



Analysis of Cyberbullying Among Students: a Legal Perspective in Indonesia

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Abstract

Cyberbullying has become a global phenomenon that occurs not only in Indonesia but also in various other countries, so it is a common concern to find solutions to overcome it, mainly because the majority of victims are children. Unfortunately, there are still many countries in the world that do not have specific policies or regulations to deal with cyberbullying. Therefore, preventive measures need to be designed immediately so that children do not become more victims of advances in information technology. This study uses a normative legal research method. The problem that is formulated is how cyberbullying occurs among students in Indonesia and how it is viewed from a legal point of view in Indonesia. According to research conducted by the Center of Digital Society in 2021, 45.35% of 3,077 junior high and high school students were victims of cyberbullying, while 38.41% were perpetrators. In addition, according to UNICEF data from 2022, 45.35% of 2,777 Indonesian students reported having experienced cyberbullying. Despite this, research conducted over the past few years in two European countries indicates that Romania has the highest rate of cyberbullying among remaja, at 37.3%. Other countries in the background are Poland (21.5%) and Greece (28%). Cyberbullying is illegal in Indonesia under Law No. 11 of 2008 about Information and Electronic Transactions (UU ITE). Provisions regarding insults and defamation were regulated in Article 310 of the Criminal Code, paragraphs (1) and (2), but according to Constitutional Court Decision No. 50/PUU-VII/2008, in 2016, Law No. 19 of 2016, an amendment to Law No. 11 of 2008, cyberbullying is legally prohibited.

Keywords: Cyberbullying, Indonesia, Legal

Abstrak

Cyberbullying telah berkembang menjadi fenomena global yang terjadi di Indonesia dan banyak negara lain. Oleh karena itu, solusi bersama diperlukan untuk mengatasi masalah ini, terutama karena sebagian besar korban adalah anak-anak. Sayangnya, banyak negara di seluruh dunia belum menetapkan undang-undang atau peraturan khusus untuk menangani cyberbullying. Karena itu, langkah-langkah pencegahan perlu segera dirancang agar anak-anak tidak semakin menjadi korban dari kemajuan teknologi informasi. Studi ini melakukan penelitian yuridis normatif. Fokus penelitian ini adalah bagaimana cyberbullying terjadi di kalangan siswa di Indonesia dan bagaimana cyberbullying dilihat dari sudut pandang hukum di Indonesia. Dari 3.077 siswa SMP dan SMA, 45,35% pernah menjadi korban dan 38,41% tercatat sebagai pelaku cyberbullying, menurut penelitian yang dilakukan oleh Center of Digital Society pada tahun 2021. Selain itu, data UNICEF tahun 2022 menunjukkan bahwa 45% dari 2.777 anak di Indonesia mengaku pernah mengalami cyberbullying. Sementara itu, penelitian yang dilakukan di 12 negara Eropa dalam kurun waktu 12 bulan terakhir menemukan bahwa Rumania memiliki tingkat cyberbullying tertinggi di kalangan remaja dengan persentase 37,3%, diikuti oleh Yunani (26,8%) dan Polandia (21,5%). Di Indonesia, cyberbullying Berdasarkan UU No. 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (ITE), Pasal 310 KUHP ayat (1) dan (2) mengatur penghinaan dan pencemaran nama baik sebelum UU ini. Berdasarkan Putusan Mahkamah

Konstitusi No. 50/PUU-VI/2008, bagaimanapun, pelecehan online dilarang jika tindakan tersebut melanggar pasal tersebut. Peraturan terbaru dalam bidang informasi dan transaksi elektronik diberlakukan pada tahun 2016 dengan UU No. 19 Tahun 2016, yang merupakan perubahan dari UU No. 11 Tahun 2008, mulai diberlakukan sebagai peraturan terbaru dalam bidang informasi dan transaksi elektronik.

Kata Kunci: Cyberbullying, Indonesia, Hukum

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Introduction

Cyberbullying is one of the drawbacks of technology advancements, particularly when it comes to social media use, which is now a source of trends and knowledge. This is a result of the widespread practice of posting nearly all of one's activities to social media. Unknowingly, social media sites like Instagram, TikTok, Twitter, and online gaming have fueled the rise of cyberbullying. This phenomenon seems commonplace in the digital world despite its severe impact. Cyberbullying does not recognize age limits, but generally, both the perpetrators and victims are teenagers. This act is categorized as a crime because it involves violence in the form of threats, insults, harassment, and attempts to humiliate someone through social media. In a study conducted by Riswanto, About 171 million Indonesians use the Internet, according to figures from the Indonesian Internet Service Providers Association (APJII) in 2019. The bulk of these users are between the ages of 15 and 19 and 20 and 24. (Ira Febriana & Shifa Intan Rahma, 2024) These statistics indicate that teenagers dominate internet use in Indonesia, where the majority of people use social media.

