

## CRIMINOLOGICAL REVIEW OF CYBERBULLYING AGAINST CONTENT CREATOR

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**Abstract:** *Information and technology are more developing along with the times. With the information and technological advances, social media also occurs, making the social life of each person easier. Social media is often used to facilitate communication, socialization, and obtaining various important information. This makes social media to be a very enjoyable place or platform for most people. However, social media also becomes a horrible place for several people if used to bring down someone. The right of freedom of speech and expression is often used as protection for the perpetrators committing cyberbullying.*

**Keywords:** *Social media, Cyberbullying*

### I. INTRODUCTION

Recent information and technology have become very important for human life nowadays. It also has a great role in the self-development of each individual and society. The rapid development of information technology influences the formation of mindset, behavior, and new culture in society. Social media is one form of information technological advances, which is to provide any information that is widely spread rapidly in society.

Social media is also used as a form of freedom of speech and expression for each individual. Freedom of speech and expression is one of the important aspects of democracy. A democratic country is reflected by the protection of the freedom of assembly, speech, and open discussion. Therefore, social media can be the appropriate means for people to express their opinions about something without a problem.

Everything will achieve a good purpose if used properly and in the appropriate portion. However, if used excessively without a limitation, a good purpose will be destroyed instantly. As with social media, if used excessively without a limitation in expressing an opinion or expression of something, it is no longer freedom of speech and expression. Freedom of speech and expression owned by each individual must be understood as a right that is not without limit. In other words, the use of freedom or rights of everyone cannot be used in such a way without a limitation so that it attacks the honor or reputation of someone.

Nowadays, there are still many people who do not understand the limitation of freedom of speech and expression, so that they use their rights to insult, bring down, and even spread slanders against others. Bullying is an aggressive action interfering the comfort and hurting others due to the differences of power or psychology between the victim and perpetrator, which is performed repeatedly. Based on the media, bullying is distinguished into two, traditional bullying and cyberbullying.

Traditional bullying occurs by direct contact between victim and perpetrator. Meanwhile, cyberbullying occurs through social media, and the victim is harassed or persecuted through social media.

Cyberbullying is a repeated behavior to frighten, anger, or embarrass those who are targeted. For examples:

- a. Spreading lies about someone or posting embarrassing photos of someone on social media.
- b. Sending hurtful messages or threats through chatting platforms, writing hurtful words in social media comments, or posting something embarrassing/hurtful.
- c. Imitating or on behalf of someone (e.g., using a fake account or logging through someone's account) and sending malicious messages to others on behalf of someone.
- d. Trolling, sending threatening or annoying messages on social networks, chat rooms, or online games.
- e. Isolating, excluding children from online games, activities, or friendship groups.
- f. Preparing/creating a site or group (group chat, room chat) containing hatred about someone or for spreading the hatred against someone.
- g. Instigating other children or teenagers to humiliate someone.
- h. Voting against someone in a harassing poll.
- i. Creating a fake account, hijacking, or stealing an online identity to humiliate someone or causing problems in using their names.
- j. Forcing children to send a sensual picture or be involved in sexual conversation.

The cyberbullying perpetrators also have various motives such as fun, joking, out of anger, seeking attention, revenge, or frustration. Several studies stated that cyberbullying has bad impacts and serious consequences. For example, the victims of cyberbullying have low esteem, increased suicidal thoughts, and various emotional responses, desire for revenge but afraid, frustration, angry, and depression.

Cyberbullying cases are often found in social media. Starting from children, teenagers, and even public figure have become the victim of cyberbullying. Cyberbullying perpetrators are none other than other social media users. Not only one or two social media users, but sometimes it can be more than that. The "Go along" culture in Indonesian society makes cyberbullying an unavoidable thing. The freedom of expression offered to the use of social media users provides a sense of security for the users to express various kinds of opinions and even hate speech.

One example of cyberbullying case that will be discussed in this paper is a cyberbullying case committed by netizens to Rahmawati Kekeyi Putri Cantikka or commonly called Kekeyi. Cyberbullying case of Kekeyi began when she uploaded a make-up tutorial video in her Instagram account, and it went viral in 2018. Netizens flocked to express their opinions for Kekeyi, starting from the video uploaded by Kekeyi, the make-up worn, to her physical appearance are also commented on. From the comments expressed, it is also found insults or ridicules against Kekeyi.

## II. METHOD

This study uses normative legal research based on legal principles and a case approach.

## III. RESULT AND DISCUSSION

The intensity of the use of cyberspace is increasing due to the rapid technological development and applications in it. Thus, this does not limit the things that occurred in it, including the negative things. Cyberbullying experienced by Kekeyi is one of the many people who get cyberbullying today. What Kekeyi has been experienced should be a lesson for everyone to be wiser and mature in using social media. Therefore, cyberbullying experienced by Kekeyi should be studied more deeply according to the criminological side in the juridical, sociological, and psychological perspectives.

