



Criminological Review of the Phenomenon of Cyberbullying

Muhammad Ibnul Asrum 

Fakultas Hukum, Universitas Muslim Indonesia

Hambali Thalib 

Fakultas Hukum, Universitas Muslim Indonesia,
<https://orcid.org/0009-0001-8505-7297>

Miftahul Jannah 

Fakultas Hukum, Universitas Muslim Indonesia,
<https://orcid.org/0009-0007-4075-6418>

Corresponding author's email:

panjiasrum23@gmail.com

Horizon Public Legal Studies

2024, Vol. 1(1) 1–21

© The Author(s) 2015

10.15294/panjar.v4i1.55017

Published by:

Faculty of Law, Universitas Muslim

Indonesia, Makassar

All writings published in this journal are personal views of the author(s) and do not represent the views of this journal and the author's affiliated institutions. Author(s) retain copyrights under the license.



History of Manuscript

Submitted	: January 12, 2024
Revised 1	: February 26, 2024
Revised 2	: March 11, 2024
Accepted	: March 30, 2024
Available online	:

Abstract

This study aims to determine the factors causing the occurrence of Cyberbullying crime in Makassar City and the efforts of law enforcement officers in tackling Cyber Crime in Makassar City. This study uses empirical methods. The location of the study was carried out in Polda South Sulawesi. The types and sources of data used are primary data and secondary data with data collection techniques, namely field research and literature research. The data obtained will be analyzed to produce conclusions and proposed descriptively qualitative and present clear data from the results of research conducted by the author. The results of this study indicate that the factors that

influence cyberbullying in Makassar Information and communication technology such as mobile phones, video cameras, e-mail, and the web that can post or send disturbing, threatening, and humiliating messages that are intended to hurt others. so that anticipatory efforts are needed against cyberbullying, especially in the city of Makassar, therefore, comprehensive measures are needed to stem the level of cyberbullying cases in Makassar City through coordination of law enforcement authorities and community synergy. The author also includes suggestions as follows the establishment of the Criminal Code Bill is expected to formulate explicitly about the existence of bullying in cyberspace by including elements of repetitive or continuous behavior, attack and imbalance of power in the formulation of criminal acts, because the act of bullying in cyberspace is an act that can not be underestimated given the increasing dependence of society on online communication media. It is necessary to socialize to the general public about the dangers and consequences of cyberbullying and how to anticipate the influence of cyberbullying in using social media wisely and responsibly.

Keywords: Criminology; Cyberbullying; Phenomenon;

Abstrak

Penelitian ini bertujuan untuk mengetahui faktor-faktor penyebab terjadinya kejahatan *Cyberbullying* di Kota Makassar dan upaya aparat penegak hukum dalam menanggulangi kejahatan *Cyber* di Kota Makassar. Penelitian ini menggunakan metode empiris. Lokasi penelitian dilakukan di Polda Sulawesi Selatan. Hasil penelitian ini menunjukkan bahwa faktor-faktor yang mempengaruhi *cyberbullying* dalam Teknologi Informasi dan komunikasi Kota Makassar seperti ponsel, kamera video, e-mail dan web yang dapat memposting atau mengirim pesan yang mengganggu, mengancam dan memalukan yang dimaksudkan untuk menyakiti untuk

itu diperlukan upaya antisipatif terhadap *cyberbullying* khususnya di Kota Makassar. Oleh karena itu diperlukan langkah-langkah komprehensif untuk membendung tingkat kasus *cyberbullying* di Kota Makassar melalui koordinasi aparat penegak hukum dan sinergi masyarakat. Pembentukan RUU KUHP diharapkan merumuskan secara tegas mengenai adanya intimidasi di dunia maya dengan mencakup unsur-unsur adanya perilaku berulang atau terus menerus, menyerang dan ketidakseimbangan kekuasaan dalam perumusan tindak pidananya, karena perbuatan intimidasi di dunia maya merupakan perbuatan yang tidak dapat dianggap remeh mengingat semakin bergantungnya masyarakat akan media komunikasi *online*. Sehingga, diperlukan sosialisasi terhadap masyarakat awam tentang bahaya dan akibat dari *cyberbullying* dan cara mengantisipasi pengaruh *cyberbullying* dalam menggunakan media sosial secara bijak dan bertanggung jawab.