Data from the Indonesian Child Protection Commission (KPAI) indicates that, around 253 bullying incidences were reported in Indonesia over the course of five years, from 2011 to 2016. Out of that total, 131 children committed crimes, and 122 children were victims. Furthermore, KPAI said that about 37,381 reports of abuse against minors were made between 2011 and 2019. Isnawan (2023) 2,473 of those reports dealt with bullying incidents that occurred on social media and in educational environments.

, with the numbers continuing to increase every year. The phenomenon of bullying in Indonesia has reached an alarming level. Based on a UNICEF U-Report survey in 2021, out of 2,777 young people aged 14 to 24, 45% admitted to having experienced cyberbullying. In terms of law, A number of laws and regulations, including Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), the Criminal Code (KUHP), and Law

Number 1 of 2023 concerning the Criminal Code, govern action against offenders and protection for victims of cyberbullying. (Sukma et al., 2021) In actuality, nonetheless, these three laws are still insufficient to completely apprehend those who engage in cyberbullying. Despite having provisions governing bullying, the Criminal Code only addresses crimes committed in the physical world and leaves out crimes committed online.

Numerous factors impact the incidence of cyberbullying, such as lack of supervision in the school environment, daily life, family, and individual interactions, both in cyberspace and in real life. Victims of cyberbullying are often reluctant to report the incidents they experience to the authorities. At the same time, most parents are also unaware that their children are victims or experiencing bullying in the digital world. A face-to-face encounter between the perpetrator and the victim is not necessary for cyberbullying conducted online. As a result, it is frequently challenging to track down and identify the offender.

Another influential factor is law enforcement, where there are still limitations in understanding the relevant laws and regulations by the authorities. Implementing appropriate criminal law policies can have a more effective impact in handling cyberbullying cases in Indonesia. For example, in the Criminal Code (KUHP), cyberbullying is categorized as violating Article 310 concerning defamation. However, this provision still has weaknesses because it does not explicitly explain the location of the incident. In response to these weaknesses, Law Number 19 of 2016 concerning Amendments More specific rules are provided by Law Number 11 of 2008 respecting Electronic Information and Transactions (UU ITE). The ITE Law's Article 27, paragraphs 3 and 4, which more especially govern infractions pertaining to cyberbullying, regulates these clauses.(Mokobombang et al., n.d.)

"(3) Any anyone who willfully and without authorization disseminates, transmits, or makes available electronic documents and/or information that include defamatory or offensive language."

"(4) Any individual who willfully and without authorization disseminates, transmits, or makes available electronic documents and/or information that contain threats or blackmail."(Ni & Meinarni, 2019:16)

When communicating through social media, children are vulnerable to becoming victims of intimidation, such as insults, defamation, or other actions in text, video, or images. Most cases of cyberbullying affect children under the age of 18, either as victims or perpetrators who have not reached adulthood. If the violation is committed by an individual over 18 years old or has entered adulthood, then the action is categorized as cyberstalking or cyberharassment. (Yana, n.d.) The lack of understanding of children and adolescents in interacting via the Internet is one of the main factors that causes them not to realize that

something that is considered a joke or joke can lead to acts of oppression, harassment, or intimidation, known as cyberbullying.

Currently, cyberbullying has become a global phenomenon that occurs not only in Indonesia but also in various other countries, so it is a common concern to find solutions to overcome it, mainly because the majority of victims are children. Unfortunately, there are still many countries in the world that do not have specific policies or regulations to deal with cyberbullying. Therefore, preventive measures need to be designed immediately so that children do not become more victims of advances in information technology. This is becoming increasingly urgent, considering that other digital crimes are also growing, such as harassment, denigration, impersonation, cyberstalking, exclusion, outings, and trickery.(Fadilah Al Idrus & Widowati, 2022:15)

Children who are victims of cyberbullying can experience various impacts, both emotionally and physically, which make them feel helpless. If this action occurs repeatedly, the adverse effects will be even more significant, especially for children who are still growing. Cyberbullying can affect the psychological condition of victims, causing them to feel sad and inferior, lose interest in daily activities, and experience eating and sleeping disorders. In more severe cases, victims can experience anxiety disorders or depression, which can even drive them to attempt suicide due to the pressure they feel. The impact of cyberbullying needs serious attention, considering that there is often no adequate treatment for victims. (Julietha Adnan et al., 2024:17) Therefore, firm and appropriate action is needed to prevent children from continuing to be targets of this crime. In addition, supervision of cyberbullying must be strengthened, mainly because of its nature, which is not limited by regional or national boundaries. Based on the explanation above, there are two Problem Formulations in this study: How does Cyberbullying occur among Students in Indonesia, and How is Cyberbullying from a legal perspective in Indonesia?

