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Law Enforcement against Cyberbullying Crimes: A Juridical Review of the Protection of the Transgender Community

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Abstract

Ideally, the law functions as an instrument to protect all citizens from various forms of violence, including violence occurring in digital spaces. In reality, however, cyberbullying targeting transgender communities continues to occur and has not been effectively addressed through law enforcement mechanisms. Although Indonesia has established a legal framework through the Electronic Information and Transactions Law and related regulations, the implementation of these norms still faces significant normative and structural challenges. This study aims to analyze the legal enforcement of cyberbullying cases targeting transgender communities and to identify factors affecting the effectiveness of legal protection for victims. This research employs a library-based qualitative approach using a normative juridical method, incorporating statutory, conceptual, and case approaches. The findings reveal that law enforcement against cyberbullying remains largely formalistic and has not fully prioritized victim protection, particularly for vulnerable groups. Moreover, weaknesses in legal structure and legal culture further hinder effective enforcement. Therefore, strengthening law enforcement through a human rights-based perspective is essential to ensure that the law delivers substantive justice within increasingly complex digital environments.

Keywords: Cyberbullying, Law Enforcement, Transgender Community.

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Abstrak

Idealnya, hukum berfungsi sebagai instrumen untuk melindungi seluruh warga negara dari berbagai bentuk kekerasan, termasuk kekerasan yang terjadi di ruang digital. Namun dalam kenyataannya, praktik perundungan siber (cyberbullying) yang menyasar komunitas transgender masih terus terjadi dan belum tertangani secara efektif melalui mekanisme penegakan hukum. Meskipun Indonesia telah memiliki kerangka hukum melalui Undang-Undang Informasi dan Transaksi Elektronik beserta peraturan turunannya, implementasi norma-norma tersebut masih menghadapi berbagai tantangan, baik secara normatif maupun struktural. Penelitian ini bertujuan untuk menganalisis penegakan hukum terhadap kasus cyberbullying yang menargetkan komunitas transgender serta mengidentifikasi faktor-faktor yang memengaruhi efektivitas perlindungan hukum bagi korban. Penelitian ini menggunakan pendekatan kualitatif berbasis studi kepustakaan dengan metode yuridis normatif, melalui pendekatan peraturan perundang-undangan, konseptual, dan kasus. Hasil penelitian menunjukkan bahwa penegakan hukum terhadap cyberbullying masih bersifat formalistik dan belum sepenuhnya memprioritaskan perlindungan korban, khususnya kelompok rentan. Selain itu, kelemahan dalam struktur hukum dan budaya hukum turut menghambat efektivitas penegakan hukum. Oleh karena itu, penguatan penegakan hukum dengan perspektif berbasis hak asasi manusia menjadi sangat penting guna memastikan hukum mampu menghadirkan keadilan substantif di tengah kompleksitas lingkungan digital yang semakin berkembang.

Kata kunci: Cyberbullying, Penegakan Hukum, Komunitas Transgender.

Introduction

The development of information and communication technology has brought significant changes to patterns of social interaction within society. Cyberspace is no longer merely a medium for information exchange, but has evolved into an arena for the formation of opinions, identities, and social power relations (I. K. Dewi et al., 2024a). Social media, as an integral component of the digital sphere, provides broad freedom of expression for its users. However, behind these benefits, various forms of behavioral deviation have emerged that potentially violate human rights, one of which is cyberbullying. The phenomenon of cyberbullying has become a serious issue due to its massive, repetitive nature and wide dissemination, causing impacts that can be long-lasting and difficult to recover from. Cyberbullying does not only target individuals on a personal level, but also frequently attacks certain groups perceived as vulnerable or marginalized within the social structure (Roniasi & Kurniawan, 2023). In this context, the transgender community constitutes one of the groups that often experience symbolic and psychological violence in digital spaces. Verbal attacks, hate speech, degradation of dignity, and threats of violence are realities commonly encountered in everyday cyber interactions.

