but can also be other violence, but in criminal acts related to cyber bullying, psychological violence often occurs to children as victims, and can cause great suffering and harm to children if it happens. or experiencing psychic which is defined as an act that can result in the existence or emergence of fear, as well as loss of self-confidence, loss of ability to take action or act and/or a sense of helplessness, so that if violence like this occurs to children, it will appear to be humiliating. criticizing a child and also directly declaring the child is not good [9]

The suffering experienced by the child due to the child suffering from verbal abuse, the child will look very restless, feel inferior and do not dare to meet other people and the emergence of fear in the child, distrust in himself which sometimes results in the child being closed and can affect the child. of his psyche so that it can cause a deep sense of trauma for him where the feeling of trauma that is felt can disturb and damage his psyche and psychologically can cause anxiety in the victim [10].

Special attention to children must always be considered and given because children as the generation of the nation's successor who will later become the successors of the ideals so that they always have to get special attention from their families, teachers and even law enforcers themselves, and children receive special care. There is assistance and the fulfillment of their rights so that children can return to normal conditions, so that before children interact on social media, every action they take must be monitored.

In line with the child as a victim, the child is also the perpetrator of the crime of cyber bullying, the occurrence is due to several factors, the level of children's happiness that can affect activities in cyberspace, because they do not get happiness, children look for happiness elsewhere by laughing at people who experience it. disaster or being oppressed, children also often experience boredom and do not get appreciation from the teacher so that they [11]

Often looking for another place to get rid of boredom, and looking for appreciation or another existence in cyberspace where what is called an appreciation here is feeling like being respected or feared by others by showing that in that way other people will feel reluctant and afraid and have a stigma. or a stamp that he has a privilege that makes him feel valued by others, a tendency to want to be appreciated because he is in his place of residence or is not getting the attention of the people around him, so that he vents through other social media.

CHILD PROTECTION POLICY

Policy or strategy in child protection is an order in providing adequate protection so that children are protected from all violence and exploitation or neglect and wrongful treatment and also other actions that endanger them and damage and disrupt their lives and their existing rights. The protection in question gives the perception that everyone without exception must provide special protection to children, whether children are in the category of perpetrators or victims, especially in protection not only limited to what is

meant above but also including children who are or with disabilities with the existence of several rules. issued by the Government to provide adequate protection to children in the protection and fulfillment of children's rights

The application of written rules or legislation is intended so that there is a basis for the community to always participate in providing protection so that children do not become victims and perpetrators of cyber bullying. controlling the behavior of children and family activities can also be friends for children, the existence and growing sense of closeness and longing of children to their families, especially their parents so that children often want to tell all their problems to their parents without fear or stiffness [12]

In addition, the school can also control so that children do not fall into acts of bullying in cyberspace, it is necessary to provide understanding and increase awareness for children, and extracurricular programs that are considered dangerous do not need to be implemented or removed, everything must be in accordance with the needs and interests the best for a child, because protecting children is not only providing protection but also an effort to provide the welfare of the child.

The importance of protecting the rights of children is because children are still not unstable in doing everything so there is a need for supervision and protection from adults including the community, where the community must instill a sense of concern for children, the concern in question is to prioritize the best interests for them and not impose self-will or being selfish, placing the interests and rights of the child first and foremost

The characteristics of repeated cyberbullying are that it is very dangerous because psychologically torture is carried out by intentional actions that occur in cyberspace and which causes it to occur as a form of retaliation or suppression of actions carried out by previous cyberbullies and mostly to get a cool impression. and tough from the perpetrators as well as the envy or envy of other people who will be made from cyberbullying and also the target [13]

For this reason, because children are the generation that will continue the ideals of the nation including its struggle, everything needs to be made a policy which is the legal basis as a reference in providing protection and fulfillment of children's rights, where this policy is very binding and must be followed by everyone, where if If a violation occurs, the consequences will be given a penalty or sanction for the violator, including also applies to children as perpetrators of criminal acts, namely cyberbullying or bullying from cyberspace, but for children as perpetrators, restorative justice is usually carried out or carried out which results in diversion, namely from formal to informal processes in Child dispute resolution can be carried out through deliberation

The policy form of children and their protection can be implemented through the Convention on the Rights of the Child which is accommodated by the existence of a set of laws on the protection and welfare of children including the rules regarding the human rights of humans, where the convention provides a comprehensive framework for protection and also provides for the protection of children. and participate for children entirely without intimidation and violence and ensure their development and continuity, as well as policies in national legislation both from the central and regional levels for all development in particular, as well as procedures and guidelines related to children. children and development must be in line with existing regulations.