Kata kunci: *Cyberbullying*; Fenomena; Kriminologis;

A. Introduction

It is undeniable that the development of computer-based information technology is growing very rapidly in society. Then the society are spoiled by current technological developments. How not, to do public shopping doesn't have to go to markets or shopping malls to buy something needed. Just click and the goods will come immediately. Society is greatly facilitated and helped by the presence of computer-based information technology. The development of technology in the field of computers today has hit almost all parts of the world, which is caused by high economic growth in the world and has caused developments in the business world to become increasingly global. On that basis, along with the rapid development in the field of information technology, it has changed the paradigm with the presence of cyber space, which is the impact of the global computer network, including the internet network. "Although the development of

information technology is very rapid, the existing developments are not always used for positive interests, but are also often misused for negative things. In fact,¹ the development of computer-based information technology connected through the internet network is often used as a means and media to commit crimes. For example, defamation of someone's good name or perhaps online prostitution business transactions which are currently being widely reported." "The high development of information and the large flow of cyber media that is very fast, then there are at least two crucial problems that can be seen in this case. First, the issue of cyber crime. If analyzed further, the term cyber crime is a criminal act committed on internet technology through the process of attacking public facilities in cyber space or personal data that is important or confidential. It is like lightning that destroys the symmetrical style in the truth of data or information. The crime model of the above criminal acts can be divided into off-line crime, semi-on-line and cyber crime.

These actions each have their own unique characteristics. Social media is an online information media which is a suggestion for human relationships that are not limited by space and time, where users can share via the internet, join, participate, and create content in the form of YouTube, social media, blogs and others.² The internet or social networks and social media and information technology have become an inseparable whole that has given rise to new things in life as it is today. In the era of industry 4.0 and web 2.0 technology like today, the majority of Indonesian people use social media as a necessity. Starting from children to adults, most have used social media. Social media has influenced people's lifestyles. Moreover, activities such as registering for school, making electronic transaction payments, ordering taxis online and many others can now be accessed using social media without having to bother coming to the location.

The function of social media itself for someone is also quite important, namely to interact with each other so that we can get new friends through social media. In addition, communicating with people or relatives who are

¹ Priyatno, Dwidja. Bunga Rampai Pembaharuan Hukum Pidana Indonesia. Penerbit Reka Cipta, 2022, hml. 13.

² Rustian, Rafi Saumi. "Apa itu Sosial Media." Universitas Pasundan. Last modified (2012), hlm. 1.

far away, even to the ends of the earth, playing games, selling on social media can be easier and more efficient if done by a businessman, and searching for any information can be done using social media.³ Social media has transformed the world into something that seems limitless and has changed the concept of distance and time. Information can spread quickly through social media. With social media, anytime and anywhere people can see, connect, talk and do business with other people who are not with them. With social media, people can more easily express their opinions, ideas or ideas. However, the freedom will become a potential control in conflict and problems if there is no one to overdo their freedom in social networks. Certainly, behind the many uses of social media, there are also many negative impacts that arise. Among the negative impacts that are definitely visible is that someone will become lazy because they are addicted to social media, they will continue to hold gadgets and play social media so that they do not care about their real life. Next, people will be more concerned with themselves because they spend more time surfing the internet rather than socializing with others. Another negative impact that is also very detrimental is cybercrime or often referred to as Cybercrime.⁴ *Cyberbullying can happen on any platform As many as 60 percent of teenagers admit to having experienced bullying and 87 percent have experienced online bullying (cyberbullying) The results of a study by Polling Indonesia in collaboration with the Indonesian Internet Service Providers Association (APJII) said that around 49 percent of netizens had been the target of bullying on social media. The Indonesian Child Protection Commission (KPAI) also noted a significant increase in online bullying (cyberbullying) among students from 2011 to 2019, reaching 2,473 people.*⁵ In Makassar City, there are currently many children who have become victims. Cyberbullying and cyberbullying perpetrators who do not get special attention so that this case is increasingly rampant. Data from the

³ Sherlyanita, Astrid Kurnia, and Nur Aini Rakhmawati. "Pengaruh dan pola aktivitas penggunaan internet serta media sosial pada siswa SMPN 52 Surabaya." *Journal of Information Systems Engineering and Business Intelligence* 2, no. 1 (2016): 17-22, hml. 17.

