

## **LEGAL PERSPECTIVE OF CYBERBULLYING AND MENTAL HEALTH OF TEENAGERS IN INDONESIA**

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### **ABSTRACT**

Information technology contributes to improving welfare, progress, and human civilization. This progress not only has a positive impact on human life but, at the same time, becomes a practical media for someone to commit an unlawful act. Crimes that are rife in cyberspace are body shaming and cyberbullying, so it is not impossible that with the development of the era with information technology and various kinds of social networks, these actions will become more widespread and can have a negative impact on survival, especially in the mental health of adolescents. Therefore, it is interesting to discuss the problem of how the correlation between legal aspects and cyberbullying and its impact on children's mental health. The method used in this study is by tracing through library research. The results showed that cyberbullying occurs a lot in Indonesia, among adolescents aged 13 to 17 years. The various impacts of this bullying are emotional impacts, mental impacts, social impacts, and legal impacts. That the government has taken various actions both preventively and repressively, so that both perpetrators and victims can be handled properly. For this reason, the cooperation of many parties is needed so that cyberbullying does not endanger both from a legal and health perspective. The results showed that cyberbullying occurs a lot in Indonesia among adolescents aged 13 to 17. The impacts of this bullying are emotional, health mental, social, and legal impacts. The government has taken various actions preventively and repressively so that the actors and victims can be handled properly. Therefore, cooperation of many parties is needed to decrease this kind of action, and relating to mental health, the victims is better to see the psychologist, or someone trusted to get some advises. Increasing the confidence and release the anxiety for the teenagers'.

**Keywords:** cyberbullying, legal aspects, mental health

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### **1. INTRODUCTION**

Based on information from UNICEF, 45 percent of children aged 14-24 years have experienced cyber-bullying throughout 2020. Followed by a third issue, gender-based violence, cyber-bullying, child labor, and the risk of being influenced by dangerous radical ideas.<sup>1</sup> During the Launching of PERMENKO PMK Number 1 of 2022 concerning the National Action Plan for Increasing the Welfare of School-Age Children and Adolescents (RAN PIJAR).<sup>2</sup> Furthermore based on info from the digital platform, it

can be seen in the there are some digital platform where cyberbullying happens, social medias such as facebook, Instagram, tiktok, 71%, whatsapp and messangers, line (chatting applications). 19%, Game online 5%, youtube 1% and other flatforms 4%.<sup>3</sup>

Cyberbullying can also be done through online media such as blogs or web pages to annoy, embarrass and intimidate someone. It takes various forms, for example spreading fake news or rumors, posting embarrassing photos, sexual harassment, threats to actions that end in extortion. More often cyberbullying, which

is called the bulliest, is found in free forums and social networks such as Facebook and Twitter.<sup>4</sup>

At first, they had a good discussion but, in the end, it ended in bickering accompanied by swearing at each other because they disagreed with the ongoing discussion. Besides that, if this action continue cyber bullying also affects children's mental health, the various negative impacts it causes even to criminal acts.<sup>5</sup> Therefore, how to regulate this matter will be further elaborated. Eventhough cyberbullying is still a new topics for research, cyberbullying among teenegers can caused a serious public health issue. It can caused the change of adolescents' behaviour, mental health and development of emotion.

This situation is getting worse because of the increasing rate of Internet used worldwide and the popularity of platforms of social media among the adolescents. There are most children and adolescents have experience in cyberbullying or online victimization during their contacts. The confines of space and time are alleviated for bullies in virtual environments, creating a current venue for cyberbullying with no specific area's boundaries. Cyberbullying caused the negative effects on many aspects of lives of young people'. This is including personal privacy invasion and psychological disorders. The influence of cyberbullying can be worse than bullying that happened traditionally, as perpetrators can act anonymously and connect easily with children and adolescents at any time.<sup>6</sup>

The bullied online or cyberbullying show higher levels of depression, anxiety, and loneliness. It is assuming that Self-esteem problems and school absenteeism proved to be related to cyberbullying. Therefore, this theme is interesting to discuss relating on how the correlation between legal aspects and cyberbullying and its impact on children's mental health and its problem solving.

