

Cyberbullying Regulation and Victim Protection in Indonesia and Malaysia: A Comparative Analysis for Indonesian Criminal Law Reform

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Abstract

Introduction: Cyberbullying presents challenges for criminal law and victim protection because harmful digital conduct may involve repeated harassment, threats, humiliation, and psychological harm. Indonesia's fragmented regulatory framework raises questions concerning the adequacy of existing criminal law in addressing these forms of digital violence.

Purposes of the Research: This study examines the legal regulation and victim protection mechanisms concerning cyberbullying in Indonesia and Malaysia and formulates implications for Indonesian criminal law reform.

Methods of the Research: This normative legal study applies statutory, comparative, and conceptual approaches. Primary legal materials and relevant scholarly literature are analyzed through qualitative doctrinal reasoning, with attention to offense elements, victim protection, and institutional mechanisms.

Findings of the Research: The analysis identifies differences in the legal treatment of cyberbullying, particularly concerning repeated conduct, the recognition of psychological harm, and the relationship between criminal enforcement and digital protection measures. The study argues that Indonesian reform requires clearer legal classification, safeguards for victims, and coordination between criminal justice institutions and digital governance mechanisms. Conclusion, Indonesian criminal law reform should develop a coherent framework for addressing repeated cyberbullying, evaluating psychological harm, preserving digital evidence, and ensuring accessible victim protection. The proposed framework requires further validation against applicable legislation and institutional practice in both jurisdictions.

Keywords: Cyberbullying; Law Enforcement; Victim Protection; Criminal Law Reform.

Submitted: 2026-06-23

Revised: 2026-08-27

Accepted: 2026-08-29

Published: 2026-09-20

How To Cite: Sri Jekan Anggun Bandu, Mompang Lycurgus Panggabean, and Richard Marolop Nainggolan. "Cyberbullying Regulation and Victim Protection in Indonesia and Malaysia: A Comparative Analysis for Indonesian Criminal Law Reform." *TATOHI: Jurnal Ilmu Hukum* 6 no. 6 (2026): 311-320. <https://doi.org/10.47268/tatohi.v6i6.4029>

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INTRODUCTION

Indonesia, as a constitutional state (*rechtsstaat*), holds a constitutional obligation to guarantee protection for every citizen. This mandate is explicitly affirmed in Article 28G Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which grants the right to protection of personal self, honor, dignity, and a sense of security from the threat of fear. In the context of the rapid advancement of information and communication technology, the state is required to adapt its legal system to counter various new forms of crime emerging in cyberspace.¹ The proliferation of the internet and social media has created a new social sphere (*cyberspace*) that facilitates interactions crossing boundaries of time and space. Indonesia stands as one of the countries with the largest internet user bases globally. Data from the Association of Indonesian Internet Service Providers indicates that the number of

¹ Nur Azizah Qurrotuaini, *Hak Privasi sebagai Hak Konstitusional di Era Digital: Kajian Yuridis dalam Perspektif Hukum Siber*, 2024, p. 237; Satjipto Rahardjo, *Hukum dalam Masyarakat yang Sedang Berubah* (Jakarta: Kompas, 2010), p. 22-23.

internet users reached 215.6 million in 2023 and increased to 229 million in 2025, constituting approximately 80.66% of the total population.² Regrettably, this escalation in internet utilization has been followed by an upward trajectory in interpersonal cybercrimes, prominently cyberbullying.³

Cyberbullying constitutes an aggressive, intentional, and repeated act carried out via electronic media aimed at attacking, humiliating, intimidating, or harming the victim. The contemporary development of cyberbullying is no longer confined to insults or verbal harassment; instead, it has transformed into complex psychological manipulation, including harassment, online grooming, denigration, masquerade, and gaslighting, which severely threaten the mental health of victims.⁴ This phenomenon is increasingly alarming given that approximately 45% of adolescents aged 14–24 in Indonesia have experienced cyberbullying.⁵ The impacts of cyberbullying encompass not only social detriments but also induce severe psychological suffering, such as anxiety, depression, trauma, loss of security, and suicidal ideation.⁶

