

Cyberbullying Criminal Law from the Perspective of Hadith Ahmad Number 3646 and Article 27A of Law Number 1 of 2024

Fakhri Gilman Husaeni

Universitas Islam Negeri Sunan Gunung Djati, Bandung, Jawa Barat, Indonesia
Email : fahrigilman2@gmail.com

Tajul Arifin

Universitas Islam Negeri Sunan Gunung Djati, Bandung, Jawa Barat, Indonesia
Email : tajularifin64@uinsgd.ac.id

ABSTRACT

This research is motivated by the increasing acts of bullying in society, particularly through social media or what is commonly known as cyberbullying, which has serious impacts on victims both psychologically and socially. The purpose of this study is to analyze cyberbullying criminal law from the perspective of Hadith Ahmad 3646 and Article 27A of Law Number 1 of 2024. This type of research is a library research, where the researcher gathers information from scholarly works previously written by academics. The results of the study indicate that, based on Hadith Ahmad number 3646 and Article 27A of Law Number 1 of 2024, it is prohibited for followers to incite, gossip, use harsh language, call others with inappropriate nicknames in front of others, and engage in other actions that attack human dignity and honor. Through this study, it is expected to enhance understanding of ethics and literacy when interacting on social media.

Keywords: Law, Criminal, Cyberbullying

Introduction

The rapid growth of information technology has transformed the way society accesses information. Various forms of information can spread quickly and are difficult to control. It is undeniable that people are becoming increasingly 'spoiled' by various technological advancements, ranging from the emergence of communication devices like mobile phones to smartphones equipped with a variety of features and internet technology. The internet allows users to exchange

information without the need for face-to-face interactions. In addition, the presence of the internet has also encouraged the emergence of various social media platforms such as WhatsApp, Facebook, Tinder, YouTube, Twitter, Instagram, and others.

The internet enables all individuals to connect with others without limitations of space and time. Currently, society utilizes the internet not only to interact with other users around the world but also to meet various needs in their lives. Internet users consist not only of adults who may be more aware of the consequences of various matters but also increasingly include teenagers and children.¹

Technology can facilitate humans in living their lives and improve their quality of life. However, alongside the various benefits offered by the internet, there are also negative impacts that arise due to this technological advancement. Examples include pornography, cases of fraud, and violence that occur in the online world. One phenomenon that is currently rampant in the virtual world is cyberbullying. The phenomenon of cyberbullying is clearly driven by the ongoing advancement of technology. Knowledge about the internet and cyberbullying should be possessed by every internet user so that they can avoid such actions. However, the reality is that not everyone is capable of distinguishing between behavior that constitutes cyberbullying and that which does not. Some of them may even be unaware of the existence of cyberbullying actions on the internet.

Cyberbullying refers to bullying behavior that utilizes digital media or devices. Bullying acts on social media platforms are intentionally carried out by the perpetrator with the intent to harm the victim, and they are typically done repeatedly or continuously. Cyberbullying always involves a relationship characterized by an imbalance of power. This behavior can include actions by individuals or groups against others through text messages, images, or videos that are degrading and insulting.²

Bullying can occur in various places, including schools and local environments, and it knows no bounds of age or gender of the victim. Cyberbullying is one form of bullying. From a legal perspective, cyberbullying is considered a criminal act that can be committed intentionally or unintentionally, through defamation, humiliation, harsh words, harassment, threats, and insults. This behavior begins with actions that demean dignity and intimidate others in the online world, with the aim of causing psychological distress to the target. This new form of bullying is even more dangerous because it can be carried out by anyone, at any time, and in any place.³

¹ Fasya Syifa Mutma, "Deskripsi Pemahaman Cyberbullying Di Media Sosial Pada Mahasiswa," *Jurnal Common* 4, no. 1 (2020): 32–55, <https://doi.org/10.34010/common.v4i1.2170>.

² Hidajat, M., Adam, A. R., Danaparamita, M., & Suhendrik, "Dampak Media Sosial Dalam Cyber Bullying," *ComTech: Computer, Mathematics and Engineering Applications*, 6, no. 1 (2015): 72.

