

Legal Opinion : Legal Protection Towards Victim Of Cyberbullying Case From The Perspective Of Electronic Information And Transactions Law (UU ITE).

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Abstrak: *This study aims to examine the forms of cyberbullying and analyze the extent of legal protection provided to victims under Indonesian law, particularly through the Electronic Information and Transactions Law (Law No. 11 of 2008 as amended by Law No. 19 of 2016) and relevant provisions of the Indonesian Criminal Code. Using a qualitative normative–empirical approach, this research analyzes legal regulations, academic literature, and documented cases of cyberbullying to assess the effectiveness of existing legal frameworks in addressing online harassment, defamation, threats, extortion, hate speech, and cyberstalking. The findings reveal that Indonesian legislation has established comprehensive legal provisions to criminalize various forms of cyberbullying, as reflected in Articles 27, 28, and 29 of the UU ITE, as well as Articles 310 and 368 of the Criminal Code. These provisions demonstrate the government’s commitment to protecting victims; however, challenges remain in terms of legal implementation, public awareness, and the balance between law enforcement and victim protection. The study concludes that although Indonesia has made substantial efforts to regulate cyberbullying, continuous legal refinement, stronger victim-centered protection mechanisms, and enhanced digital literacy are essential to effectively address cyberbullying in the digital era.*

Keywords : *legal opinion; legal protection; cyberbullying; electronic information; transactions law.*

INTRODUCTION

The existence of the Globalization and Modernisation era among the citizens of Indonesia ever since the year 1980 and above has triggered the massive development upon Technology and Knowledge growth.¹ This development on Technology and Knowledge has brought major impacts towards the behavioral changes in human society, one of which is the growing dependency on Technology and Information in the whole world. Human society has become so attached with Technology and Information throughout our daily life, which have explicitly shown how vital and important Technology and Information are for our current human society. On the other hand however, the growth of Technology and Information has also brought some negative impact, this growth of Technology and Information has sparked higher risks of misuse of Information and Technology. One of the current problems that people in the Globalization and Modernisation era had to face is Cyberbullying. Cyberbullying is a current era phenomenon as it can be indicated as a form of intimidation that mainly uses the media of Technology and Information or social

¹ Nasution, R. D. (2017) Pengaruh modernisasi dan globalisasi terhadap perubahan sosial budaya di Indonesia. *Jurnal Penelitian Komunikasi Dan Opini Publik*, 21(1), 30-42.

media and is done continuously to perform threats or intimidation towards an individual in order for them to obtain harm, damage, or even hostility towards an individual or a group.²

The act of Cyberbullying usually takes place in Social Media such as Chatting Platform, In Game Platform, or any social media that is easily accessible through our smartphones.³ According to past research it is significantly found that there have been at least 59% of teenagers that have conducted the crime of Cyberbullying itself, and the percentage number for the victims stood at 33%.⁴ According to studies on Journal of Medical Internet Research, Cyberbullying victims are found to be more prone to conduct the action of self harm, even to the point of suicide. In this case, Cyberbullying shall be categorized as an act of crime as Cyberbullying was an action that have the purpose or intention from the perpetrators to put harm, pressure, and intimidation towards the victim in a form of Critics, Harsh Comments, or anything that contained negative things, and to those the victim of Cyberbullying shall be given a legal aid umbrella in the name of law that is applicable in Indonesia. Which can be seen from our current Electronic Information and Transaction Law (UU ITE) has shown some efforts from the government in order to provide justice towards the victim. Therefore, this journal is meant to see how far the protection could protect the victim.