Method

A normative legal research approach is used in this work. According to the kind of study, a law-based methodology is employed. This approach is carried out to obtain information relevant to the research, which will then be analyzed to find solutions to the problems that have been determined.(Parwitasari et al., 2024:19) This study's legal materials collection was carried out by identifying and inventorying laws and regulations,

reviewing literature covering various writings and scientific works, and evaluating different legal sources related to the legal issues discussed.

Result and Discussion

Cyberbullying Among Students in Indonesia

In today's technological era, the development of communication tools equipped with various sophisticated features and internet access has provided many conveniences for humans. The Internet allows for faster and broader exchange of information, but it also has negative impacts, especially for teenagers. Cyberbullying is one of the most prevalent detrimental effects. According to uici.ac A 2021 survey conducted by the Center of Digital Society found that 38.41% of 3,077 junior high and high school students had participated in cyberbullying, and 45.35% had been the victim of it. Additionally, 45% of 2,777 Indonesian children reported experiencing cyberbullying in 2022, according to UNICEF data. However, with 37.3% of youth experiencing cyberbullying, Romania had the highest rate, followed by Greece (26.7%) and Poland (21.5%), according to study done in 12 European nations over the course of the previous 12 months.(Kejahatan Siber et al., 2024)

. Cyberbullying should not be underestimated because it can have a significant emotional impact and affect the victim's behavior in cyberspace. The term "cyberbullying" describes unpleasant behaviors that teens encounter on social media, including threats, harassment, intimidation, and insults. Because the perpetrator does not have to meet the victim in person, cyberbullying is simpler than physical violence. Parents are frequently unaware that their children are being bullied on social media because many victims are reluctant to report this incident. According to research conducted by Gimenez, Hunter, Durkin, Arnaiz, and Maquilon (2015), there are differences in emotions between victims and perpetrators. (Sakban et al., 2019) Victims tend to experience sadness and withdraw from the social environment, while those who have been perpetrators or victims generally feel hurt and afraid.

One of the most common forms of cyberbullying is the spread of insulting messages and acts of social exclusion. Cyberbullying is behavior that aims to intimidate, anger, or embarrass someone. Often, cyberbullying perpetrators try to justify their actions with reasons such as "Just kidding" or "Don't be too serious." Cyberbullying can happen anywhere, not just in the school or home environment. Anonymity on social media is one

factor that causes this behavior to increase. Unlike bullying in the real world, cyberbullying perpetrators can hide their identities, making them difficult to recognize.

In general, cyberbullying can be categorized as a criminal act regulated in criminal law in Indonesia, as stated in the Criminal Code (KUHP). Several articles in the Criminal Code relating to controlling cyberbullying are contained in Book II Chapter XVI concerning insults, especially Article 310, paragraphs (1) and (2). In addition, the Electronic Information and Transactions Law (UU ITE) Article 27 paragraph (3) also regulates that anyone who intentionally and without the right distributes, transmits, or creates electronic information containing elements of defamation and insults may be subject to legal sanctions.(Fitria Wijaya et al., 2024)

Cyberbullying is a type of intimidation or harassment that is conducted via digital platforms or electronic media. Through text messages, emails, social media, or other online channels, this activity aims to harm, denigrate, or embarrass someone. Threats, insults, the dissemination of untrue rumors, and other types of online harassment are examples of cyberbullying. Victims of this act often experience significant emotional, psychological, and social impacts, which can affect their overall well-being.