³ Iedam Fardian Anshori, "Fenomena Cyber Bullying Dalam Kehidupan Remaja," *Jurnal Sosial & Abdimas (Jurnal Pengabdian Kepada Masyarakat)*, 2021, 26–32.

Social media has become one of the means for perpetrators of cyberbullying to carry out their bullying actions. Perpetrators can easily spread harsh content or post photos that may offend the victim on various social media platforms. Their goal is to intimidate and damage the victim's reputation. This certainly causes the victim to feel hurt and embarrassed, while the perpetrator feels satisfied because they have achieved their goal. Smith explains that cyberbullying is an abuse of information technology to harm, hurt, and harass others repeatedly. The impact of cyberbullying goes beyond emotional pain; it can also cause serious and prolonged psychological damage to the victim. Therefore, it is very important to raise public awareness about the dangers of cyberbullying and to develop effective prevention and intervention strategies to protect the victims.⁴

The rapid development of social networks as a communication tool that is easily accessible to anyone, anywhere has created a significant phenomenon in the dissemination of information. Moreover, the advancement of social networks has also given rise to new trends in society as a means to engage in online bullying, commonly known as cyberbullying. Social networks make it easy for individuals to perpetrate cyberbullying, which can take the form of mockery, threats, insults, or even hacking, with the intent to intimidate and oppress. As a result, victims experience pain and shame, while the perpetrators feel satisfied and pleased because they have achieved their goals.

Data from 2024 shows that cyberbullying has detrimental effects on the mental, social, and academic health of those involved. As many as 93% of victims of cyberbullying experience psychological impacts. Additionally, mental health conditions affected by cyberbullying increase the risk of suicidal thoughts by about 15% and suicide attempts by nearly 9%. Approximately 16% of students involved in cyberbullying experience severe depression. The Ministry of Women's Empowerment and Child Protection notes that the majority of cyberbullying victims come from the age group of 18–25 years (57%), with children under 18 following at 26%. According to a SAFEnet report, the number of Online Gender-Based Violence (OGBV) cases in Indonesia has increased, with an additional 118 cases in the first quarter of 2024 compared to the previous year. This indicates that perpetrators of cyberbullying are increasingly exploiting gaps in the online world to commit acts of violence.⁵

Islamic teachings have prohibited bullying in any form. The Qur'an mentions in Surah Al-Hujurat, verse 11, which means: 'O you who have believed, let not a people ridicule (another) people; perhaps they may be better than them. And do not insult one another and do not call each other by [offensive] nicknames. Wretched is

⁴ Atika Marlef and Yuslenita Muda, "Mengenal Dan Mencegah Cyberbullying : Tantangan Dunia Digital," *Journal of Education Research* 5, no. 3 (2024): 4002–10.

⁵ Anindita Dewi Anggraeni, "Pahami Fenomena Cyberbullying Di Indonesia: Bentuk Kekerasan Digital Yang Perlu Diatasi," <https://data.goodstats.id/statistic/pahami-fenomena-cyberbullying-di-indonesia-bentuk-kekerasan-digital-yang-perlu-diatasi-X4EuP>, 2024.

the name of disobedience after (one's) faith. And whoever does not repent - then it is those who are the wrongdoers.⁶

This verse explains that actions of intimidating and mocking others are prohibited behaviors. This is related to the phenomenon of cyberbullying. As a religion that emphasizes honor, Islam forbids its followers from inciting, gossiping, speaking harshly, or giving derogatory nicknames to others, as well as other behaviors that attack human dignity and self-esteem. Islam also emphasizes the importance of safeguarding the words bestowed by Allah, by speaking kindly and truthfully, to avoid provoking slander and sin. Those who engage in such actions will be among the category of disobedient individuals.

Based on the description above, cyberbullying is increasingly prevalent due to the ease of accessing social media. Unfortunately, this phenomenon is still considered trivial by society. Therefore, this study needs to be expanded by exploring various viewpoints, including the perspective of the Prophet's hadith and the 1945 Constitution. In this way, it is important to examine how the Prophet's hadith provides guidance regarding the criminal law of cyberbullying.