Cyberbullying targeting the transgender community exhibits distinct and complex characteristics. The attacks are not solely directed at individuals, but also at gender identity, self-expression, and their social existence. Such forms of cyberbullying often contain stigma, stereotypes, and discriminatory narratives reinforced by social and cultural constructions that are not yet fully inclusive (I. K. Dewi et al., 2024a). In practice, cyberbullying against the transgender community may take the form of derogatory comments, dissemination of demeaning content, doxing, and identity-based threats of violence. These conditions generate multidimensional impacts, ranging from psychological distress and social exclusion to the restriction of victims' participation in digital public spaces. Although Indonesia has enacted several legal instruments governing cyber-related crimes, such as the Electronic Information and Transactions Law (EIT Law) and other related regulations, the effectiveness of law enforcement in protecting the transgender community remains subject to debate. This situation indicates a gap between written legal norms and their implementation in practice.

Ideally, the law should function as an instrument of protection for all citizens without discrimination, including in addressing technology-based crimes. Law enforcement against cyberbullying is expected to provide justice, legal certainty, and effective protection for victims, particularly vulnerable groups such as the transgender community. However, empirical realities demonstrate that law enforcement in cyberbullying cases targeting the transgender community continues to face various obstacles. These include limited understanding among law enforcement officers, prevailing social and cultural biases, and the application of legal provisions that are not fully sensitive to the human rights protection dimension. In many cases, victims are reluctant to report incidents due to fear of stigmatization or a lack of trust in the legal process. This disparity between the ideal role of law and the reality of its enforcement gives rise to juridical issues that warrant in-depth and critical examination.

This study aims to conduct a juridical analysis of law enforcement in cyberbullying cases targeting the transgender community in Indonesia. The research seeks to examine the existing normative legal framework, identify key challenges in law enforcement practices, and assess the extent to which the law functions as a protective mechanism for victims. Furthermore, this study aims to explore factors influencing the effectiveness of law enforcement, including legal substance, the structure of law enforcement institutions, and the prevailing legal culture within society. The contribution of this research is expected to enrich legal scholarship, particularly in the fields of cyber law and the protection of vulnerable groups. From a practical perspective, the findings are anticipated to serve as recommendations for policymakers and law enforcement agencies in formulating law enforcement strategies that are more just, inclusive, and oriented toward the protection of human rights in the digital sphere.

Literature Review

Studies on cyberbullying and legal protection for its victims are not entirely new within the academic discourse of law. A number of scholars have examined this phenomenon using various approaches, including normative-juridical,

empirical, and interdisciplinary perspectives. Nevertheless, most existing studies still position cyberbullying as a general legal issue or merely as a social phenomenon, without specifically addressing the vulnerability of minority groups based on gender identity, particularly the transgender community. Therefore, although the related literature has developed considerably, there remains significant analytical space that warrants further and more in-depth examination.

Rido Roniasi and Ridha Kurniawan, in their work entitled "A Juridical Review of Victim Protection against Cyberbullying Crimes," discuss legal protection for victims of cyberbullying using a normative-juridical approach. This study examines the effectiveness of existing regulations, particularly the Electronic Information and Transactions Law (EIT Law) and provisions within the Criminal Code, in providing protection for victims. The findings indicate that legal protection for cyberbullying victims remains largely normative in nature and has not yet fully guaranteed comprehensive victim recovery (Roniasi & Kurniawan, 2023). The similarity between their study and the present research lies in the juridical focus on victim protection in cyberbullying cases. However, Roniasi and Kurniawan's study does not specifically address cyberbullying targeting the transgender community, and therefore does not highlight the dimension of gender identity-based discrimination in law enforcement.

Nur Widayati et al., through the article "Juridical Analysis of Legal Protection against Cyberbullying Crimes on Social Media (Case Study of Court Decision Number 147/PID.SUS/2019/PN.Lht)," examine cyberbullying through an analysis of court decisions. This study emphasizes how judges apply provisions of the EIT Law in handling cyberbullying cases on social media platforms. The findings show that the judiciary has attempted to formally apply positive legal norms, but the analysis remains limited to evidentiary aspects and the fulfillment of criminal elements (Widayati et al., 2025). The similarity with the present study lies in the use of a juridical perspective and attention to law enforcement practices. However, this research does not link judicial decisions to the context of victims from vulnerable groups such as the transgender community, and thus has not addressed the aspect of substantive justice for minority groups.

