"LEGAL PROTECTION FOR CHILD VICTIMS OF CYBERBULLYING IN THE PERSPECTIVE OF ISLAMIC LAW."

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Abstract

Legal protection for children who are victims of cyberbullying is an effort aimed at safeguarding the rights, well-being, and integrity of children from the threats and negative impacts of cyberbullying. This phenomenon pertains to the use of technology and digital platforms to engage in harassment, intimidation, or threats against children. Legal protection for children victimized by

cyberbullying involves several legal concepts and principles centered around human rights, child protection, and digital justice.

This study aims to analyze the legal protection provided to children who fall victim to cyberbullying. In the current digital era, the threat of cyberbullying is on the rise and can have adverse effects on a child's psychological, emotional, and social development. The study employs a descriptive method with a normative approach.

The research findings indicate that despite the existence of some laws that address cybercrimes and child protection in the online realm, there are still gaps in implementation and a lack of understanding regarding these issues among the general public and relevant governmental bodies. Furthermore, it is necessary to establish cooperation between schools, families, and authorities to provide education about the importance of digital awareness to children.

In the endeavor to enhance legal protection for children victimized by cyberbullying, recommendations from this research include revising policies for more stringent enforcement against cyberbullying perpetrators and increasing public understanding of the legal consequences for such actions. Additionally, public campaigns are needed to raise awareness and educate children on the significance of digital safety. The establishment of trained specialized teams to handle cyberbullying cases is also essential.

Keywords: Legal Protection, Child Victims, Cyberbullying, Digital Awareness, Legal Approach

1. INTRODUCTION

"Crime or criminal activities are one form of deviant behavior that is always present and inherent in every society; there is no crime that is free from crime. According to Saparinah Sadli, deviant behavior represents a real threat

or a threat to the social norms that underlie life or social order, it can create individual tension or social tension, and it is a real or potential threat to the maintenance of social order. Therefore, crime, in addition to being a human problem, is also a social problem, and according to Benedict S. Alper, it is 'the oldest.' This long-standing crime continues to evolve and is even developed by individuals who understand the development of the times, which increasingly involve technology."

"Bullying actions are often encountered in daily life. Whether consciously or not, acts of bullying have sometimes become a daily indulgence in someone's life routine. Whether it's in the school environment, workplace, or even within the community. In some cases, bullying is used as a platform to assert power over an individual or a specific group. Perpetrators of bullying always have targeted individuals in mind, in line with their concerns."

"The need for computer network technology is increasing. In addition to the Internet, you can also use it to find out about rapidly evolving trends and market activities globally in various countries. Everything is possible through the Internet, also known as the virtual world. Of course, the positive aspects of this virtual world complement the trends in global technological development with all forms of human creativity. The factors that lead children/teenagers to engage in bullying are to satisfy their inner need for power or strength, a desire to dominate, a desire to seize power, and the target of the bullying is someone who appears powerless."

The Indonesian Child Protection Commission (KPAI) defines cyberbullying as a form of long-term physical violence carried out by an individual or a group against someone who is unable to defend themselves in situations where there is a desire to hurt or intimidate them. It aims to make people feel pressured, traumatized, or powerless.

According to Davis's research, the impacts of cyberbullying on victims include low self-esteem, poor self-worth, depression, anxiety, disinterest in

previously enjoyed activities, feeling of insignificance, withdrawing from friends, withdrawing from school, avoiding playgrounds, and even changes in mood, behavior, and sleep patterns, including eating habits.[1]

Arif Goshita stated that children should be protected to prevent them from becoming victims of actions (by individuals or groups, private organizations or governments), both directly and indirectly. In general, a victim is someone who experiences harm (mental, physical, social) as a result of the passive or active actions of others (private or government individuals or groups).[2]

In the perspective of Islam, cyberbullying behavior is clearly considered a reprehensible act, which has been prohibited in the Quran and the Sunnah (teachings and practices) of the Prophet Muhammad (peace be upon him).