Several factors contribute to cyberbullying. First, anonymity in cyberspace allows perpetrators to hide their identities, increasing the potential for abusive and irresponsible behavior. Second, the lack of supervision from parents or caregivers of children's activities on the Internet provides a gap for perpetrators to act undetected. Third, low empathy and concern make someone not understand the emotional impact of the words and actions they do online, thus encouraging cyberbullying behavior. Fourth, imitation factors play an important role, where children and adolescents tend to imitate the behavior they see, especially if the action is considered normal in their social environment or social media. Fifth, social and power differences can also be triggers, such as differences in social status, race, religion, or sexual orientation, which make someone feel superior and potentially cyberbullying others.(Alhakim et al., 2023:19) Finally, mental and emotional disorders can affect both perpetrators and victims, where certain psychological conditions can cause someone to commit or become the target of cyberbullying in cyberspace.

The development of technology and information in the era of globalization has caused significant changes in various parts of the world. Unsurprisingly, today's society can easily access various information via the Internet. This progress has significantly impacted multiple aspects of life, including religion, politics, economics, law, and culture. Its influence can be

felt in everyday life, both through positive benefits and negative consequences. Globalization has expanded interaction and communication between individuals worldwide with technological advances and increasing connectivity. However, the negative impact that has emerged is the increase in cases of hate speech and cyberbullying. The increasingly open digital environment allows individuals to quickly spread extreme views, provoke conflict, and attack individuals or groups based on race, religion, gender, or other characteristics.

Based on data from the National Cyber and Crypto Agency (BSSN), it was recorded that between January and August 2020, there were 190 million cyberbullying attacks in Indonesia. The lifestyle of people during the COVID-19 pandemic, which is increasingly dependent on the Internet, has also contributed to the increase in cyberbullying cases and attacks on victims. The 2021 report from Id-SIRTII/CC, part of the BSSN Cyber Security Operations Directorate, revealed that the number of cyberattacks in Indonesia reached more than 1.6 billion or precisely 1,637,973,022 cases. This data was obtained through monitoring and detecting potential cyberattacks by the BSSN National Cyber Security Operations Center from January 1 to December 31, 2021. (Hukum et al., 2024:13)

The National Cyber and Crypto Agency (BSSN) estimates that there will be more than 700 million cyberattacks in Indonesia in 2022. Ransomware, or software that encrypts the victim's data and demands a fee to unlock it, is the most prevalent kind of attack. 714,170,967 cyberattack instances were reported during the year, according to data from BSSN. January was the period with the highest number of attacks, namely 272,962,734 attacks, which accounted for more than a third of the total attacks in the first half of 2022. On Wednesday, December 23, 2020, the Metro Jaya Police Chief, Inspector General Fadil Imran, in a year-end press conference at the Metro Jaya Police, provided information regarding cases of hate speech and the spread of hoaxes that his team had handled. (Pansariadi & Soekorini, 2023) Based on a report from the Metro Jaya Police's Directorate of Special Criminal Investigation, there were 443 cases of hate speech, and thousands of social media accounts that spread hoaxes have also been the target of investigations.

Despite the similarities in the use of digital communication and its impact on victims, hate speech and cyberbullying are two different phenomena. Hate speech is a form of communication that conveys messages that belittle, insult, or discriminate against specific individuals or groups. This hate speech is carried out without the victim's direct presence in the situation. Still, its impact can affect people around the victim, such as avoiding, isolating,

or ignoring them. Meanwhile, cyberbullying is an act of harassment, intimidation, or insulting someone through digital technology, such as social media, text messages, or email. Cyberbullying is carried out online and can hurt victims in the long term.

Every individual has the right to self-development, education, and the use of science and technology to enhance their quality of life, as stipulated in Article 28C paragraph (1) of the Republic of Indonesia's 1945 Constitution. Even while technology offers many advantages and opportunities, addressing hate speech and cyberbullying is still a difficult issue to resolve. Abuse of individual rights when using technology is frequently a barrier, despite the fact that rules and regulations have been developed to address this issue. (Sakiruddin Istiqomah, 2024) Perpetrators can easily hide their identities, use fake accounts, or carry out detrimental actions online without being detected. The resolution of hate speech and cyberbullying cases in Indonesia still faces various obstacles and is an urgent issue that requires serious attention.

In the ever-evolving digital era, freedom of expression and extensive connectivity also open up opportunities for spreading hate speech and online bullying. As a result, victims can experience terrible impacts, including emotional wounds, decreased self-esteem, disruption in social life, and loss of hope for the future. In fact, in some cases, the psychological impact of hate speech and cyberbullying can be more painful than physical violence, even leading to suicide. (Arifin, 2024) Therefore, public awareness to avoid hate speech and cyberbullying must be increased. Along with advances in technology and information, the legal system also needs to continue to develop to overcome new challenges, as has been implemented in several other countries.