Method

This research method is qualitative research that presents data in the form of verbal narratives and describes the actual reality of the information collected. By using the perspectives of hadith and legislation, this study will provide verbal narrative data regarding cyberbullying behavior. This type of research falls into the category of library research, where the researcher gathers information from scholarly works that have been written by previous academics. This research is structured based on various books and other written archives related to hadith and laws concerning cyberbullying.

Result and Discussion

Cyberbullying from the Perspective of Fiqh and Criminal Law

Recently, the term cyberbullying has become a separate issue for social media users. This behavior is still related to the term bullying, but the actions are targeted in the virtual world. It is undeniable that rapid technological advancements have brought both positive and negative impacts on human life. The positive effects of technology on humans are diverse, especially in facilitating various tasks. However, technology also has negative impacts, one of which is the occurrence of bullying through digital technology.

In the perspective of contemporary fiqh, cyberbullying can be understood as a form of oppression and harassment through digital media that causes harm, injustice, and damage to others. Although fiqh primarily discusses issues of justice,

⁶ Departemen Agama RI, *Al-Quran Dan Terjemahnya* (Semarang: Proyek Depag RI, 2010).

human rights, and the prohibition of violence, in the context of cyberbullying, fiqh scholars emphasize that such actions fall into the category of oppression and major sins because they harm the rights of others, tarnish reputation, and threaten the safety of life and dignity.

Abdul Fattah Abdurrahman, in his study of contemporary fiqh, defines cyberbullying as acts of hurting, oppressing, or intimidating others through electronic media in a way that violates human rights and justice, which contradicts Islamic teachings about justice and the prohibition of unjust deeds.⁷ Similarly, Yusuf Qardawi, a contemporary scholar, considers cyberbullying as a prohibited act in Islam because it falls under the category of actions that harm others, damage reputation, and spread slander. In his view, all forms of oppression and injustice, including those carried out through electronic media, contradict Islamic teachings which emphasize justice, respecting others' rights, and avoiding actions that cause harm to fellow beings.⁸

Based on the above definitions, cyberbullying is an act of harming, oppressing, and humiliating others through digital media that contradicts principles of justice, respect for human rights, and the prohibition of oppression in Islam.

From the perspective of criminal law, cyberbullying is an act that falls under the category of criminal offense because it involves actions that harm and intimidate others through electronic media, which can be subject to criminal sanctions in accordance with applicable laws and regulations. Generally, cyberbullying can be categorized as forms of defamation, threats, or harassment as regulated in the Criminal Code (KUHP) and other related laws. According to Criminal Law Experts and applicable regulations:

1. Article 27 paragraph (3) of Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 on Information and Electronic Transactions (ITE Law): "Everyone who intentionally and without rights distributes and/or accesses and/or contains and/or spreads electronic information that contains insults and/or defamation and/or slander and/or pollution and/or threats and/or acts that violate decency and/or infringe upon intellectual property rights

⁷ Abdurahman Abdul Fatah, *Cyberbullying Dan Aspek Hukum Dalam Perspektif Kriminal* (Jakarta: Pustaka Mandiri, 2018). 45-46

⁸ Yusuf Qardawi, *Al-Fiqh Al-Islami Wa Adillatuhu (Fiqh Islam Dan Dalil-Dalilnya)* (Beirut: Dar al-Fikr., 2012). 425-426

shall be subject to imprisonment for a maximum of 6 (six) years and/or a maximum fine of Rp1,000,000,000.00 (one billion rupiah)."⁹

2. Articles 310 and 311 of the KUHP regarding Defamation and Slander:
 - a. Article 310 of the KUHP states that anyone who intentionally attacks the honor and good name of others by accusing, insulting, or defamation can be subject to criminal penalties.
 - b. Article 311 of the KUHP regulates general defamation and its criminal threats.¹⁰

Based on the above legal explanations, cyberbullying is an act that violates criminal law because it causes harm, defamation, threats, or harassment of others through electronic media, and can be subject to criminal sanctions in accordance with the provisions of the KUHP and the ITE Law.