LEGAL ASPECTS OF CHILD VICTIMS OF CYBERBULLYING

The provisions of the Indonesian legal regulations based on existing regulations, namely the Information Law and electronic transactions as well as child protection and child welfare, place and explain clearly children and their definitions as well as protection and sanctions for violators of children's rights, where the right in question is the right to so that children always grow and be healthy until adulthood. In the Law regarding information and electronic transactions, there are several contents that are regulated in it and are binding on Indonesian citizens who are both at home and abroad, meaning that there is a principle of personality that follows wherever they are and is binding [14]

Regarding Information and Electronic Transactions, it regulates several provisions or actions that can be punished along with the length of the sentence that will be imposed or sentenced by the judge, where such provisions have a charge that violates decency, as well as insults and / or also his good name is polluted and extortion is also carried out. threats and also to ethnicity, religion, race and also you between groups (SARA) spreading feelings of hostility or hatred aimed at individuals or groups from certain communities as well as threats that are personally made to frighten with violence aimed at victims or targets

If there is an act called a crime and a violation is committed, then the provision is accompanied by threats of sanctions or punishments for those who violate it and this rule in general, whereas if the perpetrator is a child then to protect it because the child is considered not to understand what he is doing then there is a protection law. and child welfare that provides complete and comprehensive protection if the child is already referred to as the perpetrator, from the start of the examination stage, diversion is sought so that the child is not punished because it aims to protect his rights [15].

In line with these provisions, there are regulations that regulate efforts to provide protection for children and their welfare as well as, the protection provided is that which is given if the child is a victim of a criminal act as a result of cyberspace, it will lead to mental and mental health so that recovery and rehabilitation are necessary. However, if the level of the child's condition gets worse, medical rehabilitation and treatment will be given.

Social rehabilitation is intended as a process of re-functionalization and development in order to enable a person to be able to carry out his social functions properly in social life, in providing this rehabilitation is the authority of the social service through several stages, namely the initial approach, the orientation stage, as well as assessment, and case meetings, implementation of social rehabilitation, social advocacy, and the provision of assistance from a productive business stimulant package, with the handling and provision of rehabilitation for children as victims, the priority is that children can return to normal and can forget everything and be carried out or carried out This gradual and social rehabilitation also directs the victim to be able to accept his situation and return to the community and the most important thing is not to get stigma or a bad stamp among others and be willing to accept it again. ali and not revealing the disgrace or past of the victim [16]

In addition, there is the provision of compensation to children who are victims of an act referred to in the category of criminal acts, namely crimes such as getting restitution and compensation, restitution is compensation given to the perpetrator due to his actions so that the victim suffers and compensation here is defined as compensation. The loss imposed on the perpetrator is due to a decision from a court that has permanent legal force for material and/or material losses suffered by the victim or his heirs, while compensation is the responsibility of the state to provide compensation to its citizens where the provision

of compensation will The loss in question is because the state is considered to have failed to protect its citizens so that actions occur that disturb the peace and order of the community [17]

However, in criminal acts related to cyber bullying, it is only stipulated in the provision of restitution and this rule already exists in Government Regulation Number 43 of 2017 namely Implementation of Restitution for Children who are Victims of Criminal Acts which was legalized on October 16, 2017 and promulgated in the State Gazette. Republic of Indonesia Year 2017 Number 219 and on October 16 year 2017, with the existence of these regulations, it is said that restitution can be in the form of property being returned, the provision of compensation for loss or suffering [18] and or reimbursement of certain costs or actions and its implementation is a decision from a court that has had permanent legal force

CONCLUSION

The legal aspect in protecting children in cyberspace or cyberbullying, where in the provisions of the rules that children as victims get recovery and also social rehabilitation in the form of children and their protection, social rehabilitation which is carried out through stages of recovery and treatment and restores mental and mental health so that they can be normal. and it works again. In addition, the provision of restitution for children in the form of compensation in the form of property that is returned, the provision of compensation for loss or suffering and or reimbursement of costs or certain actions and its implementation is a decision from a court that has permanent legal force.

