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Legal Protection for Victims of Cyberbullying on Social Media: A Human Rights Perspective

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Abstract: Cyberbullying on social media has become a growing legal and human rights concern due to its potential to harm victims' dignity, privacy, psychological well-being, and freedom of expression. This study aims to examine legal protection for cyberbullying victims from a human rights perspective, with a comparative focus on Indonesia and France. This research employs a Systematic Literature Review (SLR) method by identifying, selecting, evaluating, and analyzing relevant scientific literature and legal regulations concerning cyberbullying and victim protection. The findings indicate that Indonesia provides legal protection through several instruments, including the Electronic Information and Transactions Law, the Human Rights Law, the Personal Data Protection Law, and regulations concerning the protection of witnesses and victims. France provides protection through the Penal Code, particularly provisions concerning moral harassment and cyber-harassment, as well as mechanisms for reporting, content removal, victim assistance, and platform responsibility. From a human rights perspective, both countries recognize the importance of protecting victims' dignity, privacy, security, and mental well-being while maintaining a balance with freedom of expression. The study concludes that effective cyberbullying protection requires not only legal sanctions but also prevention, accessible reporting mechanisms, digital literacy, platform accountability, and comprehensive victim support.

Keywords: Cyberbullying, Legal Protection, Human Rights, Social Media

INTRODUCTION

Advancements in information and communication technology have brought about significant changes in society, particularly through the use of social media. Social media facilitates communication, information gathering, the expression of opinions, and the building of social relationships, transcending the constraints of time and space. However, alongside these benefits, the rise of social media has also given rise to new issues, one of which is cyberbullying. Cyberbullying is defined as an act of bullying carried out via digital media with the intent to intimidate, humiliate, threaten, or harm another individual (Zhu et al., 2021). It can manifest in various forms, ranging from insults, the dissemination of harmful information or content, threats, and harassment, to the sharing of private content without the victim's consent.

Cyberbullying has become an increasingly complex issue because the nature of social media allows content to spread rapidly and widely. Unlike face-to-face bullying, cyberbullying can occur repeatedly and reach victims across various aspects of their lives, even when they are not directly interacting with the perpetrator. Such situations can cause significant harm to victims socially, psychologically, and economically. Furthermore, the fact that perpetrators can mask their identities through anonymous accounts poses a challenge for identification and law enforcement efforts (Marlef et al., 2024).

From a human rights perspective, every individual has the right to protection regarding their dignity, honor, and sense of security, as well as freedom from treatment that degrades human dignity (Apriyani & Ananda, 2026). Consequently, victims of cyberbullying should not merely be viewed as individuals subjected to unpleasant experiences in the digital realm, but also as individuals whose rights are potentially being violated. Protecting victims is crucial to ensuring that technological progress does not undermine respect for fundamental human rights.

Indonesia already possesses various legal instruments capable of providing protection for the public within the digital space. The 1945 Constitution of the Republic of Indonesia specifically the provisions regarding the right to protection of personal privacy, honor, dignity, and a sense of security serves as a constitutional basis for providing protection to victims (Yelly et al., 2025). Furthermore, regulations concerning electronic activities, personal data protection, and criminal provisions can function as legal instruments for addressing various acts committed via social media. However, the existence of regulations does not automatically guarantee optimal protection for victims, as challenges remain regarding the burden of proof, perpetrator identification, reporting mechanisms, and the redress of victims' losses.

These issues highlight the need to view cyberbullying not merely through the lens of law enforcement against perpetrators, but also from the perspective of protecting and upholding victims' rights (Blasqo et al., 2020). A victim-oriented approach is essential to ensure that legal processes do not stop at sanctioning perpetrators but also address victims' rights to safety, justice, privacy protection, and redress. Consequently, the law is expected to provide a balanced framework that reconciles law enforcement interests, freedom of expression, and respect for human rights (Oetary & Hutaaruk, 2021).

Given this context, it is crucial to conduct research titled "Legal Protection for Cyberbullying Victims on Social Media: A Human Rights Perspective." This study aims to analyze the forms of legal protection available to cyberbullying victims. The findings are expected to contribute both academically and practically to the development of legal protections for victims amidst the rapid evolution of the digital landscape.

METHODS

This article employs library research and Systematic Literature Review (SLR) methodologies, utilizing a qualitative analysis approach based on sources from Google Scholar, Mendeley, and other online academic platforms. A Systematic Literature Review (SLR) is a research method that involves the systematic identification, collection, selection, evaluation, and analysis of existing studies to gain a comprehensive overview of a research topic. Unlike a standard literature review, an SLR utilizes structured and transparent procedures, ensuring the accountability of the literature search and selection process (Ali et al., 2022).