Cyberbullying from the Perspective of Hadith Ahmad Number 3646

The growth of information and communication technology has been very rapid, affecting almost all aspects of human life. Unbeknownst to us, technological products have become an important part of daily needs. The use of television, telephones, fax machines, mobile phones, and now the internet has become commonplace, especially in large cities. It is undeniable that information and communication technology has become a fundamental foundation in this globalization era, which has now spread to almost the entire world. This situation has created a new world often referred to as the 'global village,' where the people living within it are known as netizens.¹¹

Nadirsyah Hosen, a contemporary interpretation expert, states that cyberbullying can essentially be perpetrated by anyone. For example, a teenager or a housewife can suddenly act aggressively and harass a scholar. Our disagreement with a public figure or government official is often expressed through images or memes containing insults. We are no longer focused on thoughts, ideas, or policies; instead, we attack the personal honor and reputation of others with the aim of humiliating

⁹ Undang-Undang No. 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang No. 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik (UU ITE), 2016. 12

¹⁰ Kitab Undang-Undang Hukum Pidana (KUHP), Pasal 310 Dan 311.

¹¹ Deizen D. Rompas Valencia Veronica Magdalena Hattu and Grace Yurico Bawole, "Kajian Hukum Tentang Tindak Pidana Cyberbullying Oleh Generasi Z Menurut Undang-Undang Informasi Dan Transaksi Elektronik," *Jurnal Fakultas Hukum UNSRAT* 13, no. 01 (2024): 1–17.

their character. Meanwhile, we feel satisfied and do not feel guilty about the acts of harassment we have committed.¹²

The commands and prohibitions have been established by Allah in the Qur'an and reinforced through the hadiths of the Prophet Muhammad (peace be upon him). As obedient beings, humans should pay attention to these matters. Allah created humans perfectly and arranged every aspect of their being. Previously, Allah had concealed the flaws of humanity; however, often they choose to expose their own flaws, and even worse, to spread the flaws of others. In fact, such actions should not be undertaken by humans.

In the past, a person's flaws typically spread through spoken words from one person to another. As explained in the context of the revelation of Surah Al-Hujurat, verse 12, when Salman al-Farisi, a companion of the Prophet, had finished eating and fell asleep while snoring, this event was witnessed by others. As a result, gossip arose, and the flaw was widely spread.¹³

From the perspective of bullying behavior, the aim is to belittle others. There is one hadith that specifically discusses this matter. This hadith can be found in the book Musnad Ahmad with the following narration:

حَدَّثَنَا مُحَمَّدُ بْنُ سَابِقٍ حَدَّثَنَا إِسْرَائِيلُ عَنِ الْأَعْمَشِ عَنْ إِبْرَاهِيمَ عَنْ عَلْقَمَةَ عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَيْسَ الْمُؤْمِنُ بِطَعَّانٍ وَلَا بِلَعَّانٍ وَلَا الْفَاحِشِ الْبَذِيءِ وَقَالَ ابْنُ سَابِقٍ مَرَّةً بِالطَّعَّانِ وَلَا بِاللَّعَّانِ

It is narrated from Muhammad bin Sabiq from Isra'il, from Amasy, from Ibrahim, from Al-Qamah, from Abdullah, who said: 'The Messenger of Allah (peace be upon him) said: 'A believer is not one who curses, insults, acts immorally, or speaks indecently.' (Narrated by Ahmad 3646)¹⁴

In another Hadith, the Messenger of Allah (peace be upon him) said: from 'Abdullah bin 'Umar (may Allah be pleased with him), the Messenger of Allah (peace be upon him) said:

¹² Nadirsyah Hosen Tabik, *Ketika Ilmuwan, Ulama, Dan Profesor Di-Bully Di Medsos* (Australia: MonashLaw School), n.d.).

¹³ Saiful Lutfi, "Materi Pendidikan Akhlak Menurut Al-Qur'an: Analisis Surah Al-Hujarat Ayat 11- 12," *Al-Mudarris (Jurnal Ilmiah Pendidikan Islam)* 3, no. 2 (2020): 162–63.

¹⁴ Ahmad bin Hanbal, *Musnad Ahmad, Jil II*. (Beirut: Dar Jail, n.d.).

