

Reformulation of Legal Policy on Anonymous Cyberbullying on Digital Platforms in Indonesia

Feti Rakhmani*, Subianta Mandala

Borobudur University, Jakarta, Indonesia, Fetirakhmani286@gmail.com

Borobudur University, Jakarta, Indonesia, subianta_mandala@borobudur.ac.id

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*Correspondence: Feti Rakhmani

Email: Fetirakhmani286@gmail.com

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Abstract: *This study aims to analyze the limitations of Indonesian positive law in regulating anonymous cyberbullying and formulate more adaptive legal policy reforms based on victim protection and digital platform responsibility. The method used is normative juridical with a statutory and conceptual approach through an analysis of the Electronic Information and Transactions Law, the Criminal Code, and other related regulations. The results of the study indicate a normative vacuum, multiple interpretations, and obstacles in perpetrator accountability and victim protection due to digital anonymity. Therefore, legal reform is needed through the creation of a specific offense for anonymous cyberbullying, strengthening digital evidence, affirming platform responsibility, and an integrated victim-oriented approach.*

Keywords: *Anonymous Cyberbullying, Legal Updates, Victim Protection*

Introduction

The development of digital platforms has transformed the social interaction space of society from physical space to cyberspace, which recognizes no territorial boundaries (Watajdid, 2021). Interactions that were previously direct have now shifted to social media, online forums, and instant messaging applications that enable real-time communication with a wide reach. In this regard, anonymity, pseudonymity, and the use of encryption technology are the main characteristics that distinguish digital space from conventional space. (Olifia, 2025) Anonymity allows users to hide their true identities, while pseudonymity provides alternative identities that are not easily traced, and encryption protects the content of communications from third-party access. Legally, this condition poses a serious challenge because Indonesian positive law is essentially built on the paradigm of physical interaction that emphasizes the clear identity of legal subjects (Situmorang, 2025). A comparison with offline interactions shows that in the real world, perpetrators can be easily identified and held accountable, whereas in the digital space, anonymity creates structural obstacles to law enforcement. Thus, anonymity functions as a "double-edged sword," on the one hand protecting freedom of expression as guaranteed in

Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia, but on the other hand opening up room for abuse that has the potential to violate the rights of others as limited by Article 28J paragraph (2) of the 1945 Constitution (Fauziah, 2025).

The phenomenon of anonymous cyberbullying has emerged as a form of digital violence that is increasingly complex and difficult to control. Anonymous cyberbullying in this study refers to repeated and intentional online acts that cause psychological harm, intimidation, or humiliation by perpetrators who conceal their identities. It differs from cyber harassment, cyberstalking, online defamation, hate speech, and doxing through its combination of anonymity, repetitive harmful conduct, and primary impact on victims' psychological well-being. Although related behaviors are regulated under Indonesia's ITE Law and Criminal Code, anonymous cyberbullying has not yet been recognized as a distinct legal offense.

In various legal regimes, cyberbullying does not yet have a uniform definition, but it is generally understood as repeated acts of intimidation, insults, or harassment carried out through digital media. (Elpemi, 2020) In the context of Indonesian law, such behavior is often classified as the crime of insult or defamation as regulated in Article 27 paragraph (3) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, as well as Articles 310 and 311 of the Criminal Code (Wahyuningrum, 2023). However, the characteristic of anonymous cyberbullying, which does not reveal the perpetrator's identity, creates a new dimension not fully accommodated within these norms. Specific forms such as doxing, flaming, and anonymous harassment demonstrate an escalating *modus operandi* that attacks not only the reputation but also the privacy and security of the victim. The resulting impacts are not only psychological, such as depression and anxiety, but also social and legal, including reputational damage and barriers to access to justice (Rahmi, 2024).

In Indonesia, the escalation of anonymous cyberbullying cases shows a significant upward trend in line with internet penetration and social media usage. Data from various institutions, such as the Ministry of Communication and Information Technology and the Indonesian Child Protection Commission, indicate an increase in reports of digital violence, particularly those involving perpetrator anonymity. Cases that go viral on social media show a relatively consistent pattern: perpetrators use anonymous or fake accounts, content spreads rapidly through viral mechanisms, and victims experience massive public pressure (Rizkiyanto, 2024). In many cases, law enforcement officials experience difficulty identifying perpetrators due to limited access to user data and jurisdictional barriers, particularly when the platforms used are based overseas. (Anjani, 2024) This situation demonstrates a gap between technological developments and the legal capacity and law enforcement in responding to digital crimes.

