



**2<sup>nd</sup> International Seminar on Interreligious and Intercultural Studies 2018**

# **RELIGIOUS PLURALISM IN SOUTHEAST ASIA**

**Universitas Hindu Indonesia, Denpasar, Bali, 6 December 2018**

## **PROCEEDING BOOK**

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# The Value Approach in Cyberbullying Countermeasures against Children

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**Abstract.** Cyberbullying is intimidation carried out through cyberspace, both in the form of text, images, and videos. This action can be in the form of threats, insults, extortion, pornography, utterances of hatred, slander, and others. This crime can be committed against anyone and anywhere, including children. Children who are victims of cyberbullying tend to skip school, experience a decline in achievement, depression, and suicide. This condition is certainly very alarming. Children cannot grow and develop optimally, even though children are the next generation of the nation. In this study we will discuss the phenomenon of cyberbullying against children and the value approach used to overcome cyberbullying against children. In axiology, good values must be made the basis for establishing a regulation that prohibits cyberbullying and implementing policies in the context of prevention and law enforcement against cyberbullying. The countermeasure policy against cyberbullying consists of penal policies and non-penal policies. Penal policy is carried out by regulation and law enforcement. Non-penal policies are carried out with a value approach. The Convention on the Rights of the Child itself also considers the cultural value of child protection as important. The Convention states “Traditional values need to be developed to develop a sense of humanity, tolerance and empathy from an early age.

**Keywords:** value, cyberbullying, and children.

## I. Introduction

Violence against children is an important problem that is being faced by various countries in all parts of the world. The violence against children can be done in any form, including in the form of bullying. In general, bullying can occur in families, schools, work environments and communities, even in cyberspace. These actions are carried out repeatedly and make the victim as an object. According to psychologist Andrew Mellor [1], there are several types of bullying, namely:

- a. Physical bullying, namely the type of bullying that is carried out by physical contact between the perpetrator and the victim. This behavior is easier to identify than other forms.
- b. Verbal bullying, a bullying done by involving verbal language that aims to hurt someone's heart.
- c. Social relations bullying, a bullying that aims to reject and break the victim's social

relations with others by humiliating the victim, damaging one's reputation, inviting others to stay away from them, including systematically weakening the victim through neglect, exclusion or avoidance

d. Electronic bullying, a form of bullying behavior that is carried out through electronic communication devices such as computers, internet cellular phones, websites, chat rooms, e-mail, SMS, and others. This action is called cyberbullying.

Internet media is used by netizens to shame others, both known and unknown people because of its unlimited reach. Regarding this, Charisse L Nixon [2] wrote "Compared to traditional bullying, cyberbullying is unique in that it reaches an unlimited audience with increased exposure across time and space, preserving words and images in a more permanent state, and lacking supervision." The development of information technology that is without limit now has provided a large space for cyberbullying to intimidate children. National Crime Prevention Council, U.S. The Department of Justice [3] says "Cyberbullying is similar to other types of bullying, except online place takes and through text messages sent to cell phones. Cyberbullies can be classmates, online acquaintances, and even anonymous users, but most often they know their victims." Bullying Statistics [4] states that cyberbullying can take the form of:

1. Sending mean messages or threats to a person's email account or cell phone.
2. Spreading rumors online or through texts.
3. Posting hurtful or threatening messages on social networking sites or web pages.
4. Stealing a person's account information to break into their account and send damaging messages.
5. Pretending to be someone else online to hurt another person.
6. Taking unflattering pictures of a person and spreading them through cell phones or the Internet.
7. Sexting, or circulating sexually suggestive pictures or messages about a person.

Childhood is a period of sowing the seed, establishing the piles, and making of foundations. It can also be referred as a formation period of character, personality, and self-character of a human being, so that the children will have strength and ability and stand firm in pursuing life [5]. Childhood will determine their identity when they grow up later, so it is true that childhood is said to be a period of formation. The children who are victims of cyberbullying will feel embarrassment and depression, skip school, get poor grades in school, not dare to deal with their social environment, and even get stuck into the use of alcohol and illegal drugs. Therefore, a mitigation strategy against cyberbullying aimed at children is very needed.



