Analyze the Impact and Handling of Legal Actions on Bullying on Social Media Tiktok

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Abstract: Bullying on social media, including the TikTok platform, has become a pressing issue in the modern digital context. This research aims to analyze the impact and handling of legal actions on bullying on TikTok social media. This research method is empirical legal research. The primary and secondary data sources of this research are primary and secondary. The data collection techniques are interviews, questionnaires, and observation. The method of analyzing data obtained from research is processed and analyzed in a qualitative descriptive way, meaning that data analysis is based on what is obtained from the literature, both orally and in writing, then directed, discussed, and given an explanation with the applicable provisions and then concluded. The results of this study show that both victims and perpetrators have a negative impact from criminal acts of bullying—legal consequences for the perpetrators and legal protection for victims of cyber bullycyberbullyingd. The legal mechanism can handle legal acts of bullying on the internet, especially on TikTok social media, namely complaints on the TikTok social media platform. Bullying on social media can be sanctioned based on Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE), updated with Law No. 19 of 2016. Suppose the act of bullying relates to insult or defamation. In that case, the perpetrator can be charged with the Criminal Code (KUHP) Articles 310 and 311 with the threat of imprisonment or a fine, depending on the severity of the case.

Keyword: Cyberbullying, Social Media, Tiktok.

INTRODUCTION

Social media is an online-based communication place that is currently popular among people. Social media is designed to help communicate near and far without the limitations of time and space. (Gumbira et al., 2019). Social media is often known as a place to explore things that are happening around the world. Social media began in the 70s with the invention of bulletin boards that could send electronic mail and download and upload software using the telephone. In 1995, an internet site called GeoCities was born. This site is a rental container to store data so that the data can be accessed from anywhere. This site is the root of the internet website (Shofiah et al., 2024). In 1996, Andrew Weinrech created the first social media website,

SixDegrees.com. New websites have emerged that can create their own blogs and web pages. This is where people started playing social media by uploading anything on their blogs. Entering the 21st century, internet sites and new gadgets were created, and we know which day.

Gadgets allow people to communicate with each other both near and far. It is undeniable that this year, the number of gadget users in Indonesia has reached 66.5%, equivalent to 185 million people in Indonesia (Purnama et al., 2023). The number of users ranks Indonesia as the 4th largest gadget user country globally. The rapid development of the times has made gadget companies compete to release more sophisticated gadgets. Today, Gadgets have evolved into tools for online shopping, ordering transportation, means of delivering goods, learning media, online dating, entertainment and news containers, and gadgets that can also detect human movement (Marpaung, 2018).

Social media has a positive impact on making human life more practical. Social media is rapidly evolving into a platform to help people carry out their daily activities. (Andika, 2022). People no longer bother to buy newspapers to read the news that is happening. Humans no longer need to queue long to book lodging and transportation and make ATMs, SIMs, and KTPs because everything is provided on social media or the internet. The positive impact of social media is that social media can be used as a place of work. People who work on social media are called Influencers (Winata & Alvin, 2022).

Influencers are people who can influence a large number of audiences on their social media platforms (Girsang, 2020). Influencers also work as promoters who promote items on their social media accounts, such as YouTube, Twitter, Instagram, TikTok, and Facebook (Jin et al., 2019). The income earned by Influencers comes from products that they want to promote. In addition to achieving quite a lot of income through social media, it is not uncommon for influencers to have many fans due to playing social media. Influencers often create vlogs or content that can attract viewers to watch their content. Influencers can make a price list that must be paid for the products that the Influencer wants to promote.

The social media account network currently popular with the public is TikTok. TikTok is a social media network originating in China that contains exciting videos from around the world. Born in September 2016, 2 billion social media accounts have downloaded this application on their cellphones (Devi & Satwika, 2022).

In this application, people can express their creativity by editing and uploading videos or content that varies from comedy, learning, historical, political, news, entertainment, religious, and many more. TikTok is also the social media network most loved by influencers, and hundreds or even thousands of influencers have filled out this application. Besides containing videos that have interesting features,

TikTok has also evolved to add online shopping, advertising, and live broadcast features for its users (Nuryani et al. l., 2022). TikTok users are no longer busy moving to many social media networks. With the rise of Influencers on TikTok social media networks, it is not uncommon for some Influencers to get bullied through the application.