### 3.1. The Relationship between Juridical Perspective and Kekeyi's Cyberbullying Case

A crime is identical to an act violating the law, which has been regulated by the court as a criminal act subject to sanctions/punishment according to the crime committed. It means that a person can only be found guilty of committing a criminal act if he/she has received a verdict with permanent legal force by the court.

Cyberbullying is an act that recently becomes rampant in Indonesia when information and technology begin to develop in Indonesia. However, the development of information and technology is not balanced by equitable education, so it is often misused. Not only misused, but the recht vacuum that regulates it also occurred at that time. Finally, the Government issued Act No. 11 of 2018 concerning Information and Electronic Transaction (UU ITE/ITE Act), which also regulates the prohibited actions that can prevent cyberbullying. However, by snaring the perpetrators of cyberbullying, it does not mean that cyberbullying just disappears or even decreases, but the current development finally becomes one of the factors increasing cyberbullying.

Indonesia actually has several regulations that have been used for a long time, and in substance, they can be used to snare cyberbullying perpetrators, such as Chapter XVI of the Criminal Code concerning Insult, Child Protection Act, Pornography Act, and Information and Technology Act. However, unfortunately, there are no regulations that specifically regulate cyberbullying.

The case of cyberbullying experienced by Kekeyi are mostly in the form of insults or body shaming. Bullying in the form of insults or body shaming can be imposed with Article 27 paragraph (3) ITE Act, which reads:

*"Anyone who deliberately and without the rights distributes and/or transmits and/or causes to be accessible of Electronic Information and/or Electronic Document with a content of insulting and/or defamation."*

Therefore, the criminal threats for those who meet with the elements in Article 27 paragraph (3) ITE Act are sentenced to a maximum imprisonment of 4 (four) years and/or a maximum fine of IDR 750,000,000 (seven hundred and fifty million rupiahs).

In Kekeyi's case, she often receives comments regarding body shaming. Body shaming is also a form of bullying because it is done by criticizing the physical appearance of others. To find out whether the body-shaming comments can be stated as an insult, we can refer to the article of light insults. According to Article 315 of Criminal Code, which reads:

*"Every deliberate insult that is not defamatory or written defamatory committed against someone, either in public orally or written, or in front of the person orally or in a deed, or by letter sent or received to him/her, is threatened due to light insults with a maximum imprisonment of four months and two weeks or a maximum fine of four thousand five hundred rupiahs."*

R. Soesilo stated that if the insult is committed in other ways, except "accusing an act," such as by saying "fuck," "shit," "bitch," "bastard," and so on, it is included in Article 315 of Criminal Code and called as "light insult." In order to be punished,

insulting words, both orally or written, must be committed in a public place (the insulted person does not need to be there). However, if the insult is not committed in a public place, then they can be punished by:

- a. Orally or by deed, the person who is insulted must be there seeing and hearing by themselves;
- b. If by letter (written), the letter must be addressed (delivered) to the insulted person.

Thus, the body-shaming comments in media social can be stated as a light insult if the comment is to insult a person.

However, in Criminal Code is strictly regulated that insult is a complaint offense. The verdict of Constitutional Court No 50/PUU-VI/2008 regarding the constitutionality of Article 27 paragraph (3) ITE Act emphasize that Article 27 paragraph (3) ITE Act is a complaint offense. A complaint offense is an offense that only can be sued due to a complaint from an aggrieved party. The victims of a criminal act can make a complaint to the investigator, the Indonesian Police. Based on Article 1 Number 25 of the Criminal Procedure Code, a complaint is a notification accompanied by a request from the interested party to the authorized official to take legal action against a person who has committed a criminal offense to the person.

The complaint by the victims of insult in social media can be made through the Content Complaints Service of the Ministry of Communication and Informatics. In addition, legally, someone who feels his/her reputation has been defamed can complain to the local law enforcement officials, the Police. Related to this, Article 108 paragraph (1) and (6) of Act No. 8 of 1981 regarding Criminal Procedure Code ("KUHAP") regulates:

- (1) *Every person who experiences, sees, witnesses, and/or becomes a victim of a criminal act has the right to submit the report or complaint to the inquirer and/or investigator both orally or written;*
- (2) *Everyone who knows the malicious intention to commit criminal acts against public peace and security or against the soul or the right of ownership is obliged to report to the inquirer or investigator immediately;*
- (3) *Every civil servant in carrying out his/her duties who knows the criminal action is obliged to report to the inquirer or investigator immediately;*
- (4) *Reports or complaints submitted in writing must be signed by the reporter or complainant;*
- (5) *Reports or complaints submitted orally must be recorded by the investigator and signed by the reporter or complainant and the investigator;*
- (6) *After receiving the reports or complaints, the inquirer or investigator must give an acknowledgment letter of complaint to the person concerned*

In Rahmawati Kekeyi Putri Cantikka's case, or usually called by Kekeyi, she did not make a complaint against the malicious comments received on her social media. Thus, the perpetrators cannot be held accountable for their behavior and words. This is because the Criminal Code is regulated that bullying or cyberbullying case is a complaint offense, where the victim, in this case, is Kekeyi, must report it to the authorities.