⁴ Fitri, Sulidar. "Dampak positif dan negatif sosial media terhadap perubahan sosial anak: dampak positif dan negatif sosial media terhadap perubahan sosial anak." *Naturalistic: Jurnal Kajian Dan Penelitian Pendidikan Dan Pembelajaran* 1, no. 2 (2017): 118-123, hlm. 118.

⁵ Amirah, Soraya Nurul, A. Muin Fahmal, and Nur Fadhilah Mappaselleng. "Efektivitas Penerapan Restorative Justice Terhadap Anak Sebagai Pelaku Tindak Pidana Cyberbullying Di Polrestabes Makassar." *Indonesian Journal of Criminal Law* 3, no. 1 (2021): 49-63, hlm. 50. doi: <https://journal.ilinstitute.com/index.php/IJoCL>.

Women and Children's Service Unit (PPA) of the Makassar Police Department shows that the number of cases related to violence against children in 2018 to 2019 was 138 people, including cyberbullying. The concepts of Cyberbullying can occur in various forms. Here are some examples:

- a) Making fun of other users in Internet chat rooms.
- b) Harassing users through instant messaging sessions.
- c) Posting derogatory messages on a user's Facebook or MySpace page.
- d) Circulating false rumors about someone on social networking sites.
- e) Publishing obscene comments about other people on personal blogs.
- f) Posting objectionable images of other users on the Web.Spam ke pengguna lain dengan pesan email yang tidak diinginkan.
- g) Sending threatening or provocative e-mails.
- h) Repeatedly calling other people's cell phones.
- i) Sending unsolicited text messages to other users.

Cyberbullying may look like funny to some, but it is a serious problem. Children who are bullied online often feel hurt and rejected by their peers. This can lead to low self-esteem and depression. Therefore, *cyberbullying* should not be tolerated and should be reported to the authorities.

B. Method

This study uses an empirical method approach that aims to intensively study the condition of an object being studied. This study uses primary data sources and secondary data. Data collection techniques used in this study are field techniques and library techniques. In this study, the data analysis used is qualitative data analysis, namely by using primary data obtained from observations and interviews with informants and secondary data in the form of documents and scientific study results from various reliable sources. The results of the analysis are presented descriptively, namely by describing the actual conditions in the field so that a descriptive-qualitative description of the research results is obtained which will later obtain meaning and conclusions to answer the problem.

C. Result & Discussion

A. Factors Causing Cyberbullying in Makassar City

Along with the development of technology, forms of bullying behavior have developed into new forms by utilizing digital communication devices and internet connections called cyberbullying. Cyberbullying is one of the new bullying methods that uses information and communication technology such as mobile phones, cameras and other media devices. Which makes it easier to spread bullying content among the community, especially teenagers.⁶ *Cyberbullying* can take the form of: teasing, harassment, defamation and insults. Teasing mainly uses rude, impolite, vulgar, insulting and sometimes threatening language. Harassment is something that is done repeatedly to send messages that insult the individual who is targeted. Defamation is talk about the target that is harmful, contains lies and is cruel. Furthermore, the perpetrator posts or sends and forwards personal communications or images containing personal information intended to embarrass the target. As stated by AKP. Kamaluddin *Cyber Crime*. South Sulawesi Police. Makassar City. Interview. On April 8 said that;⁷ "The influence of the surrounding environment tends to encourage someone to commit unlawful acts, especially if the perpetrators are teenagers, where adolescence is full of curiosity to try things, even though it violates the rights of others and also the law. *Cyberbullying* behavior itself is influenced by several factors, including personality factors. Each individual has different personality characteristics, which can influence the behavior that arises.

1. Technological Advances

One of the supporting factors for cyberbullying is the rapid advancement of technology, the impact of technological advances ultimately changes the lifestyle and learning and playing environment of

⁶ Jalal, Novita Maulidya, Miftah Idris, and Muliana Muliana. "Faktor-faktor cyberbullying pada remaja." IKRA-ITH HUMANIORA: Jurnal Sosial Dan Humaniora 5, no. 2 (2021): 1-9.