RESULTS AND DISCUSSION

Results

Based on the background, objectives, and methods, the results of this study are as follows.

Cyberbullying

Cyberbullying is a form of bullying that takes place through digital technologies, including social media, instant messaging applications, online gaming platforms, websites,

email, and other digital communication channels. It involves intentional behavior that can harm, embarrass, threaten, intimidate, or humiliate another person (Slanbekova et al., 2024). Unlike traditional bullying, cyberbullying can occur anytime and anywhere, because digital communication is not limited to schools, workplaces, or other physical locations. Harmful content can also be shared rapidly with a large audience and may remain accessible online for a long time.

Social media has become an important environment in which cyberbullying can occur because users can communicate publicly, privately, or anonymously. Platforms that allow comments, direct messages, sharing, and user-generated content can potentially be used to spread harmful material quickly. However, social media itself does not cause cyberbullying. Rather, the way individuals use digital platforms can create opportunities for bullying behavior (Grover & Raju, 2023).

Human Rights

Human rights are the fundamental rights and freedoms that belong to every person simply because they are human. These rights apply to all individuals regardless of nationality, gender, race, religion, social status, or other characteristics. Human rights are based on principles such as equality, dignity, freedom, justice, and non-discrimination. They are essential for allowing individuals to live safely, freely, and with respect (Murthada & Sulubara, 2022). Human rights include a wide range of rights, such as the right to life, freedom of expression, freedom of religion, right to education, right to privacy, and protection from discrimination and violence. These rights provide individuals with the ability to participate in society and express their opinions without fear of unfair treatment. Governments and institutions have an important responsibility to respect and protect these rights.

In the digital era, human rights also extend to people's experiences online. The increasing use of social media and digital communication has created new challenges related to privacy, freedom of expression, online safety, and protection from harassment. For example, individuals should be able to express their opinions online while also being protected from threats, discrimination, and abusive behavior. Cyberbullying can therefore be viewed as an issue related to human rights. Repeated online harassment, humiliation, threats, or the unauthorized disclosure of personal information can negatively affect a person's dignity, privacy, safety, and freedom to participate in digital spaces (Said et al., 2023). Victims of cyberbullying may feel afraid to express themselves or participate in online communities. This demonstrates the importance of creating digital environments where people's rights and dignity are respected.

Discussion

Based on a review of the literature and an analysis of applicable legal provisions, cyberbullying is a form of bullying perpetrated via information and communication technologies, particularly social media. It can manifest in various ways, such as insults, harassment, threats, the dissemination of harmful information, the sharing of photos or videos without consent, impersonation, the spreading of rumors, and other actions intended to humiliate or demean the victim. The nature of social media means that cyberbullying has a different impact compared to conventional bullying; information attacking the victim can spread rapidly to a wide audience and potentially remain stored or be re-circulated even after the original post has been deleted. Consequently, victims not only face social pressure but may also lose their sense of security when navigating digital spaces.

From a legal perspective, not every act perceived as unpleasant or hurtful automatically constitutes a criminal offense. Determinations of legal liability must be based on the elements of a crime as defined in statutory regulations. Therefore, instances of cyberbullying must be analyzed based on the nature of the conduct—for example, whether it involves insults, threats,

the dissemination of hate speech based on specific identities, violations of decency, or other unlawful acts.

Legal protection for cyberbullying victims in Indonesia is not derived from a single statute but is part of a legal system comprising multiple instruments. One relevant instrument is Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions (the ITE Law). This law regulates various acts committed via electronic information and electronic documents, including provisions regarding decency, insults or defamation, and the dissemination of hate speech based on specific identities. The ITE Law provides the legal basis for law enforcement actions against specific acts committed through electronic media.

However, its application cannot be arbitrary, as every element of the criminal offense must be proven. This is particularly important in cyberbullying cases, where the boundary between criticism, freedom of expression, and actions that degrade a person's dignity can give rise to legal issues.

Through Decision Number 105/PUU-XXII/2024, the Constitutional Court has also provided specific interpretations for several provisions of the ITE Law. For instance, regarding Article 27A, specific phrases concerning "another person" and "a matter" have been given a conditional interpretation; consequently, their application must take into account the context and limitations established in the ruling. The Constitutional Court has also provided an interpretation of the provisions concerning the dissemination of hatred under Article 28 paragraph (2).

In addition to Indonesia, France is another country that regulates the protection of cyberbullying victims. The primary legal basis for addressing cyberbullying in France is found in the Code pénal (French Penal Code). These provisions regulate harcèlement moral (moral harassment) defined as repeated words or conduct that cause, or are intended to cause, a deterioration in the victim's living conditions and impact their physical or mental health. These provisions explicitly encompass acts committed via online public communication services or through digital and electronic media.

