# Legal Protection of Children Against Victims and Bullying Performers in the Digitalization Era

Mahmuda Pancawisma Febriharini[(✉)] and Benny Bambang Irawan

Universitas 17 Agustus 1945 Semarang, Semarang, Indonesia
mahmudapancawisma@yahoo.com

**Abstract.** This study aims to determine the legal protection of children against victims and perpetrators of bullying in the era of digitalization. Children are the future assets of the nation and the future generations of the nation, so children have the right to live, grow, and develop. Bullying is an important case to be followed up on. Cases of bullying with child perpetrators give us a question mark, such as how a child can commit violence that has such a bad impact on his friends. Especially in today's digital era where children can easily find spectacles and examples of such behavior around without direction and guidance. Supervision of parents and teachers at school. Legal protection for children who are victims of bullying is regulated in laws and regulations so that children do not continue to receive torture and so that children can get their rights, because children are the next generation to realize the ideals of the State. Law Number 35 of 2014 concerning Child Protection, is carried out through rapid handling efforts, including physical, psychological, and social treatment and/or rehabilitation, as well as prevention of disease and other health disorders. Legal sanctions for bullying can be punished by law - Law Number 11 of 2008 by being updated with Law number 19 of 2016 concerning Electronic Information and Transactions (ITE). Article 27 paragraph (3) of the ITE Law.

**Keywords:** Legal Protection · Bullying in the digital era

## 1 Introduction

The Indonesian nation is currently experiencing various trials that require government agencies and the community to side by side supervise and provide protection for children. The problems that exist today are not far from the consequences of the past which are the result of taking negative attitudes and actions against children in the past and present because of situations and conditions that encourage violence against children in general.

There are many ways of violations and violence committed against children, both physically and non-physically. And occurs in various environments both in the family, school, and community. Most of the violence occurs in the family environment. Starting from a father hitting his child to causing scars that can affect the mental state. This is the

conversation we have taken for granted. It is these small things that have a big impact on violence that occurs outside the family environment.

In recent years we have been surprised by various reports in the mass media about violence against children. Starting from the violence that causes permanent disability to violence that ends in a child's last breath.

Most violence against children occurs in the school environment, ranging from a teacher to his students, fellow students in the school environment, and students who are considered the "oldest" to those who are the smallest of them.

At this time the violence that is most in the spotlight is "bullying" that occurs in schools. Incident after incident of bullying is still happening in the school area. Cases of violence in the form of ridicule ranging from words to physical clashes have occurred in Indonesia for a long time, but have gone unnoticed.

Bullying behavior is one of the social problems that is often found among school children. Some bullying behaviors such as mocking, ostracizing, threatening, and attacking physically and verbally are things that most children often do to express themselves. Especially in the current digital era where children can easily find spectacles and examples of such behavior around without direction, further narrowing the definition of bullying in the school realm. They define school bullying as aggressive behavior that is carried out repeatedly by a person or group of students who have power, against other, weaker students, with the aim of hurting that person.

The more rapid the development of communication technology now, the easier it is for us to communicate. Especially during a pandemic like this, many activities must be done online. Studying, working, and even school is done online. From this, we know that the advancement of technology today has brought many positive impacts for us. However, there are not a few negative impacts that occur due to current technological developments. One of the most common ones we encounter is cyberbullying.

Cyberbullying is bullying or bullying using digital technology. Cyberbullying is aggressive behavior perpetrated by a group or individual using electronic means repeatedly against someone who is not seen as easily resisting these actions. As we know, now there are lots of social media that we can use such as Tiktok, Instagram, Twitter, Facebook, and many more. The wide reach of this communication technology makes people act arbitrarily. They use social media for their pleasure without thinking about others. Moreover, what we know now is that most social media is used as a place for physical competition or a place to show off so it makes some people jealous and the result will cause cyberbullying itself. They easily give bad comments without thinking about the feelings of the person they are bullying.