## **2. METHOD**

The method used in writing this article is through descriptive analytic research, through normative legal studies which seeks to examine positive law regarding cyberbullying and mental health problems. Some regulations that collecting, explaining, systematizing, analyzing, interpreting, and assessing positive legal norms to provide a sketch of thoughts on medical law and its development as well as information and technology law. A mapping of the regulations is carried out regarding cyberbullying concerning its legal aspects, i.e. The Law of Electronic Information and Transaction, and Criminal Code.

It was undertaken using data collection methods through library research in answering the first and second problem. For the first problems, regulations used are Law Number 11 of 2008 concerning Information and Electronic Transactions, Constitutional Court Decision Number 50/PUU-VI/2008, criminal code of Indonesia. Then for the second problem, on what is the mental health of teen who are victims of cyberbullying, and its impact on the possibility of breaking the law, the method used are using interdisciplinary content analysis, and concluded by using deducted method. The analysis was carried out using a juridical approach, then the conclusion drawing technique used was deductive so that the answers to questions could be answered properly.

## **3. RESULT**

In Indonesia, the indicator of cyberbullying is relatively low compared to other countries that are highly victims of cyberbullying (Wachs et al., 2019). Besides that, the countries that are badly failed in improving the standard of living and field to ensure the quality use of information communication technology, these countries are not improving the

rule the regulation to monitor the activities of the children (Miconi et al., 2022; Wachs et al., 2019). This has caused some matters for the children because they are becoming victims of cyberbullying in this country easily. It is important to understand that society must prevent cyberbullying with the law-making institutes' appropriate steps (Gül et al., 2019). There are hundreds of thousands of children every year who are facing the cases of a different kind of cyberbullying by non-state actors that are creating a problem for the children and their future. According to the report of the United Nations Human Right Commission, (Ahmed et al., 2022; Gül et al., 2019).<sup>7</sup>

**Before transaction law and media social are morly used like current situation.** In Indonesia, the results of research have conducted by Rahma Nuraini (2008) found several characteristics of bullies, such as:

- a. Likes to dominate others.
- b. Likes to use other people to get what they want.
- c. It's hard to see the situation from another person's point of view.
- d. Only care about their own needs and pleasure.
- e. Tends to hurt other children when no adults are around.
- f. Seeing weaker comrades as prey.
- g. Using false criticism and false accusations to project their incompetence onto their targets.
- h. Does not want to take responsibility for his actions.
- i. Have no foresight of the future, that is, are unable to think about the consequences of their actions.
- j. Thirst for attention.<sup>8</sup>

Nguyen, V. L., & Nguyen, B. D. (2018) also describes that Some victims defined cyberbullying by giving examples and then delineating the characteristics of the examples, i.e. Summarizing across the participants, cyberbullying was seen as having the following characteristics: 1. Indirectly transmitting negative, untrue, hateful, secret, and / or personal information through electronic devices and applications. All participants mentions that cyberbullying is conducted through the internet, using technological devices that can access the internet. Cyberbullying was seen as occurring most commonly on social network applications (e.g., Facebook), but also during online games, group chat messages, email, etc. For psychologists working in schools and hospitals, cyberbullying can take place not just on the internet but also through the mobile phone network via text messaging.<sup>9</sup>

The Law of Information and Electronic Transactions in Indonesian law, laws and regulations that regulate cyber bullying are Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE). Prior to the existence of the ITE Law, the regulations that were often used were Article 310 paragraphs (1) and (2) of the Criminal Code relating to insult and defamation.<sup>8</sup> However, according to Constitutional Court Decision Number 50/PUU-VI/2008, insults and defamation regulated in Article 310 paragraphs (1) and (2) of the Criminal Code cannot be used for cyber bullying. In 2016, a new regulation related to ITE was issued, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions can be implemented in such action i.e cyberbullying and cybercrime.<sup>9</sup>

Article 45 paragraph (3), which stipulated that "Any person who intentionally and without rights distributes and/or transmits and/or makes electronic information and/or electronic documents that contain insults and/or content accessible. Then defamation, as referred to in Article 27 paragraph (3), shall be subject to imprisonment for a maximum of 4 (four) years and/or a maximum fine of Rp. 750,000,000.00 (seven hundred and fifty million rupiahs).<sup>10</sup> The Law on Child Protection as a Foundation for Anti-Bullying Although there is no regulation requiring schools to have an anti-bullying program policy, the Child Protection Act article 54 states: "Children in and around the school must be protected from acts of violence committed by teachers, school administrators or friends in the school concerned, or other educational institutions".<sup>11</sup> this is the same attention like other state for example in malaysia.<sup>12</sup>