Under legislation enacted in France in 2023 to combat hate speech on social media, parental consent is required for children under the age of 15 to register for social media accounts. The law also mandates that platforms implement systems to verify user age and confirm whether parental consent has been obtained. French authorities may impose fines of up to 1% of global revenue on platforms that fail to comply with these rules. Furthermore, parents can request that platforms suspend the social media accounts of their children who are 15 years old. Laura Morin, Director General of the L'Enfant Bleu Association, stated that since 1989, her organization has addressed the victimization of children subjected to various forms of abuse, including physical, sexual, and psychological abuse, as well as severe neglect.

Consequently, the protection of cyberbullying victims must strike a balance between safeguarding the victim and upholding freedom of expression. The law should not be used to curtail legitimate criticism; however, neither should freedom of expression serve as a pretext for insults, threats, harassment, or other digital acts that violate the rights of others.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Based on the research findings and discussion regarding legal protection for cyberbullying victims on social media from a human rights perspective, it can be concluded that cyberbullying constitutes a form of social media misuse that threatens an individual's honor, dignity, privacy, and sense of security. The advancement of digital technology, which enables the rapid and widespread dissemination of information, has made the impact of cyberbullying increasingly complex and difficult to control.

From a human rights perspective, protecting cyberbullying victims aims not only to sanction perpetrators but also to ensure the fulfillment of the victim's rights to security, protection of honor and dignity, and redress for the harm suffered. Therefore, law enforcement must be balanced with respect for the right to freedom of expression, ensuring that legitimate criticism or opinions are not conflated with unlawful acts of cyberbullying.

Limitations

This study has limitations regarding the depiction of the experiences and direct impacts felt by victims. The psychological, social, and economic impacts experienced by victims were analyzed solely based on existing literature and prior research findings; thus, the study does not fully capture the victims' actual conditions firsthand. Furthermore, the rapid evolution of technology and social media presents another limitation. The forms and methods of cyberbullying continue to evolve alongside the emergence of new platforms, features, and technologies. Consequently, the legal provisions and analytical findings presented here may require adjustment in light of future technological advancements and regulatory changes. Additionally, this study does not delve deeply into the differences in protection mechanisms across various social media platforms. Each platform maintains distinct policies, reporting mechanisms, and content-handling procedures, meaning the effectiveness of victim protection can vary significantly from one platform to another.

Recommendations

Based on the research findings and limitations outlined above, the following recommendations are offered:

For the government and policymakers, it is essential to continuously strengthen regulations regarding cyberbullying to keep pace with technological advancements and the increasingly diverse forms of digital crime. Regulations must also place greater emphasis on victims' rights, particularly the rights to safety, privacy, dignity, and redress.

For law enforcement agencies, there is a need to enhance capabilities in handling cyberbullying cases, specifically regarding the identification of perpetrators, the collection of electronic evidence, and the processing of victim reports. Law enforcement actions should be proportionate, distinguishing between legally protected freedom of expression and actions that harm or violate the rights of others.

For the public and social media users, improved digital literacy and legal awareness are necessary to foster wiser social media usage. People need to understand that freedom of expression has limits and must not be used to demean, threaten, humiliate, or unlawfully disseminate others' personal data.

For cyberbullying victims, it is advisable to preserve digital evidence such as screenshots, links, conversation logs, account names, and timestamps for documentation purposes should a report need to be filed. Victims should also utilize the reporting mechanisms provided by social media platforms and pursue legal avenues if the actions they experienced constitute a violation of the law.

For social media platform operators, it is necessary to improve systems for detecting, reporting, and removing content involving bullying, threats, harassment, or the misuse of personal data. Complaint mechanisms should be made more accessible, efficient, and transparent, with a focus on victim protection.

For future researchers, it is recommended to expand upon this study using empirical or multidisciplinary approaches for instance, by conducting interviews with victims, law enforcement officials, and social media platform operators. Future research could also delve deeper into the psychological and social impacts of cyberbullying and the effectiveness of victim protection mechanisms.

Author Contributions

Author 1 was responsible for formulating the research idea and concept; drafting the background and problem statement; collecting and reviewing literature regarding legal protection for cyberbullying victims; analyzing relevant legislation in Indonesia and France; and drafting the results and discussion sections. Author 1 also prepared the initial draft of the article and carried out revisions based on the evaluation of the complete manuscript.

Author 2 contributed to the development of the research methodology—specifically the Systematic Literature Review (SLR) process, literature selection and evaluation, and analysis from a human rights perspective. Author 2 also provided input on the analysis results, reviewed and edited the manuscript, and helped ensure the article adhered to the journal's structure and formatting guidelines.

Both authors contributed to interpreting the results, refining the manuscript, and approving the final version of the article, and they share responsibility for the content and integrity of the research.

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