Maybe for some people cyberbullying is just a trivial matter, in fact cyberbullying is very dangerous. Cyberbullying can damage the victim's mentality, the victim becomes traumatized, depressed, and in some cases, the victim commits suicide because he feels unable to deal with it. With the rise of cyberbullying that is happening, we and other people must be careful when commenting on social media.

Cyberbullying This is one form of the negative impact of the development of Information and Technology. Cyberbullying hurts the psychological health of victims, especially children. Many victims of cyberbullying experience depression due to pressure and the effect of excessive fear in socializing. In Indonesia, cyberbullying is regulated in the

Criminal Code and the Electronic Information and Transaction Law. And if in this case cy,ber bullying involves children as victims and children as perpetrators in law enforcement, they must provide special protection because this has been regulated in the Child Criminal Justice System Act and the Child Protection Act.

## 2 Research Method

The type of research used in this research is the type of "juridical normative" research, because it uses legal norms to create, discuss and analyze the problems raised in the research. The specification of this research is a "descriptive analysis" research, because it will analyze the main issues studied based on legislation No. 35 of 2014 concerning child protection and Law No. 11 of 2008 with an update to Law No. 19 of 2016 concerning Information and Electronic Transactions.

## 3 Findings and Discussion

The explanation of Law Number 23 of 2002 explains that children are a mandate as well as a gift from God Almighty, which must always be protected because they have inherent dignity, dignity, and rights as human beings that must be upheld. Parents, families, and the community are responsible for maintaining and maintaining these human rights in accordance with the obligations imposed by law optimally and purposefully [1].

Understanding children related to age limits, found a lot of literature that gives different age limits for children. In this case, it can be traced based on the phases of child development that show the ability or ability of a child to act. This also results in mixed interpretations of the terms children and minors so that the size or age limit is also different.

The following is the legal age limit according to some laws:

a. Civil law
   Article 330 of the Civil Code, "Minors are those who have not reached the age of twenty-one, and have married first." Here the meaning of maturity is when a person is twenty-one full years old or is married. If you are under twenty but you are married, we say you are of legal age, even though you are divorced, you are still said to be an adult and will not return to the state of 'immature'.
b. Islamic law
   Compilation of Islamic Law article 9 paragraph (1), "The age limit for a child who can stand alone or as an adult is twenty-one years, as long as the child is not physically or mentally disabled or has never been married." This means that when he is twenty-one years old or married, he is not disabled or insane, and can be responsible for himself.
c. Child protection laws
   Law no. 35 of 2014 concerning Child Protection Article 1 paragraph (1), "A child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb." This means that the adult age limit according to this rule is 18 years and over [2].

Cases of bullying in children are increasingly prevalent in Indonesia. KPAI (2018) states that bullying ranks fourth in cases of child violence that occurred in Indonesia. In 2019, KPAI noted that victims of psychological violence and bullying were still the highest, and children who were victims of policies and physical violence were in second place. While the lowest cases are victims of beatings and sexual violence. KPAI data also shows that the majority of cases occur at the elementary school (SD) level. Of the 37 cases of violence at the education level from January to April 2019, 25 cases occurred in elementary schools, while the lowest was in universities with 1 case. This is in line with data provided by UNICEF which states that 8 out of 10 children experience bullying. According to the Department of Women's Empowerment and Child Welfare, harassment is any form of oppression or violence committed by a person or group of persons stronger than another with the intent to cause injury and is committed in connection with customary. Meanwhile, Riauskina, Djuwita, and Soesetio [3].

In 2020, 45% of children in Indonesia are victims of bullying in the digital world (cyberbullying). The children in question are those aged 14 to 24 years and throughout 2021 there are 17 cases involving students and educators [4].

Indonesia is included in the list of countries with a high number of cases of bullying. In addition to Indonesia, there are other countries such as Japan, Canada, USA, Russia and Korea. According to a survey, cases of bullying in Indonesia are quite high and are mostly on social media. Bullying is intensified against school children so children tend to experience cyberbullying which affects children's psychological development [5].