The limited positive legal framework in Indonesia is a major factor exacerbating the handling of anonymous cyberbullying. Although several provisions exist that can be used, such as Article 27 paragraph (3) of the ITE Law, Article 28 paragraph (2) concerning hate speech, and provisions in Law Number 35 of 2014 concerning Child Protection, these norms are still general and do not explicitly regulate anonymous cyberbullying. Furthermore, provisions in the Criminal Code, both the old and the new (Law Number 1 of 2023), do not specifically construct cyberbullying as a separate crime (Setiawan, 2025). As a result, there

are multiple interpretations in the application of the law, which have implications for inconsistent decisions and legal uncertainty. The issue of proof is also crucial, because in the context of anonymity, electronic evidence, as recognized in Article 5 of the ITE Law, is often insufficient to reveal the identity of the perpetrator without the support of cross-sector and cross-national cooperation (Avianingrum, 2024).

The problem of legal accountability in the context of digital anonymity becomes increasingly complex when linked to the various actors involved. Not only individuals as direct perpetrators, but also digital platforms and internet service providers play a role in enabling cyberbullying. However, Indonesian law does not explicitly regulate the limits and forms of accountability of each party (Arabella, 2025). The safe harbor principle, implicitly adopted in practice, lacks a strong normative foundation, creating ambiguity regarding platforms' obligations to moderate content or provide user data to law enforcement. Furthermore, the issue of cross-border jurisdiction poses a serious obstacle, given that many digital platforms operate outside Indonesian jurisdiction (Falevi, 2025). From a legal evidence perspective, the use of digital forensics also faces technical and regulatory obstacles, hampering effective law enforcement.

Regulatory gaps and disharmony exist, reflecting a lack of integration of legal policies in addressing anonymous cyberbullying. Overlapping provisions in the ITE Law and the Criminal Code, as well as the lack of synchronization between criminal law and victim protection, indicate a fragmented legal policy. On the other hand, existing legal policies are still oriented toward punishing perpetrators and do not optimally provide protection and reparation for victims, as should be guaranteed by the principle of victim protection. The absence of effective reporting mechanisms, minimal recovery services, and the continued prevalence of victim blaming demonstrate the weak position of victims in the legal system. Meanwhile, compared with other countries that have adopted specific regulations, such as the European Union's Digital Services Act, Indonesia still lags behind in regulating platform responsibility and user protection. Therefore, the urgency of reformulating legal policies is inevitable, emphasizing the need for laws that are adaptive to technological developments, oriented toward victim protection, and capable of comprehensively integrating criminal, administrative, and technological approaches.

Methodology

This study employs a normative juridical method that focuses on the analysis of positive legal norms as the primary causality in examining the issue of anonymous cyberbullying on digital platforms in Indonesia, by positioning the law as an autonomous and structured system of norms. The approaches used include a statute approach and a conceptual approach. The statutory approach is carried out by comprehensively examining various relevant regulations, including the 1945 Constitution of the Republic of Indonesia, especially Article 28E and Article 28J, Law Number 1 of 2024 concerning the Second Amendment to the Law on Information and Electronic Transactions, the Criminal Code as updated in Law Number 1 of 2023, and Law Number 35 of 2014 concerning Child Protection, in order to identify norms, legal gaps, disharmony, and weaknesses in regulations related to anonymous cyberbullying. Meanwhile, a conceptual approach analyzes legal concepts that have developed in doctrine and literature, such as the concept

of cyberbullying, digital anonymity, legal accountability, victim protection, and criminal law policy, so as to obtain a deeper understanding of the ideal legal construction. The legal materials used include primary legal materials in the form of laws and court decisions, secondary legal materials in the form of books, scientific journals, and previous research results, as well as tertiary legal materials as supporting materials, which are then analyzed qualitatively with systematic, grammatical, and teleological interpretation techniques to produce prescriptive legal arguments in order to formulate legal policy updates that are responsive to the phenomenon of anonymous cyberbullying.