Muhammad Fadhil Faiz Ramadhan and Tomy Michael, in their article "Legal Protection for LGBT People from Bullying Comments via Social Media," specifically examine legal protection for LGBT groups against bullying comments on social media. This study employs a normative approach grounded in a human rights perspective to assess the extent to which national law provides protection for sexual minorities. The findings reveal that positive law in Indonesia has not explicitly provided adequate protection for LGBT groups, placing them in a vulnerable position with respect to digital violence (Ramadhan & Michael, 2024). The similarity between their study and the present research lies in the focus on groups based on gender identity and sexual orientation as victims of cyberbullying. However, Ramadhan and Michael's research primarily emphasizes general legal protection and does not deeply examine law enforcement practices or the dynamics of law enforcement officers in handling cyberbullying cases against transgender individuals.

Meanwhile, Anya Naryakusuma and Vincentius Antoni Wijaya, through their study entitled "The Influence of LGBT Content on Social Media on

Cyberbullying Behavior among Adolescents," examine cyberbullying from the perspective of communication studies and social behavior. This research analyzes how exposure to LGBT-related content on social media influences cyberbullying behavior among adolescents. The findings indicate a correlation between content exposure and increased cyberbullying behavior (Naryakusuma & Wijaya, 2021). The similarity with the present study lies in the focus on cyberbullying issues and LGBT-related groups. However, a fundamental difference lies in the approach used; this study is empirical and communicative in nature and does not address juridical aspects or law enforcement, nor does it examine the state's responsibility in protecting victims.

Based on the foregoing review, it is evident that no study has comprehensively examined the law enforcement of cyberbullying cases specifically targeting the transgender community through a juridical approach that integrates regulatory analysis, judicial practice, and human rights protection. Some studies focus on normative regulations, others on judicial decisions or social approaches, yet none have holistically explored the dynamics of law enforcement when confronted with social bias, gender identity stigma, and structural challenges faced by law enforcement institutions.

Accordingly, the research gap in this study lies in its effort to address the absence of scholarship that links cyberbullying law enforcement with the specific vulnerability of the transgender community. This research not only examines positive legal norms and court decisions, but also analyzes how social factors, legal culture, and the perspectives of law enforcement officers influence the effectiveness of legal protection. This approach is expected to provide a more comprehensive and justice-oriented analysis, as well as to contribute both academically and practically to the development of a more inclusive and humanistic legal framework.

Research Methodology

This article constitutes a library-based research employing a qualitative approach. The study applies a normative juridical method, which focuses on the examination of written legal norms governing law enforcement in cyberbullying cases, particularly those targeting the transgender community. The approaches adopted in this research include the statute approach and the conceptual approach, which are utilized to analyze positive law provisions, legal principles, and legal doctrines relevant to victim protection and law enforcement in cyberspace. In addition, a case approach is employed through the examination of several court decisions related to cyberbullying offenses and hate speech in digital media.

The primary legal materials in this study consist of statutory regulations, including the Electronic Information and Transactions Law and its amendments, the Indonesian Criminal Code, as well as court decisions that have obtained permanent legal force. Secondary legal materials include legal textbooks, scholarly journal articles, previous research findings, and academic documents relevant to cyberbullying, law enforcement, and the protection of vulnerable groups. Data analysis is conducted using qualitative-descriptive techniques through processes

of legal interpretation, normative systematization, and the linkage between legal norms and the realities of law enforcement practice. Data validity and reliability are ensured through source triangulation and normative consistency by comparing various regulations, doctrines, and judicial decisions. The drafting of the manuscript is carried out in a systematic and thematic manner, beginning with the presentation of general concepts, followed by normative analysis, case examination, and concluding with logically and coherently formulated conclusions and recommendations.

Cyberbullying Against the Transgender Community: The Reality of Digital Violence in Cyberspace

The development of information and communication technology has fundamentally transformed patterns of social interaction within society. Cyberspace has now emerged as a new arena for expression, the exchange of ideas, and the construction of social identity (Ave, 2024). However, behind its positive potential, the digital sphere has also given rise to new forms of violence that are non-physical in nature yet have significant impacts, one of which is cyberbullying. This phenomenon does not merely target individuals at random, but tends to attack specific social groups perceived as vulnerable or minorities. In this context, the transgender community constitutes one of the groups most frequently subjected to hate-based violence in digital spaces. Cyberbullying against the transgender community reflects how technology can reinforce power relations, social stigma, and discrimination that have long existed within society (Roniasi & Kurniawan, 2023).

