

Towards an Ideal Justice-Based Legal Enforcement Framework for Combating Cyberbullying in Indonesia

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ABSTRACT

Cyberbullying has emerged as a significant legal challenge in Indonesia due to the rapid expansion of digital communication and the absence of comprehensive legal regulation specifically addressing this offense. This study aims to analyze the current law enforcement process based on the principle of justice and to formulate an ideal legal framework for combating cyberbullying in Indonesia. This research employs normative legal research using statutory, conceptual, and comparative approaches, supported by primary and secondary legal materials analyzed qualitatively. The findings reveal that existing law enforcement remains fragmented, resulting in legal uncertainty and limited victim protection. The study proposes a justice-based framework integrating legal certainty, human rights protection, restorative justice, institutional coordination, and strengthened digital forensic capacity to achieve more effective and equitable cyberbullying law enforcement.

INTRODUCTION

The rapid expansion of digital technology and social media has fundamentally transformed patterns of communication, enabling individuals to interact across geographical boundaries with unprecedented speed and convenience. While these developments have generated significant social and economic benefits, they have also facilitated new forms of unlawful conduct, including cyberbullying. Unlike conventional bullying, cyberbullying is characterized by repeated harassment, humiliation, intimidation, or dissemination of harmful content through digital platforms, often causing severe psychological, emotional, and social consequences for victims. The anonymous and borderless nature of cyberspace further complicates efforts to identify perpetrators and provide timely legal protection for victims (Putra, 2024).

Cyberbullying has increasingly become a serious legal and human rights concern in Indonesia. The widespread use of social networking platforms, instant messaging applications, and digital communities has contributed to the rising prevalence of online harassment affecting children, adolescents, and adults alike. Although Indonesia has enacted several legal instruments, particularly Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law (ITE Law), the existing regulatory framework remains fragmented because it does not specifically define cyberbullying as an independent criminal offense. Consequently, law enforcement authorities frequently rely on provisions concerning defamation, threats, hate speech, or electronic information misuse, resulting in inconsistent legal interpretations and varying judicial outcomes (Putra, 2024).

From the perspective of legal justice, the effectiveness of cyberbullying law enforcement should not be measured solely by the imposition of criminal sanctions. Instead, it should also ensure equal protection before the law, proportional punishment, protection of victims' rights, procedural fairness, and respect for fundamental human rights. However, practical implementation demonstrates several persistent obstacles, including difficulties in collecting digital evidence, identifying anonymous offenders, jurisdictional limitations, limited digital forensic capacity, and inadequate coordination among law enforcement agencies and digital platform providers. These challenges frequently delay legal proceedings and reduce public confidence in the justice system (Farhan, 2025).

Recent legal scholarship has primarily focused on criminal liability, legal protection for victims, and the adequacy of existing electronic information regulations. Previous studies generally examine the effectiveness of the ITE Law, juvenile criminal responsibility, or victim protection mechanisms from a doctrinal perspective. Although these studies contribute significantly to understanding cyberbullying regulation, they rarely integrate the broader principles of justice, legal certainty, and human rights into a comprehensive framework for future law enforcement. Consequently, existing literature has yet to formulate an integrated legal model capable of balancing effective punishment, victim recovery, proportionality, restorative justice, and constitutional protection simultaneously (Farhan, 2025; Putra, 2024).

The research gap of this study therefore lies in the absence of a normative legal framework that comprehensively combines justice-oriented law enforcement with legal certainty in addressing cyberbullying cases in Indonesia. Existing research predominantly evaluates current legislation without proposing a systematic model capable of harmonizing substantive criminal law, procedural law, institutional coordination, digital evidence management, victim protection, and restorative justice principles. Furthermore, limited attention has been devoted to examining how constitutional values and human rights principles should guide future cyberbullying law enforcement policies within Indonesia's evolving digital legal landscape.