⁷ AKP. Kamaluddin, Kasubnit *Cyber Crime*. Polda Sulsel. Kota Makassar. Pada Tanggal 8 April. Pukul 13.38.

teenagers in the jurisdiction of the South Sulawesi Regional Police, in this era teenagers have easily used smartphones as a means of communication, but most of them are not very wise in using it. As stated by BRIPKA Udianto Cyber Crime. South Sulawesi Regional Police. Makassar City. Interview. On the 7th stated that;⁸ "Technology does increase *cyber bullying* because the devices used do support it. For the solution, there are several things that can be done, here we only provide counseling, and provide education, to prevent it we also carry out *cyber patrols*. On the other hand, it cannot be denied that the presence of the internet and also includes social media, online games, email, text messages and facilities that allow many people to interact with each other in cyberspace. So that this technological advancement, both directly and indirectly, becomes a media and/or facility for *cyberbullying* perpetrators in Makassar City.

2. Ignorance of Legal Risks

Cyberbullying perpetrators mostly do not know that their actions are against the law. They do not know that their actions can be subject to criminal sanctions. *Cyberbullying* perpetrators consider that their actions are only an expression of self-expression and/or they argue that their actions are just jokes.⁹ The perpetrators of cyberbullying do not know, do not understand and do not even think that because of making fun of their friends on social media it can have long consequences that must be resolved by the police. As stated by BRIPKA Udianto Cyber Crime. South Sulawesi Regional Police. Makassar City. Interview. On the 7th stated that: "For the legal rules, there are actually as in the article for cyberbullying in article 27 section 3 and 27 section 4, if for school children it remains the same with the threat of punishment with other people, but there is an age limit, of course minors are distinguished from adults. there is also another policy conveyed by our leader (the Chief of Police) that for actions that are not too severe, restorative justice can be given." It can be concluded that these Cyberbullying factors come from personality characteristics, the role of

⁸ BRIPKA Udianto Humas *Cyber Crime*. Polda Sulsel. Kota Makassar. Pada Tanggal 7 Juni. Pukul 13.29.

⁹ Antama, Febrizal, and Mukhtar Zuhdy. "Faktor-Faktor Penyebab Cyberbullying yang Dilakukan Oleh Remaja di Kota Yogyakarta." *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 2 (2021): 66-77.

parents, and come from a school environment that is less comfortable and conducive, as well as the progress of accessing media that is so rapid and easy. Thus, the potential for someone to commit cyberbullying is so open and free. As stated by AKP. Kamaluddin Cyber Crime. South Sulawesi Regional Police. Makassar City. Interview. On April 8, he said that; "In using this social media, everything leaves a digital footprint. That's why if our cellphone is damaged, it should not be sold immediately without deleting our personal data, because there are people who can misuse our data for crime. By spreading it to cyberspace"

This is also a special concern for stakeholders of the Police in this case the South Sulawesi Regional Police through the Cyber Crime Sub-Directorate to monitor the movements of perpetrators through social media by conducting cyber patrols to anticipate the rampant content containing bullying or threats. In order to ensure a sense of security in social media in the community, in addition the Police are actively voicing socialization about the importance of using social media wisely and responsibly. From some information that the author can conclude, that cyberbullying is a social bullying behavior carried out by the perpetrator (bully), either individually or in groups repeatedly and continuously against victims in cyberspace (internet). This abusive behavior can be in the form of harassment, insults, intimidation and aggression against individuals electronically. The relationship between the perpetrator and victim of cyberbullying can know each other or not. In Indonesia, cyberbullying has become a familiar thing. The research conducted by the author found the fact that cyberbullying behavior or actions tend to be carried out by teenagers, this is due to the condition of teenagers who are still unstable and full of curiosity in doing something without sorting out the good and bad of an act, this also underlies the preventive actions taken by the South Sulawesi Regional Police, especially the Head of the Cyber Crime Sub-Directorate in anticipating deviant behavior among teenagers by monitoring movements through special media from the cybercrime party called the cyber patrol to monitor content that has the potential for bullying.

