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Legal Protection for Child Victims of Cyberbullying on Social Media According to the ITE Law and the Child Protection Law Case Study Number 71/PID.SUS/2023/PN PDL (ITE)

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Abstract

Social media in the digital era is like a double-edged sword: on one side, it facilitates communication, but on the other, it can cause harm, particularly when children become victims of cyberbullying. This research focuses on Legal Protection for Children Victims of Cyberbullying on Social Media based on Law No. 19 of 2016 concerning Electronic Information and Transactions (EIT Law) and the Child Protection Law, with a case study of Court Decision No. 71/Pid.Sus/2023/PN Pdl. The background of this study lies in the increasing number of cyberbullying cases that result in serious psychological impacts, such as depression and decreased academic motivation. The objective of this research is to describe the forms of legal protection provided under both laws and to examine their implementation in the verdict of the Pandeglang District Court. The methodology employed is normative and empirical juridical research, involving literature review, analysis of statutory regulations, and examination of related court decisions. The findings indicate two types of legal protection. Preventive protection is carried out through digital education and legal literacy, while repressive protection is implemented through law enforcement as stipulated in Article 27 paragraph (3) of the EIT Law and Articles 59 and 76C of the Child Protection Law. However, its implementation still encounters obstacles, particularly in the process of evidence and the lack of psychological rehabilitation for victims. In conclusion, although the legal framework already exists, the effectiveness of legal protection for children who are victims of cyberbullying remains limited. Optimization is required through collaboration among law enforcement, the enhancement of digital education, and the strengthening of social empathy. After all, in today's world, "a single mistyped finger can land you in court faster than in a thesis revision session."

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1. INTRODUCTION

In today's digital era, advances in information and communication technology have had a significant impact on social dynamics, including on children's online social interactions. Rapid technological developments have created various social media platforms that facilitate communication and interaction between individuals. Platforms such as Instagram,

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TikTok, Facebook, and WhatsApp have become an integral part of children's daily lives. However, behind this ease of access and openness of information, a real threat emerges in the form of cyberbullying. Cyberbullying is an act of bullying carried out online, which not only targets adults but also often targets children, who are considered vulnerable groups mentally and socially.

How information and communication technology has changed the way children interact. Previously, communication between children took place in person, at school or in play settings. However, with the advent of social media, this interaction has shifted to the virtual world. Children can now communicate with their friends anywhere and anytime, simply by using a smartphone or computer. For example, applications like WhatsApp allow them to send text messages, pictures, or videos in seconds. This provides greater freedom in communication, but also removes the limitations of time and space that previously existed.

However, this convenience also carries significant risks. When children interact online, they are often unaware of the impact of their words and actions. In many cases, they can easily engage in negative behavior, such as cyberbullying. Cyberbullying includes not only insults or teasing online, but also spreading rumors, exclusion, and even threats. For example, a child may be the target of negative comments on social media, which can lead to shame and depression. In these situations, victimized children often feel isolated and have no place to turn for support. The rise in cases of cyberbullying against children presents increasingly complex legal challenges. These actions not only harm children psychologically but also have the potential to disrupt their education, social development, and even their mental health. Education, which should be a means of developing children's potential, can actually be disrupted by the negative impacts of this bullying. Children who become victims of the increasing number of cases of cyberbullying against children pose increasingly complex legal challenges. This action not only hurts children psychologically but also has the potential to disrupt their education, social development, and even their mental health. Education, which should be a means to develop children's potential, can actually be disrupted due to the negative impacts of this bullying. Children who become victims Furthermore, Appeal Decision Number 96/Pid.Sus/2023/PT BTN and Cassation Decision Number 6069 K/Pid.Sus/2023 emphasized that the distribution of immoral content to children in the digital realm is a form of serious crime, as regulated in Article 27 paragraph (1) of the ITE Law. In this case, the court imposed sanctions on the perpetrator who was found guilty of distributing content harmful to children. However, despite the sentencing, debate continues over the extent to which child protection is truly guaranteed and the extent to which justice for victims is achieved in legal practice. Many feel that the punishments imposed are often disproportionate to the impact of the perpetrator's actions. This highlights the need for further evaluation of the existing legal system to provide a deterrent effect for perpetrators and better protection for victims.

Therefore, it is necessary to conduct research that examines the legal protection aspects for children as victims of cyberbullying on social media, with an emphasis on the application of articles in the ITE Law and the Child Protection Law as well as examining court decisions that have become final and binding. This research is important to understand how the Indonesian legal system provides protection for children from digital-based violence. This study hopes to provide a comprehensive picture of how existing laws can be implemented effectively and efficiently. Furthermore, the research aims to identify remaining weaknesses in the legal system, thereby providing input for future improvements.