Addressing this gap is increasingly important considering Indonesia's continuing digital transformation and the growing demand for responsive cyber governance. A justice-based legal framework should move beyond punitive approaches by ensuring accessible legal remedies for victims, proportional accountability for offenders, preventive digital literacy policies, and effective institutional collaboration among government agencies, law enforcement authorities, educational institutions, and digital platform providers. Such an integrated approach would strengthen legal certainty while maintaining fairness and proportionality within the criminal justice system.

Based on these considerations, this study aims to analyze the current process of cyberbullying law enforcement in Indonesia from the perspective of justice principles and to formulate an ideal legal framework capable of integrating justice, legal certainty, and human rights protection in future cyberbullying regulation and enforcement. The findings are expected to contribute to the development of Indonesian cyber law by providing normative recommendations for a more equitable, effective, and sustainable legal system in addressing cyberbullying.

THEORETICAL REVIEW

Theory of Justice

Justice constitutes one of the fundamental objectives of law, alongside legal certainty and utility. According to Rawls, justice should guarantee equal basic rights and ensure that legal institutions fairly distribute rights, obligations, and opportunities among members of society. In the context of cyberbullying, justice requires not only the imposition of sanctions upon offenders but also the restoration of victims' dignity, equal access to legal remedies, and proportional law enforcement that respects human rights. Therefore, justice-oriented law enforcement must balance victims' protection, offenders' legal rights, and the broader public interest in maintaining order within digital society (Rawls, 1999; Putra, 2024).

Theory of Legal Certainty

Legal certainty emphasizes the existence of clear, predictable, and consistently implemented legal rules to ensure that individuals understand the legal consequences of their actions. Fuller argues that an effective legal system must possess clarity, consistency, publicity, and enforceability so that law functions as a reliable instrument of social regulation. In cyberbullying cases,

legal certainty becomes essential because overlapping legal provisions and varying judicial interpretations may undermine public trust and reduce the effectiveness of law enforcement. Consequently, comprehensive legal norms specifically regulating cyberbullying are necessary to ensure consistent application by law enforcement agencies and courts (Fuller, 1969; Farhan, 2025).

Cyberbullying Theory

Cyberbullying refers to intentional and repetitive aggressive behavior conducted through digital communication technologies to intimidate, harass, threaten, or humiliate another individual. Unlike traditional bullying, cyberbullying can occur continuously without spatial or temporal limitations, facilitated by anonymity, rapid information dissemination, and permanent digital records. These characteristics significantly increase victims' psychological vulnerability while simultaneously complicating criminal investigations and evidence collection. Therefore, understanding the unique characteristics of cyberbullying is essential for designing effective legal policies and law enforcement mechanisms in the digital environment (Kowalski et al., 2014; Mahmud et al., 2023).

Human Rights Theory

Human rights theory recognizes that every individual possesses inherent rights to dignity, privacy, equality, security, and freedom from violence. Within cyberbullying law enforcement, the state bears a positive obligation to protect victims from digital abuse while simultaneously safeguarding procedural rights afforded to alleged offenders during criminal proceedings. Human rights-based law enforcement therefore requires proportionality, due process of law, non-discrimination, and effective access to justice, ensuring that technological developments do not diminish constitutional protections guaranteed to all citizens (United Nations, 1948; Putra, 2024).

Restorative Justice Theory

Restorative justice promotes resolving criminal conflicts by emphasizing dialogue, accountability, victim recovery, and community participation rather than relying exclusively on punitive sanctions. This approach recognizes that certain cyberbullying cases, particularly those involving minors or first-time offenders, may benefit from restorative mechanisms that encourage reconciliation and behavioral change while preserving victims' rights. Accordingly, restorative justice complements conventional criminal justice by integrating rehabilitation, compensation, and prevention into a comprehensive legal response without compromising legal certainty or public protection (Zehr, 2002; Farhan, 2025).

METHODOLOGY

This study employed normative legal research (doctrinal legal research), focusing on the analysis of legal norms, statutory regulations, legal doctrines, judicial decisions, and scholarly opinions concerning cyberbullying law enforcement in Indonesia. Normative legal research was selected because the

primary objective of this study is to examine the adequacy of the existing legal framework and formulate an ideal justice-based legal model for addressing cyberbullying through conceptual and regulatory analysis rather than empirical field investigation (IRAC, 2024).