Bullying, often referred to as cyberbullying, is one of the negative impacts of the development of social media, including TikTok. TikTok, a social media platform that is very popular among teenagers and young people, is often where online bullying occurs (Manurung & Jamba, 2024). The leading causes of bullying on TikTok are the ease and speed of access to other users' content and interactive features such as comments and direct messages that allow for quick and anonymous interactions between users (Shofiah et al., 2024).

As for examples of several cases of bullying in Tiktok, the first case is the case of Luluk Nuril, a celebrity, accused of cyberbullying a vocational high school student. Her verbal actions caused the victim to lose her self-confidence and experience severe psychological effects.

KPAI emphasizes the importance of legal handling of this case to provide a deterrent effect (Ikhsanudin, 2023).

Furthermore, a 20-year-old female teenager from Mojokerto, East Java, experienced bullying after uploading unique makeup content. She received many negative comments that made her feel depressed, and she eventually closed her account. Her family stated that she became more withdrawn and lost interest in activities she previously enjoyed (Hartonto, 2021). The two TikTok bullying cases show that cyberbullying can have a severe impact on victims, both psychologically and emotionally. These two cases underscore how dangerous cyberbullying on social media platforms can be, especially for young users.

In addition to bullying, internet citizens often throw defamation and slander internet citizens throw in the comments column of the Tiktok social media network. Young people often throw around the term netizen in today's globalization era. Netizen is a combination of the words internet and citizen, which can be used to describe a netizen. Netizens or citizens are people active on social media networks or online community forums; in other words, netizens are me, you, and us in the parallel world of the internet (Aulia et al., 2023).

The popularity and virality of TikTok content increase the risk of bullying. Viral content often attracts more attention, both in the form of praise and criticism (Iswanto et al., 2021). Therefore, factors such as the ease of access, anonymity, and virality of content on TikTok make the platform prone to online bullying. This emphasizes the importance of collaboration between the platform, users, and the wider community to prevent and deal with bullying so that TikTok remains a safe and positive environment for all its users.

Several previous studies, namely by Ulva dan Khakim (2021), state the legal protection of criminal acts of decency of children as victims through legislation policies, government institutional legal protection, and social Law. Protection of children as perpetrators on TikTok social media and Instagram Child Criminal Justice is the most basic substance in this law, and it is the explicit regulation of Restorative Justice and Diversion. Furthermore, research by Shofiah et al. (2024) showed that forms of hate rhetoric that often appear on social media, especially TikTok, include hate speech, provocative content, and cyberbullying. The negative impact of hate rhetoric is significant, including adverse effects on individuals, disruption of groups in society, and adverse impact on social cohesion at large.

This study differs from others in that it focuses on bullying on TikTok media. TikTok is a relatively new social media platform with unique characteristics, so this research makes a new contribution to understanding the phenomenon of bullying on the platform. This study aims to analyze the impact and handling of legal acts on bullying on TikTok social media.

METHOD

Empirical legal research examines and evaluates the legal behavior of individuals or communities by utilizing primary data as a data source (Disemadi, 2022). The goal is to find concepts that allude to the occurrence and operation of Law in society. This research also uses empirical facts from various human behaviors, both verbal behavior obtained from interviews and actual behavior observed directly. In empirical legal research, there are three data collection techniques: interviews, questionnaires, and observation (David Tan, 2021). This research uses primary data, which is the main source of information, as well as a description and facts contained in the events of interest in the research. The author used primary data sources, written notes, video recordings, and photographs to collect information during this research process. As for the primary data that is also included in this research, namely, (2) Secondary Data: secondary data collection included in this research is legal sources that provide explanations for research in the form of research books, articles, archives, research results of experts, and internet access related to research on social media abuse. Included in the classification of secondary data are three categories of legal materials:

Primary legal materials a legal materials that is closely related to the problem under study, including

a.   Law Number 11 Year 2008 on Electronic Information and Transactions.

b.   Article 28, paragraph 2 of the ITE Law on the Act of a Person Spreading Hatred against Ethnicity, Religion, Race, and Intergroup (SARA) Through Electronic Media (Leuwol, 2018).

Secondary legal materials, which explain primary legal materials, consist of

a.   Books relevant to the title and problems studied in this paper.

b.   Research and scientific papers relevant to this writing.

c.   Legal literature and journals are relevant to this writing.