Result and Discussion

Positive Legal Construction of Anonymous Cyberbullying on Digital Platforms in Indonesia

The positive legal construction of anonymous cyberbullying on digital platforms in Indonesia is still essentially based on a legal regime that is not specifically designed to accommodate the characteristics of anonymity-based digital crimes. The most frequently employed regulation is Law Number 1 of 2024 regarding the Second Amendment to the Electronic Information and Transactions Law, specifically Article 27 paragraph (3), which regulates the distribution or transmission of electronic information containing insults and/or defamation, which is then strengthened by criminal threats in Article 45 paragraph (3). In addition, Article 28, paragraph (2) of the ITE Law is also often used in the context of hate speech based on SARA. However, these norms basically still adopt the concept of conventional crimes transferred to the digital space, so they do not specifically regulate the phenomenon of anonymous cyberbullying, which has distinctive characteristics such as the use of hidden identities, repeated attacks, and escalation through virality (Prawira, 2024).

When linked to the provisions of the Criminal Code, both in the old Criminal Code and the new Criminal Code, as stipulated in Law Number 1 of 2023, the construction of the offense used still focuses on insults and defamation, as stipulated in Articles 310 and 311. Article 310 of the Criminal Code regulates insults intentionally intended to attack a person's honor or reputation, while Article 311 regulates slander if the perpetrator cannot prove the accusations made. In the new Criminal Code, there are efforts to modernize the wording, but substantially, it still maintains the old paradigm, which focuses on individual actions with a clear perpetrator identity. It raises issues when faced with anonymous cyberbullying, where the perpetrator's identity is often obscured or even untraceable, making it difficult to effectively implement this norm (Lutfiyanur, 2025).

In terms of protecting victims, particularly children, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection provides a significant legal basis, particularly through Article 76C, which prohibits anyone from committing violence against children, and Article 80, which regulates criminal sanctions against perpetrators of such violence. However, the definition of violence in this law is still primarily understood in a direct physical and psychological context, and therefore does not explicitly accommodate digital forms of violence such as anonymous cyberbullying. As a result, there is a gap in interpretation in qualifying cyberbullying as a form of violence

against children, especially when it is carried out through anonymous accounts on digital platforms (Wahyudianto, 2026).

From a normative construction perspective, it can be said that Indonesian positive law does not yet have a specific offense that explicitly regulates anonymous cyberbullying. The elements contained in Article 27 paragraph (3) of the ITE Law and Articles 310 and 311 of the Criminal Code do not explicitly address anonymity, use of digital technology as the primary medium, or repeated attack patterns that are characteristic of cyberbullying. Furthermore, these norms tend to focus on protecting honor and reputation, rather than comprehensively protecting the psychological integrity of victims. It demonstrates a discrepancy between existing normative constructions and the increasingly complex empirical reality of anonymous cyberbullying (Tazkiyah, 2021).

This situation is exacerbated by the multiple interpretations of existing norms, particularly in the ITE Law, which often sparks debate regarding the boundaries between freedom of expression and criminal acts. In this context, Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia guarantees everyone's freedom to express opinions, but this freedom is limited by Article 28J paragraph (2), which emphasizes that in exercising their rights and freedoms, everyone must comply with restrictions established by law. This unclear boundary often leads to inconsistencies in law enforcement, particularly when dealing with anonymous cyberbullying cases involving expression in digital spaces. As a result, the law not only struggles to prosecute perpetrators but also potentially leads to injustice for both victims and perpetrators (Ilyas, 2024).

The proposed criminalization is not intended to prohibit anonymity itself, but rather the misuse of anonymity to engage in repeated and intentional conduct that causes significant psychological harm. Legitimate anonymous speech, including whistleblowing, public-interest disclosures, political criticism, and digital activism, remains protected as long as it does not involve harassment, intimidation, threats, or other harmful conduct. Therefore, the proposed framework adopts a harm-based approach that targets abusive behavior rather than anonymous expression per se, ensuring consistency with the constitutional balance between freedom of expression under Article 28E and the permissible limitations under Article 28J of the 1945 Constitution.

It can be concluded that positive legal construction in Indonesia still has significant limitations in accommodating anonymous cyberbullying as a form of modern digital crime. The absence of explicit regulations, limited existing norms, and the existence of multiple interpretations and difficulties in proving the law indicate a legal vacuum that needs to be addressed immediately. From a legal reform perspective, this condition demands a reformulation of legal policy that not only clarifies the construction of the anonymous cyberbullying crime but also comprehensively integrates technological aspects, victim protection, and multi-actor accountability, so that the law can function effectively in facing the dynamics of digital technology development.