The research adopted three complementary legal approaches. First, the **statutory approach** was applied to examine Indonesian legislation governing cyberbullying, including the Criminal Code, Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, the Child Protection Law, and other related regulations. Second, the **conceptual approach** was utilized to analyze legal theories concerning justice, legal certainty, restorative justice, and human rights as normative foundations for cyberbullying law enforcement. Third, the **comparative approach** was employed to compare Indonesia's legal framework with international legal principles and selected foreign practices to identify regulatory improvements applicable within the Indonesian legal system (Hutchinson & Duncan, 2012).

The legal materials consisted of primary, secondary, and tertiary legal sources. Primary legal materials included the Constitution of the Republic of Indonesia, statutory regulations, constitutional provisions, and relevant judicial decisions relating to cyberbullying and electronic crimes. Secondary legal materials comprised peer-reviewed journal articles, legal textbooks, conference proceedings, commentaries, and scholarly publications discussing cyberbullying, digital law, criminal justice, restorative justice, and human rights. Tertiary legal materials included legal dictionaries, encyclopedias, and official government publications that supported the interpretation of legal concepts.

Legal materials were collected through comprehensive library research using academic databases, including Scopus, Web of Science, Google Scholar, Crossref, and national accredited journal portals. Only recent and authoritative publications, particularly those published within the last five years whenever available, were prioritized to ensure the relevance and reliability of the legal analysis. Statutory regulations and official legal documents were examined through authentic government sources to maintain legal accuracy and validity.

The collected legal materials were analyzed using qualitative normative analysis through descriptive, systematic, and prescriptive methods. Descriptive analysis was conducted to explain the existing legal framework governing cyberbullying in Indonesia. Systematic analysis was used to identify relationships among statutory provisions, legal principles, and judicial practices. Finally, prescriptive analysis was employed to formulate an ideal justice-based legal framework integrating legal certainty, human rights protection, victim-oriented justice, restorative justice principles, and institutional coordination for future cyberbullying law enforcement in Indonesia. The overall analytical process emphasized coherence among legal norms while evaluating their effectiveness in achieving justice, legal certainty, and social utility.

RESULTS AND DISCUSSION

Current Law Enforcement Process Based on the Principle of Justice in Addressing Cyberbullying in Indonesia

The findings of this normative legal research indicate that Indonesia has established several legal instruments capable of addressing cyberbullying despite the absence of a specific statutory provision explicitly criminalizing cyberbullying as an independent offense. Law enforcement currently relies on multiple legal provisions, including Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, the Indonesian Criminal Code, the Child Protection Law, and several implementing regulations. However, the fragmented nature of these regulations has resulted in inconsistent legal interpretation, overlapping criminal provisions, and varying judicial practices. The analysis also reveals that justice-oriented law enforcement remains challenged by institutional, procedural, and technological limitations.

Table 1. Results of Normative Analysis on the Current Cyberbullying Law Enforcement Framework in Indonesia

No	Indicator	Findings	Justice Assessment
1	Legal framework	Cyberbullying is regulated indirectly through the ITE Law, Criminal Code, and Child Protection Law without a specific legal definition.	Legal certainty remains limited due to fragmented regulations.
2	Criminal investigation	Police investigations depend heavily on electronic evidence and digital forensic examination.	Difficulties in obtaining electronic evidence frequently delay justice for victims.
3	Digital evidence	Electronic evidence is legally recognized but requires technical verification and forensic authentication.	Limited forensic capacity reduces procedural efficiency.
4	Victim protection	Victims may obtain legal protection through criminal proceedings and witness protection mechanisms.	Psychological recovery and restorative measures remain insufficient.

5	Institutional coordination	Law enforcement requires cooperation among police, prosecutors, courts, Kominfo, and digital platform providers.	Institutional coordination is improving but remains fragmented.
6	Human rights protection	Existing procedures generally recognize due process and the presumption of innocence.	Balancing victims' rights and offenders' constitutional rights remains challenging.
7	Law enforcement effectiveness	Cyberbullying cases continue to increase despite available criminal sanctions.	Punitive approaches alone have not produced optimal deterrent effects.