Conceptually, cyberbullying can be understood as acts of intimidation, humiliation, threats, or harassment carried out through electronic media in a repetitive and systematic manner. Unlike conventional bullying, cyberbullying has a broader reach, a higher speed of dissemination, and a persistent digital footprint that is difficult to erase (Avianingrum, 2024). These characteristics place victims under prolonged psychological pressure. For the transgender community, cyberbullying does not stand merely as an individual act, but is intertwined with social prejudice and gender identity stigma. Such digital violence is often framed within moral, religious, or cultural narratives, thereby positioning victims in an increasingly marginalized social position.

Cyberspace, which should ideally be inclusive, often becomes a medium for the reproduction of symbolic violence against transgender identities. Social media platforms, comment sections, online forums, and instant messaging applications serve as channels for the dissemination of hate speech legitimized by user anonymity. Perpetrators of cyberbullying frequently feel shielded from legal and social consequences due to their concealed identities (K. A. R. Putra, 2025). This condition fosters a climate of impunity that enables digital violence to flourish. In this context, the transgender community is not only positioned as an object of ridicule, but also as a target of delegitimization of their social existence within the digital public sphere.

The phenomenon of cyberbullying against transgender individuals demonstrates that digital violence cannot be separated from broader social

structures. Discrimination that occurs in physical spaces shifts and transforms into virtual spaces with greater intensity. Narratives circulating on social media often contain stereotypes, negative labeling, and even dehumanization that erode the dignity of victims (Ramadhan & Michael, 2024). Such attacks are frequently carried out collectively through mechanisms of "mass attacks," creating extreme psychological pressure. Thus, cyberbullying is not merely an issue of media ethics, but a structural problem concerning the protection of human rights.

The impact of cyberbullying on the transgender community is highly complex and multidimensional. Psychologically, victims may experience anxiety, depression, decreased self-confidence, and tendencies to withdraw from social life. In some cases, cyberbullying even contributes to the emergence of self-harming thoughts (K. A. R. Putra, 2025). Socially, digital violence can restrict transgender individuals' participation in public discourse, education, and employment. Fear of online attacks encourages victims to engage in self-censorship, thereby systematically reducing their right to freedom of expression.

From a legal perspective, cyberbullying against the transgender community raises serious concerns regarding the protection of citizens in cyberspace. Although Indonesia has enacted several regulations governing cybercrime, law enforcement practices continue to face various challenges. Cyberbullying is often perceived as a trivial matter or a personal conflict, resulting in a lack of serious attention from law enforcement authorities. However, when cyberbullying involves elements of threats, humiliation, and identity-based hate speech, it potentially violates the principles of legal protection and equality before the law (Widayati et al., 2025).

The transgender community faces a dual barrier in accessing legal justice. On one hand, they are victims of digital violence; on the other, social stigma causes their reports to be viewed through biased perspectives. In many cases, victims are reluctant to report incidents due to concerns about revictimization, either by society or by the legal system itself. This situation highlights a gap between formal legal norms and the social realities experienced by victims. When the law fails to provide a sense of security, cyberspace increasingly becomes an uncontrolled arena of violence.

Beyond regulatory issues, legal culture also plays a significant role in the prevalence of cyberbullying against transgender individuals. A digital culture that is permissive toward hate speech contributes to the normalization of symbolic violence (Saripah & Pratita, 2018). Narratives framing transgender identities as "deviations" are often allowed to circulate without clarification or legal action. This reflects weak collective awareness regarding media ethics and respect for human dignity. In this context, cyberbullying does not merely reflect individual behavior, but also a broader social failure to construct a civilized digital space.

The role of digital platforms is another critical factor in either reinforcing or suppressing cyberbullying practices. Social media algorithms that promote provocative content for the sake of engagement often amplify the reach of hate speech (Ramadhan & Michael, 2024). Content attacking the transgender community frequently attracts high levels of attention, leading to further reproduction. When content moderation mechanisms fail to operate effectively, cyberspace transforms into an indirectly legitimized arena of violence. Therefore,

responsibility for protection lies not only with the state, but also with electronic system providers.

Cyberbullying against the transgender community must also be understood within a human rights framework. The rights to security, dignity, and protection from discrimination are fundamental rights inherent to every individual. When cyberspace becomes a medium for the violation of these rights, the state bears an obligation to intervene through responsive policies and law enforcement. A purely repressive legal approach is insufficient; a victim-oriented and restorative approach is required. Accordingly, the handling of cyberbullying must be situated within the paradigm of substantive justice.