Problems of Legal Accountability and Victim Protection in Anonymous Cyberbullying

The problem of legal accountability in anonymous cyberbullying stems from the fundamental difficulty in identifying perpetrators who use pseudonyms or fake accounts

on digital platforms. Empirically, many cyberbullying cases in Indonesia cannot be optimally prosecuted because perpetrators use anonymous accounts, VPNs, or fictitious identities, making tracking difficult. In law enforcement practice, authorities often rely on data held by digital platforms, while access to such data is limited and requires complex legal procedures. This situation demonstrates that the criminal law system, which requires clarity of legal subjects, faces serious challenges when faced with digital anonymity. As a result, many victims do not receive justice because perpetrators cannot be identified, thus violating the principles of legal certainty and substantive justice.

The limited availability of electronic evidence, as stipulated in Article 5 of Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, also poses a significant obstacle to proving anonymous cyberbullying cases. Although this article recognizes electronic information and/or documents as valid legal evidence, in practice, proving remains challenging due to technical and digital forensic challenges. Empirically, victims often have screenshots only, which are not always considered strong enough to identify the perpetrator. Furthermore, digital forensics requires specialized expertise and is time-consuming, while the speed of content dissemination in the digital space far exceeds the ability of authorities to collect and analyze evidence. It causes many cases to stall at the investigation stage without a clear legal resolution.

The problem is further complicated by cross-border jurisdictional constraints, given that most digital platforms used in anonymous cyberbullying are based outside Indonesian jurisdiction. Empirically, law enforcement officials often encounter difficulties in requesting user data from global platform companies due to differences in legal systems, personal data protection, and mutual legal assistance procedures. The situation results in "digital impunity," where perpetrators located outside national jurisdiction are not accessible under Indonesian law. In many cases, even if victims have reported the incidents, legal proceedings cannot proceed due to the limited state authority to access and compel platform providers to reveal the perpetrators' identities.

Beyond the issue of perpetrator identification, another problem lies in the unclear concept of multi-actor accountability under Indonesian law. In the context of anonymous cyberbullying, not only do individual perpetrators play a role, but also digital platforms and internet service providers that provide the space and infrastructure for such acts to occur. However, to date, there are no clear regulations regarding the limits of platform responsibility, whether in terms of prevention, content moderation, or the obligation to provide user data to law enforcement. Empirically, many platforms only act after content is reported, and in some cases, victims' reports are not followed up promptly. This indicates a lack of norms regarding platform legal obligations, which ultimately weakens the effectiveness of law enforcement against anonymous cyberbullying.

On the other hand, the position of victims in the legal system remains very weak, both in terms of legal protection and redress. Empirically, victims of anonymous cyberbullying often experience serious psychological impacts such as anxiety, depression, and even a desire to isolate themselves, but existing legal mechanisms are inadequate to provide

comprehensive protection. Law Number 31 of 2014 concerning Witness and Victim Protection actually provides a legal basis for victim protection, but its implementation in cyberbullying cases remains very limited. Furthermore, the lack of an integrated and responsive reporting mechanism often makes victims reluctant to report their experiences. The phenomenon of victim blaming also still frequently occurs, both in society and in the legal process, which further worsens the condition of victims and hinders access to justice.

The issues with unidentified cyberbullying lie not only in the weakness of legal norms, but also in legal structures and cultures that have not yet adapted to the development of digital technology. Empirically, there is a significant gap between the complexity of digital crimes and the capacity of the legal system to respond to them. Law enforcement officials still face limited resources and expertise, regulations have not been able to accommodate technological developments, and the public does not yet have adequate legal awareness regarding cyberbullying. This situation indicates the need for a more comprehensive approach to legal reform, one that not only improves norms but also strengthens institutional capacity and transforms the legal culture to be more responsive to anonymity-based crimes in the virtual space.

Reformulation of Legal Policy on Anonymous Cyberbullying Based on Victim Protection and Platform Responsibility

Reformulation of legal policy regarding anonymous cyberbullying must begin with the creation of a specific offense within Indonesian criminal law that explicitly accommodates the characteristics of anonymity-based digital crimes. In this context, new regulations are needed, both through a revision of Law Number 1 of 2023 concerning the Criminal Code and strengthening it in Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law. The anonymous cyberbullying needs to be formulated under clear elements, including the act being committed through an electronic system, using an anonymous or disguised identity, being committed repeatedly or systematically, and causing psychological, social, or real harm to the victim. Concrete action that can be taken is formulating new norms that clearly distinguish cyberbullying from ordinary insult offenses, as stipulated in Article 27 paragraph (3) of the ITE Law and Article 310 of the Criminal Code, to eliminate multiple interpretations in law enforcement.