However, Kekeyi's action of not reporting the perpetrators to the authorities does not allow the perpetrators to be free. This is because, even though bullying or cyberbullying action is a complaint offense, the other social media users who do not commit cyberbullying can prevent the cyberbullying action. Besides socializing about the policies on social media, social media users can use the report feature to report the contents considered inappropriate for reasons, one of which is spreading hate speech. Therefore, someone who is not a victim of bullying can help the victim of bullying to "report" the perpetrators.

### 3.2. The Relationship between Sociological Perspective and Kekeyi's Cyberbullying Case

Expert Casare Lombroso explained that the cause of deviant behavior is related to inappropriate socialization. Individuals cannot absorb their cultural norms, or deviant individuals must learn how to deviate.

As time goes by, an oddity occurs in social life with its attitude towards this phenomenon. As humans, we are given the conscience to differentiate between right and wrong and treat others without hurting their hearts. Most people realize their actions against Kekeyi that what they are doing is a form of verbal bullying, even with or without intention to hurt her. However, most of them do not consider this thing as a serious problem. Furthermore, most people consider themselves as responsible people strictly and neither justify nor support violence. However, they often make an illogical exception in a case like this.

Bullying behavior is a very unsettling behavior for the community, especially in this technological era. Considering that humans have a zoon politicon nature or social beings, so far, humans as a member of society cannot be separated from interacting with others as a necessity. Besides interaction with others, humans also have a relationship with the environment, which often moves and changes; disappointed both physically and socially, which causes many social problems. This includes a crime. Human behavior cannot be separated from various influences, either internally or externally. The influences that shape actions include:

- a. Education or guidance in a family;
- b. Habits embedded in kinship organization;
- c. The influence of social environment;
- d. The influence of school;
- e. The influence of teachers who educate in formal or informal school;
- f. The influence of economic, social, politics, and culture;
- g. The influence of ideology, religion, or belief on the value system adopted;
- h. The influence of leadership in the life of the nation and state;
- i. The influence of certain doctrines which generate the spirit of sacrifice;
- j. The influence of personality, mentality, interests, and talents.

The causes of crime from a sociological perspective are divided into three groups of opinions:

- a. Criminality is caused by the influence outside the perpetrators;
- b. Criminality is the result of an evil nature within the perpetrators;
- c. Criminality is caused, either the influence outside the perpetrators or the nature or talent of the perpetrators.

In the sociological field, there is a concept called conformity, in which people will follow how other people behave. This is not limited to how they apply, but it also influences how they behave and think when standing or acting by themselves. Thus, in this case, conformity can be defined as a change in behavior or belief depending on others. This often occurs when someone moves in large numbers or in a crowd.

According to Noach (1992), the way to see criminality from two sides is as follows:

- a. Behavior side
  - 1) The way the acts are committed:

- (a) The act is committed by the victim, who knows both the act and the perpetrator. Therefore, it does not matter whether the victim realizes that it is a crime or not, for example, in persecution, insult, robbery, fraud, and sexual offense. Moreover, there are also actions made in such a way so that the victim does not know the act or the perpetrator, such as embezzlement, detention, forgery, and murder using poison.
  - (b) The act is committed using means such as chemicals, equipment, and so on or without a means.
  - (c) The act is committed using violence or committed normally.
- 2) The legal objects that are subject or become objects of offense, such as crimes against life, crimes against public power, and so on.

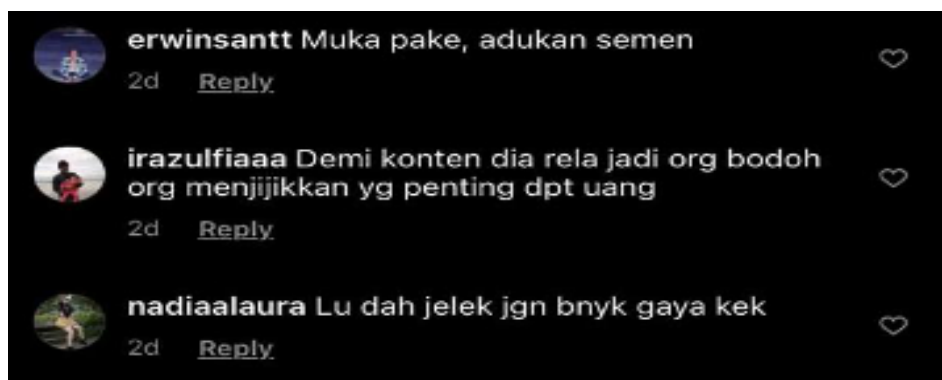
b. Perpetrator side

When seen from the perpetrator's side, criminality is distinguished according to the perpetrators' motives, the perpetrators' reason to commit the crime, and the nature of the perpetrator. Thus, the classification is divided as follows:

- 1) Born criminal:
- 2) Criminal by mental illness;
- 3) Passion criminal;
- 4) Criminal by chance, and this is divided into three:
  - (a) Pseudo criminal;
  - (b) Criminal by habit;
  - (c) *Criminaloid*.