2.   RESEARCH METHODOLOGY

In this research, there are two problem formulations: the first one is "How is the effectiveness of legal protection for child victims?" and the second one is "What is the Islamic legal perspective on cyberbullying behavior?" The type of research that will be used is normative legal research. Normative legal research is focused on examining the application of rules or norms in the applicable positive law. In normative legal research, written law is examined from various aspects such as theory, philosophy, comparison, structure/composition, consistency, general explanations, and explanations in each article, formality, and the binding strength of a law, and the language used is legal language. This research uses the Statute Approach. The Statute Approach is a research method that prioritizes legal materials in the form of statutory regulations as the basic reference material in conducting research. The Statute Approach is typically used to examine regulations that still have

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[1] *Ibid.,* halaman 4.
[2] Arif Gosita, *Masalah Perlindungan Anak,* Jakarta, 1989, hlm. 32.

shortcomings or may foster deviant practices either at the technical level or in their implementation in the field. The nature of the research in this study is descriptive because it will describe and explain legal protection for child victims of cyberbullying. The data collection technique used by the author to obtain data is through official documents such as laws, regulations, policies, and statistics related to legal protection for child victims of cyberbullying.

3. RESULT AND DISCUSSION

1) FROMS OF LEGAL PROTECTION EFFECTIVINESS FOR CHILDREN VICTIMS OF CYBERBULLYING

"Cyberbullying is one of the new dimensions of contemporary crime that has gained attention from both domestic and international communities. This crime originates from the rapid development of information and communication technology, which has not been accompanied by a proper understanding of its responsible use. Additionally, this crime is also a result of the lack of ethical awareness when utilizing information and communication technology by its users."

"Law fundamentally aims to ensure the emergence of positive aspects and to deter negative aspects of humanity while ensuring justice for all citizens regardless of social class, race, ethnicity, religion, or gender. The application of legal protection for child victims of cyberbullying is influenced by the rapid globalization trend, which has led children to increasingly utilize technology, including social media platforms like WhatsApp, Facebook, Instagram, Twitter, and others, for facilitating communication among peers. This development necessitates a change in legal regulations to ensure the constitutional rights of every citizen. Cyberbullying is considered valid when both the perpetrator and the victim are under 18 years old and are not legally considered adults."

"The legal regulation of cyberbullying in Indonesia can be found in the Criminal Code and outside the Criminal Code, specifically in Law Number 11

of 2008 concerning Electronic Information and Transactions, which has been amended by Law Number 19 of 2016."

"The protection of a child's life and livelihood remains the responsibility of various parties, including their parents, family, community, and the state. This protection can take the form of clothing, food, and shelter. Moreover, the protection provided to a child can also extend to their psychological or mental well-being, especially their emotional development. This means that a child should be able to develop and live a normal life, not only in terms of physical growth but also in terms of their emotional and psychological development."

"Furthermore, the protection of its forms is legal protection for victims of criminal acts, which can be defined as protection to obtain legal assurance for the suffering or losses of those who have become victims of criminal acts."

"The existence of Law Number 23 of 2002 concerning Child Protection, as amended by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, hereinafter referred to as the Child Protection Law, is a legal instrument capable of protecting children from various criminal acts, including protecting them from cyberbullying behavior."

The formulations of the articles are as follows: Article 76C: Every person is prohibited from placing, leaving, committing, ordering to commit, or participating in acts of violence against a child. Article 80 (1): Any person who violates the provisions as referred to in Article 76C shall be punished with imprisonment for a maximum of 3 (three) years and/or a fine of up to Rp72,000,000.00 (seventy-two million Indonesian Rupiahs).

"The handling of children who come into contact with the law in the Child Criminal Justice System under the law is the entire process of resolving cases involving children who have come into contact with the law, starting from the investigation stage to the guidance stage after serving a sentence. The

criminal law instruments through the criminal justice system, including juvenile justice, also known as juvenile court, are responsible for examining, deciding, and resolving cases involving children as determined by the applicable legal regulations."

2) ISALMIC LAW PERSPECTIVE ON CYBERBULLYING BEHAVIOR

"In Islam, when engaging in communication with others, there are several aspects that should be taken into consideration. The points referring to the holy Quran and the Sunnah of the Prophet Muhammad (peace be upon him) are as follows:"

a. Respecting one another

The mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.'

b. "Being gentle, quick to forgive, forgetting unnecessary things, and engaging in discussions."

