

Cyberbullying in Criminology Perspective

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Abstract. This article discusses cyberbullying from a criminological perspective. A qualitative approach using normative juridical methods is used to examine cyberbullying from a criminological perspective. From the results of the descriptive analysis, it was found that cyberbullying is a criminal act and can be categorized as a criminal act.

Keywords: Criminology; Cyber Bullying; Criminal

1 Introduction

Following the development of the digital era, bullying or bullying carried out through social media (Cyber Bullying) is increasing and aimed at children. Cyberbullying is bullying/bullying using digital technology. It can occur via online entertainment, visit stages, gaming stages, and cell phones. In the interim, as indicated by Think Before Text, cyberbullying is forceful and deliberate conduct did by a gathering or individual, utilizing electronic media, over and over every once in a while, against somebody who is viewed as difficult to oppose the activity. In this way, there is a power contrast between the culprit and the person in question. The distinction in strength alludes to a view of physical and intellectual abilities.

Cyberspace or cyberspace is electronic media in computer networks that are widely used for online one-way and reciprocal communication purposes. The word Cyber Space comes from the word Cybernetics and Space, was first introduced by a science fiction novelist named William Gibson in his storybook entitled "Burning Chrome" which was published in 1982 and became popular in the next novel entitled "Neuromancer" which was published two years after.[1]

Gibson describes Cyber Space as not intended to describe interactions that occur over computer networks, but as a graphical representation of abstracted data from storage containers in each computer in a human system. An unsolvable complexity. Then in 1990, John Barlow applies the term Cyber Space to a world that is connected or online to the internet. 2 In the Big Indonesian Dictionary (KBBI) there is no official translation of the word "Cyber". However, the KBBI already contains the word "Cybernetics" which is the official translation of the word "Cybernetics," namely the science of communication and supervision which is particularly about comparative studies of automatic surveillance systems (such as the nervous system and brain)."

Annoying, torturing, torturing, threatening, for sure we typically call bugging is the usage of force, risks, or impulse to abuse or frighten others. This direct can become daily schedule and incorporate a lopsidedness of social or genuine power. It can integrate verbal incitement or risks,

genuine violence, or strain and can be composed at least a couple of times against a specific loss, perhaps established on race, religion, direction, sexuality, or limit. There are four kinds of abuse, explicitly enthusiastic, physical, verbal, and computerized. The way of life of abuse can grow anyplace during human association, beginning at school, work, home, and the climate. In the meantime, as indicated by the Oxford Dictionary, the word Bully signifies "an individual who utilizes strength or impact to hurt or scare the people who are more fragile." Bullying incorporates a few unforgiving/awful medicines coordinated at someone in particular or gathering over and again to make them feel bad or genuinely.[2]

Bullying has both long-term and short-term effects on the victim. The short-term effects caused are depression, decreased interest in doing school assignments given by the teacher and decreased interest in participating in school activities. While the long-term effect on the victim is having difficulty in establishing good relations with the opposite sex, always having anxiety that he will get unpleasant treatment from his peers.[3] Bullies often hurt their target by saying or doing bad things related to their weight, body physique, family, gender, religion, ethnicity, or culture. The experience of harassing, for certain, individuals, may require a long time to years to turn out to be awkwardly understood.

While for other people, a solitary pessimistic activity can be a harassing experience. In the long haul, the casualty of tormenting can experience the ill effects of enthusiastic and conduct issues. Harassing can cause sensations of weakness, seclusion, sensations of low confidence, sorrow, or experiencing pressure which can end in self destruction. In view of the abovementioned, this article analyzes cyberbullying according to a criminological viewpoint.

2 Research Methods

The exploration strategy utilized in this study is a standardizing juridical methodology.[4] Literature studies are used to collect data, both primary data from legislation, secondary data from the literature, and secondary data from articles related to the topic of discussion.[5] The gathered information is then breaking down clearly to be introduced extensively.

3 Results and Discussion

The term Cyber Bullying was presented by Bill Belsey from Canada, and this term is becoming so quick. "Digital Bullying is the utilization of innovation to threaten, mislead, or menace an individual or gathering." Cyberbullying is the utilization of innovation to scare, exploit, or irritate an individual or gathering. Willard made sense of that Cyberbullying is the purposeful brutal treatment of others by sending or appropriating hurtful materials or taking part in different types of social hostility utilizing the Internet or other advanced innovations. The meaning of Cyber Bullying as per Williams and Guerra is an activity aimed at somebody through instant messages, messages, pictures, or video messages to ridicule, revile, and compromise.[3]

Hinduja and Patchin explain that Cyber Bullying is intentional and harmful behavior that is continuously repeated caused through the use of computers, cell phones, or other electronic devices. Another definition according to Kowalski, et al explains Cyber Bullying is defined as aggression carried out in an electronic context (such as e-mail, blogs, instant messages, text messages, etc.) against someone who cannot easily defend himself. Meanwhile, according to the Oxford Dictionary, Cyber Bullying means "The use of electronic communication to bully a

person, typically by sending messages of an intimidation or threatening nature," send messages that contain intimidation or threats.

The general comprehension of cyberbullying/harassing for sure we ordinarily call Cyber Bullying is all types of savagery experienced by youngsters or youths and completed by companions of their age through the internet or the web. Digital Bullying is an occasion when a youngster or teen is derided, embarrassed, threatened, or embarrassed by one more kid or teen through the Internet, advanced innovation, or mobile phones. Assuming one of the gatherings in question or both are north of 18 years old, the case will be arranged as cybercrime/follow-up or frequently alluded to as Cyber Harassment. Cyberbullying structures and techniques for activity shift.