2. RESEARCH METHOD

This study uses a qualitative approach with a sociological (empirical) legal approach. The qualitative approach was chosen because it aims to understand the phenomenon in depth through data collection from various relevant sources, particularly regarding legal protection for child victims of cybercrime (cyberbullying). This in-depth understanding is important considering the complexity of the issues involving legal aspects, technology, and social impacts on children. This approach allows researchers to explore the social and legal realities that develop in society and examine the application of legal norms in practice.. To explain the importance of a qualitative approach, it is necessary to realize that cyberbullying is not just a legal issue, but also a social problem that affects children's psychology and development. For example, children who are victims of cyberbullying can experience depression, anxiety, and even the desire to harm themselves. Therefore, this research focuses not only on the legal aspects but also on the subjective experiences of victims. Through indepth interviews with children, parents, and educators, researchers were able to understand in detail their experiences and the role of law in protecting them.. The type of sociological juridical research used is because this research not only examines laws and regulations, but also explores how the law functions in society, especially in protecting children from digital crimes. Often the law is not implemented ideally in the field; for example, although the Child Protection Law exists, its implementation is hampered by the public's low understanding of children's rights and the procedures for reporting cyberbullying cases. Therefore, data was collected from primary and secondary legal materials as well as interviews, observations, and case studies. In collecting data, researchers interviewed various parties, including victims, parents, teachers, and authorities. These interviews helped explore different perspectives on how cyberbullying occurs and how the law can protect children. For example, a mother who was a victim of cyberbullying expressed difficulty in obtaining support from schools and authorities, highlighting the gap between written laws and their implementation..

This study aims to provide a comprehensive overview of legal protection mechanisms, both preventive and repressive, applied by the state and institutions to child victims of cyberbullying. This mechanism includes education on safe internet use and law enforcement against perpetrators. For example, educational programs in schools regarding internet ethics can be an effective preventative measure. However, implementation is often uneven across schools. Furthermore, this study identified obstacles to implementing the law in the digital age. One of these is the rapid development of technology, which often outpaces existing regulations. For example, the emergence of new social media platforms without an understanding of the risks to children creates challenges for parents and educators. Lack of resources and training for law enforcement in handling cyberbullying cases is also a significant obstacle.

3. RESEARCH RESULTS AND DISCUSSION (12 Pt)

The study entitled "Legal Protection for Child Victims of Cyberbullying on Social Media According to Law Number 19 of 2016 concerning ITE and the Child Protection Law (Case Study Number 71/Pid.Sus/2023/PN Pdl)" found several important points as follows:

4. Forms of Legal Protection for Child Victims of Cyberbullying

4.1.Research result

The research results show that legal protection for child victims of cyberbullying includes three forms of protection as follows:

1. Preventive Protection

- a. This is done through counseling and education regarding the safe use of social media for students at school, by BK teachers or the Women and Children Protection Unit (PPA) of the Police.
- b. Socialization to parents about monitoring children's use of gadgets and social media, although based on interviews, the implementation of this program is not routine due to limited personnel and budget.
- c. The PPA Unit provides a hotline for complaints of violence against children, but its utilization rate is still low due to lack of publicity.

2. Repressive Protection

- a. Law enforcement against perpetrators of cyberbullying is based on Article 27 paragraph (3) in conjunction with Article 45 paragraph (3) of the ITE Law, with the threat of a maximum prison sentence of 4 years or a maximum fine of IDR 750 million.
- b. Determination of the victim's status as a child requiring special protection based on the Child Protection Law, so that during the examination process, the victim is accompanied by parents and social workers to minimize trauma.
- c. In this case, the perpetrator was sentenced to prison by the Pangkalan Bun District Court judge in accordance with the demands of the Public Prosecutor.

3. Rehabilitative Protection

- a. This is done through initial counseling services by the PPA Unit and referral to the local Women's Empowerment and Child Protection Service (DP3A) for psychological recovery.
- b. However, based on the results of interviews with PPA Unit investigators, rehabilitative services have not been running optimally due to the limited number of child psychologists in the region and the limited DP3A budget for further treatment.