المُسْلِمُ مَنْ سَلَّمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ , وَ الْمُهَاجِرَ مَنْ هَجَرَ مَا نَهَى اللَّهُ عَنْهُ

The true Muslim is the person who saves other Muslims from harm caused by their speech and actions. And the one who migrates is the person who migrates away from what Allah has forbidden (Bukhari and Muslim).¹⁵

In another Hadith, Prophet Muhammad (peace be upon him) explains that insulting a Muslim is a major sin. Fighting a Muslim is considered disbelief (kufr).

سَبَابُ الْمُسْلِمِ فُسُوقٌ، وَقِتَالُهُ كُفْرٌ

Insulting a Muslim is an act of wickedness (a major sin), and fighting them is considered disbelief (kufr). (Hadith narrated by Imam Bukhari and Imam Muslim)¹⁶

The hadith above explains that intimidating and mocking others are prohibited actions. This is in line with the phenomenon of cyberbullying. As a religion that upholds dignity, Islam forbids its followers from inciting, gossiping, speaking harshly, calling others by bad names in front of others, and engaging in other actions that attack the honor and dignity of individuals. Islam also reminds us to safeguard the tongue that Allah has bestowed upon us to speak kindly and truthfully, so as not to incite slander or sin. Furthermore, Islam places those who commit these sins among the group of immoral people.

The hadith narrated by Ahmad bin Hanbal mentioned above, which is the main focus of this study, has served as a starting point for several other hadiths that discuss the act of ihtiqar or belittling others. This discussion begins with a hadith that justifies the behavior of belittling someone by calling them 'ugly.' From this general justification, the author then elaborates on various hadiths related to belittling others, which are interconnected, in order to explain the phenomenon of bullying, which is currently popular in the form of cyberbullying (bullying on social media).

Implicitly, the hadith is supplemented by a hadith from Tirmidhi, conveying the meaning of prohibiting bad actions such as mutual hatred, mocking, and using foul language, as well as encouraging us to behave well towards one another. Ultimately, this hadith specifically emphasizes the importance of not belittling others. Upon examination, attitudes of envy, hatred, mockery, and stealing the rights of

¹⁵ Burha Nudin, "Cyberbullying Perspektif Islam," <https://fis.uii.ac.id/blog/2023/01/06/cyberbullying-perspektif-islam/>, 2023.

¹⁶ Syalabi Ichsan, "Alquran Dan Hadits Larang Perundungan Di Dunia Maya, Ini Dalil-Dalilnya," <https://khazanah.republika.co.id/berita/smemy3483/alquran-dan-hadits-larang-perundungan-di-dunia-maya-ini-dalildalilnya-part2>, 2024.

others are all actions aimed at belittling others. This hadith provides a final statement that emphasizes the urgency of respecting fellow human beings and highlights the values of humanity that must be upheld so that we continue to treat one another with dignity.

In conclusion, it is prohibited for someone to insult or mistreat (bully) others, whether verbally or physically, regardless of reasons such as poverty, religious background, social status, or family shame. Bullying is forbidden not only because it causes shame to the victim whose dignity is undermined, but also because it reflects the perpetrator's view of feeling superior to others, thereby believing they have the right to mistreat. Additionally, there may be feelings of jealousy that drive the perpetrator to bully those perceived as better, as a way to mask their dislike for their advantages. In Islamic teachings, belittling the dignity of others, exhibiting arrogance, or feeling envious of others' successes are all disallowed.

Cyberbullying According to Article 27A of Law Number 1 of 2024

Along with the advancement of time and technology, the variety of crimes in cyberspace is increasing. One of the phenomena that has emerged is cyberbullying. In the Great Dictionary of the Indonesian Language (KBBI), cyberbullying is defined as bullying that comes from the word 'rundung' or 'merundung,' which means 'to disturb' or 'to harass repeatedly.' Additionally, cyberbullying is also known as intimidation in cyberspace, where in KBBI, intimidation refers to behavior that aims to frighten (especially to force someone or another party to do something); threats; or intimidation. Thus, cyberbullying is a crime on social media committed by individuals with the intent to intimidate others.