Bullying behavior is influenced by three factors. First; family relationships, the pattern of children's behavior is determined by the family, the behavior of respecting, appreciating, and understanding or even cursing, demeaning, and insulting each other, this pattern will be believed and imitated by children in their association. Second; peers, inferior and superior behavior from peers, bullies can be caused by feelings of revenge because they have been victims of bullying and the inability to handle emotions positively. Third; is the influence of the media, the survey results show 56.9% of children imitate the films they watch, 64% imitate the movements and 43% imitate the words [6].

Developments in information technology and telecommunications are also influencing people's behavior. If in the past the term "your mouth is your tiger" has changed to "your fingers are your tiger". From these little fingers, people will find slander, hate speech, vulgarity, hoaxes, fake news that hurt others to post. The most commonly seen case is cyberbullying through social media until the victim experiences depression.

Cyberbullying is a new phenomenon, especially among teenagers. Cyberbullying is crueler than bullying because it leaves a digital footprint such as photos, videos, and writing. The impact of cyberbullying is also quite powerful because it can shake a person's psychology.

Cyberbullying or cyberbullying can happen easily. The United Nations (UN) organization for children, Unicef defines cyberbullying as bullying using digital technology that can occur on social media, chat platforms, gaming platforms, and mobile phones.

Meanwhile, Think Before Text defines cyberbullying as aggressive and deliberate behavior, repeatedly carried out by groups or individuals, sometimes using electronic media, against a person who is not considered to be easily resisted. There is a power

imbalance between perpetrators and victims. The difference in power in this case is related to perceptions of physical and mental abilities.

Amid the widespread threat of Covid-19, which forces children to be involved in the increasingly massive use of technology and the internet, the possibility and intensity of cyberbullying are increasing. You can imagine what happens when children no longer go to school and face physical contact with their friends.

The virtual world has now become a space that allows social encounters between children. There are not only fun interactions, and joking in the online community, but often conflicts and acts of bullying occur from one child to another.

Although the numbers are not too many, it must be admitted that cyberbullying is one of the new variants of bullying and victimization that often occurs among children. Children who are considered strange or belong to the other group, then they are prone to be mistreated by other children.

Without having to deal with it physically, a child can easily use social media to carry out acts of bullying, humiliating other children they don't like. Even though at first it was just a joke, it is not impossible that the joke that developed later shifted to trigger conflict and bullying that became more intense [7]. The characteristics of cyberbullying are [8]:

1. No physical violence (non-violence),
2. Between the perpetrator and the victim there is very little physical contact (minimize physical contact),
3. Utilizing certain technology and equipment (equipment),
4. Utilizing global telecommunications, media, and information networks.

Types of Cyberbullying In Indonesia: Cyberbullying is not only one type, it is divided into 6 types as follows:

1. Flaming (burning)
   The act of someone sending a text message containing rough and angry words. In general, flaming actions are in the form of provocation, humiliation, and ridicule, to offend others.
2. Harassment
   The act of someone sending disturbing messages via SMS, e-mail, or social network texts with continuous intensity. Perpetrators of harassment usually write comments with the aim of causing anxiety. In addition, harassment also contains words of incitement so that others do the same.
3. Denigration (Defamation)
   Actions are carried out intentionally and consciously to spit the ugliness of others through the internet. Until finally damaging the good name and reputation of the person being discussed on the social network.
4. Cyberstalking
   Intense acts of spying, harassing, and defaming someone. As a result, people who become victims feel great fear and depression.
5. Impersonation

The act of pretending or impersonating another person to carry out the action sends messages and statuses that are not good. It usually happens on social networks like Instagram and Twitter using fake accounts.

6. Outing and Trickery

The outing is the act of spreading other people's secrets. Outing in the form of personal photos of someone who after being distributed causes embarrassment or depression. Meanwhile, Scams are tricks used to persuade others to obtain secret or personal photos from potential victims. Actors who often go out usually do tricks too.