B. Efforts to Address Cyberbullying Cases in Makassar City

a) Preventive Measures

1. Counseling In Schools

Student behavior in this era of globalization is getting worse due to increasingly free and uncontrolled associations, increasing criminal acts and crimes committed by school-age students, due to increasingly blurred moral norms so that education is needed that can be used as a container for the formation of student character and as a means of formal education that emphasizes education. Character education at school age needs to be consciously designed and managed in such a way that in the learning process there is also a process of forming good attitudes and behavior. Efforts to support the implementation of character education can be done through learning activities, both intracurricular and extracurricular. School is a place where the teaching and learning process takes place which of course takes place in the school environment itself. Good activities and habits greatly influence student character, especially if these habits are carried out routinely.¹⁰ In formal education in the school environment, these habits will shape the character, nature, and potential of students to become people who are faithful, pious, have noble morals, are creative, independent and become democratic and responsible citizens. Factors that have a significant influence on the formation of student character are the environment in which a person grows and is raised in the norms of family, friends, and social groups. A student has enough time to be in the school environment or outside the school environment with their school friends. Including the culture of bullying each other, if students are not given full attention, bad behavior such as bullying or cyberbullying can form. Cyberbullying is very often associated with the old concept of bullying which is also often associated with aggressiveness. There are many theories that explain the reasons behind the emergence of aggressiveness in a person. Triggered when discussing the case of cyberbullying itself, it was found that there was a very prominent gender issue, most women from

¹⁰ Imani, Fitria Aulia, Ati Kusmawati, and Mohammad Amin Tohari. "Pencegahan kasus cyberbullying bagi remaja pengguna sosial media." *KHIDMAT SOSIAL: Journal of Social Work and Social Services* 2, no. 1 (2021): 74-83.

various studies, compared to men, there were fewer who were involved in aggression, women were more because they often gossiped and spread rumors or news that was not appropriate to convey. Schools train students not to commit violence when solving a problem but in a good way and polite speech by solving it, no need to end up arguing and cursing here and over there. Schools can provide counseling to all students or learners about the Self System of cyberbullying, and develop strategies to prevent it, these strategies include punishment for cyberbullying perpetrators or holding briefings, reprimanded in a way that makes cyberbullying students not afraid. It can also develop a location map that indicates cyberbullying to all school residents, provide support groups, these things can be provided by the school in order to create a conducive learning environment, and free from disturbances related to cyberbullying self-esteem, revealing that some efforts to eradicate cyberbullying in schools include providing education about cyberbullying self-esteem to teachers and parents, and limiting the use of mobile phones by students when they are at school and at home, parents must also be firm in limiting mobile phones so that unwanted things do not happen on social media. Moreover, junior high school students are said to be teenagers starting to bear the burden of their own responsibilities. As stated by AKP. Kamaluddin Cyber Crime. South Sulawesi Regional Police. Makassar City. Interview. On April 8, he said that: "The steps taken by the public relations division are to conduct counseling in schools or in public places to anticipate using social media wisely. There is a term filtering then sharing, so it is managed first before we release it, because after it is released it is no longer ours.

2. Do Not Sell Damaged Phones

Referring to the statement, cyberbullying is a form of oppression or violence in the form of mocking, telling lies, throwing out harsh words, or making threats or making aggressive comments which are carried out through media such as email, chat rooms, instant messages, websites (including blogs) or Short Message Service (SMS). Some experts consider *cyberbullying* behavior to be more dangerous than *bullying* behavior because victims find it difficult to avoid the perpetrators so they can receive

cyberbullying treatment anytime and anywhere, sometimes the perpetrators even use anonymity when carrying out *cyberbullying*, making it difficult to track and stop *Cyberbullying* in Indonesia itself has become a phenomenon that cannot be underestimated. The results of the Indonesian Polling research in collaboration with the Indonesian Internet Service Providers Association (APJII) said that there were around 49 percent of internet users who had experienced cyberbullying on social media, in other words almost half of internet users in Indonesia had experienced *cyberbullying* behavior.