## II. Result and Discussion

### A. Penal policy in Cyberbullying Countermeasures in Indonesia

The criminal justice system has goals for crime prevention. The crime prevention is carried out with various policies. Policies in dealing with crime can be carried out with two events, namely:

a. Penal Policy. Abintoro Prakoso [6] says this policy is often called as the older philosophy of crime control because it is estimated that the penal policy is as old as human civilization. Crime violations with a penal policy will discuss the need for crime prevention by using criminal sanctions. Reasoning policies must be integrated with national development. Supanto [7] further says that the national development includes crime prevention which is accompanied by scientific studies of criminogenic social factors.

b. Non-Penal Policy. According to Abintoro Prakoso [8] non-penal policies are carried out by means of education, assistance, cultivation of the soul of the community through moral and religious education, improvement of public welfare, and supervision. Non-criminal efforts are carried out in all sectors of the social policy.

Indonesia has not had specific rules regarding cyberbullying yet. However, it does not mean that cyberbullying actions have never been carried out and are not regulated in national criminal law. The actions of cyberbullying often occur in Indonesia. In 2015, Ruben Onsu [9] reported on netizens who stole photos of her baby and bullied her baby on Instagram. In 2017, Uya Kuya [10] threatened to report netizens who had spread hoaxes and bullied his daughter, Cinta Kuya.

The case of cyberbullying in Indonesia is increasing with the social media access. Media Liputan 6 noted that Indonesia turned out to be the first rank with a total of 38 percent contributing to cases of cyberbullying in the world [10]. Data from World Organization for Children (UNICEF) in 2016 [11] stated that 41 to 50 percent of teens in Indonesia in the age range of 13 to 15 years old have experienced cyberbullying. Some of the actions are doxing or publishing other people's personal data, cyber stalking or stalking in cyberspace which leads to stalking in the real world. There is also the revenge porn or the spread of porn photos and videos with the aim of taking revenge accompanied by intimidation and extortion.

Social media provides a broad space for cyberbullying. Noma Nazish [12] reports "Instagram is the most common social media platform for cyber-bullying, the latest research pointed out. More than 40% of youngsters have faced online bullying on the photo-sharing app. Meanwhile, 37% of the reports are being bullied on Facebook, and 31% on Snapchat." Netizens are flaming, insulting and slandering against photos or news uploaded on social media. This condition is increasingly out of control with the emergence of gossip accounts. These accounts upload photos (including children) that

are taken secretly and open a comment column that allows netizens to make hateful comments. This intimidation against children in the comment columns needs a great concern.

Child protection from cyberbullying is a human right guaranteed in the constitution. Personal protection of children as the constitutional rights is regulated in Article 28G paragraph (1) of the 1945 Republic of Indonesia Constitution which states “Every person shall have the right to protection of his/herself, family, honour, dignity and property, and shall have the right to feel secure against and receive protection from the threat of fear to do or not do something that is a human right.” The regulation of rights related to the protection of cyberbullying in Law No. 39 of 1999 concerning Human Rights can be seen in a number of the following provisions:

Article 12 of Act Number 39 of 1999 concerning Human Rights

Everyone has the right to protection for his self-development, to obtain an education, to educate himself, and to improve the quality of his life to become responsible, content, and prosperous people, in accordance with his human rights

Article 13 of Act Number 39 of 1999 concerning Human Rights

Everyone has the right to develop and benefit from scientific knowledge and technology, arts and culture as befits human dignity, in the interests of his own welfare, and the welfare of the nation and humanity.

Article 14 of Act Number 39 of 1999 concerning Human Rights

1. Everyone has the right to communicate and obtain information they need to develop themselves as individuals and to develop their social environment.
2. Everyone has the right to seek, obtain, own, store, process, and impart information using all available facilities.

Every child has the privacy right that needs to be protected. In Article 52 paragraph (1) Act Number 39 of 1999 concerning Human Rights is stated “All children have the right to protection by parents, family, society and state.” Article 58 paragraph (1) then states “Every child has the right to protection before the law against all forms of physical or mental violence, neglect, mistreatment and sexual assault while under the care of his parents, guardian, or any other party responsible for his care.” Children protection is a human right.