If the cyberbullying perpetrators against Kekeyi are seen from the actions and perpetrators' side, according to Noach and Lombroso, then they will get views of how, why, and who are the cyberbullying perpetrators. Based on the action side, the perpetrators who committed the acts are wrong, and they know what impact resulted on the victim. However, many perpetrators also think that what they committed is an ordinary thing and not a criminal act, and this occurs because the average of perpetrators only goes along.

Based on the perpetrators' side, they commit the action because there is an opportunity to do it. This occurs because it has become the habit and even culture to do cyberbullying, and finally, the environment shapes their action to be a normal habit. They argue that what they do is a criticism, but if we look at the photo below, it is clearly seen that what they do is cyberbullying.



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*Figure 1. Netizen comments on Kekeyi's Instagram social media.*

There are several forms of conformity that is often mentioned in theory, three of which and the most widely known are:

1. Compliance, conformity involving acting publicly according to others' will explicitly or implicitly, although inwardly refuse it;
2. Obedience, conformity that occurs due to moving under an order; and
3. Acceptance, conformity that occurs due to acting and believing in someone's will with social pressure.

Conformity is one of the factors that lead to bullying, a trigger for contention. This occurs when one member of the group has a not aligned opinion or perception so that he/she cannot comply with the demands given. In Kekeyi's case, the bullying began with the rise of her prestige through make-up video using balloon uploaded on Youtube. Even though several people praised and supported her, some people used the chance to insult Kekeyi by making her a joke or being accepted by a group of people.

The motives of the perpetrators were in accordance with the motives of why people move in a group or work on subject or object, including:

- a. To be accepted by someone or member of a group;
- b. To achieve the goals that want to be achieved by the group;
- c. To achieve personal goals that can be achieved through group membership, for example, to attract the heart of someone you like; and
- d. To enjoy the group activities and ensure the sustainability of the group.

Like everything in general, excessive conformity can lead to conflict. This conflict can be internal and external. Conformity indeed has a positive impact, such as getting rid of bad habits, opening something anonymous, pressing regulations, etc. Nevertheless, the positive impact cannot be separated from the negative impact.

The negative impact of conformity lies in how an individual loses his/her true identity. Not in terms of name or personal information, but in terms of character. Because when someone has a tendency to conform, they take someone's character to facilitate communication and activity in the same field. Everyone was born unique from others. Therefore, conformity encourages the loss of identity because they act the same as others to adapt.

Through conformity, people are given the confidence of regularity and predictability of a group's behavior in interacting because they will have the same response. For example, in a ball game, the audiences stand and cheer when the player scores a goal on the field. The supporters of one team can be stated as a group, where they encourage each other to support the team of their choice. When one stands and cheers for a goal, the other should do the same as support. If they do not do the same, things like being pointed as fake or uncooperative supporters can be thrown at them.

Nowadays, people are difficult to be separated from the technological sophistication providing access for information and people around the world without space and time boundaries. People without a stand, especially teenagers who are still in transition to adulthood, are very easy to get carried away by environmental currents. The internet also does not provide any means for filtering those who bring negative impact, so that it is easy to gather the masses and attack people concerned.

According to the social disorganization theory, the growth of crime is related to the disintegration caused by rapid industrialization, the increase of immigration, and urbanization. This is also what is being experienced in Indonesia, in which

people are currently competing to migrate to find a job or continue their studies. The industrial sector is also growing very fast. This cause the rapid change of norms and cultures in the middle of society. Finally, deviant culture has become a habit or has become a normal thing in the middle of society, such as cyberbullying.

Based on Ariesto (2009), several factors influence bullying, including:

a. Family

The bullying perpetrators are often from problematic families: parents who often punish their children excessively or a home situation full of stress, aggression, and hostility. Children will learn bullying behavior when observing conflicts towards their parents and then imitate them against their friends. If there are no clear environmental consequences to their attempted behavior, they will learn that "they who have power are allowed to behave aggressively, and aggressive behavior can increase the status and power of a person." From here, children develop bullying behavior.

b. School

The school often ignores the existence of bullying. As a result, the children as bullying perpetrators will get reinforcement of their behavior to intimidate other children. Bullying develops rapidly in the school environment, which often gives negative input to the students, such as not constructive punishment so that it does not develop a sense of appreciation and respect among fellow school members.

c. Peer group factor

When having interaction in school and with their friends around the house, children are sometimes encouraged to have bullying. Some children bully in an attempt to prove that they belong to a certain group, even though they feel uncomfortable with the behavior.

d. Social environment conditions

Social environment conditions also can be the cause of bullying behavior. For example, one of the social environment factors causing bullying is poverty. Those who live in poverty will do everything to fulfill their needs, so it is not surprising that there is often bullying between the students in a school environment.

e. Television broadcast and print media

Television and print media form a pattern of bullying behavior in terms of what they broadcast. For example, a survey conducted by Kompas (Saripah, 2006) shows that 56.9% of children imitate the movie scenes they watched, which generally imitate the movements (64%) and the words (43%).