In fact, students have the right to receive an education in an environment that is safe and free from fear. School administrators and other parties responsible for providing education have a duty to protect students from intimidation, assault, violence, or harassment. What is meant by a child at the child protection law No. 23 of 2002 is not yet 18 (eighteen) years old, including children who are still in the womb (Article 1 paragraph 1).<sup>13</sup>

#### **4. DISCUSSION**

As a reasonably advanced society, the community has easy access to the internet. It supports various aspects, from exchanging information to communicating and socializing in cyberspace through multiple existing media and applications. This development then makes it easier to meet the information needs that are getting faster and wider. The impact of information and communication technology has caused the world to become borderless so that everyone can

easily access anything and anywhere through social networks such as Instagram, WhatsApp, Facebook, and others. other. According to Saxena, social networking sites are the most popular social media. Social media allows members to interact with each other. Interaction occurs using text messages, including photos and videos, that might interest other users.<sup>14</sup> All posts (publications) are real-time, allowing members to share information as to what is going on.

The current development of information technology has an influence on human socio-cultural life and can be seen from the development of society.<sup>15</sup> Currently, technology has become a force that can shackle human behavior and lifestyle. Through the power of social networks makes it easy for humans to express their behavior. Today's information technology in addition to contributing to the improvement of welfare, progress, and human civilization.<sup>16</sup> This progress not only has a positive impact on human life but at the same time becomes an effective arena for someone to commit an unlawful act. The rapid development of technology and information has also given rise to new crimes, crimes committed in the cyber world and can be carried out/accessed by anyone, both children, adolescents, and adults.<sup>17</sup>

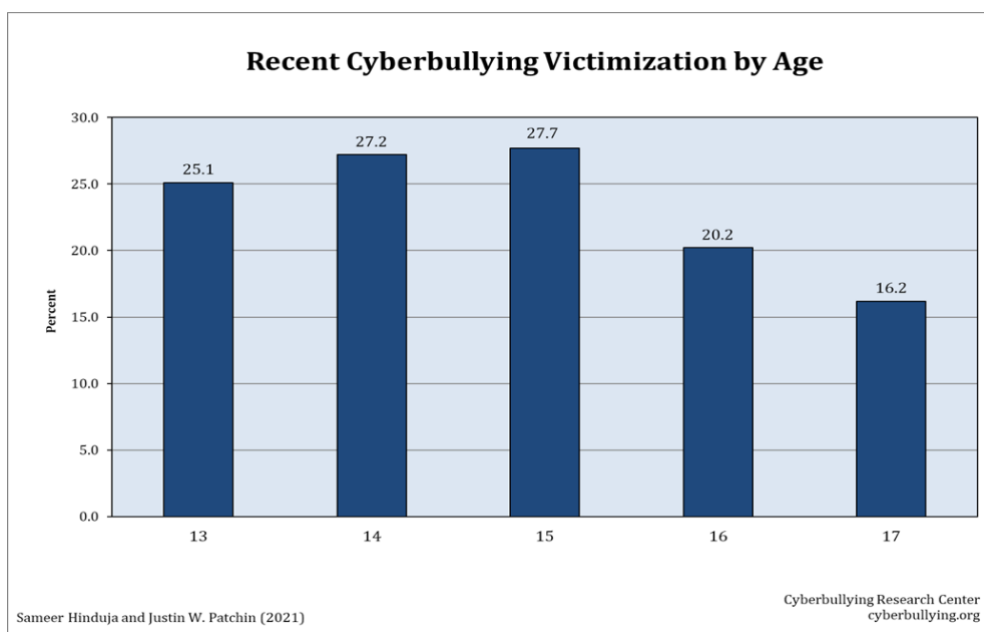
The development of this technology then gives rise to crimes where the existence of the internet then facilitates crime using information technology or what we usually call cybercrime (cybercrime), such as body shaming, cyberbullying, defamation, pornography, account breaches, and so on. According to Andi Hamzah,<sup>18</sup> cybercrime is any illegal activity that utilizes computer networks for criminal acts, no matter how small the impact or consequences arising from using a computer legally or illegally is a crime. Crimes rife in cyberspace are body

shaming and cyberbullying, so it is not impossible that with the development of the era with information technology and various kinds of social networks, these actions will become more widespread and can harm human survival.<sup>19</sup>