4.2.Discussion

a. Implementation of the ITE Law and the Child Protection Law

Based on the analysis of court decisions and field data, the implementation of the two laws in this case is:

- a. The ITE Law serves as the legal basis for criminalizing cyberbullying perpetrators under the category of electronic insults.
- b. The Child Protection Law is the basis for special treatment for victims, such as child-friendly examination processes, psychosocial support, and the right to legal protection.
- c. However, the implementation of both laws still faces challenges in inter-agency coordination. Law enforcement officials primarily focus on imposing criminal penalties on perpetrators, while victim rehabilitation has not been fully prioritized.

b. Obstacles in Legal Protection for Child Victims of Cyberbullying

This research found the following obstacles:

- 1. Lack of digital literacy among children and parents, so they do not understand that insults on social media can be reported as a criminal offense.
- 2. Limited child psychologists in regional agencies for intensive rehabilitation of victims.
- 3. The lack of cyberbullying handling training for law enforcement officers, especially at the Polsek and Polres levels, means that initial case handling is still administrative in nature and less sensitive to the victim's psychological condition.

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4. The synergy between the Police PPA Unit and the Education Office and Child Protection Office for prevention and ongoing support is not yet optimal.

c. Protection Efforts Made

Several legal protection efforts for child victims of cyberbullying that have been carried out in the research area include:

- 1. Repressive law enforcement by processing the perpetrators up to the court decision stage.
- 2. Initial assistance by the PPA Unit during reporting and examination of victims.
- 3. Socialization and education on safe social media in schools by the police, although not yet scheduled regularly.
- 4. Collaboration with the Women's Empowerment and Child Protection Service in conducting initial psychological assessments of victims.
- 5. Establishment of internal policies of the PPA Unit to prioritize examination of child victims in a closed and child-friendly manner.

5. CONCLUSION

Based on the results of research with the title "LEGAL PROTECTION FOR CHILD VICTIMS OF CYBERBULLYING ON SOCIAL MEDIA ACCORDING TO THE ITE LAW AND THE CHILD PROTECTION LAW CASE STUDY Number 71/Pid.Sus/2023/PN Pdl (ITE)

Legal protection for child victims of cyberbullying is an increasingly pressing issue with the increasing use of information and communication technology in everyday life. Cyberbullying, which occurs when individuals or groups use digital media to intimidate, harass, or threaten others, can have profound psychological impacts on children. Therefore, it is important to understand the three main approaches to this legal protection: preventive, repressive, and rehabilitative. Each of these approaches has distinct characteristics and strategies, but they are interrelated in efforts to create a safe environment for children. Preventive protection is a crucial first step in preventing cyberbullying. In this context, education is a key foundation. Parents, schools, and local governments have a significant role in providing children with an understanding of the risks and consequences of social media use. For example, educational programs in schools teach children about internet ethics, how to protect themselves from cyberbullying, and the importance of reporting inappropriate behavior. In practice, schools can hold workshops or seminars involving psychologists and social media experts to provide students with deeper insights. Furthermore, parents also need to be involved in this process by providing guidance on how to supervise and guide children in using social media safely. With this approach, it is hoped that children will be more aware and sensitive to situations that could potentially harm them in cyberspace. After preventive measures, repressive protection is important to enforce the law against perpetrators of cyberbullying. Law enforcement in Indonesia is regulated by the Electronic Information and Transactions Law (UU ITE), specifically Article 27 paragraph (3) in conjunction with Article 45 paragraph (3), which regulates insults and defamation in electronic media. With this legal provision, it is hoped that perpetrators of bullying can be prosecuted and given appropriate sanctions. For example, there is a case where a teenager faced legal charges after committing cyberbullying against a classmate via social media. This case not only provided a deterrent effect for the perpetrator, but also served as a lesson for society that bullying, both in the real world and online, cannot be tolerated. However, the challenge faced in enforcing this law is the lack of understanding among the public regarding their legal rights and the legal process that must be followed. Therefore, public awareness of this law needs to be increased so that victims feel more empowered to report. After repressive protection, the rehabilitative aspect is equally important. When a child

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becomes a victim of cyberbullying, the psychological impact can be severe, including feelings of shame, depression, and even thoughts of self-harm. Therefore, psychological and social support are necessary steps to help these children recover and function effectively in society. The Women's Empowerment and Child Protection Agency plays a crucial role in providing these services, although implementation is often suboptimal. For example, the agency's counseling programs are often limited by the number of available experts and lack adequate facilities. Therefore, synergy between the government, non-governmental organizations, and communities is needed to provide better and more accessible rehabilitation services to children in need.