Crime, in this case, is cyberbullying, if seen from the perpetrator's perspective, can be distinguished according to the perpetrator's motives, the reasons for committing a crime, and the nature of the perpetrator. Lombroso classified crimes as follows:

- a. Born criminal is a criminal who is seen from the characteristics of the body (stigmata) due to atavism (degeneration) and then becomes evil;
- b. Criminal by mental illness, such as idiots, imbecile melancholy, epilepsy, hysteria, dementia, pellagra, and drunkenness;
- c. Passion criminal, such as killing the wife of her husband's mistress;
- d. Criminal by chance, which is divided into three as follows:



- (a) Pseudo criminal is someone who commits a criminal act due to a condition that extremely injures her/his heart and those who commit criminal act only because of technical action, without involving moral values or norms, such as traffic violation, etc.;
- (b) Criminal by habit is a person from childhood faced to the influence of a bad environment, and finally, the habit becomes an inherent character from the members of normal society;
- (c) Criminaloid is a transition between born criminal and criminal because even minor conditions have been involved in a criminal act.

In Kekeyi's case, the factors influencing the social environment, or can be called exogenous, can be related to conformity, in which in a social environment, one friend often encourages others to do the same things. If they do not do it, as the nature of conformity concept, the friend who refuses it can be subject to social punishment, such as being excluded or having the same fate as their bullying subject.

The perpetrators of social media users who commit cyberbullying against Kekeyi by making malicious comments made her shed tears and said that the comments hurt her in her Instagram video. However, it is generally known that there are no posts from Kekeyi that harm people, and if they do not like it, they can press unfollow button immediately. In fact, Kekeyi uploaded what she wanted to upload to entertain the netizens who follow her account, but no one knows what they think, so they are pushed to blasphemous and insulting.

Along with the time, no legal action was taken. Kekeyi also remained apathetic about the comments of each post. The bullying against Kekeyi reached its peak when the Instagram account that started from hundreds to millions of followers disappeared due to people reported her account. Kekeyi burst into tears, asking for his account to be returned. It was also known that one of Kekeyi's sources of income comes from endorsement on Instagram.

The sociological impact of bullying is that the victim can be isolated, which can go further down to her psychological. Both of them certainly cannot be underestimated.

It is different for Kekeyi. The more she gets bullied by netizens, the more rapid the growth of her social media account and popularity. Since uploading the first video in 2018 and becoming the topic for conversation, she has become one of the most popular YouTubers in Indonesia and even a beauty vlogger. Her career did not show any decline in 2021, and even branching out into other fields.

Akurat.co reported that Kekeyi's single song 'Keke Bukan Boneka' succeeded in earning around IDR 120 million to IDR 463 million from the video clip itself. There was also Youtube monetization, where Kekeyi currently has 865 thousand subscribers and has been watched more than 96 million times. In addition, her page has succeeded in earning around IDR 109 million to IDR 1.7 billion per month. Not to mention endorsement, collaboration, and guest stars.

Thus, the sociological impact on the victim is not only negative. It has been proven by Kekeyi's case, in which she is getting more famous. So instead of getting a loss, she is even more benefited by perpetrators' behavior who bullied her, which makes people more curious about her.

### 3.3. The Relationship between Psychological Perspective and Kekeyi's Cyberbullying Case

Apart viewed from juridical and sociological perspectives, this case also will be discussed from a psychological perspective. According to Casare Lombroso, the psychological perspective explains that the cause of the deviation is related to

the fractured personality or a personality that has the tendency to do the deviation. It can also be due to the traumatic experiences that the person had.

Psychology can be defined as the study of human behavior or the study of the symptoms in the human soul. However, the science of the soul does not necessarily include psychology. Therefore, there are clear differences between psychology and the science of the soul, including the scope of the research object of each scientific field. Psychology is a type of science that answers questions about the position and role when compared to psychiatry. Soerjono Soekanto (2004) stated that psychology is a science that studies human behavior in relation to the environment.

Criminal psychology is a type of criminological theory based on individual human factors. Because we are never separated from heredity and innate, the discussion about criminal psychology includes genotype and phenotype. These two things influence whether there is a connection between human behavior and heredity or innate, or what is called personality. Criminal psychology is a science that studies the psychology (behavioral or psychological conditions) of criminals and all or anything related, both directly and indirectly, to the actions committed and the overall consequences. Criminal psychology also studies individual behavior in particular and also studies the reasons for asocial behavior or criminal nature.

Criminal psychology is a science that studies and examines the crime from the psychological perspective of the perpetrators. According to Soerjono Soekanto (2004), there are four different lines for psychological research in examining the relationship between personality and crime:

- a. Looking at the differences between the personality structures of criminals and non-criminals;
- b. Predicting the behavior;
- c. Examining the levels when the dynamics of normal personality operate in the criminals;
- d. Trying to calculate the differences of individuals between the types and groups of crime perpetrators.