Furthermore, reformulation must also target strengthening mechanisms for providing evidence and identifying perpetrators in the context of digital anonymity. In this regard, it is necessary to develop derivative regulations that clarify the implementation of Article 5 of the ITE Law regarding electronic evidence, including digital forensic standards and the obligation of platform providers to store and provide user data within certain limits. Concrete actions that can be taken include establishing an integrated national digital forensics protocol between the police, relevant ministries, and independent institutions, and strengthening international cooperation through mutual legal assistance agreements to overcome cross-border jurisdictional constraints. Furthermore, a national cybercrime tracking center with technical and legal authority is needed to expedite the identification of anonymous cyberbullying perpetrators.

Legal policy reforms must also include clear regulations regarding the accountability of digital platforms as part of a multi-actor accountability model. In this regard, the state needs to adopt a more progressive approach by regulating platform obligations regarding content moderation, algorithm transparency, and rapid response to user reports. Concrete actions that can be taken include establishing legal obligations for platforms to provide easily accessible reporting mechanisms, take down harmful content within a specified timeframe, and provide data access to law enforcement officials based on legitimate procedures. These regulations could refer to the principles of the European Union's Digital Services Act, but could be adapted to the context of Indonesian national law.

On the other hand, a victim-oriented approach must be the primary foundation in legal policy reformulation. It requires strengthening victim protection and recovery, which have been neglected to date. Concrete actions that need to be taken include establishing an integrated service system for victims of anonymous cyberbullying, including legal assistance, psychological services, and a digital reputation restoration mechanism. Furthermore, it is necessary to revise or strengthen the implementation of Law Number 31 of 2014 concerning Witness and Victim Protection to explicitly cover cybercrime victims. The state also needs to provide an integrated and responsive national reporting platform, so victims can easily report cases without fear of re-victimization.

Legal policy reformulation must also integrate penal and non-penal approaches in a balanced manner. The penal approach remains necessary to provide a deterrent effect through criminal sanctions, but it must be complemented by non-penal approaches such as digital education, legal literacy, and community-based prevention. Concrete actions that can be taken include incorporating digital literacy and anti-bullying programs into the education curriculum, and involving the community, educational institutions, and civil society organizations in cyberbullying prevention campaigns. In addition, the government needs to develop administrative policies that impose sanctions on platforms that do not comply with content moderation and user protection obligations.

Reformulation of legal policy regarding anonymous cyberbullying must be carried out comprehensively and integrally, not only at the normative level but also in practical implementation. Concrete actions, including the creation of specific offenses, strengthening digital evidence, affirming platform responsibility, protecting victims, and integrating penal and non-penal approaches, are strategic steps that must be implemented immediately. Harmonization between criminal law, administrative law, and technology policy is key to creating a legal system that is adaptive and responsive to developments in digital crime, thereby providing legal certainty, justice, and effective protection for society in the digital era.

Conclusion

The conclusion of this study indicates that positive legal frameworks in Indonesia have not yet comprehensively addressed the phenomenon of anonymous cyberbullying on digital platforms. Existing regulations, both in Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law and in the Criminal Code

under Law Number 1 of 2023, remain general and do not explicitly address the specific characteristics of anonymous cyberbullying, such as the use of hidden identities, repeated attack patterns, and the complex psychological impact on victims. The problem is further exacerbated by difficulties in identifying perpetrators, limited electronic evidence, cross-border jurisdictional constraints, and unclear accountability for digital platforms. Furthermore, the position of victims within the legal system remains weak, both in terms of protection, redress, and access to justice, indicating that the existing legal system is not fully responsive to the development of digital technology-based crimes.

Based on this, a comprehensive and integrated reformulation of legal policy is recommended, emphasizing the establishment of a specific offense for anonymous cyberbullying in Indonesian criminal law, strengthening digital evidence mechanisms, and affirming the responsibility of digital platforms for content moderation and user protection. Furthermore, a victim-oriented approach must be developed through the provision of integrated services for victims, including legal assistance, psychological recovery, and digital reputation restoration mechanisms. The government is required to strengthen international cooperation to overcome jurisdictional barriers and improve public digital literacy as a preventative measure. Therefore, harmonizing criminal law, administrative law, and technology policy is a strategic step in creating an adaptive legal system, providing legal certainty, and effectively protecting the public from the threat of anonymous cyberbullying in the digital era.

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