Penal policies of anti-cyberbullying can be found in a number of laws in Indonesia, namely:

- 1) Act Number 11 Year 2008 concerning Information and Electronic Transactions and Act Number 19 Year 2016 concerning Amendments to Law Number 11 Year 2008 concerning Information and Electronic Transactions

Provisions in Law Number 11 of 2008 is about Information and Electronic Transactions to adjudicate perpetrators. Conceptually, in the provisions of Law Number 11 of 2008 concerning Electronic Information and Transactions, acts which include cyberbullying, namely:

1. Decency violations (Article 27 paragraph (1) of Act Number 11 Year 2008)
2. Insult and / or defamation (Article 27 paragraph (3) of Act Number 11 Year 2008)
3. Extortion and / or threats in cyberspace (Article 27 paragraph (4) of Act Number 11 Year 2008)
4. Speech of hatred with SARA background (Article 28 paragraph (2) of Act Number 11 Year 2008)
5. The violence threat or scares aimed personally Article 29 of Act Number 11 Year 2008)
6. Illegal Access to Computers and / or Electronic Systems (Article 30 of Act Number 11 Year 2008)

## 2). Criminal Code

Law Number 11 of 2008 concerning Information and Electronic Transactions does not explicitly regulate Electronic Information and / or Electronic Documents that have contents that against propriety, humiliation and / or defamation and extortion and / or threats. Decomposition of these elements must be carried out using a systematic interpretation of the provisions in the Criminal Code, namely Article 281-296 of the Criminal Code to explain decency offenses, Article 310-311 of the Criminal Code for insulting and / or defamation and Article 368 paragraph (1) and 369 of the Criminal Code for extortion and / or threats.

## 3). Act Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection

Regarding the rights of children, in Law Number 35 of 2014 it is stipulated regarding the right to protection. Article 15 of Act Number 35 of 2014 states:

Every Child has the right to obtain protection from:

1. abuse in political activities;
2. involvement in armed disputes;
3. involvement in social unrest;
4. involvement in events that contain elements of violence;

5. involvement in warfare; and
6. sexual crime.

Countermeasures for cyberbullying include protecting children from events that contain elements of violence and sexual crime. In this case, it is the responsibility of all parties in implementing child protection. Article 20 of Law Number 35 of 2014 states: “States, Governments, Local Governments, Communities, Families and Parents or Guardians are obliged and responsible for the implementation of Child Protection” States, governments and regional governments have an obligation to make legal policies related to child protection, form work programs and promote child protection efforts. Related to this, the state has the authority to adopt the provisions of international conventions which become a reference standard in the efforts to protect children from a legal perspective.

In Article 76A Act Number 35 of 2014, it is stated “Everyone is prohibited to: a. treat children in a discriminatory manner which results in children experiencing losses, both material and moral, thus hindering their social functions;” In Article 77 Act Number 35 of 2014 regulates criminal sanctions namely “Every person who violates the provisions referred to in Article 76A is punished with the most imprisonment 5 (five) years and / or a maximum fine of Rp 100,000,000 (one hundred million rupiah).”

Indeed, children need certain parties, such as parents / family, community, government, and the state as the regulators (regulator bodies), executors of fulfilling children’s rights (executive body), and state obligation (state obligation) [13]. The role of government in each country is crucial in which the governments around the world are struggling to face telematics problems, especially what is called “unwanted information” available to citizens on the internet (cyber space) [14].

## B. Non-penal Policy in Tackling Cyberbullying of Children

The presence of internet media makes the perpetrators of crimes are able to freely suppress their victims,. Unfortunately, the children do not realize that they can become the victims. In a survey conducted by UNICEF Indonesia and the Ministry of Communication and Information [15] on the Digital Citizenship Safety program involving internet users in the 10-19 years age group, only 42% of respondents realizing the risk of being bullied online. At least 13% of these respondents have been victims for three months (translated into thousands of children). Bullying on children is done because of their nickname, physical appearance uploaded on the internet media, and the occupation of their parents (eg farmers or fishermen) or their parents’ physical appearance. Some of them experience online threats.

Philosophically, the act of cyberbullying is an action that is far from kindness. According

to Socrates [17], the law is the order of virtue. The virtue is nothing but knowledge. According to this principle, knowing the kindness is by doing kindness. Crimes, mistakes or the other terms arise because of the lack of knowledge, the indifference, and other absences of good things.. In axiology, good values must be made as the basis for establishing a regulation that prohibits cyberbullying and implementing policies in the context of prevention and law enforcement against cyberbullying. Non-penal policy in overcoming cyberbullying against children is done through an approach to values, both in the parenting and the social interaction.