Based on the crime etymology and criminals, psychological theory can be divided into emotional problems theory, mental delay, sociopathic personality, and thinking patterns. The basic concept of psychology concerning the cause of crime sees something wrong with the criminal's mind so that they are involved in the criminal act.

Therefore, the internal factors or mindset of the perpetrators influence them to commit a crime. Likewise with cyberbullying perpetrators, here are the following factors influencing themselves to commit cyberbullying against others they do not even know:

- a. Traditional bullying, bullying experienced in the real world has a significant influence on the tendency of an individual to be a cyberbully (cyberbullying perpetrator);
- b. Personality characteristics;
- c. The perception of the victims, most of them expressed the reason they bully the victim is because of the nature or characteristics of the victim who invited them to bully. From the explanation above, it can be seen that the person's perceptions and attractions against certain individuals certainly can influence their attitudes against the individual;
- d. Strain is a condition of psychological tension from the negative relationship with others, resulting in negative effects (mainly anger and frustration), leading to naughtiness.
- e. The role of parent-child interaction and parents in monitoring the children's activities in interacting on the internet is the influential factor on the children's tendencies to be involved in cyberbullying action.

Moreover, there is jealousy from the perpetrators for not getting what others get, so they commit the oppression. In Kekeyi's case, it can be stated that several perpetrators who bullied Kekeyi were based on jealousy. This can be proved by Kekeyi's status from an ordinary person suddenly just by uploading a make-up tutorial video made her famous and invited by many events. Only appearing in the events and Youtube content made some people get jealous of her because she was considered "unworthy" to get this popularity.

To think that someone who was considered "unworthy" in her current position must be given malicious comments is wrong. Because everyone has the rights to get personal protection, honor, dignity, a sense of security, and protection from the threat of fear as regulated in Article 28G paragraph (1) and (2) of the 1945 Constitution, however, this is mostly the cause of social media users or netizens who commit cyberbullying against Kekeyi.

Besides that way of thinking, many perpetrators hide behind the word "freedom of speech and expression." They think that the comments they make on someone's social media are a form of their right to freedom of speech and expression, regardless of whether they are appropriate or not to be made against someone. Without realizing it, each individual's freedom of speech and expression must be understood as a right that is not without limitation. In other words, the use of freedom or everyone's rights cannot be used in such a way without limitation so that it can attack someone's honor or reputation.

Cyberbullying committed by the perpetrators can have psychological impacts on the victim. Several studies stated that cyberbullying has a bad impact and serious consequences. For example, cyberbullying victims have low self-esteem, increased suicidal thoughts, various emotional responses, and desire for revenge but fear, frustration, anger, and depression. In Kekeyi's case, she admitted that she felt sad and had once thought about committing suicide by cut her wrist, but it did not happen because she was afraid of blood.

This can be seen that Kekeyi's cyberbullying has a psychological impact on her due to the desire to commit suicide. One or two words said by several social media users have an impact on someone's mental health. Even on her Instagram account, she uploaded a video for about one minute expressing her annoyance with cyberbullying perpetrators.

She said: *"Guys, you know that currently, I have been thinking about the malicious comments on my IG (Instagram). Why are your comments so mean and really hurt me?"*

Then she added: *"What is the problem with my contents? I am like this, but why do your comments hurt so much?"*

It should be noted that all this time, Kekeyi has only been silent, responding to the netizens' behavior who bully her. However, her silence did not stop the netizens who bully her, so that finally, on February 19, 2021, she ventured to express her annoyance. In the video, Kekeyi admitted that she was often bullied because she was considered unworthy for receiving the endorsement, being accused of hitching fame with other artists, and she was even said to have a bad influence. Even worse, it was revealed that she had received comments about not being worthy of living.

*"They said I am unworthy to receive endorsements, gossiped, got malicious comments. They even said that I am hitched famous to other artists. I was said bringing bad influence,"* said Kekeyi.

*"Even the worst thing is that they said I could not live anymore. Why do you guys make me so hurt?"* said Kekeyi.

It can be seen that cyberbullying committed by social media users or netizens had a psychological impact on the victim, which can be fatal for the victim if the victim is not strong enough to hold the bullying, it will affect the victim's mental, such as thoughts of committing suicide. This is what Kekeyi has experienced.

Therefore, it is feared that bullying behavior that cannot be resolved properly will cause negative behaviors with fatal consequences. Thus, various preventive actions can be taken to overcome this problem. The preventive action can be started from oneself, such as adding insight into the use of information technology, increasing creativity, and embedding an attitude of wisdom from an early age. The role of family and parental guidance is also very necessary, for example, assisting children when using communication tools and habituating children to being open between each family member. Besides starting from oneself and the role of parents, the preventive action will run well with government support. The mental revolution declared by the Government in mid-2015 is expected to be able to resolve the problems related to the mental of the community in Indonesia. Mental revolution is an appropriate attempt/solution conducted by the Government to improve the national personality, which has begun to break down and must be supported by the community in various aspects of life. Through mental revolution, society is expected to have positive values from its previous predecessor.