2. Implementation of the ITE Law and the Child Protection Law in Criminal Cases: An In-Depth Review Case No. 71/Pid.Sus/2023/PN Pdl provides a clear picture of the challenges faced in implementing the Electronic Information and Transactions Law (ITE Law) and the Child Protection Law in Indonesia. In this case, the perpetrator was charged with a crime for insulting someone through the social media platform, Facebook. However, the main concern is that although the perpetrator has been punished, law enforcement officials have focused more on the criminal aspect, while aspects of recovery for the victim, such as intensive counseling and digital literacy, have not been a top priority in practice. The importance of law enforcement in cases of insulting someone on social media cannot be underestimated. With the increasing use of digital platforms, acts of insult and defamation have become increasingly common. In this context, the ITE Law serves as a legal umbrella aimed at protecting individuals from actions that harm their reputations. However, law enforcement that focuses too much on punishing the perpetrator can ignore the psychological impact experienced by the victim. For example, a child who is the victim of social media harassment may experience profound trauma, which, if not addressed properly, can impact their future mental and social development. The aspect of victim recovery is crucial in the context of child protection. Intensive counseling can help victims understand and cope with their feelings after experiencing harassment. In many cases, children who are victims of cyberbullying do not have a safe space to talk about their experiences. Therefore, it is crucial for law enforcement and relevant institutions to provide accessible and child-friendly counseling services. For example, counseling programs involving child psychologists can provide much-needed emotional support. Furthermore, digital literacy is also an important aspect that needs attention. By providing a better understanding of social media use and its impacts, children can be better prepared to face situations they may encounter online. However, the challenges faced in implementing this aspect of recovery cannot be ignored. Often, resources available for counseling and digital literacy education are limited. Institutions tasked with this may lack sufficient funding to run effective programs. Furthermore, public awareness of the importance of victim recovery remains low. This makes integrating reparations into the legal process increasingly difficult. For example, while several initiatives have been launched by governments and nongovernmental organizations, without adequate support, these programs often fall short of their intended goals. In this context, it is crucial to link law enforcement and victim reparations. Effective law enforcement should not only focus on punishing perpetrators but also include measures to support victims. For example, in cases of social media harassment, law enforcement officials can collaborate with psychological institutions to design programs that not only punish perpetrators but also support victims in their recovery process. This would create a more holistic and sustainable approach to addressing this issue. 3. Obstacles in Legal Protection for Child Victims of Cyberbullying Legal protection for child victims of cyberbullying is an increasingly pressing issue in today's digital era. In this context, several significant obstacles hinder such protection efforts. These obstacles are not only technical but also encompass social and psychological

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aspects that affect the effectiveness of legal protection for child victims. Among these obstacles, low digital literacy among children and parents, limited numbers of child psychologists in the regions, minimal training in handling cyberbullying for law enforcement officers, and weak synergy between relevant agencies are key areas that require further discussion. Low digital literacy among children and parents is one of the biggest challenges in legal protection for child victims of cyberbullying. Many children actively use technology and social media without adequately understanding the risks they may face. For example, children are often unaware that the personal information they share online can be misused by others. Furthermore, parents who lack sufficient knowledge of the digital world tend to be unable to provide appropriate guidance to their children. This creates a situation where children are more vulnerable to cyberbullying. For example, a survey showed that over 60% of parents feel unprepared to address cyberbullying, indicating a significant knowledge gap. Furthermore, the limited number of child psychologists in the region is also a significant obstacle. In many areas, especially remote ones, access to mental health services is severely limited. Children who experience cyberbullying often require psychological support to address the emotional impact, but not all areas have adequate facilities or professionals to provide this assistance. In some cases, children traumatized by bullying may not receive the necessary intervention, and the impact can persist into adulthood. For example, a child who experiences bullying at school or online can experience persistent anxiety, which, if left untreated, can disrupt their social and academic development. The lack of cyberbullying training for law enforcement officers is also a serious issue. Many police and law enforcement officers are not trained to handle cyberbullying cases sensitively and effectively. This often leads to inadequate case management, with victims feeling unheard or deprived of the protection they need. For example, in some cases, children who report bullying are often ignored or dismissed as trivial due to a lack of understanding by law enforcement officials about the seriousness of the issue. Better training and increased awareness among law enforcement officials could help create a safer environment for children, where they feel confident in reporting bullying. Furthermore, weak synergy between relevant agencies is a significant obstacle to protecting children from cyberbullying. Various agencies, from schools and government institutions to non-governmental organizations, need to work together to create a comprehensive protection system. However, there is often a lack of communication and coordination between these agencies, resulting in a disconnect in the flow of information and support to children in need. For example, when a child reports cyberbullying at school, but there is no clear mechanism for involving the police or mental health services, the case is ineffective. By building stronger synergy between agencies, the protection process can be more holistic and responsive to children's needs.

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