As stated by AKP. Kamaluddin Cyber Crime. South Sulawesi Regional Police. Makassar City. Interview. On April 8 said that: "As we know, the use of cellphones leaves a digital footprint. so if the cellphone we use is damaged, it should be stored and not sold in order to avoid data misuse by irresponsible individuals as happened in the city of Pare-pare" From the results of the interview above, the author concludes that one of the preventive steps in overcoming cyberbullying is to maintain data properly, one way is not to sell gadgets in untrusted places. This is because the data we have, whether in the form of images, videos, or the like, is not misused by others.

3. Counseling for the Community

The bullying methods are also varied, ranging from threats, insults, spreading false issues, even immorality. *Cyberbullying* is easier to do because the perpetrator does not deal directly with the victim. The solution offered is the delivery of material about cyberbullying. The implementation of this community service activity was carried out for 6 months. This service activity collaborated with village officials so that the implementation of this service could run smoothly. Students as targets in this service activity previously did not really understand the actions that fall into the category of *cyberbullying*. After the material is delivered, students know and understand the actions that lead to cyberbullying. In addition, in this community service, students are also provided with knowledge about the prevention process and reporting of cyberbullying. At the end of the community service activity, a commitment emerged from students

obtained from the results of interviews related to sharing knowledge with others about cyberbullying. Students who have received this counseling will become drivers to prevent and fight cyberbullying in their environment. As stated by AKP. Kamaluddin Cyber Crime. South Sulawesi Regional Police. Makassar City. Interview. On April 8, he said that: "In using cellphones, people should use them wisely by not giving password codes or numbers to other people who are not interested in order to prevent the leakage of personal information and as an effort to maintain privacy."

b) Repressive Efforts

1. Processing Public Reports/Complaints

Bullying cases that are rampant in everyday life have spread into the virtual world which is now known as cyberbullying. Cyberbullying is an act of intimidation in the virtual world from a group or individual to a group or individual. On social media today, there are very many cases of cyberbullying. Cases like this often occur among teenagers who do not maintain their attitude or ethics on social media, such as the many netizens who comment on one of a person's or group's accounts with hate speech that is judgmental, ostracizing, spreading hatred, blasphemous, etc. Sometimes this is disguised as a joke but can become a case of cyberbullying, because the comments that are considered jokes are thrown out but they are not necessarily well received and these comments have the potential to cause cyberbullying cases to occur.¹¹ For people who are victims of cyberbullying, especially if it is very dangerous, there is no need to be afraid to report the case. Victims can report the case to law enforcement, namely the Ministry of Communication and Information (Kominfo). Kominfo can process the case reliably. Cyberbullying already has a policy regulated in Law Number 11 of 2016 concerning Information and Electronic Transactions (ITE Law) and has sanctions for perpetrators who carry out *cyberbullying*.

¹¹ Rumbay, Liano Rovi Frederick. "Tindak Pidana Cyberbullying Dalam Media Sosial Menurut Uu No. 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik." *Lex Privatum* 5, no. 7 (2017).

Cyberbullying is included in digital crimes, because these acts can harm someone (the victim) and can become a new criminal tool in this era for crime. Criminalization in cyberspace such as hoaxes, hate speech, pornography, cyberbullying and others have occurred a lot and have become a concern in society. The cases are also unstoppable. Crime in cyberspace is just as rampant as crimes that occur in the real world. Therefore, the right law is needed to be able to ensnare cases like this. This *cyberbullying* case is very slippery to be led into the legal realm, how come? because this can also offend a person's right to freedom of expression. Everyone has the right to express themselves in the real world and in cyberspace. It will still be very difficult to categorize between expressing themselves well in cyberspace such as creating works and also expressing themselves by insulting others. The bully will clearly defend himself on the grounds that every human being has the right to express himself, but without realizing it, what he did was an act of cyberbullying. As stated by AKP. Kamaluddin Cyber Crime. South Sulawesi Regional Police. Makassar City. Interview. On April 8, he said that: "The first thing to do is to make a complaint report, you can report yourself directly, you can also report it through social media regarding the crime. This complaint offense, if the victim objects, accompanied by a complaint, we can follow up on it. However, if the victim does not object, we cannot do anything. It's just that we make the apology viral so that it doesn't happen again."