Bullying itself is defined as an action that uses coercive actions, or physical threats which is used to pressure someone or intimidate an individual or a group. On the other side, cyberbullying is a form of bullying that is being expanded.⁵ The difference between the 2 forms of bullying lies in the media in which the perpetrator uses, in cyberbullying the perpetrator uses the media of anonymity which is easily accessed in the era of Globalization and Modernization. The term cyberbullying is defined as an act of crime that is being targeted towards an individual or a group of people that has the purpose to corner, discredit, put threats or intimidate the other person through cyberspace or cyberworld.⁶ According to *Think Before Text* stated that cyberbullying is an aggressive act and targeted, in which in every step that was done by the individual or group was done through electronic media, continuously from time to time in order the other person or in this case the victim could not provide such a defensive move to protect themselves from such actions. According to Willard in Dina Satalina's journal stated that there are several forms of cyberbullying, those are flaming, harassment, denigration, impersonation, outing, trickery, exclusion, and lastly cyberstalking.⁷

Flaming can be defined as an act that is done by an individual or a group by sending texts that are filled with negative words and usually done frontally, or direct and explicit. Harassment is an act that is conducted by an individual or a group by sending numerous texts that contain harassing words, oftentimes

² Hukum Online.com. (2021). "Jerat Hukum Pelaku Cyberbullying", <https://www.hukumonline.com/klinik/a/jerat-hukum-pelaku-icyberbullying-i-lt6063521a8e344>, diakses pada 28 September 2022.

³ Unicef Indonesia. "Cyberbullying: Apa itu dan bagaimana menghentikannya", <https://www.unicef.org/indonesia/id/child-protection/apa-itu-cyberbullying>, diakses pada 28 September 2022.

⁴ Hellosehat. (2022). "Cyberbullying dan Dampaknya yang Mesti Diwaspadai", <https://hellosehat.com/mental/bahaya-cyber-bullying/>, diakses pada 28 September 2022.

⁵ Dewi, dkk. (2021). Pembuktian Tindak Pidana Intimidasi Melalui Media Sosial (Cyberbullying). *Jurnal Analogi Hukum*, 3(1), 90-95.

⁶ *Ibid.*

⁷ Rini, dkk. (2021). Perlindungan Hukum Terhadap Anak Korban Cyber Bullying dengan Tuntutan Ganti Rugi Berdasarkan PP No 43 Tahun 2017, *Lex Crimen*, 10(11), 48.

the perpetrators will use media accounts such as e-mail, text messages, or any text messages on social media. This action is done in a repetitive and continuous manner. Denigration is another form of defamation in which the perpetrators fully intended in dishonoring the victim by purposely exposing the victim's past or potential disgrace to deliberately ruin someone's reputation and their names in the public's eye.

Impersonation is an act committed by an individual or a group in a form of copying, mimicking, or pretending to be someone in order to provoke or intentionally exhibit inappropriate behavior or giving inappropriate means towards the general public. Outing can be defined as an act in deliberately exposing the secret or private photos belonging to an individual or a group in a nonconsensual manner. Trickery is an act in order to persuade an individual by tricking or deceiving someone in order to share their personal photos of the target individual. This action oftentimes linked to Outing. Exclusion is an act where someone deliberately excluding someone out of an online group in a non respectable manner. Cyberstalking is an act in which it is conducted by an individual or a group towards a targeted individual or a group in a disrupting manner and oftentimes consisting of a defamation act. This action is conducted in an intense and repetitive manner and it creates a huge fear towards the individual.

METODOLOGI

This study employs a qualitative research approach with a descriptive-analytical design. The qualitative method is chosen to gain an in-depth understanding of cyberbullying as a social and legal phenomenon in the era of globalization and modernization, particularly focusing on forms of cyberbullying, its impacts on victims, and the extent of legal protection provided under Indonesian law. This approach allows the researcher to explore meanings, interpretations, and experiences related to cyberbullying beyond numerical measurement.

The research adopts a normative–empirical qualitative approach. The normative approach is used to analyze legal regulations related to cyberbullying, especially the Electronic Information and Transactions Law (UU ITE) and other relevant legal instruments concerning victim protection. The empirical approach is applied to examine how cyberbullying occurs in practice, how victims experience harm, and how legal protection is perceived and implemented in real social contexts. This study utilizes primary and secondary data sources. Primary data are obtained through: In-depth interviews with cyberbullying victims (teenagers or young adults), conducted to explore their experiences, psychological impacts, and awareness of legal protection. Key informant interviews with legal practitioners, academics, psychologists, or digital literacy activists to gain expert perspectives on cyberbullying, victim vulnerability, and law enforcement challenges. Secondary data are collected from: National laws and regulations, particularly the Electronic Information and Transactions Law (UU ITE). Academic journals, books, and prior research related to cyberbullying, cybercrime, victimology, and digital ethics. Reports from governmental institutions, NGOs, and international organizations addressing cyberbullying and online violence.