Efforts to address cyberbullying against the transgender community require synergy between regulation, law enforcement, and public education. Digital literacy is a key instrument in raising public awareness of the real impacts of digital violence. Legal education and media ethics should be directed toward respect for difference and diversity. In addition, law enforcement officers must be equipped with a human rights perspective to ensure that cyberbullying cases are handled objectively and without discrimination. Without a paradigm shift, cyberspace will continue to reproduce injustice. Cyberspace is not a neutral arena, but a field of contestation over values and power. Therefore, the protection of the transgender community from cyberbullying serves as an important indicator of the law's commitment to upholding human dignity.

Forms, Patterns, and Impacts of Cyberbullying from a Legal Perspective

Cyberbullying constitutes one form of cybercrime that has developed alongside the increasing intensity of digital technology use in social life (Avianingrum, 2024). This phenomenon is no longer viewed merely as an individual deviant behavior, but rather as a legal and social problem with broad implications. Within the context of a digital society, cyberbullying reflects a shift in the form of violence from physical spaces to virtual environments. Such violence is symbolic, psychological, and structural in nature, rendering its impacts often invisible in the short term but persistent over time (Agustina et al., 2024). Accordingly, the analysis of cyberbullying must be situated within a comprehensive legal framework capable of addressing the complexity of its forms, patterns, and consequences.

From a legal perspective, cyberbullying can be understood as a series of unlawful acts carried out through electronic systems with the intention of degrading, intimidating, or harming the dignity of others. These acts may take the form of insults, defamation, threats, dissemination of degrading content, or hate speech. The distinctive nature of cyberbullying lies in its repetitive, massive, and difficult-to-control characteristics due to its reliance on digital technology (I. K. Dewi et al., 2024b). In many cases, the boundary between freedom of expression and legal violations becomes blurred, posing serious challenges for law enforcement authorities in determining the juridical qualification of a given act.

The forms of cyberbullying are highly diverse and continue to evolve in line with the development of digital platforms. The most common form involves verbal attacks through comments, private messages, or posts containing derogatory

expressions. In addition, non-verbal forms such as the dissemination of memes, images, or videos intended to demean victims are also prevalent (S. Dewi et al., 2025). From a legal standpoint, this variation complicates the evidentiary process, as not all content explicitly contains criminal elements (K. A. R. Putra, 2025). However, when analyzed contextually, such actions may fulfill the elements of unlawful conduct, particularly when carried out systematically and resulting in serious harm to victims.

Patterns of cyberbullying exhibit distinctive characteristics when compared to conventional forms of bullying. One dominant pattern is the use of anonymous or fake accounts to evade legal identification. Another pattern involves the participation of multiple perpetrators simultaneously through collective attack mechanisms. Such attacks generate compounded psychological pressure on victims. From a legal perspective, collective patterns raise issues of criminal liability, particularly in determining the respective roles of each perpetrator. Conventional criminal law has often not been fully adaptive in responding to the dynamics of network-based crimes (Amandangi et al., 2023).

Cyberbullying also demonstrates an intense and continuous pattern of repetition. Unlike physical violence, which is limited by space and time, cyberbullying can occur at any moment and in any location. Content targeting victims may continue to circulate and be reproduced uncontrollably. This pattern prolongs victims' suffering and amplifies the extent of harm inflicted. From a legal perspective, the repetitive and sustained nature of cyberbullying should constitute an aggravating factor in sentencing, as it indicates a consistent malicious intent on the part of perpetrators.

The impact of cyberbullying is not limited to psychological harm, but also entails significant legal and social consequences. Victims frequently experience mental distress, loss of a sense of security, and disruptions in their daily activities (Widayati et al., 2025). In certain cases, cyberbullying results in reputational damage and the loss of social opportunities for victims. From a legal standpoint, such immaterial losses are often difficult to quantify and prove. Consequently, legal protection for victims becomes suboptimal, particularly within legal systems that continue to emphasize the proof of material damages (Roniasi & Kurniawan, 2023).

From the perspective of criminal law, cyberbullying raises fundamental questions regarding the effectiveness of existing regulations. Although various laws govern cybercrime, their implementation continues to face structural obstacles. Law enforcement efforts are frequently hindered by limited resources, low levels of digital literacy among officers, and the complexity of electronic evidence (Widayati et al., 2025). These conditions create a gap between ideal legal norms and the realities of case handling in practice. As a result, many cyberbullying cases fail to proceed through adequate legal processes.