The data analysis method obtained from the research is processed and analyzed in a qualitative descriptive way, meaning that the data analysis is based on what is obtained from the literature, both orally and in writing. It is then directed, discussed, and given an explanation with the applicable provisions to be concluded.

RESULTS AND DISCUSSION

Social media is a communication tool without geographical limitations, allowing all human beings to interact with unknown audiences (Maretno & Marlini, 2021). However, it is not uncommon for social media users to not recognize the existence of online privacy, and these users may not fully realize how the consequences will occur from the activity of revealing personal information. The results of research from the Center For Digital Society (CFDS 2021) conducted on adolescents throughout Indonesia with an age range of 13-18 years, this study managed to contain data as many as 38.4% who claimed to be perpetrators of bullying on social media while 45.35% were victims of the phenomenon of bullying on social media (Yuris et al., 2024).

The Indonesian Child Protection Commission (KPAI) also reported that there were 3,096 cases related to the Internet (Kumala & Sukmawati, 2020). Furthermore, the data obtained from victims of torture cases consisted of 83 adolescents, including 32 males and 51 females (Ningrum & Amna, 2020). Today's teenagers love to follow the new trends on the rise in the Tiktok application. This application contains videos lasting 15-60 seconds to fill the creativity of today's teenagers.

The Tiktok social media platform is also loved in Indonesia; 2 billion cellphones worldwide are said to have downloaded the application (Qadri et al., 2022). Some of the reasons why this application is an easy target for its users to bully or make fun of other users are that some people may think that by bullying, they will not meet in real life because this application has no space and time restrictions. In addition, the perpetrators of criminal acts in the Tiktok world also think that the Law in Indonesia is weak for bullies in the internet world. Not infrequently, the perpetrators of bullying feel that it is difficult for law enforcers to track their data so that they are free to commit crimes in cyberspace, especially Tiktok. The reason why the perpetrators commit other acts of bullying is that the video content uploaded by the victim is not good or valuable; it is not uncommon for victims to also provoke bullying so that the videos they make are crowded (Griselda Aser & Paramitha, 2022). Another factor is that the perpetrator has experienced bullying as a victim, so it triggers him to become a perpetrator.

There are also crimes committed by perpetrators against victims, namely sexual harassment or sexual harassment. Sexual harassment can happen to anyone (Munawaroh & Agasi, 2022). It is undeniable that the owners of videos on Tiktok often get this behavior, like the Tiktok account owner @ch*****u, who experienced sexual harassment in the comments section of his Tiktokvideo. The perpetrators uttered disrespectful words such as sexually suggestive words such as the size of the victim's chest clothing or other vulgar questions. It is suspected that the victim received this behavior because the victim often uploaded Tiktok videos using tight clothes while the victim's body looked very full.

Furthermore, defamation, along with today's sophisticated technology, is not only carried out in the real world. The rise of libel in social media, especially Tiktok, is no longer considered foreign. Defamation can occur with various modes of deliberate crime that result in material and immaterial losses to the victim. Like the artist Nikita Mirzani, who was reported to be the perpetrator of defamation through the photo she uploaded (Krishna et al., 2022). There are allegations that the perpetrator uploaded these photos, including writings containing elements of libel or slander against the victim or Dito Mahendra. As a result, Nikita Mirzani was charged with a criminal offense that carries a sentence of more than 5 years in prison, as stated in Article 21, paragraph 4 letter a of the Criminal Code (KUHAP) (Tirtakusuma, 2023). However, the Serang District Court declared that the defendant, Nikita Mirzani, was acquitted and innocent, so law enforcement officially closed the case.

Blasphemy is also a form of criminal activity on social media. The Qur'an prohibits harassing symbols of other religious teachings and figures. Al-Razi points out in Q.S. al-An'am (6): 108 that the argument in verse is a warning and invitation for humanity to refrain from foolish actions regarding da'wah (Iqrimatunnaya, 2023). A Tiktok influencer named Galih Loss has been arrested and named a suspect in a case of hate speech against ethnicity, religion, race, and intergroup (SARA) due to the Tiktok video content he uploaded (Akbar, 2019). The chronology of this incident began when the video content that the suspect had distributed received many reports from netizens because it contained blasphemy through Tiktok social media (Krishna et al., 2022). As a result, the suspect is charged with Article 28 paragraph (2) to Article 45 A paragraph (2) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, and/or Article 156 a of the Criminal Code with a maximum penalty of 6 years and a maximum penalty of IDR 5 billion (Ratnawati et al., 2024). In a press conference aired on national television, the suspect apologized with a trembling voice to all Indonesians and said he was sorry and would not repeat the act.