According to Bill Belsey, cyberbullying is a practice that utilizes information and communication technology, such as email, mobile phones, text messages, instant messaging, and personal websites, with the intent to harm others. This action is usually carried out deliberately through repeated electronic contact and often occurs due to a lack of supervision over access to electronic devices and the internet. Cyberbullying can have very negative impacts on victims, including decreased self-esteem, depression, anxiety, loss of interest in previously enjoyed activities, unwillingness to socialize with friends, as well as changes in emotions, behavior, sleep

patterns, and appetite. Victims of cyberbullying tend to feel helpless and resigned when experiencing such bullying.¹⁷

Cyber crimes related to cyberbullying are now receiving special attention worldwide due to their real-time nature. Cyberbullying represents the negative side of the rapidly advancing information technology. The Criminal Code (KUHP) serves as the main legal framework for criminal regulations in Indonesia. However, many of the definitions of criminal acts in the KUHP are still conventional and do not directly accommodate the developments of the phenomenon of cyberbullying.

The government needs to establish regulations to support the advancement of information technology to encourage trade and economic growth in the country while also preventing its misuse. A new legal system has emerged known as 'cyber law' or 'telematics law.' The term 'cyber law' is used internationally to refer to laws related to the use of information and communication technology. Telematics law itself is a combination of telecommunications, media, and information law. The development of information technology systems has occurred across various sectors, leading to the creation of the ITE Law, which aims to establish regulations for the information and communication technology industry in Indonesia.

In its report, the National Legal Development Agency (BPHN) states, 'The Electronic Information and Transactions Law is designed to support information technology with a legal and regulatory foundation that enables its secure use and prevents misuse.' The ITE Law also reflects the values of religion and the social culture of Indonesian society. This law serves to uphold democracy in Indonesia, protect human rights in the use of electronic media, and provide legal protection to both business actors and consumers involved in electronic systems and transactions in the conduct of trade/e-commerce.

The legal matter states that the ITE Law has functions and objectives to strengthen democracy and protect human rights (HR) in social media and electronic media. Furthermore, the ITE Law offers protection and legal certainty for economic actors and consumers involved in electronic systems and transactions, such as e-commerce. The ITE Law also regulates 'prohibited acts conducted through electronic media/systems' and establishes legal sanctions for those proven to commit

¹⁷ Suhariyanto Budi, *Tindak Pidana Teknologi Informasi (Cybercrime)* (Jakarta: Rajawali Press, 2013). 2-3

criminal acts, including arbitration procedures for resolving civil or criminal disputes.¹⁸

Prohibited actions under the ITE Law are explained in Chapter 7, including the prohibition against disseminating electronic information or documents that contain 'insult and/or defamation,' in accordance with Article 27 paragraph (3) of the ITE Law. In addition, the ITE Law is also regulated under the Joint Law, where Article 45 paragraph (3) of the ITE Criminal Sanctions Law emphasizes that violations can result in a maximum prison sentence of six years and/or a fine of up to Rp1,000,000,000.00 (Rp1 billion). Criminal law focuses on sanctions, regulates the relationship between citizens and the state, and takes into account public interest or the common good. Budianto notes that these penalties aim for the rehabilitation or reintegration of convicts into society.¹⁹

In addition to being regulated in the Penal Code (KUHP) and Law No. 1/2023, which addresses bullying on social media or cyberbullying in the form of insult and attacks on an individual's honor or reputation, the author also refers to the provisions in Law No. 1/2024, which is the second amendment to the ITE Law. Essentially, attacks on a person's honor or reputation are actions prohibited by Article 27A of Law No. 1/2024, which states: 'Every person who intentionally attacks the honor or reputation of another person by accusing something, with the intent for it to be known by the public in the form of Electronic Information and/or Electronic Documents conducted through Electronic Systems.

According to the Explanation of Article 27A of Law No. 1/2024, the action referred to as 'attacking honor or reputation' is an act that belittles or undermines a person's reputation and dignity, which can cause harm to that individual, including acts of defamation and/or slander. Furthermore, individuals who violate Article 27A of Law No. 1/2024 risk being punished with a maximum prison sentence of 2 years and/or a fine of up to Rp400 million, as regulated in Article 45 paragraph (4) of Law No. 1/2024. The provisions in Article 27A refer to Article 433 of Law No. 1 of 2023 concerning the Penal Code. This Article 27A is more general in nature, describing actions that depict individuals in the context of ITE criminal acts. In legal

¹⁸ Adi Pratama Putra, "Analisis Kesadaran Hukum Warga Negara Dalam Pasal 27 Ayat 2 UU ITE Terhadap Tindak Pidana Perjudian," *Untirta Civic Education* 9, no. 1 (2024).