2. Using Restorative Justice

The Constitution of Information and Electronic Transactions (UU ITE), which was initially considered to be an instrument of injustice in the use of digital space, has reached a bright spot. Marked by the issuance of a Circular Letter (SE) by the Chief of Police General Listyo Sigit Prabowo regarding the implementation of the ITE Law on February 19, 2021 and continued on February 22, 2021 with Telegram Letter Number: ST/339/II/RES.1.1.1./2021 containing guidelines for handling ITE Law cases, especially hate speech. The Chief of Police requested that criminal acts of defamation/slander/insults not be subject to detention and can be resolved through restorative justice methods/mechanisms. The Chief of

Police's quick and careful steps have broken the deadlock of multiple interpretations of the application of rubber articles in the ITE Law. The Chief of Police understands very well that the enforcement of the ITE Law, especially the offense of insults and hate speech and hoaxes, has a sui generis character (stands alone and specifically) so that restorative justice needs to be applied. SE Police Chief Number SE/2/11/2021 concerning Ethical Cultural Awareness to Create a Clean, Healthy and Productive Indonesian Digital Space provides space for the implementation of restorative justice for justice seekers, including guarantees for the governance of law enforcement.

The main principle of restorative justice sees crime as a conflict between individuals and not merely between the perpetrator and the state, thus giving rise to the belief that the governance of security, crime and disorder must be shared with fellow members of society. Restorative justice is seen as a humanitarian approach that prioritizes the ideals of forgiveness, restoration, reconciliation and reintegration rather than simply imposing punishment and criminal sanctions. The Chief of Police provided the basis for the application of restorative justice in cybercrimes, especially to guide Article 27 clause 3 of the ITE Law, Article 207 of the Criminal Code, Article 310 of the Criminal Code and Article 311 of the Criminal Code.

3. Using Criminal Law

The articles in the KUHP that regulate bullying are regarding violence in Article 170, Article 336 and Article 368 of the Criminal Code. In the articles in the Criminal Code, violence is often accused of threats. Thus it can be concluded that violence can be physical and non-physical (threats of violence). This can also be seen from the expansion of violence that can be seen in Law Number 23 of 2004 concerning the Elimination of Domestic Violence which is contained in Article 5 which states that violence can be carried out through physical violence, psychological violence, sexual violence, and domestic neglect. Cybercrime does require a legal umbrella

to address the conditions of technological development. The need for criminal legislation that is in accordance with the current situation and circumstances and for the future. Efforts to create or formulate good legislation are the meaning of criminal law policy. Criminal law policy can cover the scope of policies in the field of material (substantive) criminal law, in the field of formal criminal law and in the field of criminal enforcement law. In this study, a discussion will be carried out that focuses on policies in the field of material (substantive) criminal law. From the number of cases of defamation and insults that fall into the category of cyberbullying in 2021, it reached quite a large number, the following is a table of cyberbullying data in 2021 in Makassar City.

TABLE 1. The Total of Cyberbullying Cases in Makassar City in 2021

No	Year	Finished Case	Unfinishe d Case	Process	Total
1.	2021	87	6	17	110

Sources: *Cyber Crime* Direktorat Reserse Kriminal Polda Sulsel

It can be concluded that the number of cyberbullying cases in Makassar City in 2021 has increased, this is based on the number of cyberbullying cases that occur every month, in just 8 months reaching 110 cases handled by the South Sulawesi Regional Police cybercrime. So there is a need for a legal umbrella and comprehensive socialization to the community, especially teenagers, this is based on the large number of victims among teenagers. As stated by AKP. Kamaluddin Cyber Crime. South Sulawesi Regional Police. Makassar City. Interview. On April 8, he said that: "Previously, the criminal threat was 6 years, after this new law Law number 19 of 2016 became 4 years. So in the past we had carried out detention, but now it has been changed to Law number 19 of 2016 since then it has changed to a threat of 4 years. So now because it is only 4 years, we can no longer carry out detention. In the past, we could issue detention. But considering

that maybe the threat was too harsh, the government finally changed the law. And it continues until now” Cyberbullying falls into the category of insulting the victim.