Cyberbullying in Legal Perspective in Indonesia

Cyberbullying is a form of bullying carried out through electronic communication media to bring down and cause misery to others. Some experts define cyberbullying as an act involving the use of electronic communication devices to bully, spread personal information illegally, cheat, and carry out various open attacks that can cause victims to be shunned by their surroundings. Cyberbullying is also described as bullying that occurs through social media applications using mobile devices. In addition, cyberbullying includes the act of sending or posting messages that are detrimental and cruel, which is a form of social cruelty through communication and information technology. In general, cyberbullying includes all forms of violence experienced by someone in cyberspace or the Internet. Some

experts also argue that cyberbullying is criminal behavior that is carried out intentionally and repeatedly through the Internet and electronic media. In addition, cyberbullying can be categorized as a crime against individuals who are unable to defend themselves, using various digital platforms such as blogs, instant messages, and text messages. Based on these multiple definitions, cyberbullying can be said to be a form of deliberate oppression that targets individuals or groups through electronic communication media with the aim of humiliating and cornering the victim. (Bari & Taufik, n.d.:27) More broadly, cyberbullying can also be considered a form of hate speech that occurs in cyberspace or social media. Specifically, cyberbullying has several aspects, including:

- a. Flaming is the act of sending rude and direct text messages. It often occurs in social media chat groups, where someone sends an insulting image to a particular individual.
- b. Harassment refers to the act of repeatedly sending rude messages with the intention of disturbing another person. It is usually done via email, WhatsApp messages, or text messages on social media. Resolving This action often takes a long time because it involves exchanging messages or arguing.
- c. Denigration is spreading negative information about someone online to damage their reputation or good name. An example is spreading an image modified to look indecent, embarrassing the victim, and causing adverse reactions from others.
- d. Impersonation is pretending to be someone else or replacing someone's identity to convey an offensive message.
- e. Outing and Trickery. Outing means sharing someone's personal information or sensitive photos without permission. Meanwhile, trickery attempts to deceive or persuade someone to unknowingly provide sensitive information, such as pictures or other personal items.
- f. Exclusion is intentionally removing someone from a group or community on social media to isolate that individual for a particular reason.
- g. Cyberstalking is a form of intimidation or serious threats via the Internet. In the case of cybercrime related to hate speech, this action covers various aspects depending on the content of the message delivered. Usually, the perpetrator collects information about the victim first before launching an attack with a specific purpose. (Slingenberg, 2019)

The Electronic Information and Transactions Law (UU ITE) does not explain the specific components of cyberbullying. However, some elements included in the law include insults,

defamation, threats, and blackmail. In addition, cyberbullying also includes other forms of crime that are not limited to elements of insults, blackmail, and slander. Based on the ITE Law, there are several types of cyberbullying, including:

1. Prohibitions related to morally charged content,
2. Prohibition on hate speech, and
3. Prohibition on threats or intimidation.(Ira Febriana & Shifa Intan Rahma, 2024)

In Indonesia, Law No. 11 of 2008 about Information and Electronic Transactions (UU ITE) has made cyberbullying illegal. Prior to the implementation of this law, Article 310 of the Criminal Code, paragraphs (1) and (2), contained regulations pertaining to insults and defamation. However, if the act breaches the article, cyberbullying is forbidden, according to Constitutional Court Decision No. 50/PUU-VI/2008. The newest law governing information and electronic transactions, Law No. 19 of 2016, which amends Law No. 11 of 2008, went into effect in 2016. In this law, Cyberbullying-related hate speech is governed more precisely, with laws pertaining to the offender's penalty. The maximum penalty is either a fine of IDR 1,000,000,000.00 (one billion rupiah) or a maximum of six years in jail. (Sukma and others, 2021). Cyberbullying is a type of hate speech that is governed by law and involves encouraging hatred against people or organizations online. It can also affect real-life situations.

Conclusion

According to a 2021 study by the Center of Digital Society, among 3,077 junior high and high school students, 45.35% had experienced cyberbullying as a victim and 38.41% had engaged in it themselves. Furthermore, according to UNICEF data from 2022, 45% of 2,777 Indonesian children reported having been the victim of cyberbullying. According to a study done in 12 European nations over the course of the previous 12 months, Romania had the highest percentage of teenage cyberbullying at 37.3%, followed by Greece at 26.8% and Poland at 21.5%.

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Law No. 11 of 2008, became the most recent rule governing electronic information and transactions in 2016.

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