".....So forgive them and ask forgiveness for them and consult them in the matter..." (Q.S. al-Imran:159). This verse explains the importance of having a generous heart to forgive one another. Because it is possible that when we consult to resolve an issue, we cannot reach an agreement unless our hearts are clean and in harmony with each other. It involves restraining anger, forgiving others, and being kind to one another."

c. "Not blindly following and believing."

"And do not trust except those who follow your religion..." (Q.S. al-Imran:73). In the commentary of al-Misbah, it is explained that as Muslims, we are commanded by Allah to always follow the true guidance (which is the guidance of Allah). It is further explained that as Muslims living alongside other groups, we are obligated to acquire

knowledge. This way, we won't easily fall victim to false news or information and accept them blindly. Even if the information is presented with verses from the Quran, we are required to seek its truth first. Many hypocrites use various methods to mislead us, such as mixing truth with falsehood (propaganda), which is often found in the gaps of truth. Additionally, they prefer to conceal what is true and show falsehood to those who do not fully understand a matter. Therefore, we can counter both of these by acquiring various knowledge (as long as we learn from a valid teacher)."

d. "Do not utter words that carry ambiguous meanings."

"Compared to that, speak words that are good and respectful. Avoid defamation and slander. This is as narrated in the Quran: 'O you who have believed, do not say [to Allah's Messenger], 'Ra'ina' but say, 'Unzurna' and listen...' This verse narrates the incident where the Jews at that time had given a negative connotation to the word 'Ra'ina,' so Allah commanded the Muslim community to use the word 'Unzurna' (look at us), which means the same thing, 'consider our condition or ability,' and 'listen' (follow this guidance and other guidance)."

From various explanations above, it can be concluded that as a Muslim, it is only fitting to always guard our hearts and tongues when it comes to matters involving other people.

Furthermore, Islam has also provided clear guidelines regarding human interactions and social relations. This general principle is known as 'Daruriyyat al Khamsah,' which requires every Muslim to protect their religion (ad-dīn), life (̄ nafs), intellect or rationality ('aql), lineage (nasl), and wealth (m ā l). Several aspects of this principle contribute to peace in society, including peace within each individual, family, and society as a whole.

Therefore, anything that infringes upon the rights of others is clearly prohibited, as stated in the words of Prophet Muhammad (peace be upon him):

"A Muslim is someone from whose tongue and hands the Muslims are safe, and a Muhajir (emigrant) is someone who abandons what Allah has forbidden." Furthermore, cyberbullying is considered an unjust and forbidden behavior in Islam, as mentioned in a hadith narrated by Muslim."

"Narrated from Abu Dzar al-Ghifari (may Allah be pleased with him), from the Prophet Muhammad (peace be upon him), as he narrated from his Lord, the Most Noble and Great, saying, 'O My servants, I have forbidden oppression for Myself, and I have made it forbidden among you. So, do not oppress one another...' According to a commentary by the scholar Ibn Daqiq, if oppression occurs, the oppressed has the right to seek retribution from the oppressor. In everything they do, a Muslim is required to be cautious in their behavior. If a Muslim engages in cyberbullying, they are no different from a hypocrite who cannot guard their secrets and their tongue."

4. CONCLUSION

Based on the various explanations above, it can be concluded that cyberbullying is an action that is clearly prohibited by the positive laws of our country and also by Islamic law. This is due to the harmful and dangerous consequences of cyberbullying, which affect both others and ourselves. Like a "boomerang," our actions will inevitably have consequences that we must be accountable for in the end.

Furthermore, cyberbullying represents a violation of ethics in the context of today's technological development. Although it may not have direct effects like other forms of aggression, cyberbullying can result in traumatic and psychological effects on its victims. This is further exacerbated by the lack of awareness in our surroundings regarding the effects of cyberbullying. Therefore, with the various materials that have covered the entire issue of

cyberbullying, it is hoped that our awareness of the dangers of cyberbullying, which is rampant today, will continue to increase. Wallahu A'lam.

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