Cyberbullying is one of the new dimensions of today's crime that has received attention from the wider community, both domestically and internationally. This crime originated from the rapid development of information and communication technology but was not followed by an understanding of the good and correct use of technology. In addition, this crime is also caused by a lack of ethical awareness when using information and communication technology by its users.

Cyberbullying can cause victims to suffer physical or mental harm. So, legal protection for technology users is necessary. In addition to reducing the crime rate, it can also reduce the suffering of victims of cyberbullying cases. Willard, in the journal Dina Satalina, also mentions the typology or various types of cyberbullying as follows:[2] :

1. Harassment, namely messages containing disturbances that use email, SMS, or text messages on social networks is carried out continuously.
2. Flaming, namely sending text messages whose contents are angry and frontal words. The term "flame" also refers to the words in a fiery message.
3. Cyberstalking is to disturb and defame someone intensely to create great fear in that person.
4. Denigration (defamation) is the process of spreading someone's bad name on the internet to damage the person's reputation and good name.
5. Impersonation (imitation) is pretending to be someone else and sending messages or status that is not good.
6. Outing and Trickery. Outing: Spreading other people's secrets, or other people's private photos, and Trickery (deceit): persuading someone by deceit to get the person's secret or private photo
7. Exclusion is intentionally and cruelly removing someone from an online group.

Legal arrangements for cyberbullying in Indonesia are contained in the Criminal Code and outside the Criminal Code, namely Law Number 11 of 2008 concerning Information and Electronic Transactions which has been updated with Law Number 19 of 2016, can be detailed as follows[6] :

1. Article 310 of the Criminal Code paragraph 1 "Anyone who deliberately attacks someone's honor or reputation by accusing someone of something, which means clearly so that it is known to the public, is threatened with libel with a maximum imprisonment of nine months." (Related to acts of cyberbullying in the form of Harassment).
2. Law no. 11 of 2008 concerning Information and Electronic Transactions Article 27 of Law no. 11 of 2008 concerning Electronic Information and Transactions paragraph 3 "Every person intentionally and without rights distributes and/or transmits and/or makes accessible Electronic information and/or Electronic Documents that contain insults and/or defamation contents." In the explanation of this article, the criminal behavior of cyberbullying is in the form of cyber harassment (torture by attacking and criticizing).

3. Article 27 of Law no. 11 of 2008 concerning Information and Electronic Transactions paragraph 4 "Every person intentionally and without rights distributes and/or transmits and/or makes accessible Electronic information and/or Electronic Documents that contain extortion and/or threats." In the explanation of this article that cyberbullying behavior is in the form of Cyber Stalking.
4. Article 28 of Law no. 11 of 2008 concerning Information and Electronic Transactions paragraph 2 "Every person intentionally and without rights disseminates information aimed at causing hatred or hostility to certain individuals and/or community groups based on ethnicity, religion, race, and intergroup (SARA)." This article describes cyberbullying behavior in the form of Cyber Harassment (acts of torture by continuously attacking and criticizing).
5. Article 29 of Law no. 11 of 2008 concerning Information and Electronic Transactions "Every person intentionally and without rights sends Electronic information and/or Electronic Documents that contain threats of violence or intimidation aimed at personally." This article describes the behavior and actions of cyberbullying in the form of Cyber Stalking. Cyberstalking is an act of threatening, harassing, or disturbing someone through several email messages, such as through the internet to position the recipient to feel fear through illegal actions by attacking families, institutions, and other subjects.

By taking a gander at the settings above, it tends to be made sense of that cyberbullying conduct assuming deciphered in the Criminal Code is remembered for the articles of affront, defamation, dangers, and demonstrations of fairness. Be that as it may, these articles are missing to be applied to the domain of the internet, it is on the grounds that the Criminal Code was made some time before the improvement of the internet. The disadvantage is in the words "openly known" and "in broad daylight". Sacred Court Decision No. 50/PUU-VI/2008 states that the put-downs controlled in the Criminal Code don't stretch out to affronts and criticism carried out in the digital world since there is a component of "out in the open". Counting the expressions "freely known," "openly," and "broadcast" is as yet lacking. A broad definition is required, specifically "disseminate" as well as "send" or potentially "make open." The Criminal Code, when seen from the guideline on embarrassment, really manages embarrassment, in actuality, while affronts connected with cyberbullying are completed in the internet.[7] The Criminal Code additionally doesn't give an itemized clarification of what is implied by embarrassment, so this can be a shortcoming.

In this regard, based on the decision of the Constitutional Court Number 50/PUU-VI/2008, has provided a clear description that the Criminal Code has shortcomings related to several elements of a crime if it is to be associated with crimes that exist in cyberspace. So it should be to tackle crimes related to cyberspace, such as cyberbullying, special laws must be made regarding computer crime that can cover crimes that exist in cyberspace. The current development is that there are laws outside the Criminal Code relating to crimes in the field of information and communication technology, namely Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law no. 19 of 2016, hereinafter referred to as UU ITE. This law aims to harmonize national legal regulatory instruments with international legal instruments governing information technology.

4 Conclusion

Regarding the element of "against the law", in the ITE law it is stated explicitly, the element of "unlawful nature" can be seen in the formulation "...everyone intentionally and without rights or against the law as stated in Article .." as formulated in Article 27 to 32 above, so it can be

concluded that with the explicit mention of the element of “against the law”, it can be seen that there is a similarity in the basic idea between the ITE Law and the Criminal Code which still mentions the element of being against the law of an act. It is in contrast to the new Criminal Code concepts which are currently being drafted which stipulate that although the element of “against the law” is not explicitly stated, an offense must still be considered contrary to the law.

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