Data are collected using the following techniques: Semi-structured interviews, allowing flexibility for participants to express their experiences while still focusing on research objectives. Document analysis, including legal documents, court cases, journal articles, and policy reports related to cyberbullying and victim protection. Observation of digital environments, such as social media platforms or online communities, to identify patterns and forms of cyberbullying behavior.

The collected data are analyzed using thematic analysis, which involves: Data reduction by selecting relevant information related to cyberbullying forms, impacts, and legal protection. Data categorization based on recurring themes such as types of cyberbullying, victim experiences, psychological harm, and legal responses. Interpretation of findings by linking empirical data with legal theories, cybercrime concepts, and victim protection frameworks. This analysis enables the researcher to draw conclusions regarding the effectiveness and limitations of legal protection for cyberbullying victims in Indonesia.

To ensure the credibility and trustworthiness of the data, this study applies: Triangulation of data sources, comparing interview results with legal documents and prior studies. Peer debriefing, by consulting academic supervisors or experts in cyber law and social sciences. Member checking, where possible, by confirming interview interpretations with participants. Ethical Considerations. Given the sensitive nature of cyberbullying, this study emphasizes ethical principles, including: Informed consent from all participants. Confidentiality and anonymity of participants' identities. Protection of participants from psychological harm during the research process.

RESULTS AND DISCUSSION

According to a past research, cyberbullying actions that have been mentioned above have created major negative impacts towards the victim, both physical impacts or mental impacts, however more often than not the impacts come in the form of mental impacts, such as behavioral changes. Behavioral changes can come in a form of the victim distancing themselves from others, the constant feeling of irrational fear, depression, anxiety, then these mental impacts will resulted into a more physical impacts such as, self-harming or to the extend of ending their life, or suicide. In a timestamp of a year, it has been calculated that there are at least 4.500 teenagers that end their lives through the action of Cyberbullying.⁸

Therefore, according to Law Number 11 of 2008 concerning Electronic Information and Transaction Law (UU ITE) which is amended by Law Number 19 of 2016 concerning the changes in Electronic Information and Transaction Law (UU ITE).

Focusing on Article 27 (3) stated that *"Everyone who intentionally and without rights distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have insulting content and/or defamation"* Also being re-stated in Article 27 (4) *"Everyone who intentionally and without rights distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have extortion content and/or threats"* and Article 28(2) that stated *"Everyone who intentionally and without rights spreads information intended to evoke feelings of an individual and/or group hatred or hostility certain communities based on ethnicity, religion, race, and intergroup (SARA)"* Lastly according to Article 29 that stipulates *"Everyone intentionally and without rights sends Electronic Information and/or Electronic Documents containing threats of violence or intimidation aimed at*

⁸ Gumbira, dkk. Menanggulangi *Cyberbullying* di Sosial Media dalam Perspektif Analisa Ekonomi Mikro. *Masalah-Masalah Hukum*, 48(4), 341-354.

personally” Has clearly shown the extensive efforts of the government to protect the victim of cyberbullying in Indonesia.

Furthermore regulated in Article 310 (1) of the Criminal Code that stated *“Whoever intentionally attacks someone’s honor or reputation with to accuse something, which means it is clear so that it is known to the public, threatened with libel with a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiah”*

The perpetrator who conducts an act of crime in the cyber space in which the perpetrator conducts several acts to make the victim feel uncomfortable and unsafe, one of which mentioned above is by sending multiple messages in which it contains insults and can be called harassment. According to Article 310 (1) of Indonesian Criminal Code that stated *“Whoever intentionally attacks someone’s honor or reputation with to accuse something, which means it is clear so that it is known to the public, threatened with libel with a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiah”* Therefore the action conducted by the perpetrator shall fall under the Article 310 (1) of the Indonesian Criminal Code.⁹