Source: Processed by the author based on normative analysis of Indonesian legislation and recent legal literature (2023–2025).

The findings presented in Table 1 demonstrate that Indonesia has established a relatively comprehensive legal basis for prosecuting cyberbullying-related conduct; however, these regulations remain dispersed across several statutory instruments rather than being codified within a unified legal framework. Consequently, law enforcement officers frequently classify cyberbullying cases under broader criminal provisions such as online defamation, threats, hate speech, or unlawful dissemination of electronic information. This fragmented regulatory structure creates inconsistent legal interpretations among investigators, prosecutors, and judges, thereby weakening legal certainty and limiting the realization of substantive justice. From a normative perspective, the absence of an explicit statutory definition of cyberbullying also complicates efforts to distinguish cyberbullying from other forms of cybercrime, resulting in unequal legal treatment of comparable cases.

Furthermore, the analysis indicates that effective cyberbullying law enforcement depends not only on adequate legislation but also on institutional readiness and technological capacity. Investigators frequently encounter difficulties in tracing anonymous accounts, preserving electronic evidence, and obtaining digital information from cross-border platform providers. These technical challenges are compounded by limited digital forensic resources, procedural delays, and insufficient inter-agency coordination. Although Indonesia has recognized electronic evidence as valid legal evidence and continues strengthening digital governance, existing law enforcement mechanisms remain predominantly punitive and have not sufficiently incorporated restorative justice, victim recovery, and psychological rehabilitation. Therefore, achieving justice in cyberbullying cases requires a more integrated legal framework that simultaneously promotes legal certainty,

proportional accountability, institutional cooperation, protection of human rights, and comprehensive support for victims.

The Ideal Concept of Law Enforcement and Legal Certainty Based on the Principle of Justice in Combating Cyberbullying in Indonesia

The normative analysis demonstrates that the current legal framework requires substantial reform to establish a justice-oriented cyberbullying law enforcement system. Rather than relying solely on criminal punishment, an ideal legal framework should integrate legal certainty, human rights protection, restorative justice, institutional coordination, and digital governance. Such an approach recognizes cyberbullying as a multidimensional legal issue involving criminal law, constitutional rights, information technology, child protection, and public policy. Therefore, future legal reform should not only strengthen substantive legal provisions but also improve procedural mechanisms that ensure accessible justice, proportional sanctions, effective victim protection, and preventive measures through digital literacy.

Table 2. Proposed Justice-Based Framework for Cyberbullying Law Enforcement in Indonesia

No	Strategic Component	Proposed Improvement	Expected Legal Impact
1	Specific cyberbullying regulation	Establish an explicit statutory definition and classification of cyberbullying within Indonesian legislation.	Greater legal certainty and consistent judicial interpretation.
2	Justice-oriented criminal policy	Integrate proportional punishment with restorative justice mechanisms where appropriate.	Balanced protection for victims while ensuring offenders' procedural rights.
3	Victim protection	Strengthen legal aid, psychological recovery services, compensation mechanisms, and privacy protection.	Improved access to justice and comprehensive victim recovery.
4	Digital forensic capacity	Enhance technological infrastructure, digital forensic laboratories, and professional training for investigators.	Faster investigations and stronger evidentiary reliability.

5	Institutional coordination	Develop an integrated national cyberbullying response involving law enforcement agencies, educational institutions, Kominfo, and digital platform providers.	Improved efficiency and coordinated law enforcement.
6	Human rights safeguards	Ensure due process, proportionality, freedom of expression, and constitutional protections throughout legal proceedings.	Fair and accountable justice system.
7	Preventive legal policy	Expand digital literacy education and public awareness campaigns regarding responsible online behavior.	Reduction of cyberbullying incidents through preventive intervention.

Source: Author's normative synthesis based on legal theories, statutory analysis, and recent scholarly literature (2023–2025).