¹⁹ Julizar Idris Idris and Achmad Supandi, "Evaluasi Kebijakan Undang-Undang Informasi Dan Transaksi Elektronik Di Indonesia; Potret Bibliometric Analysis," *Transparansi: Jurnal Ilmiah Ilmu Administrasi* 7, no. 1 (2024): 149–62, <https://doi.org/10.31334/transparansi.v7i1.3709>.

terminology, when the subject refers to the term 'other person,' it implies a plural meaning, and this becomes a point of contention in the use of the terminology 'the words of others' in the article.

The law in society serves as a guide that must be adhered to, regulating human behavior to prevent harm to others, including in terms of the protection and use of information and communication technology (ICT) in public spaces. There is no power or authority higher than the law, making the law supreme in Indonesia. The Republic of Indonesia is a state governed by law, as stated in Article 1 Paragraph (3) of the 1945 Constitution, which stipulates that all order in the life of the nation, society, and state must be based on applicable law. The law has binding power and must be obeyed by all citizens as well as foreigners within the territory of the Unitary State of the Republic of Indonesia (NKRI).

Law No. 1 of 2024 concerning Information and Electronic Transactions, which is the second amendment to Law No. 11 of 2008 concerning ICT, has sparked debate regarding articles that have not fully accommodated citizens' freedoms in using information and communication technology. Articles with ambiguous meanings are often referred to by legal experts as 'rubber articles.' The regulations in the ICT law are expected to meet various interests and provide justice for all parties. The duty of the state is to protect the interests of the state and the public interest, in accordance with the mandate of the 1945 Constitution, which emphasizes protection for the entire nation and the homeland of Indonesia.²⁰

The ITE Law has been revised and approved by the Government and the House of Representatives of the Republic of Indonesia (DPR RI). However, there are issues related to several articles that are considered 'rubber' and have been retained by the Government, which could harm citizens if they are suspected of violating the provisions on the dissemination of information, particularly in Article 27A of Law No. 1 of 2024 concerning ITE. Article 27 paragraph (3) has been removed and replaced by Article 27A in the same law. Article 27A states, 'Every person who intentionally attacks the honor or reputation of another person by accusing something with the intent for it to be known by the public in the form of Electronic Information and/or Electronic Documents conducted through Electronic Systems.' This article has received criticism from the public, academics,

²⁰ Valencia Veronica Magdalena Hattu and Bawole, "Kajian Hukum Tentang Tindak Pidana Cyberbullying Oleh Generasi Z Menurut Undang-Undang Informasi Dan Transaksi Elektronik."

practitioners, and NGOs because it is deemed to be an ambiguous rubber article. This creates opportunities for law enforcement or certain parties to subjectively use this article against the dissemination of information through ITE. As a result, this article could ensnare anyone, whether individuals or officials of government agencies, who feel their names have been tarnished. This provision can create legal uncertainty, potentially disregarding the rights of those involved in the dissemination of information; although they may be suspected of defaming others, they should still be entitled to protection as legal subjects.

Conclusion

In this study, it is explained that actions of intimidating and mocking others are prohibited behaviors, in line with the phenomenon of cyberbullying. As a religion that upholds dignity, Islam prohibits its followers from inciting, gossiping, using foul language, calling others inappropriate names in front of others, and other actions that attack the honor and dignity of human beings. Islam also reminds us to guard the tongue that Allah has given us, to speak well and rightly, so as not to cause slander or sin. Furthermore, Islam categorizes those who commit such sins as people of vice. This is also reflected in Article 27A of Law No. 1 of 2024, which states: 'Every person who intentionally attacks the honor or reputation of another person by accusing something with the intent for it to be known by the public in the form of Electronic Information and/or Electronic Documents conducted through Electronic Systems.'