Nonetheless, the psychological wounds sustained by victims are frequently difficult for the legal system to identify because they leave no discernible physical manifestation (*invisible damage*). Consequently, legal protection for cyberbullying victims has not operated optimally despite the manifest reality of the consequences.⁷ This condition is reflected in the case of Timothy Anugerah Saputra, a student at Udayana University who passed away in 2025 after enduring prolonged psychological pressure and harassment within the digital environment. Although the perpetrators were subsequently prosecuted under the provisions of the Electronic Information and Transactions Law, legal intervention only occurred after the victim's demise. This case demonstrates that the Indonesian legal system remains reactive and incapable of providing protection from the nascent stages when the psychological suffering of the victim begins to manifest.⁸

These systemic impediments can be scrutinized through Lawrence M. Friedman's legal system theory, which encapsulates legal substance, legal structure, and legal culture. From the standpoint of legal substance, the regulation of cyberbullying within the Electronic Information and Transactions Law is overwhelmingly content-oriented (*content-oriented*), thereby failing to accommodate the mental suffering of victims as an independent legal injury. From the perspective of legal structure, the mechanisms for digital protection and the removal of hazardous content operate sluggishly. Meanwhile, within the legal culture, the persistent practice of victim-blaming deters many victims from reporting their grievances to law enforcement authorities.⁹

In contrast to Indonesia, Malaysia has executed progressive legal reforms through the Penal Code (Amendment) Act, which explicitly regulates cyberbullying and recognizes the psychological impacts on victims as a pivotal interest requiring protection. Furthermore, institutional support via the Malaysian Communications and Multimedia Commission enables the processing and removal of harmful content to be performed swiftly and

² APJII, *Survei Internet APJII 2025*, p. 2–3.

³ Sayid Muhammad R. Noval, *Cyberbullying Hak-Hak Digital: Right on Online Safety* (Bandung: Refika Aditama, 2021), p. 34.

⁴ Nancy Willard, *Cyber-Safe Kids, Cyber-Savvy Teens* (San Francisco: Jossey-Bass, 2007), p. 182.

⁵ Putri Ulya Anjani, *Perbandingan Pengaturan Cyberbullying pada Hukum Positif Indonesia dengan Jepang*, 2025, p. 4.

⁶ J. W. Patchin and Sameer Hinduja, "Cyberbullying and Self-Esteem," *Journal of School Health* 80, no. 12 (2010): 614.

⁷ Komisi Nasional Hak Asasi Manusia, *Laporan Tahunan Pemenuhan Hak Atas Rasa Aman di Ruang Digital* (Jakarta: Komnas HAM, 2024), p. 88.

⁸ BBC News Indonesia, *Kronologi Kematian Mahasiswa Universitas Udayana dan Dugaan Perundungan*, 2025.

⁹ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), p. 12.

responsively.¹⁰ Based on the aforementioned context, a fundamental disparity exists between the legal systems of Indonesia and Malaysia in perceiving cyberbullying, particularly regarding the recognition of the victim's mental suffering and the protective mechanisms afforded. Currently, there is a scarcity of scholarly work specifically comparing the legal systems and victim protection mechanisms of Indonesia and Malaysia with a dedicated focus on recognizing mental wounds as a *legal injury* for the advancement of Indonesian criminal law reform. Therefore, this study aims to examine the legal systems and victim protection of cyberbullying in Indonesia and Malaysia, along with its implications for a more victim-oriented reform of Indonesian criminal law.

This study employs a normative legal research method conducted via literature studies to examine primary and secondary legal materials concerning cybercrimes. The study utilizes a statutory approach, a conceptual approach, and a comparative approach qualitatively using deductive reasoning. Based on this methodology, the analysis is precisely designed to address two main research questions: 1) How does the legal system and victim protection against the crime of cyberbullying compare between Indonesia and Malaysia?; 2) What is the ideal model of Indonesian criminal law reform regarding victim protection against cyberbullying crimes based on this comparative approach?.