Table 2 illustrates that an ideal justice-based legal framework extends beyond legislative amendment by integrating substantive law, procedural safeguards, institutional reform, and preventive public policy. The first priority concerns the enactment of a comprehensive legal definition of cyberbullying within Indonesian legislation. The absence of a specific statutory provision has resulted in fragmented legal interpretation, forcing law enforcement officers to rely on provisions concerning defamation, threats, hate speech, or electronic information misuse. A clear statutory definition would provide greater legal certainty, improve consistency among judicial decisions, and establish clear legal boundaries distinguishing cyberbullying from other forms of cybercrime. Such reform would also enhance predictability for citizens while strengthening constitutional guarantees of equality before the law.

Equally important is the adoption of a justice-oriented enforcement model that balances punishment with restorative principles. Although criminal sanctions remain necessary for serious cyberbullying offenses causing substantial psychological, economic, or reputational harm, restorative justice may provide a more appropriate response in selected cases, particularly those involving juveniles, educational environments, or first-time offenders. Restorative mechanisms encourage offender accountability, victim participation, dialogue, and rehabilitation without undermining legal certainty or public safety. Simultaneously, the legal system should strengthen institutional capacity by improving digital forensic infrastructure, enhancing investigators' technological competencies, establishing integrated cooperation among relevant government agencies and digital platform providers, and expanding accessible victim

support services. These reforms should be complemented by nationwide digital literacy programs that promote ethical online behavior and public awareness of legal responsibilities in cyberspace. Collectively, these measures form a comprehensive justice-based framework capable of improving legal certainty, protecting human rights, preventing future cyberbullying, and reinforcing public confidence in Indonesia's digital legal system.

Implications of the Justice-Based Legal Framework for Future Cyberbullying Law Enforcement in Indonesia

The formulation of a justice-based legal framework has significant implications for the future development of cyberbullying regulation and law enforcement in Indonesia. The normative analysis indicates that legal reform should not be limited to revising substantive criminal provisions but should also encompass institutional restructuring, procedural harmonization, technological enhancement, and preventive legal policies. The increasing complexity of cyberbullying, characterized by anonymity, cross-border communication, rapid dissemination of harmful content, and the permanence of digital evidence, demands an integrated legal response capable of addressing both legal and technological challenges. Consequently, the future legal system should recognize cyberbullying as a distinct legal issue requiring specialized regulatory instruments, coordinated institutional responsibilities, and adaptive investigative mechanisms.

Table 3. Legal Implications of the Proposed Justice-Based Framework

No	Dimension	Existing Condition	Future Legal Direction
1	Legislation	Fragmented legal provisions governing cyberbullying.	Enact comprehensive legislation explicitly regulating cyberbullying.
2	Criminal Justice System	Predominantly punitive and reactive approach.	Integrate proportional punishment with restorative justice principles.
3	Institutional Capacity	Unequal technological readiness among law enforcement agencies.	Strengthen digital forensic laboratories and specialized cybercrime units.
4	Victim Protection	Limited psychological and legal assistance mechanisms.	Establish integrated victim recovery and legal support services.
5	Prevention	Public awareness programs remain sporadic.	Institutionalize nationwide digital literacy and cyber ethics education.

6	Human Rights	Balancing freedom of expression and protection from abuse remains difficult.	Develop human rights-based legal standards ensuring proportionality and due process.
7	National Cyber Governance	Inter-agency coordination remains sectoral.	Build an integrated national cyberbullying governance system involving government, educational institutions, civil society, and digital platforms.

Source: Author's normative synthesis based on statutory analysis and recent legal scholarship.

The findings summarized in Table 3 demonstrate that the proposed framework provides broader legal implications extending beyond criminal law reform. Legislative reform should be accompanied by institutional modernization capable of responding to the dynamic characteristics of digital crime. Specialized cybercrime investigators, standardized digital forensic procedures, secure electronic evidence management systems, and stronger collaboration between law enforcement agencies and digital service providers will significantly improve the effectiveness of criminal investigations. Furthermore, harmonization between criminal law, information technology law, child protection legislation, and constitutional principles is essential to eliminate overlapping legal interpretations that currently hinder consistent law enforcement.