Bullying comes from the word bullying, which is a word that refers to the notion of a "threat" made by someone against another person (which is generally weaker or "lower" than the perpetrator). This action causes psychological disturbances for the victim in the form of stress (which appears in the form of physical or psychological disorders, or both; for example, difficulty eating, physical illness, fear, low self-esteem, depression, anxiety, and others). Moreover, bullying usually lasts for a long time

(yearly), so it is very likely to affect the victim psychologically. Bullying among students makes them uncomfortable at school, anxious, and afraid of the school environment. Some students used their power and strength to hurt others verbally and physically.<sup>20</sup>

Usually, bullying is done by seniors to juniors. In general, they did it in the form of acts of violence such as slapping, grabbing, spitting, threatening, hitting, and abusing the victim until the victim was helpless. Bullying can result in the perpetrator being entangled in the law and can be expelled from school. Sameer Hinduja and Justin W Patchin explained that the average age of children who are victims of cyberbullying is between 13 and 17 years old. As describe on 2<sup>nd</sup> figure



Rigby (2005) describes the elements contained in the notion of bullying in the student environment, namely the desire to hurt, harmful actions, an imbalance of strength, repetition, or repetition, not just the use of force, the pleasure felt by the perpetrator and the feeling of pressure on the victim's side. Bullying affects not only students but also affect society. Student bullying is often characterized by: students

who feel insecure at school, a sense of not belonging to and a lack of connection with the school community, distrust among students, the formation of formal and informal gangs as a means of inciting bullying or protecting the group from bullying.<sup>22</sup>

Cyberbullying is an act of repeatedly hurting other people using information and communication technology, such as

sending harassing messages via text or the internet, sending disparaging comments on social networks, sending embarrassing pictures, threatening, or intimidating someone electronically. Cyberbullying causes psychological harm, pain, suffering, and is proven to have a traumatic impact on victims as discussed by Sam, Bruce, Agyemang, Amponsah, & Arkorful.<sup>23</sup> The term victim (victim) on the internet is known as cyberbullying victimization, namely individuals who are targets of bullies on social media. Cyberbullying victimization is characterized by a tendency to feel depressed, sad, anxious, angry, afraid, avoiding friends, school, and other activities, decreasing academic grades, or both Patchin and Hinduja describe the forms of treatment received by cyberbullying victims such as having been ignored, being ignored, called names, threatened, ridiculed, and rumors. rumors) spread by others.<sup>24</sup>

A person's reaction to cyberbullying is different. Some are ignorant, some are really affected, especially in their mental health. When examined with mental health, mental health is influenced by situation in life that leave a big impact on a person's personality and behavior.<sup>25</sup> These events can take the form of domestic violence, child abuse, or long-term severe stress which the same effects with cyberbullying.

If mental health is disturbed, then mental disorders or mental illness arise. Mental disorders can change how a person deals with stress, relates to others, makes choices, and triggers the desire to self-harm.<sup>15</sup> Several types of mental disorders are commonly found, including depression, bipolar disorder, anxiety, post-traumatic stress disorder (PTSD), obsessive compulsive disorder (OCD), and psychosis. Some of the harmful effects that can be received when someone experiences cyberbullying, include:<sup>26</sup>

a. Emotional effect

These acts of online bullying can cause significant stress, especially for young people. In addition to feeling stressed, those who experience it can also feel ashamed, hurt, and even scared. This person often blames himself for what has happened. Some examples of the emotional effects felt are:

- 1) Feelings of humiliation: A person experiencing this may feel exposed, ashamed, even overwhelmed by the feelings that arise.
- 2) Isolation: Victims of cyberbullying may also experience feelings of isolation in their environment.
- 3) Feeling angry: This feeling is the most common thing that occurs when someone experiences cyberbullying, which can be followed by feelings of irritation and worry.
- 4) Powerlessness: Victims often find it difficult to feel safe, even helpless.

The perpetrator of this bullying can also be anonymous, so that the feeling of fear is higher. Sometimes, the target may not know the person behind the anonymous account or can only guess.

b. Mental effect

When someone sustain cyberbullying, the victim may feel hopeless and insignificant. In fact, victims may lose interest in things they used to enjoy and spend time alone. Here are some of the effects of mental disorders that can be felt:

- 1) Depression and anxiety: Someone who has experienced cyber bullying often feels anxious and depressed. In fact, these activities can also increase

feelings of worry and isolation.