B. Conclusion

Efforts to overcome cyberbullying in Makassar city include preventive and repressive efforts. Preventive efforts include, among others, conducting counseling in every school to support student behavior in using social media, not selling damaged gadgets as a step to protect personal data from being misused by irresponsible parties, conducting counseling to the community about the dangers that can be caused by Cyberbullying, then repressive efforts include, processing reports or complaints from the community related to cyberbullying, conducting restorative justice efforts which are seen as a humanitarian approach that prioritizes the ideals of forgiveness, recovery, reconciliation and reintegration rather than simply imposing punishment and criminal sanctions and the last as an ultimatum remedium is to use criminal law as a legal umbrella that works in handling cyberbullying cases.

C. References

- AKP. Kamaluddin, SH. Kasubnit *Cyber Crime*. Polda Sulsel. Kota Makassar. Wawancara. Pada Tanggal 8 April. Pukul 13.38.
- Amirah, Soraya Nurul, A. Muin Fahmal, and Nur Fadhilah Mappaselleng. "Efektivitas Penerapan Restorative Justice Terhadap Anak Sebagai Pelaku Tindak Pidana Cyberbullying Di Polrestabes Makassar." *Indonesian Journal of Criminal Law* 3, no. 1 (2021): 49-63.
- Antama, Febrizal, and Mukhtar Zuhdy. "Faktor-Faktor Penyebab Cyberbullying yang Dilakukan Oleh Remaja di Kota Yogyakarta." *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 2 (2021): 66-77.
- Arsali, Imroatin, and Intan Kartika Sari. "Kejahatan Bullying terhadap Siswa

- Sekolah Dasar Jiyu 2 Mojokerto dalam Tinjauan Kriminologi." *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 4, no. 2 (2023): 48-56.
- BRIPKA Udianto Humas *Cyber Crime*. Polda Sulsel. Kota Makassar. *Wawancara*. Pada Tanggal 7 Juni. Pukul 13.29.
- Fitri, Sulidar. "Dampak positif dan negatif sosial media terhadap perubahan sosial anak: dampak positif dan negatif sosial media terhadap perubahan sosial anak." *Naturalistic: Jurnal Kajian Dan Penelitian Pendidikan Dan Pembelajaran* 1, no. 2 (2017): 118-123.
- Giumetti, Gary W., and Robin M. Kowalski. "Cyberbullying via social media and well-being." *Current Opinion in Psychology* 45 (2022): 101314.
- Imani, Fitria Aulia, Ati Kusmawati, and Mohammad Amin Tohari. "Pencegahan kasus cyberbullying bagi remaja pengguna sosial media." *KHIDMAT SOSIAL: Journal of Social Work and Social Services* 2, no. 1 (2021): 74-83.
- Jalal, Novita Maulidya, Miftah Idris, and Muliana Muliana. "Faktor-faktor cyberbullying pada remaja." *IKRA-ITH HUMANIORA: Jurnal Sosial Dan Humaniora* 5, no. 2 (2021): 1-9.
- Palallo, Patriot Pattola, and Miftahul Jannah. "Tinjauan Kriminologis Terhadap Perundungan Anak Di Kota Makassar." *Qawanin Jurnal Ilmu Hukum* 4, no. 2 (2023): 79-93.
- Priyatno, Dwidja. *Bunga Rampai Pembaharuan Hukum Pidana Indonesia*. Penerbit Reka Cipta, 2022.
- Rifauddin, Machsun. "Fenomena cyberbullying pada remaja." *Jurnal Ilmu Perpustakaan, Informasi, dan Kearsipan Khizanah Al-Hikmah* 4, no. 1 (2016): 35-44.
- Rumbay, Liano Rovi Frederick. "Tindak Pidana Cyberbullying Dalam Media Sosial Menurut Uu No. 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik." *Lex Privatum* 5, no. 7 (2017).
- Rustian, Rafi Saumi. "Apa itu Sosial Media." *Universitas Pasundan*. Last modified (2012).
- Sherlyanita, Astrid Kurnia, and Nur Aini Rakhmawati. "Pengaruh dan pola aktivitas penggunaan internet serta media sosial pada siswa SMPN 52 Surabaya." *Journal of Information Systems Engineering and Business Intelligence* 2, no. 1 (2016): 17-22.