Cyberbullying is defined as repetitive behavior intended to frighten, anger, or embarrass those who are targeted. The following behaviors that are included in cyberbullying or digital bullying are:

1. Spreading lies about someone or posting embarrassing photos about someone on social media.
2. Sending hurtful messages or threats via chat platforms, writing hurtful words in the comments on social media, or posting something embarrassing.
3. Impersonating or impersonating someone, for example with a fake account or logging in through someone's account and sending malicious messages to others on their behalf.
4. Trolling - sending threatening or annoying messages on social networks, chat rooms, or online games.
5. Exclude or exclude children from online games, activities, or groups of friends.
6. Setting up/creating a site or group (group chat, room chat) that contains hate about someone or to spread hatred against someone.
7. Incite children or other youth to embarrass someone.
8. Vote against someone in a harassing poll.
9. Creating fake accounts, hijacking, or stealing online identities to embarrass someone or cause problems using their name.
10. Forcing children to send sensual images or engage in sexual conversation.

In-person or face-to-face bullying and cyberbullying can often occur together. However, cyberbullying leaves a digital footprint, record or record and provides evidence that can help in stopping this fraudulent activity. In the digital age, cyberbullying is certainly no small thing. Mentally, children who are exposed to digital bullying will feel annoyed, embarrassed, stupid, and even angry. They will lose interest in the things they love. Physically, victims of bullying will also feel tired due to a lack of sleep. Symptoms such as abdominal pain and headache may also be felt. Being ridiculed or harassed by others can discourage you from talking about or dealing with the problem. In extreme cases, cyberbullying can even lead to someone committing suicide.

Cyberbullying can affect children in different ways, but of course, this problem can be remedied and those affected can also regain their confidence and sanity. If you feel you are being bullied, digitally or otherwise, the first step is to seek help from someone you trust, such as a parent, close family member, or loved one other big reliable. At

school, you can contact a teacher you trust, such as a BK teacher, sports teacher or subject teacher.

The impact of cyberbullying is different from other crimes and is very dangerous, namely:

1. Withdrawing From Social Environment
   The psychological state of the victim often tends to be anxious and afraid. They do not hesitate to withdraw from the social environment. For example, many cases of harassment on social media have been experienced by students. Eventually, the child becomes depressed, isolates himself out of shame, and decides to drop out of school.
2. Feelings of being ostracized by the environment
   Cyberbullying occurs over the Internet or social media. However, people in the real environment around the victim can see it. Furthermore, many malicious comments were made to the victim. It causes people around to attack the victim in real life as well. In the end, victims of cyberbullying are ostracized by society and receive less favorable treatment.
3. Impaired Physical and Mental Health
   Bullying carried out on a regular basis via social media by known and unknown people brings tension. Ultimately, feelings of depression, anxiety, and loss of confidence lead to post-traumatic stress disorder (PTSD).Of course, the effect of PTSD knows no age. Even in adults, the effects of immune system stimuli are impaired.
4. Depression and Suicide
   Victims of cyberbullying often feel angry, afraid, hurt, helpless, ashamed, hopeless, and isolated. If this condition occurs repeatedly and gets worse it will cause a feeling of wanting to end his life.

Legal protection is an action or effort to protect the community from arbitrary actions by authorities that are not in accordance with the rule of law, to create order and peace to enable humans to enjoy their dignity as human beings [9].

The definition of protection according to the provisions of Article 1 point 6 of Law Number 13 of 2006 concerning Protection of Witnesses and Victims determines that protection is all efforts to fulfill rights and provide assistance to provide a sense of security to Witnesses and/or Victims that must be carried out by LPSK or other institutions in accordance with with the provisions of this Law. Justice is formed by right thinking, done fairly and honestly, and is responsible for the actions taken. A sense of justice and the law must be upheld based on positive law to enforce justice law in accordance with the reality of the society that wants to achieve a safe and peaceful society [10].

Legal protection for children who are victims of bullying is regulated in laws and regulations so that children do not continue to receive torture and so that children can get their rights, because children are the next generation to realize the ideals of the country.

"Article 76C of Law Number 35 of 2014 concerning child protection, everyone is prohibited from placing, allowing, involving, ordering to commit or participate in committing violence against children."

