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Cyberbullying and Child Protection in Cyberspace: Legal Perspectives and Practical Solutions

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Abstract

Cyberbullying has become a significant problem in the digital realm, particularly affecting children who are frequently susceptible to its detrimental consequences. This phenomenon presents significant hazards to the mental and physical health of victims, while also cultivating a perilous digital environment. This article aims to provide a comprehensive examination of cyberbullying from a legal perspective, analyzing its diverse impacts on individuals and society as a whole. It additionally examines efficacious ways for prevention and intervention. The research employs an interdisciplinary approach, drawing on insights from legislative frameworks, educational methods, and technological advancements to propose comprehensive solutions. The paper also analyzes real-life situations in Indonesia, including the incidents of "Audrey in Pontianak" and "Luluk Nuril," emphasizing the obstacles encountered and the prospects for protecting minors online. The essay concludes with practical recommendations, emphasizing the need for collaboration among governmental bodies, community organizations, and individuals to foster a digital environment that prioritizes safety and promotes children's well-being. This research aims to contribute to the debate on cyberbullying and foster a safer digital future for young people.

Keywords : Cyberbullying, Child Protection, Cyberspace, Cyber Ethics, Law, Practical Solutions

INTRODUCTION

Information and communication technology has yielded various advantages; nevertheless, it has also introduced new concerns, such as cyberbullying. Cyberbullying denotes bullying practices executed using digital media, including social media, instant messaging applications, and several other platforms. Children often become the primary victims due to their susceptibility to social pressure and inadequate digital literacy. This article aims to examine the role of law in preventing and combating cyberbullying, while proposing comprehensive strategies for mitigation.

Cyberbullying is not merely an individual concern; it constitutes a societal challenge that

necessitates significant attention. Numerous victims refrain from reporting their experiences owing to feelings of shame, fear of retribution, or insufficient support from their environment. Consequently, many incidents remain unreported, allowing offenders

In Indonesia, the rapid advancement of technology has not been matched by sufficient digital literacy, particularly among children and adolescents. The absence of comprehension concerning digital ethics and the threats of cyberbullying renders individuals vulnerable to becoming both victims and aggressors. The situation is aggravated by the lack of targeted and effective measures to combat cyberbullying.

Furthermore, the repercussions of cyberbullying reach beyond the victims to encompass their families, friends, and communities. This behavior undermines social cohesion and fosters discomfort in the online realm, which should be a secure and inclusive environment for all users.

Legal Basis for Cyberbullying in Indonesia

¹ Law Number 1 of 2024 concerning
¹ Electronic Information and Transactions

Article 27A: It forbids any person from assaulting the honor or reputation of another using ¹ electronic information and/or electronic documents. The utilization of social media platforms to disseminate defamation, slurs, or misinformation that tarnishes an individual's reputation is encompassed by this article. This sanction seeks to preserve the dignity and reputation of individuals inside the digital realm.

Article 45, paragraph (4), stipulates a maximum criminal penalty of ¹ two years' imprisonment and/or a fine not exceeding Rp 400 million for those who transgress Article 27A. This regulation aims to dissuade offenders and establish a secure digital environment.

⁴ Criminal Code

Article 310, paragraph (1): It governs the offense of verbal slander. An individual may incur a maximum prison sentence of 9 months or a monetary penalty if it is legally and conclusively established that they have engaged

in verbal defamation that harms another's reputation.

Article 310, paragraph (2), pertains to defamation by written or visual mediums, potentially incurring a maximum imprisonment of 18 months or a monetary penalty. Instances encompass social media posts with text, images, or videos that convey insults.

Article 311: It stipulates that if the defamation is established as false, the offender may incur supplementary penalties. This article is essential for averting the dissemination of false allegations that compromise an individual's integrity.

⁹ Law Number 35 of 2014 concerning Child Protection

Article 76C: It forbids anyone from perpetrating violence against minors. Cyberbullying, characterized by threats, intimidation, or emotional abuse directed against children, constitutes this category of offenses.

Article 80, paragraph (1), stipulates a maximum ⁶ imprisonment of 3 years and 6 months and/or a fine not exceeding Rp 72 million for those who transgress Article 76C. This sanction seeks to safeguard children from digital violence that may adversely impact their development in the long term.

Articles 81 and 82 stipulate more severe penalties for crimes involving the sexual exploitation or abuse of children in a digital context.

Regulation of the Minister of
 Communication and Information Technology

Regulation Number 5 of 2020: It regulates the deployment of electronic systems to mitigate harmful content, including cyberbullying. Digital platform providers must implement reporting systems and eliminate illicit information within a designated timeframe.

Regulation on Digital Ethics: It advocates for the incorporation of digital ethics education to mitigate unethical conduct in the digital realm.

International Convention

As a signatory to the UN ⁸ **Convention on the Rights of the Child**, Indonesia is obligated to safeguard children from all forms of violence, including cyberbullying, by national laws that promote ⁷ **child welfare**.

Indonesia, having accepted the UN **Convention on the Rights of the Child**, is obligated to safeguard children from all forms of violence, including cyberbullying, by national policies that enhance child welfare.

Effects of Cyberbullying on Children

Cyberbullying yields considerable immediate and enduring consequences, encompassing:

- **Psychological:** It induces tension, anxiety, depression, and diminishes self-esteem. A child subjected to cyberbullying on social media may experience shame as a result of public humiliation. This societal pressure may cause individuals to retreat from their

educational setting and social engagements, potentially resulting in hesitance to communicate with family or intimate friends. Chronic shame can evolve into profound anxiety, causing the individual to feel insecure even in environments that should provide solace, such as their home.