- 2) Low self-esteem: A lot of bullying focuses on a person's flaws, so their self-confidence drops dramatically.
- 3) Thinking about self-harm and suicide: Victims of bullying have pressure to self-harm. If left unchecked, the tendency to take their own lives is higher.

c. Social effect

Someone who is being bullied online can show significant behavioral changes. There are some extreme behaviors that it does, such as:

- 1) Consuming alcoholic beverages or using drugs.
- 2) Skipping school for children.
- 3) Carrying a weapon when traveling.

Knowing the various adverse effects that can occur when someone experiences cyberbullying, early treatment measures can be taken as quickly as possible. This is useful for preventing a variety of more severe problems, including suicidal thoughts. The role of parents is also significant, because bullying is more prone to occur in children.

d. Legal Effect

there is a concern that both perpetrators and victims who get cyberbullying may violate the law. In the Criminal Code in Indonesia there are articles relating to bullying. The Criminal Code does not use the term intimidation, but acts related to bullying, one of which is persecution, can be seen in Article 351 of the Criminal Code.

The Cyber Law as a *lex specialist* of the Criminal Code, cyberbullying is regulated in Law Number 19 of 2016 Concerning Electronic Information and Transactions in Article 29, which reads: "Every person intentionally and without rights sends electronic information and/or electronic documents containing threats of violence or personally intimidating." And Article 29 has criminal sanctions as stipulated in Article 45B of the Electronic Information and Transaction Law, which reads: "Anyone who fulfills the elements referred to in Article 29 shall be subject to imprisonment for a maximum of 4 (four) years and/or a maximum fine Rp. 750,000,000.00. (Seven hundred and fifty million)." <sup>27</sup>

The Indonesian Child Protection Commission (KPAI) further stated that students in schools are vulnerable to becoming victims of cyberbullying. Where KPAI reported that cases related to cyberspace involved 3,096 teenagers. Of this number, it was revealed that there were 83 victims of bullying on social media, with 32 boys and 51 girls.

Legal remedies to prevent cyberbullying could be from the government's action by revising the law of the Republic of Indonesia number 11 of 2008 concerning information and electronic transactions because the provisions in the Law of the Republic of Indonesia number 11 of 2008 regarding information and electronic transactions are considered inappropriate. The government then revised the new law become the law of the Republic of Indonesia number 19 of 2016 concerning information and electronics and brought out and updated the articles in the old law, the articles that regulate more specifically regarding cyberbullying are articles 45, 45 A and 45 B.

Preventive measures were taken against the perpetrators by law enforcement officials by blocking

accounts, explaining the dangers of cyberbullying for the mental health of victims, and providing continuous understanding to the public.<sup>28</sup> For victims themselves, on how to stop cyberbullying on social media 1. talk to someone you trust 2. save evidence 3. Don't reply 4. Understand the scope of cyberbullying 5. Be educated about cyberbullying Preventing cyberbullying is a matter of awareness and response. Knowing what children do and how vulnerable they are, then helping them learn to respond when their well-being is threatened by bullies, trolls, and other harmful users online.

## 5. CONCLUSION

As a result of this study, cyberbullying can be categorized as more dangerous than ordinary bullying or direct bullying, which is primarily physical as consequence. Cyberbullying turns out to be even more dangerous and generally occurs in people in the category of teenagers, who are vulnerable to mental illness, and has social effects, emotional effects, mental effects, and legal effects. Misuse of data, photos, even titles and events that should not be exposed in public but are exposed continuously on social media often makes a child's soul down. In fact, the effects of cyberbullying are like traditional bullying. Still, traditional bullying stops when school ends. For online bullying, the parties' cooperation is needed, both from the government, parents, and even their children, whether through counseling or channeling aspirations by trusted people. Even religious psychologists can become a channel for healing children to relieve stress due to cyberbullying so that it appears that the wider negative is caused because the mental health that is threatened could be minimized and even eliminated. Other treatments are some the interventions can be form to improved positive school environment and body image as well as anti-violence

programmes. Gender aspects of bullying need to be acknowledged and comrehence by teens.

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