"Article 1 of Law Number 35 of 2014 concerning child protection states that someone who is not yet eighteen years old, including children who are still in the womb. Child protection is all activities to guarantee and protect children and their rights so that they

can live, grow, develop and participate optimally following human dignity, and receive protection from violence and discrimination.

With the above regulations, the state has prohibited anyone from committing violence against children, even parents are prohibited from committing violence against children. Therefore, if possible, the problem of bullying at school can be resolved immediately, so that children can go to school in peace.

Parents and schools are obliged to pay attention to children and students, this is stated in Law Number 3 of 1997 concerning Juvenile Court, the definition of children is:

"A child is a person who in the case of a naughty child has reached the age of eight years but has not yet reached the age of eighteen and eighteen years and has never been married."

It means not being bound by marriage or ever married and then divorced. If a child is bound by marriage or if the marriage is broken by divorce, the child is considered an adult even though he or she has not yet reached the age of eighteen.

According to the Juvenile Court Law, a child who has not reached the age of eight years, he cannot be held responsible for his actions even though the act is a criminal act. However, if the child commits a crime within the age limit of eight years but has not yet reached the age of eighteen, he can still be brought to trial in the Juvenile Court.

Bullying can be categorized as a minor crime but can also be classified as a serious crime depending on the type and impact on the victim. But we need to know that the victim or perpetrator is the party who is both harmed and becomes a victim of the environment. To overcome this, of course, the role of parents, the community, and law enforcement is very much needed. In this context parents and society already have a clear task, namely educating and setting a good example for children. What often becomes a problem in dealing with crime or child delinquency is law enforcement. Because sometimes children's rights are ignored, they get the same legal treatment as adults even though the offense committed is a minor crime. Nearly 9 out of 10 children end up in detention or imprisonment mixed with adults. Of course, this is contrary to Law no. 35 of 2014 concerning Child Protection and Law no. 3 of 1997 concerning Juvenile Court. Children who conflict with the law must of course have special treatment, this aims to avoid child trauma that can damage the child's mentality.

The fact that it was revealed that most of the children who committed crimes were resolved in court, things very sad because we know that children who have entered the trial will tarnish their long-term future. Because the status of ex-convicts will always be attached to him the child is an adult. Basically, not all crimes or juvenile delinquency are resolved in formal law enforcement such as courts. Minor crimes can be resolved in a familial way so that the child does not experience a period of detention. Through formal means, a child is forced to face a long legal process, starting from the investigation process by the police, the prosecution process by the prosecutor, the trial process in court by the judge, and undergoing the process of imprisonment in a detention house. These conditions can put pressure both physically and mentally on the children who conflict with the law. The justice system has detrimental consequences for children and society, including [11]:

a.  Experience of violence and mistreatment during the judicial process (perpetrator, victim, or witness)

b.  Stigmatization
c.  Action repetition

Therefore, it is necessary to have a new understanding that can be a way out of the problem of delinquency in Indonesian children. Diversion and restorative justice (restorative justice) are expected to be an alternative to handling the problem of child delinquency.

In general, diversion is the transfer of handling cases of children who are suspected of having committed criminal acts from a formal process with or without conditions, while discretion is the authority of the police to stop case investigations by releasing child suspects, or even diverting with the aim that children are protected from harm. Further legal proceedings. The application of the diversion provisions is an important thing to consider because, with diversion, children's human rights can be more guaranteed, and prevent children from being stigmatized as "bad children", because criminal acts that are suspected of involving a child as a perpetrator can be handled without the need to go through a process law [12].

Meanwhile, restorative justice is a process in which all parties involved in a particular crime jointly solve the problem of how to deal with the consequences in the future. Because the legal problems faced by a child must be resolved in a family atmosphere so that there is no inner pressure by the child either in formal justice or in non-formal proceedings. However, we know that in formal courts it is difficult to find this family Susana because it is covered with an atmosphere of fear and tension, causing mental stress to the child. In general, the principles of restorative justice are [11]:

a.  Make the violator responsible for repairing the damage caused by his mistake;
b.  Provide opportunities for offenders to prove their capacity and quality while dealing with guilt constructively;
c.  Involve victims, parents, extended family, school, and peers

Although there is no regulation requiring schools to have an anti-bullying program policy, in child protection law Number 35 of 2014 article 54 it is stated: "Children in and within the school environment must be protected from acts of violence perpetrated by teachers, school administrators or their friends in the school concerned, or other educational institutions".