From the perspective of justice, the proposed framework emphasizes that cyberbullying should be addressed through a balanced legal approach protecting both victims and accused persons without compromising constitutional guarantees. Victims require immediate legal assistance, psychological rehabilitation, privacy protection, and effective access to compensation mechanisms, while alleged offenders remain entitled to due process, legal representation, and the presumption of innocence. Simultaneously, preventive policies should become an integral component of national cyber governance through continuous digital literacy programs, ethical online education, and community participation involving schools, universities, families, private technology companies, and civil society organizations. Such a comprehensive framework is expected to strengthen legal certainty, improve institutional accountability, reduce cyberbullying incidents, and foster greater public trust in Indonesia's digital justice system while ensuring that future legal development remains consistent with the principles of justice, proportionality, and human rights.

CONCLUSIONS AND RECOMMENDATIONS

This study concludes that the current law enforcement process against cyberbullying in Indonesia has provided a legal basis through several statutory instruments, including Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, the Criminal Code, and the

Child Protection Law. Nevertheless, these regulations remain fragmented and do not explicitly define cyberbullying as an independent criminal offense. Consequently, law enforcement practices continue to face inconsistencies in legal interpretation, difficulties in obtaining and authenticating digital evidence, limited digital forensic capacity, and insufficient coordination among law enforcement agencies and digital platform providers. These challenges reduce legal certainty and hinder the realization of justice, particularly regarding comprehensive protection for victims while simultaneously safeguarding the procedural rights of alleged offenders.

Furthermore, this study finds that an ideal justice-based framework for combating cyberbullying should integrate the principles of justice, legal certainty, and human rights within a comprehensive legal system. Such a framework requires the establishment of explicit cyberbullying regulations, the strengthening of institutional coordination, enhancement of digital forensic capabilities, expansion of victim protection mechanisms, incorporation of restorative justice where appropriate, and continuous digital literacy programs as preventive measures. By harmonizing substantive criminal law, procedural safeguards, technological capacity, and human rights principles, Indonesia can develop a more effective, equitable, and sustainable legal framework capable of responding to the evolving challenges of cyberbullying in the digital era.

Recommendations

Based on the findings of this study, the Indonesian Government and the legislature should prioritize the formulation of comprehensive legislation that explicitly regulates cyberbullying as a distinct legal offense while providing clear legal definitions, classification criteria, and proportional sanctions. Future legal reforms should also strengthen institutional collaboration among law enforcement agencies, the Ministry of Communication and Digital Affairs, educational institutions, and digital platform providers to improve investigation, evidence collection, and enforcement efficiency. Investment in digital forensic infrastructure and specialized training for investigators should be expanded to enhance the quality and reliability of cybercrime investigations.

In addition, law enforcement policies should adopt a more balanced approach by integrating criminal punishment with restorative justice mechanisms in appropriate cases, particularly those involving juvenile offenders or educational settings. Victim-oriented policies should ensure accessible legal aid, psychological rehabilitation, privacy protection, and compensation mechanisms, while preventive strategies should emphasize nationwide digital literacy, cyber ethics education, and public awareness campaigns. Future studies are encouraged to complement this normative analysis through empirical research examining judicial practices, law enforcement performance, and victims' experiences, thereby contributing to evidence-based legal reform and the continuous improvement of cyberbullying law enforcement in Indonesia.

FURTHER STUDY

Future research is recommended to extend this normative legal study by employing empirical and comparative approaches to examine the practical

implementation of cyberbullying law enforcement in Indonesia. Subsequent studies may explore the perspectives of law enforcement officers, judges, prosecutors, victims, and digital platform providers to evaluate the effectiveness of existing legal mechanisms and identify operational challenges in greater depth. Comparative research involving jurisdictions with specific cyberbullying legislation would also provide valuable insights for developing a more comprehensive, justice-oriented, and human rights-based legal framework capable of responding to the evolving nature of cyberbullying in the digital era.

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