Ethics on social media are very necessary to be understood by all social media users to prevent more cyberbullying actions by the perpetrators. Ethics in social media are regulated in Article 27 until Article 300 of the ITE Act. In the act, it is clearly regulated what not to do in interacting on social media. Hate speech comments committed by netizens are included as a behavior prohibited by the law. The following is the contents of articles regulating the ethics of social media:

a. Article 27 of ITE Act:

- (1) Anyone who deliberately and without the rights distributes and/or transmits and/or causes to be accessible of Electronic Information and/or Electronic Document with the content of violating decency.*
- (2) Anyone who deliberately and without the rights distributes and/or transmits and/or causes to be accessible of Electronic Information and/or Electronic Document with gambling content.*
- (3) Anyone who deliberately and without the rights distributes and/or transmits and/or causes to be accessible of Electronic Information and/or Electronic Document with the content of insulting and/or defamation.*
- (4) Anyone who deliberately and without the rights distributes and/or transmits and/or causes to be accessible of Electronic Information and/or Electronic Document with the content of extortion and/or threats.*

b. Article 28 of ITE Act:

- (1) Everyone who deliberately and without the rights spread false and misleading news resulting in consumer losses in Electronic Transaction.*
- (2) Everyone who deliberately and without the rights spread information aimed to generate hatred or hostility between certain individuals and/or community groups based on ethnicity, religion, race, and intergroup (SARA).*

c. Article 29 of ITE Act:

*Everyone who deliberately and without the rights send Electronic Information and/or Electronic Document containing threats of violence or scare aimed personally.*

d. Article 30 of ITE Act:

- (1) Everyone who deliberately and without the rights or against the law access others' Computer and/or Electronic System in any way.*
- (2) Everyone who deliberately and without the rights or against the law access Computer and/or Electronic System in any way to obtain Electronic Information and/or Electronic Document.*

*(3) Everyone who deliberately and without the rights or against the law access Computer and/or Electronic System in any way by violating, breaking through, going beyond, or bypassing the security system.*

As a good citizen, it is supposed to comply with the laws and regulations, including during communicating on social media. The use of social media for communicating must consider the ethical elements so as not to cause harm to certain parties, either from sociological or psychological perspectives, and leads to the criminal realm. Here are some ethics that need to be considered in using social media:

- a. Do not post status regarding SARA in the form of writing, pictures, or videos because it is feared that it will offend certain parties.
- b. Pay attention to using words or sentences before posting or giving comments (using good and polite language).
- c. Must be able to distinguish between private and public chats. This is carried out to prevent unwanted crimes, such as fraud and kidnapping.
- d. Do not carelessly share the link before checking the validity of the writing (including in sharing hashtag or mention).
- e. Understanding the contents and purpose of writing comprehensively and do not cut into pieces before commenting.

### **3.4. Netizens as a Subject for Cyberbullying**

A netizen is a group of people who do activities on the internet, especially social media. Netizens, generally, often have active activities on social media by posting comments, photos, etc. In addition, they often appear to give their opinions on something that is currently being discussed. The existence of netizens is a form of a democratic country that upholds freedom of speech. However, the behavior of netizens on social media often deviates. They hide behind the freedom of speech to commit inappropriate actions. In fact, their actions are often considered criminal acts.

Cyberbullying is an act that is very often committed by netizens. Their victims are often public figures or even ordinary people. They, generally, commit cyberbullying in groups. Their actions reflect the development of the "goes along" culture in Indonesia. Therefore, the private realm of someone often becomes their target. If their actions are proven committing cyberbullying, then they also should receive appropriate punishment.

The emergence of cyberbullying by netizens is a new type of crime. This can be seen from the formation of the ITE Act in 2008. When viewed from a criminological perspective based on the cause of the emergence of crime, the sociogenesis theory by Kartini Kartono is the most appropriate theory. Based on this theory, the cause of evil behavior is due to the influence of social structure, social role, social status, and wrong symbolic internalization. It can be concluded that the social environment is very influential in the development of evil behavior committed by netizens. As explained before, netizens who commit cyberbullying only "go along" culture, where they monitor which issues are currently being discussed by other netizens. Furthermore, unequal education in Indonesia still become the main cause for the uncontrolled behavior of netizens.

With the number of cyberbullying, it is possible to snare the perpetrators. However, it is necessary to keep in mind that netizens generally commit cyberbullying in groups. In the laws and regulations, a criminal act is not regulated if the perpetrators are very large. Nevertheless, it does not rule out the possibility to snare the perpetrators into the realm of crime. The perpetrators can be subject to Article 27 paragraph (3) of ITE Act when the perpetrators are more than one, and there is a deeneming then it can be subject to juncto Article 55 paragraph (1) of first.

Netizens indeed can be categorized as perpetrators of cyberbullying crime, but to snare all the perpetrators in a case is very difficult. Law enforcement officials have also made attempts to snare one of the cyberbullying perpetrators. Being able to snare one of them can be an example that the netizens' behavior is wrong. However, we also cannot expect that after that, cyberbullying will disappear. The awareness from netizens is also required that their actions are wrong. The factors of environment (social), psychology, education, and family have a very important role in making boundaries to reduce the crimes.