METHODS OF THE RESEARCH

This study employs a normative legal research method through an extensive literature review to analyze statutory gaps, comparative legal frameworks, and penal reform models without empirical fieldwork. 1) Research Approaches: To address the research problems, three interconnected qualitative legal approaches are deployed: a) Statutory Approach: Used to evaluate the textual limits, definitions, and application of positive law, specifically focusing on the Indonesian Electronic Information and Transactions Law 2024, Sexual Violence Law 2022, and National Criminal Code 2023, alongside Malaysia's CMA 1998 and Penal Code reforms; b) Comparative Approach: Deployed to contrast the content-oriented paradigm of Indonesia with the progressive, victim-oriented model of Malaysia, extracting structural and institutional lessons; c) Conceptual Approach: Utilized to move beyond statutory vacuums by applying Lawrence M. Friedman's Legal System Theory and the doctrine of *psychiatric injury* to conceptualize mental suffering as an independent legal injury. 2) Sources of Legal Materials: This doctrinal study relies entirely on secondary data classified into three tiers: a) Primary Materials: Binding statutes including the 1945 Constitution of Indonesia, the Indonesian Electronic Information and Transactions Law, Sexual Violence Law, National Criminal Code, and Malaysia's CMA 1998 and Penal Code (Amendment) Act 2024; b) Secondary Materials: Scholarly literature, including peer-reviewed law journals, criminal law textbooks, and annual reports from National Human Rights Commission, Witness and Victim Protection Agency, and the Malaysian Communications and Multimedia Commission (MCMC); c) Tertiary Materials: Auxiliary references such as legal dictionaries, encyclopedias, and mass media archives to clarify contextual terminology. 3) Collection and Analysis Techniques: Legal materials are compiled using a documentary study technique (*studi dokumen*) via archival tracing and thematic categorization. The collected data is then subjected to a qualitative-doctrinal

¹⁰ Penal Code (Amendment) Act 2025 (Malaysia), Sections 507B–507G; Arina Kamarudin et al., "Bridging the Gaps in Malaysia's Cyberbullying Law," *Jurnal Hukum Malaysia* (2025): 138–139; Malaysian Communications and Multimedia Commission, *Annual Report on Cyber Harassment* 2024.

analysis driven by deductive legal reasoning. By applying general theories of justice and victimology to the specific texts of domestic cybercrime regulations, this study logically deduces concrete structural recommendations for a *victim-centered* penal policy reform in Indonesia.

RESULTS AND DISCUSSION

A. A Comparative Analysis of Legal Systems and Victim Protection Against Cyberbullying Crimes in Indonesia and Malaysia

Cyberbullying represents a manifestation of digital violence that expands alongside the growing utilization of the internet and social media in society. This act does not merely encompass defamation or insults; rather, it has evolved into aggressive behavior perpetrated deliberately and repeatedly via electronic media to humiliate, intimidate, suppress, and degrade the psychological condition of the victim.¹¹ In its evolution, cyberbullying manifests as harassment, denigration, impersonation, outing, cyberstalking, and gaslighting, which substantially violate an individual's mental integrity.¹² In the Indonesian context, the legal regulation of cyberbullying does not exist as an independent, specific offense. Its mitigation remains scattered across several legal instruments, primarily Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, Law Number 12 of 2022 concerning Sexual Violence Crimes, and Law Number 1 of 2023 concerning the Criminal Code.¹³

The Electronic Information and Transactions Law serves as the statutory baseline most frequently deployed to prosecute cyberbullying, particularly through Article 27A regarding attacks on honor or reputation, Article 27B concerning extortion and/or threats, and Article 29 regarding threats of violence or intimidation directed personally.¹⁴ However, the construction of these norms remains fundamentally tethered to the existence of visible digital content—such as text, images, videos, or electronic messages - rather than the cumulative patterns of repeated psychological attacks experienced by the victim. Consequently, positive law in Indonesia treats cyberbullying as a mere offshoot of electronic defamation or insult, rather than an autonomous form of digital psychological violence.¹⁵ Victim protection should not only encompass punitive actions against perpetrators but must structurally provide psychological rehabilitation and digital safety restorations. To delineate these structural differences clearly, the following open comparative table is presented:

Table 1. A Comparative Analysis of Law Enforcement and Victim Protection in Cyberbullying Crimes in Indonesia and Malaysia

Aspek	Indonesia	Malaysia
Law Enforcement & Protection Aspects	Indonesia	Malaysia

¹¹ Nancy E. Willard, *Cyberbullying and Cyberthreats: Responding to the Challenge of Online Social Aggression, Threats, and Distress* (Champaign: Research Press, 2007), p. 1.
¹² Sayid Muhammad Rifqi Noval, *Cyberbullying: Hak-Hak Digital: Right on Online Safety* (Bandung: PT Refika Aditama, 2021), p. 35-52.
¹³ Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions; Law Number 12 of 2022 concerning Sexual Violence Crimes; Law Number 1 of 2023 concerning the Criminal Code.
¹⁴ Law Number 1 of 2024, Article 27A, Article 27B, and Article 29.
¹⁵ Ahmad Sofian, "Problematisasi Pembuktian Delik Materiil dalam Ruang Siber: Analisis Sinkronisasi UU ITE dan KUHP Nasional," *Jurnal Hukum Pidana dan Kriminologi* 5, no. 1 (2024): 32.

Enforcement Paradigm	Formalistic and content-oriented	Victim-oriented and focused on psychological impacts
Primary Statutory Basis	Electronic Information and Transactions Law 2024, National Criminal Code 2023, Sexual Violence Law 2022	CMA 1998, Penal Code Amendment 2024
Focus of the Offense	Defamation, threats, and content distribution	Repeated harassment and psychological distress
Concept of Repeated Acts	Not explicitly accommodated	Statutorily recognized as a core element
Recognition of Mental Harm	Severely limited under general criminal law	Recognized under the doctrine of psychiatric injury
Evidentiary Standard	Focuses heavily on formal electronic data	Integrates psychological assessments and impact evidence
Protection Mechanism	Fragmented and non-integrated	Integrated and preventative
Oversight Entities	Witness and Victim Protection Agency, Ministry of Communication and Digital (Komdigi)	MCMC, Cyber999
Content Takedown Speed	Approximately 72 hours	Less than 24 hours
Psychological Rehabilitation	Limited statutory availability	Systematically integrated within the enforcement framework

This conceptual weakness becomes increasingly evident when cyberbullying is conducted through manipulative patterns that do not explicitly utilize coarse language or overt threats. In practice, behaviors such as gaslighting, social exclusion, and online grooming cause profound mental distress, yet they evade the literal phrasing of articles in the Electronic Information and Transactions Law because they do not satisfy the textual parameters of insult or threat.¹⁶ This demonstrates that the legal substance in Indonesia remains constrained by a *content-oriented* approach, focusing on the material substance of the message rather than the psychological injuries sustained by the victim.

In contrast, Malaysia demonstrates a more progressive paradigm. Through the Communications and Multimedia Act 1998 (CMA / Act 588), specifically Section 233, Malaysia long ago criminalized the use of network facilities to transmit communications that are offensive, menacing, harassing, or annoying to others.¹⁷ Furthermore, the legislative reform introduced via the Penal Code (Amendment) Act 2024 establishes specific protections against cyberbullying, particularly by codifying provisions regarding acts perpetrated repeatedly that induce psychological distress in the victim.¹⁸

The crucial distinction lies in how the two nations perceive the victim. Indonesia still tends to process cyberbullying from the perspective of public order infractions or honor violations, whereas Malaysia has shifted toward safeguarding the victim's mental integrity. Within the Malaysian framework, psychological suffering is no longer treated as a collateral

¹⁶ Shinta Agustina, "Rekonstruksi Konsep Kekerasan dalam Hukum Pidana Indonesia: Dari Fisik ke Psikis Digital," *Jurnal Hukum Progresif* 12, no. 1 (2024): p. 45.

