

STUDI PERBANDINGAN *CYBERBULLYING* ANTARA INDONESIA DAN KOREA SELATAN

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ABSTRAK

Perkembangan teknologi informasi dan komunikasi telah melahirkan kejahatan baru di ruang siber, salah satunya *cyberbullying* yang berdampak serius pada kehormatan dan kondisi psikologis korban. Penelitian ini mengkaji permasalahan bagaimana pengaturan tindak pidana *cyberbullying* di Indonesia dan Korea Selatan serta persamaan dan perbedaan pengaturan tersebut. Tujuan penelitian adalah menganalisis secara komparatif pengaturan *cyberbullying* menurut hukum pidana Indonesia dan Korea Selatan serta menilai kelebihan dan kelemahan masing-masing sistem hukum sebagai dasar pembaruan hukum pidana di Indonesia. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan komparatif dan konseptual. Bahan hukum meliputi bahan hukum primer berupa UU ITE dan *Act on Promotion of Information and Communications Network Utilization and Information Protection* Korea Selatan, bahan hukum sekunder, serta bahan non hukum yang dianalisis secara kualitatif. Hasil penelitian menunjukkan Indonesia belum mengatur *cyberbullying* secara khusus dan komprehensif, melainkan masih tersebar dalam beberapa ketentuan UU ITE dan KUHP tanpa definisi eksplisit. Sebaliknya, Korea Selatan memiliki pengaturan lebih sistematis dan spesifik dengan perumusan unsur tindak pidana yang jelas, menekankan pola perbuatan berulang dan dampak psikologis korban, serta pendekatan tidak hanya represif tetapi juga preventif. Penelitian ini menegaskan bahwa perbandingan hukum berdasarkan teori Andi Hamzah dan prinsip *margin of appreciation* menunjukkan perlunya pembaruan pengaturan *cyberbullying* di Indonesia secara selektif dan kontekstual, dengan tetap memperhatikan nilai-nilai Pancasila, konstitusi, dan budaya hukum nasional sebagai pedoman agar hukum tidak hanya menjamin kepastian tetapi juga mencerminkan keadilan substantif dan nilai kemanusiaan.

Kata Kunci: *Cyberbullying*, Hukum Pidana, Perbandingan Hukum

COMPARATIVE STUDY OF CYBERBULLYING BETWEEN INDONESIA AND SOUTH KOREA

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ABSTRACT

The development of information and communication technology has given rise to new crimes in cyberspace, one of which is cyberbullying that has serious impacts on the honor and psychological condition of victims. This study examines the problems of how cyberbullying crimes are regulated in Indonesia and South Korea as well as the similarities and differences between these regulations. The research objective is to comparatively analyze cyberbullying regulations according to Indonesian and South Korean criminal law and assess the strengths and weaknesses of each legal system as a basis for criminal law reform in Indonesia. The research method used is normative legal research with comparative and conceptual approaches. Legal materials include primary legal materials in the form of the ITE Law and South Korea's Act on Promotion of Information and Communications Network Utilization and Information Protection, secondary legal materials, and non-legal materials analyzed qualitatively. The research results show that Indonesia has not specifically and comprehensively regulated cyberbullying, but it is still scattered in several provisions of the ITE Law and Criminal Code without explicit definition. In contrast, South Korea has more systematic and specific regulations with clear formulation of criminal elements, emphasizing repetitive patterns of conduct and psychological impacts on victims, as well as approaches that are not only repressive but also preventive. This study confirms that legal comparison based on Andi Hamzah's theory and the principle of margin of appreciation shows the need for selective and contextual updates to cyberbullying regulations in Indonesia, while still paying attention to Pancasila values, constitution, and national legal culture as guidelines so that law not only guarantees certainty but also reflects substantive justice and humanitarian values.

Keywords: Cyberbullying, Criminal Law, Comparative Law