REFERENCES

7. Sukmawati, Agustin & Ayu Puput Budi Kumala, (2020). Dampak Cyberbullying Pada Remaja, Alauddin Sci J Nurs, 1(1) 55–65
8. Bunga, D., Hiariej, O.S., (2019). Cyberbullying on Children in Victimology Perspective, Sociologocal Jurisprudence Journal, 2 (2), 116-121
9. KPAI. (2020). Sejumlah Kasus Bullying Sudah Warnai Catatan Masalah Anak di Awal 2020, Begini Kata Komisioner KPAI.
10. Wahanisa, R., Prihastuty, R & Noho, M.D.H., (2021). Preventive Measure of Cyberbullying on Adolescents in Indonesia : A Legal Analysis, Lentera Hukum, 8 (2), 267-294
11. Budhijanto, D. (2010). Hukum Telekomunikasi, Penyiaran & Teknologi Informasi Regulasi & Konvergensi. Refika Bandung: Aditama.
12. Minin, A.R., (2017). Kebijakan Kriminal Terhadap Tindak Pidana Intimidasi Di Internet (Cyberbullying) Sebagai Kejahatan Mayantara (Cyvercrime), Legalite, Volume II No. 02 Edisi Juli-Desember, 1-18
13. Rasdi., Sumardiana, B., Wicaksono, S.S., & Ramada, D.P (2021). Social Response of Legal Prevention For Cyberbullying To Children (A Comparative Studies On Cyberbullying To Children Of Indonesia And Tahailand), SEAJBEL, 4 (1), 83-90
14. Ericson, (2001). N. Addressing the Problem of Juvenile Bullying; U.S. Department of Justice, Office of Justice Programs, Office of Juvenile:District of Columbia, WA, USA
15. Indrayani, Sheira Ayu & Citra Aulia Johansari, (2019). Cyberbullying Use on Teenage Artists and Its Implications on Increasing Awareness of Bullying Litera, 18 (2), 275–296.
16. Songsiri, N. & Musikaphan, W. (2011). Cyber-bullying among Secondary and Vocational Students in Bangkok. Journal of Population and Social Studies, 19 (2)

17. Li, Qing, (2010). Cyberbullying in high schools: A study of students' behaviors and beliefs about this new phenomenon, 19:4 J Aggress Maltreatment Trauma 372–392.
18. https://www.dslalawfirm.com/cyberbullying/ Cyberbullying : Pengertian, Dampak & Kasus Cyberbullying di Indonesia diakses 27 Januari 2022
19. A.C. Baldry, D. Farrington, A. Sorrentino, (2015). Am I at risk of cyberbullying"?. A narrative review and conceptual framework for research on risk of cyberbullying and cybervictimization: The risk and needs assessment approach, Aggression and Violent Behavior, 23, 36-51
20. Putrianti, F.G., Wijayanti, A., & Listiyani, L.R., (2020). Pencegahan Cyberbullying dengan Ajaran Ki Hadjar Dewantara, PLAKAT Jurnal Pelayanan Kepada Masyarakat, 2 (2), 130-139
21. Nashriana (2012). Perlindungan Hukum Pidana Bagi Anak di Indonesia. Jakarta: Raja Grafindo Persada
22. Frensh, Wenggedes, et al., (2017). "Kebijakan Kriminal Penanggulangan Cyber Bullying Terhadap Anak Sebagai Korban" Usu Law Journal 5 (2), 34-45.
23. Sunarso, S. (2012). Viktimologi dalam Sistem Peradilan Pidana. Jakarta: Sinar Grafika