¹⁷ Communications and Multimedia Act 1998 (Act 588) Malaysia, Section 233.

¹⁸ Penal Code (Amendment) Act 2024 (Malaysia).

effect but as a legally actionable injury.¹⁹ Thus, Malaysia aligns closely with the doctrine of *psychiatric injury*, acknowledging that psychological trauma constitutes a real, quantifiable legal injury.²⁰

Applying Lawrence M Friedman's legal system theory, these disparities can be comprehensively unbundled.²¹ Regarding *legal substance*, Indonesia's provisions are fragmented and non-specific, whereas Malaysia has engineered explicit prohibitions against repeated behaviors and mental harm. Regarding *legal structure*, Indonesia faces inter-agency coordination gridlocks, prolonged content-takedown periods, and an absence of seamless integration between law enforcement agencies and victim support bodies.²² Conversely, Malaysia possesses robust institutional machinery in the Malaysian Communications and Multimedia Commission (MCMC), which is empowered to intercept digital threats and remove harmful content rapidly.²³

In terms of *legal culture*, Indonesia struggles with low public awareness regarding the severity of cyberbullying and a pervasive culture of victim-blaming. Victims are frequently dismissed as oversensitive or held partially accountable for their digital victimization.²⁴ Consequently, many suffer in silence due to fear of social stigma or institutional skepticism. Malaysia, while experiencing similar societal challenges, has initiated a more responsive digital protection culture backed by clear institutional pathways.²⁵

Furthermore, victim protection in Indonesia remains suboptimal. Normatively, minor progress is visible through the recognition of mental suffering in Article 149 of the National KUHP, which defines a victim as a person enduring physical, mental, and/or economic harm resulting from a criminal act.²⁶ Additionally, the Electronic Information and Transactions Law permits the deployment of psychological evidence and acknowledges psychological injury within electronic sexual violence.²⁷ However, in practice, these advancements are not uniformly applied to general cyberbullying cases.

Protection in Indonesia is also fragmented. The Witness and Victim Protection Agency possesses the mandate to provide medical aid, psychological rehabilitation, and legal counsel.²⁸ Nonetheless, access to these services is rarely swift or easily navigable for cyberbullying victims. Due to capacity boundaries, the lack of an integrated digital recovery architecture, and the absence of rapid content-removal protocols, the victim's trauma is often prolonged in cyberspace even after legal proceedings have commenced.²⁹

Conversely, Malaysia presents a more unified protection template. The co-existence of the MCMC and public reporting mechanisms ensures that content monitoring, public complaints, and takedown interventions occur rapidly.³⁰ Crucially, the Malaysian approach

¹⁹ Mohamad Nasir Shari bin Mohamad Hashim, "The Legal Protection against Cyber Harassment in Malaysia," *International Journal of Law, Government and Communication* 7, no. 28 (2022): p. 45-58.

²⁰ Norbaya Nazri and Aspalila Ahmad, "Claims for Psychiatric Injury in the Workplace," *IJUM Law Journal* 29, no. 2 (2021): p. 175.

²¹ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), p. 15-16.

²² Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Sistem Hukum* (Jakarta: RajaGrafindo Persada, 2014), p. 42.

²³ Malaysian Communications and Multimedia Commission, *Annual Report 2024: Bridging Digital Safety* (Cyberjaya: MCMC Publishing, 2025), p. 42.

²⁴ Satjipto Rahardjo, *Ilmu Hukum: Membedah Hukum dari Sisi Sosiologi dan Filosofis* (Bandung: Citra Aditya Bakti, 2022), p. 112.

²⁵ Siti Zubaidah Ismail, "Cyber Harassment and Legal Protection in Malaysia," *Journal of Malaysian and Comparative Law* 49, no. 2 (2022): p. 45.

²⁶ Law Number 1 of 2023 concerning the Criminal Code, Article 149.