In other words, students have the right to get an education in a safe and fear-free environment. School administrators and other parties responsible for providing education have a duty to protect students from intimidation, assault, violence, or harassment. In Law Number 35 of 2014 concerning Child Protection Article 80, Paragraph 1 states: "Everyone who commits atrocities, violence or threats of violence, or abuses children, shall be sentenced to a maximum imprisonment of 3 (three) years and 6 (six) months and/or a maximum fine of Rp. 72,000,000.00 (seventy-two million rupiah). Rupiah)".

If there is a problem related to cyberbullying in Indonesia, the solution is to use Law Number 11 of 2008 with an update to Law Number 19 of 2016 concerning Information and Electronic Transactions Article 27 paragraph (3) of the ITE Law which reads: "Everyone intentionally and without the right to distribute and/or transmit and/or

make accessible Electronic Information and/or Electronic Documents containing insulting and/or defamatory content". The threat of imprisonment for a maximum of 6 years and/or a fine of a maximum of Rp. 1 billion. The handling of the case also involves members of the police and legal remedies are pursued through the district court.

The existence of these laws and regulations is expected to provide a deterrent effect, so that there is no more bullying in the school environment. The bullying handling program does not only focus on the perpetrators, but also on the victims, parents, schools, and even bystanders and defenders, namely other students who are aware of the bullying, whether they are silent or trying to defend the victim. The program must be accountable so it needs to be researched before being used. If the school does not yet have a program, maximum involvement of parents (family) needs to be considered, especially if our children are victims. But unfortunately, not all parents realize when their children become victims of bullying. Even when they find out, parents prefer to report to the teacher and hope the school can handle it.If that happens in a school, the school should indeed make sure it doesn't happen again. But as parents, why don't we prepare our children to take care of themselves? Because not always adults can accompany them.

## 4   Conclusion

For people, especially young people, the internet is very supportive of learning activities, especially during the pandemic. Various benefits range from means of communication to get information. However, the other side of the use of the internet for school-age children is the phenomenon of cyberbullying which is increasingly widespread.

The cyberbullying behavior that is most often carried out is cyber violence (harassment), defamation (denigration), and exclusion. Cyberbullying will affect three aspects, namely mental, emotional and physical. Mentally, students who experience cyberbullying will feel annoyed, embarrassed, stupid, and even angry. From the emotional aspect, victims of cyberbullying will lose interest in the things they like. For the physical aspect, the most impacted by cyberbullying victims are fatigue (lack of sleep), stomach pain, and headaches. In extreme cases, cyberbullying can even trigger a person to become depressed and commit suicide.

Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate optimally with human dignity and protection from violence and discrimination. Law Number 35 of 2014 concerning child protection states: Children in and within the school environment must be protected from acts of violence committed by teachers, school administrators, or their friends in the school concerned, or other educational institutions.

With the rise of cyberbullying cases, it is necessary to socialize internet ethics and social media wisely. Schools also need to increase literacy about cyberbullying and direct children to use the internet for productive and positive things because we cannot stop the rapid pace of technological development. As teachers and parents, we need to be more open to what we don't know about social media. Give an example of respecting fellow human beings closely and being a friend to students. Cyberbullying is the other side of the internet that crosses boundaries, therefore this phenomenon needs to be addressed by all parties properly, especially teachers and educators as a student support system.

Several laws related to cyberbullying, namely the ITE Law Article 27 (1), Article 27 (3), article 29, and article 28 (2). Caution is needed and further review in the use of these regulations. However, he emphasized that the legal sanctions applied to cyberbullying perpetrators were the last solution of various settlement efforts. The prevention efforts that can be done in the school environment are by spreading awareness to students regarding cyberbullying.

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