### 3.5. The Comparison of Netizen Behavior in Indonesia and Other Countries on the Internet.

Cyberbullying case experienced by Kekeyi is majority committed by Indonesian social media users or netizens. Therefore, this can be used as evidence for the lack of understanding about ethics on social media for the social media users in Indonesia. In this case, the writer will compare the netizen behavior in Indonesia and other countries on social media.

In February, Microsoft conducted a Digital Civility Index (DCI) survey to measure the level of global digital politeness in several countries. The following are the ten countries with the best level of politeness on social media according to the results of the Digital Civility Index (DCI) survey conducted by Microsoft:

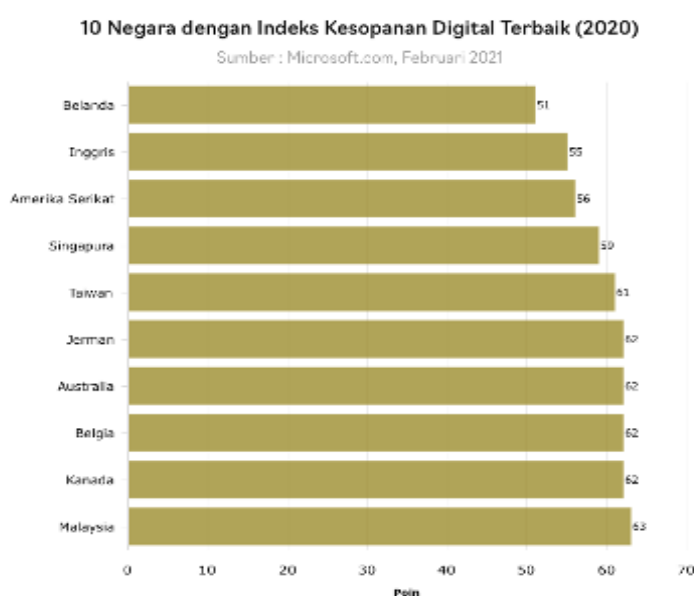


Figure 2. Table of Countries with the Best Digital Politeness Index (2020)

From the table of 10 countries with the best politeness level, it can be seen that Indonesia is not included in these ten countries. However, the results of the survey shocked many Indonesians because Indonesia was ranked 29th. There are 32 countries and 16,000 respondents involved in this study. In Indonesia, there are 503 respondents given several questions about the etiquette of communicating digitally. It means that the level of netizen politeness in Indonesia is relatively low. This is because Indonesia is usually known as a country with a high level of friendliness and politeness because Indonesia is thick with Eastern customs. However, based on the survey conducted by Microsoft, Indonesia is considered a country with disrespectful social media users. Three factors influence the risk of digital politeness in Indonesia. According to the survey by Microsoft, hoaxes and frauds become the highest factor influencing the level of politeness for Indonesians, with a percentage of 47 percent. Hate speech is in second place with a percentage of 27 percent then discrimination of 13 percent.

Unlike Indonesia, Netherlands becomes a country with the most polite social media users out of 32 countries, according to a survey conducted by Microsoft. However, as explained before, the assessment factor that made Indonesia ranked 29th was seen from the number of hoaxes and frauds carried out using social media and the number of hate speeches, and the last is discrimination.

Hate speech is in the second place as a factor influencing Indonesia as an unfriendly and disrespectful country. This is because there are still many people who hide under the freedom of speech and expression so that in giving opinions or comments on others' social media account, there are no boundaries, and it seems as if ethics in social media are ignored. In addition, it is also because many victims do not report the perpetrators to the authorities, so the perpetrators feel that what they said is true and right.

#### IV. CONCLUSION

From the discussion above, it can be seen how serious the case of bullying against Kekeyi is for the victim and the perpetrators. Furthermore, from the number of behaviors, it is clear that bullying in social media is an urgent problem to be found various solutions to be applied and reduce the number of cases that occurred.

Juridically, various solutions of the regulations have been applied, but these regulations cannot be implemented without a report as regulated in the law concerned. Sociological review shows that environment encourages an individual to move according to the will of his/her surroundings, and in this case, the impact resulted such as being excluded actually happened, but it is not as expected because Kekeyi's career, as can be seen, is getting brighter. Meanwhile, psychologically, the impact certainly was felt by the victim, while the perpetrators need serious attention. It is necessary to remember that someone's psychology cannot be separated from social and environmental influences.

Recently, the social media environment, as shown in Microsoft research, is a great place for generating various people who like to say malicious words. In this situation, it is highly recommended for each individual to be aware of the impact on the victim and think carefully before speaking. Even better if everyone is committed to creating a healthy internet environment and breaking the stigma of bullying. This aims to uphold positive values and attitudes, both to ourselves or others. Thus, in this way, bullying cases are not only able to be resolved but also can be prevented.

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