²⁷ Law Number 12 of 2022 concerning Sexual Violence Crimes, Article 24 Paragraph (3) and Article 25.

²⁸ Law Number 31 of 2014 concerning Witness and Victim Protection.

²⁹ Lembaga Perlindungan Saksi dan Korban, *Laporan Kinerja Tahunan 2025: Tantangan Rehabilitasi Psikis Korban Siber* (Jakarta: LPSK Press, 2026), p. 34.

³⁰ Malaysian Communications and Multimedia Commission, *Annual Report 2024: Bridging Digital Safety*, p. 42.

emphasizes neutralizing the harm directly within the digital sphere, rather than merely punishing the actor ex-post-facto. Consequently, there is a stronger structural orientation toward preventative protection and victim recovery.

Thus, the comparative analysis indicates that Indonesia adheres to a formal-positivistic paradigm focused on textual and material data validation, while Malaysia has transitioned toward a progressive model recognizing psychological suffering as a legal injury. This comparative baseline serves as the foundation for charting the course of Indonesian criminal law reform.

B. The Model of Indonesian Criminal Law Reform in Protecting Cyberbullying Victims Based on the Comparative Approach

Reforming Indonesian criminal law against cyberbullying is imperative because the evolution of digital crimes vastly outpaces statutory updates. Current criminal codes fail to address the anonymous, pervasive, cumulative, and deeply traumatic character of cyberbullying.³¹ Therefore, reform must transcend merely escalating punitive sentences; it must deliver an adaptive, victim-oriented model grounded in the operational realities of cyberspace.

The first model of reform requires the formulation of cyberbullying as an independent, specific offense within Indonesian criminal legislation. The statutory definition must encapsulate its distinct constituent elements: behavior executed via electronic media, perpetrated intentionally, characterized by repeated acts, aimed at attacking, humiliating, or intimidating the target, and culminating in verified psychological or social suffering.³² The element of *repeated acts* is vital because cyberbullying rarely materializes in a solitary text; its danger lies in the accumulation of digital actions that systematically erode the victim's mental health.³³

The second model demands the explicit recognition of mental harm as a distinct *legal injury*. Historically, the Indonesian criminal justice system has favored physical and material damages over psychological trauma. Yet, in cyberbullying, the primary injury consists of clinical depression, anxiety, loss of security, and social ostracization.³⁴ Criminal law reform must elevate psychological suffering to an independent legal injury, rather than a mere secondary consequence. This fits the trajectory of the National Criminal Code and Sexual Violence Law, but requires broad application to cyberbullying generally.³⁵ The third model mandates strengthening evidentiary systems based on psychological impact. In cyberbullying prosecutions, evidence must not be limited to digital screenshots or textual insults. The evidentiary framework must afford substantial weight to expert psychological testimonies, clinical assessments, medical histories, and other evidence that verify the presence of psychiatric distress.³⁶ Enforcement must move beyond proving the existence of content to proving the actual harm inflicted on the human subject.

The fourth model necessitates the structural integration of criminal law instruments with digital protection mechanisms. Punishing the offender is insufficient if the defamatory or

³¹ Adek Nurul, "Cyberbullying sebagai Tindak Pidana: Kajian Hukum Pidana di Era Digital," *Referendum: Jurnal Ilmu Hukum* 17, no. 2 (2025): p. 390.

³² Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana* (Jakarta: Kencana, 2016), p. 24.

³³ Safaria et al., "Cyberbullying: Karakteristik dan Dampak Psikososial," *Sasana: Jurnal Ilmu Hukum* (2023): 8.

³⁴ Amalia S. S. et al., "Cyberbullying: Perundungan Siber dan Dampak Psikologisnya," *Media Hukum Indonesia* 11, no. 1 (2023): p. 5.

³⁵ Law Number 1 of 2023, Article 149; Law Number 12 of 2022, Article 24 Paragraph (3).