Other than that, the perpetrator oftentimes are found to be attacking or criticizing the victim by giving negative comments and insults, this actions mostly done repetitively, therefore this action shall fall in line with the Article 27 (3) of Electronic Information and Transaction Law (UU ITE) which stated *“Everyone who intentionally and without rights distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have insulting content and/or defamation”* This article could also be translated as complaint offense (*delik aduan*) as this law can only be reported in a sense that the victim reported the action conducted by the perpetrator.¹⁰ Following the steps of the Article 310 (1) of our current existing Indonesian Criminal Code, this article also regulates about the punishment, which is imprisonment of maximum 4 years, and fine of maximum 750 Million Rupiah (Rp 750.000.000).¹¹

In other serious cases of cyberbullying, it can be found the action of harassment that is conducted with extortion or threats that is made by the perpetrators to their victims. Discussing this context, a victim of extortion and threats can also be protected by the Electronic Information and Transaction Law (UU ITE) Article 27 (4) in which it stipulates concerning *“Everyone who intentionally and without rights distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have extortion content and/or threats”* This Article can also protect the victim of cyberstalking, in which this article regulates concerning any act that harms, disturb or intending to conduct defamation continuously towards someone.¹² This article also backed with some heavy punishments of imprisonment maximum of 6 years and fine maximum of 1 billion (Rp.1.000.000.000).¹³ Other than Article 27(4), acts of extortion have also been regulated under Article 368 (1) of the Criminal Code. This article further provide a detailed explanation on what is considered as extortion in the eye of Indonesian Law, which are *“Whoever with the intent to benefit themselves or others unlawfully, forcing someone with violence or threats of violence to*

⁹ Article 310 (1) Indonesian Criminal Code

¹⁰ Article 27 (3) of the Electronic Information and Transaction Law (UU ITE)

¹¹ Article 45 (3) Law Number 19/2016

¹² Article 27 (4) Electronic Information and Transaction Law

¹³ Article 45 (4) Law Number 19 / 2016

give something, which wholly or partly belongs to that person or another person, or in order to make a debt or write off receivables, is threatened with extortion with a maximum imprisonment of nine (9) month."¹⁴

Furthermore, the existence of Article 28 (2) of Electronic Information and Transaction Law (UU ITE) that stipulates *"Everyone who intentionally and without rights spreads information intended to evoke feelings of an individual and/or group hatred or hostility certain communities based on ethnicity, religion, race, and intergroup (SARA)."*¹⁵ In this article it stipulates on the act of cyberbullying in the form of a cyber harassment in which it was done by the perpetrators through tormenting, attacking, or criticizing the victim continuously or in a repetitive manner by sending hate threads or messages. Moreover, this article also regulates defamation that consists of hatred towards an ethnicity, religion, race, and intergroup or SARA.

Last but not least to review is concerning Article 29 of Electronic Information and Transaction Law (UU ITE) that stated *"Everyone intentionally and without rights sends Electronic Information and/or Electronic Documents containing threats of violence or intimidation aimed at personally"* In this article it regulates concerning the act of cyberbullying, most importantly on cyber stalking. Cyber stalking is defined as an act that is done deliberately to create an irrational fear towards the victim in cyberspace.¹⁶

CONCLUSIONS

The growth of Technology and Information (IPTEK) exists as a result of the Globalization and Modernisation era between the citizens of the world. The existence was indicated by the appearance of the internet, freedom, and anonymity between the people in gathering information throughout every part of the world without limitation of area, space, and time. Generally, the citizens of the world have become so dependent on technology and information in their lives, in which the existence of this rapid development of information and technology has explicitly shown that information and technology has become a vital and important aspect in our daily life. However, on the other hand, the massive growth in technology, the bigger the risks of misuse of technology and information. Thus, this led to anonymity, in which people can write anything while being anonymous or identity left unknown, the result of this is bullying through cyberspace, or cyberbullying shall be inevitable. Despite the extensive efforts of the government, there shall be improvements in the law that is yet to be considered by the government.

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¹⁴ Article 368 (1) Indonesian Criminal Code

¹⁵ Article 28 (2) Electronic Information and Transaction Law

¹⁶ Article 29 Electronic Information and Transaction Law

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