- **Physical:** It causes sleep difficulties, migraines, and many health complications stemming from mental stress. A child subjected to nasty remarks on social media may experience difficulty sleeping due to persistent thoughts about the teasing endured. Insufficient sleep can lead to persistent headaches and exhaustion, thereby impairing concentration and daily functioning. Mental stress can, in certain instances, induce digestive problems or diminish appetite as a consequence of the stress encountered.
- **Academic:** It leads to diminished academic performance and an aversion to attending school. A child persistently subjected to ridicule in an online class may experience embarrassment or fear while confronting their peers at school. Consequently, the child may become disenchanted with learning and begin to evade tasks assigned by educators. The apprehension of confrontation or additional mockery may compel the youngster to skip school,

thereby significantly diminishing their academic performance.

- **Social:** It results in social isolation and challenges in establishing interpersonal interactions. A child who is consistently harassed on social media may become apprehensive about engaging with their peers. This may cause children to disengage from group activities, including extracurriculars or social gatherings at school. The fear of rejection or additional humiliation often leads the youngster to isolate themselves, hindering their ability to cultivate healthy and supportive interpersonal relationships.

In light of the aforementioned context, safeguarding children in the digital realm constitutes a collective obligation of the government, educational entities, parents, and society at large. Cooperation among diverse stakeholders is crucial for establishing a secure digital environment that fosters children's development positively.

METHOD

This paper employs a qualitative research methodology, utilizing a literature review technique, to gain a comprehensive understanding of the phenomena of cyberbullying and child protection in the digital

realm. The research procedures are methodically organized to guarantee that the data obtained is both valid and pertinent to the study objectives.

Literature Identification

The preliminary phase of the research entails reviewing literature pertinent to cyberbullying, child safety, and legal frameworks in Indonesia. The utilized sources comprise contemporary scientific publications published within the past five years, academic texts, and official reports from governmental agencies or international organizations such as UNICEF. Furthermore, pertinent case studies from esteemed media sources are taken into account. The identifying procedure utilizes terms such as "cyberbullying," "child protection," "digital law," and "Indonesia." The search platforms include academic databases, such as Google Scholar, as well as regional journals.

Literature Content Analysis

Upon collecting the pertinent literature, the subsequent stage is to perform a content analysis to discern patterns, deficiencies, and recommendations from diverse sources. The analysis involves a thorough examination of each source to comprehend the context and content. The material is thereafter classified according to primary themes, including psychological effects, legal frameworks, and preventive technology. The findings in Indonesia are also compared with global practices to provide a broader perspective.

RESULTS AND DISCUSSION

Case study

Case studies serve to illustrate the real-world effects of cyberbullying and the corresponding legal solutions. Cases such as "Audrey's Case in Pontianak" and "Luluk Nuril's Case" are examined to discern the deficiencies and merits of the existing protection system. The analysis involves mapping the timeline of the instances through credible media, identifying the legal measures taken by the relevant parties, and assessing the community's involvement in supporting the victims.

Preparation of Recommendations

Recommendations are formulated to improve kids' protection from cyberbullying,

based on the findings from the literature review and case studies. The development of these guidelines involves synthesizing research findings with exemplary practices from several countries. Discussions center on the potential use of technology, such as AI, to mitigate cyberbullying. Furthermore, there is a focus on cooperation among the government, communities, and individuals.

Prevention and Handling Strategies

Strategies for Prevention and Management:
The subsequent measures for prevention and management are summarized in a table for clarity and ease of reference.

Table 1.

Strategy	Description	Parties Involved
Digital Literacy Education	Enhance comprehension of cyber threats and methods for safeguarding against cyber assaults.	Schools, parents, government
Strengthening Regulation	Establishing robust policies and facilitating the enforcement of legislation through the engagement of digital service providers.	Government, digital service providers
Psychological Approach	Delivering therapeutic services to rehabilitate the mental well-being of victims.	Schools, psychologists, NGOs
Technology Development	Utilizing artificial intelligence (AI) technologies to identify and eliminate detrimental information autonomously.	Researchers, technology developers Researchers,

Public Awareness Campaign	Engaging the broader population to alter attitudes against cyberbullying via mass media and social media.	Media, society, government
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CONCLUSION

Cyberbullying becomes a grave menace that profoundly affects children. Within the legal framework, despite the existence of legislation such as the ITE Law and the Child Protection Law, their implementation requires enhancement, particularly in terms of law enforcement and public awareness initiatives. The psychological impacts of cyberbullying impact victims not only in the near term but also have enduring consequences that can impede their development.

This phenomenon underscores the necessity for a multidisciplinary approach that integrates legal, educational, and technical dimensions. Digital literacy education is essential for enhancing awareness among children and adults regarding the perils of the internet environment. Moreover, the advancement of technology, such as artificial intelligence, can function as a mechanism to identify and mitigate content that includes aspects of digital bullying.

Effective collaboration among the government, communities, and individuals is essential. The government must enhance rules and digital infrastructure to guarantee a secure online environment. Conversely, the roles of

parents and educational institutions in delivering character education and digital literacy are equally significant. A comprehensive and cooperative strategy can help mitigate the risk of cyberbullying, fostering a safer and more constructive digital environment for young people.

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