³⁶ Siti Zubaidah Ismail, "Cyber Harassment and Legal Protection in Malaysia," *Journal of Malaysian and Comparative Law* 49, no. 2 (2022): p. 45.

harmful content remains accessible online. The state must build an infrastructure capable of executing immediate content takedowns, erasing digital footprints, protecting victim identities, supplying psychological aid, and enabling social rehabilitation.³⁷ Replicating the efficacy of the MCMC in Malaysia, Indonesia must expand the operational powers of Komdigi, streamline its coordination with the National Police and Witness and Victim Protection Agency, and introduce a single, rapid digital reporting portal.³⁸

The fifth model requires the harmonization of fragmented regulations. Currently, conflicts and overlaps persist between the Electronic Information and Transactions Law, Sexual Violence Law, National Criminal Code, and child protection statutes. Reform must synchronize these laws to eliminate jurisdictional conflicts and ambiguities, ensuring law enforcement operates with clarity and victims receive consistent protection.³⁹ The sixth model dictates the institutionalization of a *victim-centered criminal policy*. Criminal law must shed its exclusive fixation on the perpetrator and place the victim at the center of the judicial process, satisfying modern victimological requirements by prioritizing restoration alongside deterrence.⁴⁰

The seventh model involves reshaping the digital legal culture of the public. Statutes are ineffective without a corresponding shift in social consciousness. Hence, criminal law reform must be paired with massive digital literacy campaigns, anti-cyberbullying education in schools, parental supervision networks, and nationwide psychological health initiatives to stop the normalization of digital violence as "free speech."⁴¹

In conclusion, drawing from the Malaysian experience, the ideal reform model for Indonesia must balance three core pillars: *normative orientation* (specific codification, mental harm as legal injury, and statutory synchronization), *structural orientation* (institutional empowerment, rapid content takedowns, and unified protective portals), and *cultural orientation* (building public digital ethics). Through this triad, Indonesian criminal law can shift from a system that merely punishes to one that truly restores.

CONCLUSION

This study examined the legal regulation and victim protection mechanisms concerning cyberbullying in Indonesia and Malaysia, with particular attention to their implications for Indonesian criminal law reform. The comparative analysis indicates that the legal treatment of cyberbullying requires assessment beyond the classification of individual digital communications, particularly where harmful conduct involves repeated acts, psychological distress, and continuing exposure to harmful content. The study identifies the need for greater coherence in Indonesia's regulatory and institutional framework. However, the differences between the Indonesian and Malaysian legal systems must be evaluated through a systematic comparison of statutory provisions, institutional authority, evidentiary requirements, and victim protection mechanisms. Claims concerning the relative effectiveness of either system require support from verifiable legal sources and, where relevant, institutional evidence. For Indonesian criminal law reform, the study proposes a framework addressing the legal classification of repeated cyberbullying conduct, the

³⁷ Harkristuti Harkrisnowo, *Rekonstruksi Sistem Peradilan Pidana Berorientasi Korban* (Jakarta: UI Press, 2023), p. 88.

³⁸ Malaysian Communications and Multimedia Commission, *Annual Report 2024: Bridging Digital Safety*, p. 42.

³⁹ Ahmad Sofian, *Hukum Pidana Siber: Perluasan Ruang Lingkup dan Pembuktian dalam KUHP Nasional* (Jakarta: Kencana, 2024), p. 215.

⁴⁰ Sandra Walklate, *Victimology: The Victim and the Criminal Justice Process* (London: Routledge, 2007), p. 41.

⁴¹ Ministry of Communication and Digital of the Republic of Indonesia, *Regulation of the Minister of Communication and Digital Number 9 of 2026 concerning Child Protection in the Digital Environment*.

recognition and assessment of psychological harm, the protection and preservation of digital evidence, and coordination among criminal justice and victim protection institutions. Any proposed autonomous offense should clearly define its constituent elements, establish appropriate evidentiary safeguards, and maintain consistency with existing criminal law principles. The proposed framework is normative in nature and should be further examined through legislative analysis, institutional practice, and empirical research on victims' access to protection. Such development would support a more coherent and accountable approach to cyberbullying regulation and victim protection in Indonesia.

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