David L. Speer said that crime in social media has four elements: the perpetrator's location in committing the crime, the victim, the perpetrator, and any efforts to eliminate traces of the crime (French, 2022). He also said that crime in social media is an activity in which computers, cellular equipment, telephones, and other technological tools are used for prohibited purposes. The Electronic Transaction Information Law (ITE Law) was created to support social media activities in response to these facts. The aim is to reduce and build a deterrent effect for perpetrators of social media crimes (French, 2022). There is anticipation that the ITE Law will be an adequate resolution for offenses committed on social media once implemented. However, a more thorough examination of the ITE Law shows that it explicitly regulates acts that fall under cyberbullying. The provisions of Article 27 of the ITE Law do not identify phrases relating to bodily humiliation, anger, or harassment (Saimima & Rahayu, 2020). Due to the absence of a conclusion, this problem ultimately makes the cyberbullying report ineffective.

If examined more deeply, it can be said that the above crime can fulfill the elements that become objective factors in Article 315 of the Criminal Code, namely insults in terms of oral defamation or written defamation committed in public and by letters or written things sent and received by him, such as the phenomenon of blasphemous acts committed by the perpetrators in the victim's comment column (Kusumawati & Kusumawati, 2023). So that crimes on social media can hit criminal Law outside the ITE Law.

The perpetrators of cyberbullying or bullying on social media often do not think about the negative impacts that arise as a result of the actions they take; the low level of sensitivity for the perpetrators is the main trigger for the phenomenon of this crime (Ruliyatin & Ridhowati, 2021). Cyberbullying crimes on social media can have a severe impact, especially for victims of these crimes. The impacts are (a) loss of self-confidence, (b) Depression, (c) Shyness, (d) Feeling difficulty socializing in the real world, (e) Wanting to end their life. Victims who have

been bullied on social media will experience several psychological and emotional impacts, which, if not immediately addressed, can hurt their psychological and emotional aspects (Triyono & Rimadani, 2019).

Tiktok social media has also added several relevant features that users can use to report video content that invites hatred, violence, harassment, false information, sharing personal information, sexual content, and nudity so that users can feel safer playing Tiktok social media with this feature (Ulva & Khakim, 2021).

The legal mechanism that can be used to handle legal acts of bullying on the internet, especially on Tiktok social media, is (a) complaints on the TikTok social media platform; this application provides features that can be used as a passport for content that violates community policies including bullying. Furthermore, TikTok can delete content and even block the perpetrator's account if the report has been received and responded to. The reporter can include some evidence such as screenshots contained in comments, messages, or content containing elements of bullying, video recordings if bullying occurs in the form of video content on Tiktok social media, Activity Logs from the perpetrator's account that show patterns of bullying behavior, this evidence is also significant to support reports that will be submitted to the TikTok application and the authorities, (b) bullying on social media can be subject to sanctions based on UUNo. 11 of 2008 concerning Electronic Information and Transactions (UU ITE) which has been updated with Law No. 19 of 2016. Meanwhile, the article that is often used about bullying in the Internet world is Article 27, paragraph (3) regarding defamation which can be imposed on the perpetrator of bullying with a maximum penalty of 4 years imprisonment and/or a maximum fine of IDR 750 million, (c) if the act of bullying is related to insult or defamation, the perpetrator can be charged with the Criminal Code (KUHP) Articles 310 and 311 with the threat of imprisonment or a fine, depending on the severity of the case.

CONCLUSION

The results of this study show that both victims and perpetrators hurt the criminal act of bullying. Legal consequences for the perpetrator are needed, as well as legal protection for victims of bullying. The legal mechanism can handle legal acts of bullying on the internet, especially on TikTok social media, namely complaints on the TikTok social media platform. Bullying on social media can be sanctioned based on Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE), updated with Law No. 19 of 2016. Suppose the act of bullying relates to insult or defamation. In that case, the perpetrator can be charged with the Criminal Code (KUHP) Articles 310 and 311 with the threat of imprisonment or a fine, depending on the severity of the case.

The author recommends that to reduce the criminal act of bullying on the TikTok social media platform, we should understand the use of the internet wisely, precisely, and well and sort out actions and self-awareness of Indonesian Law.

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