Reference

- Anggraeni, Anindita Dewi. "Pahami Fenomena Cyberbullying Di Indonesia: Bentuk Kekerasan Digital Yang Perlu Diatasi." <https://data.goodstats.id/statistic/pahami-fenomena-cyberbullying-di-indonesia-bentuk-kekerasan-digital-yang-perlu-diatasi-X4EuP>, 2024.
- Anshori, Iedam Fardian. "Fenomena Cyber Bullying Dalam Kehidupan Remaja JURNAL." *Jurnal Sosial & Abdimas (Jurnal Pengabdian Kepada Masyarakat)*, 2021, 26–32.
- Fatah, Abdurahman Abdul. *Cyberbullying Dan Aspek Hukum Dalam Perspektif Kriminal*. Jakarta: Pustaka Mandiri, 2018.
- Hanbal, Ahmad bin. *Musnad Ahmad, Jil II*. Beirut: Dar Jail, n.d.
- Hidajat, M., Adam, A. R., Danaparamita, M., & Suhendrik, S. "Dampak Media Sosial Dalam Cyber Bullying." *ComTech: Computer, Mathematics and Engineering Applications*, 6, no. 1 (2015): 72.
- Ichsan, Syalabi. "Alquran Dan Hadits Larang Perundungan Di Dunia Maya, Ini Dalil-Dalilnya." <https://khazanah.republika.co.id/berita/smemy3483/alquran-dan->

- hadits-larang-perundungan-di-dunia-maya-ini-dalildalilnya-part2, 2024.
- Idris, Julizar Idris, and Achmad Supandi. "Evaluasi Kebijakan Undang-Undang Informasi Dan Transaksi Elektronik Di Indonesia; Potret Bibliometric Analysis." *Transparansi : Jurnal Ilmiah Ilmu Administrasi* 7, no. 1 (2024): 149–62. <https://doi.org/10.31334/transparansi.v7i1.3709>.
- Kitab Undang-Undang Hukum Pidana (KUHP), Pasal 310 Dan 311*, n.d.
- Lutfi, Saiful. "Materi Pendidikan Akhlak Menurut Al-Qur'an: Analisis Surah Al-Hujarat Ayat 11- 12." *Al-Mudarris (Jurnal Ilmiah Pendidikan Islam)* 3, no. 2 (2020): 162–63.
- Marlef, Atika, and Yuslenita Muda. "Mengenal Dan Mencegah Cyberbullying: Tantangan Dunia Digital." *Journal of Education Research* 5, no. 3 (2024): 4002–10.
- Mutma, Fasya Syifa. "Deskripsi Pemahaman Cyberbullying Di Media Sosial Pada Mahasiswa." *Jurnal Common* 4, no. 1 (2020): 32–55. <https://doi.org/10.34010/common.v4i1.2170>.
- Nudin, Burha. "Cyberbullying Perspektif Islam." <https://fis.uii.ac.id/blog/2023/01/06/cyberbullying-perspektif-islam/>, 2023.
- Putra, Adi Pratama. "Analisis Kesadaran Hukum Warga Negara Dalam Pasal27 Ayat 2 UU ITE Terhadap Tindak Pidana Perjudian." *Untirta Civic Education* 9, no. 1 (2024).
- Qardawi, Yusuf. *Al-Fiqh Al-Islami Wa Adillatuhu (Fiqh Islam Dan Dalil-Dalilnya)*. Beirut: Dar al-Fikr., 2012.
- RI, Departemen Agama. *Al-Quran Dan Terjemahnya*. Semarang: Proyek Depag RI, 2010.
- Suhariyanto Budi. *Tindak Pidana Teknologi Informasi (Cybercrime)*. Jakarta: Rajawali Press, 2013.
- Tabik, Nadirsyah Hosen. *Ketika Ilmuwan, Ulama, Dan Profesor Di-Bully Di Medsos*. Australia: Monash Law School), n.d.
- Undang-Undang No. 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang No. 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik (UU ITE)*, n.d.
- Valencia Veronica Magdalena Hattu, Deizen D. Rompas, and Grace Yurico Bawole. "Kajian Hukum Tentang Tindak Pidana Cyberbullying Oleh Generasi Z Menurut Undang-Undang Informasi Dan Transaksi Elektronik." *Jurnal Fakultas Hukum UNSRAT* 13, no. 01 (2024): 1–17.