Parenting has an important role in shaping one's character. Incorrect parenting can affect someone to do this act of intimidation. Ybarra and Mitchell [18] have taken the first step in creating a profile of cyberbullying. They in the report state,

Besides, Cyber Bullies tend to have poor relationships with their caregivers and are twice as likely as non-Cyber Bullies to report on the following:

1. A poor emotional bond with caregivers
2. Wrong methods of disciplining
3. Infrequent caregiver monitoring
4. Often intensive Internet users
5. Quickly switch screens or close programs when others walk by
6. Frequent use the computer in the wee hours of the night
7. Get unusually upset if he/she cannot use the computer
8. Laugh excessively while using the computer
9. Avoid discussions about what he or she is doing on the computer
10. Use multiple online accounts or an account that is not his or her own

Family is the closest social environment to raise, mature, and become the first place of education for children [19]. The perpetrators of cyberbullying are victims of the wrong parenting pattern. They have a bad emotional bond with caregivers, both parents, older siblings, more mature people, or other people who are hired to take care of them. In this care, there is a method of wrong discipline. Children tend to be educated by violence as a form of discipline. The violence is used as a tool so that children comply with all the thoughts of their parents, even though this thought is not necessarily in accordance with the children wishes. The perpetrators of cyberbullying are children who are the victims of the lack of parental supervision in parenting . This pattern of behavior is continued when they carry out their activities in cyberspace.

There is weak supervision of parents and school for the children in using the internet. The parents freely provide internet facilities to their children. Internet access can also

be gotten at schools or other public places free of charge. The ease of surfing in this virtual world is not supported by the internalized values for children. This thing causes children do antisocial actions. Sophia Alim [20] said that the lack of adult supervision in a digitally run world could increase the impact of cyberbullying. Children who are victims also do not dare to report the intimidation they experienced.

In the Convention on Rights of the Child as an international legal instrument, it has taken into account the cultural value of child protection as an important matter. The Convention states “Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child.” Traditional values need to be developed to develop a sense of humanity, tolerance, and empathy from an early age. Related to these values, Caitlin Elsaessera, Beth Russellb, Christine McCauley Ohannessianc, Desmond Patton [21] state “Determining which parenting strategies are effective in reducing cyberbullying is key to developing sound, culturally appropriate prevention efforts.” Determine effective parenting strategies in reducing cyberbullying is the key in developing the appropriate prevention efforts that suit the culture.

Local wisdom in Bali has traditional values that can be used as a guidance in preventing cyberbullying. These traditional values, for example *sagilik-saguluk salunglung sabayantaka*, *paras-paros sarpanaya*, *saling asah asih asuh* which form the basis for resolving indigenous conflicts. *Sagilik saguluk salunglung sabhayantaka*, means round like a ball, rolling everywhere in one taste, the same as a soldier, with a mixture of joy and sorrow. *Paras-paros sarpanaya*, means mutual respect in differences to become one and inseparable. *Saling asah asih asuh* means mutual content-filling (in learning or teaching-learning), loving each other, and taking care of each other.

In the teachings of Hinduism, it is known a moral philosophy “*Tat Twam Asi.*” This philosophy is an unlimited social teaching that contains universal values. Briefly, *Tat Twam Asi* means “I am you and vice versa you are me.” The teachings of *Tat Twam Asi* invite every believer to feel what others feel. *Tat Twam Asi* is a key word to foster a harmonious relationship between fellow living beings. Based on these teachings, hurting others by cyberbullying is the same as hurting yourself.

The foundation of traditional values embraced by Hindu societies in Bali is a part of philosophical Hinduism, “*Tri Hita Karana*” (three causes of happiness) which is a philosophy of balance (human balance with God or *parahyangan*, balance between humans and humans or *pawongan* and the balance between humans and the environment or *palemahan* [22] ).The value approach in tackling cyberbullying will create a harmonization of the balance between humans and other humans by instilling love, empathy, tolerance and mutual respect; therefore, intimidation against children can be overcome.

### III. Conclusion

The prevention of cyberbullying against children is done through penal and non-penal policies. Penal policy is carried out by imposing criminal sanctions on cyberbullying actors based on the provisions in Act Number 11 Year 2008 concerning Information and Electronic Transactions and Act Number 19 Year 2016 concerning Amendments to Act Number 11 Year 2008 concerning Information and Electronic Transactions, Criminal Code, and Act Number 35 Year 2014 concerning Amendment to Act Number 23 of 2002 concerning Child Protection. Non-penal policies are carried out with parenting, social interaction, and supervision based on the traditional values.

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