In addition, the civil law perspective is also relevant in examining the impact of cyberbullying. Acts of digital harassment may be classified as unlawful acts causing harm to others. However, civil litigation mechanisms are often avoided by victims due to lengthy procedures and substantial costs. This situation indicates that access to justice for cyberbullying victims remains elitist in nature. In this regard, the law has not yet fully functioned as a responsive instrument of

protection aligned with victims' needs.

Cyberbullying also affects the broader legal order, particularly in maintaining the balance between freedom of expression and the protection of individual rights. Cyberspace is often perceived as a value-neutral realm, despite the fact that freedom of expression is subject to clear legal limitations. When cyberbullying is tolerated in the name of freedom of expression, the law loses its protective function (Ningsih et al., 2024). Therefore, progressive and contextual legal interpretation is required to safeguard victims without undermining democratic principles.

From a human rights law perspective, cyberbullying constitutes a violation of the rights to dignity, security, and protection from discriminatory treatment. The state bears a positive obligation to prevent and address such practices. A purely repressive legal approach is insufficient to address the complexity of cyberbullying. A holistic approach encompassing prevention, education, and victim recovery is required (Kurniawan, 2025). In this way, the law functions not only as an instrument of punishment but also as a means of social engineering.

The role of law enforcement officers is crucial in shaping the handling of cyberbullying cases. Sensitivity to the psychological impact on victims, technical competence in managing digital evidence, and a non-discriminatory perspective constitute essential prerequisites. Without such capacities, the law risks exacerbating victims' suffering through unfriendly legal processes. Accordingly, reform in the enforcement of cyberbullying laws has become an urgent necessity within digital society. Cyberbullying is not merely an ethical violation, but a serious legal issue that encompasses criminal, civil, and human rights dimensions. In-depth analysis and adaptive legal responses are key to ensuring effective protection for victims. Without a paradigm shift in legal thinking, cyberbullying will continue to pose a latent threat in modern digital life.

The Juridical Framework of Cyberbullying Law Enforcement: An Analysis of the Electronic Information and Transactions Law and Related Regulations

Law enforcement against cyberbullying requires a strong juridical foundation, as this phenomenon represents a manifestation of crime in digital spaces that affects not only individual victims but also the social order and legal system of modern states (Ferdiansyah & Wahyudi, 2023). National law must be capable of capturing the complexity of acts committed through electronic systems, which are often dispersed, anonymized, and unconstrained by geographical boundaries. Cyberspace should function as a productive medium of communication; however, when it is exploited for psychological and reputational violence, the law must intervene as both a protective and repressive instrument (Kusuma & Sugama, 2025).

In Indonesia, the principal legal framework commonly referenced in addressing cyberbullying is Law Number 11 of 2008 on Electronic Information and Transactions (the EIT Law), along with its second amendment enacted through Law Number 1 of 2024 (N. B. A. Putra & H. Sudj'ai, 2024). These provisions regulate acts related to the distribution of electronic information that contain insults, defamation, or elements of hatred, which frequently serve as the juridical

basis for cyberbullying offenses (Gumbira, 2020). Nevertheless, these regulations are general in nature, often requiring law enforcement authorities to interpret statutory provisions in order to address specific forms of digital bullying.

Normatively, Article 27 paragraph (3) of the EIT Law stipulates that any person who intentionally and without lawful authority distributes electronic information containing insults and/or defamation may be subject to criminal sanctions. This provision constitutes a key reference for prosecuting cyberbullying perpetrators who attack the reputation and dignity of victims through digital media. Furthermore, Article 28 paragraph (2) of the EIT Law regulates the dissemination of information that incites hatred or hostility against individuals or specific groups. Criminal penalties and fines for violations of these provisions are explicitly stipulated in Article 45 of the EIT Law (Karamoy et al., 2025).

Despite this, the normative scope of the EIT Law is often regarded as insufficiently specific to accommodate the diverse forms of cyberbullying that have emerged in the contemporary digital era, such as flaming, impersonation, or exclusion, which are not explicitly addressed. The absence of a clear definition of cyberbullying within statutory texts poses a significant challenge for law enforcement authorities in classifying certain acts as criminal offenses. Consequently, judges and prosecutors are compelled to apply contextual and interpretative approaches to existing legal norms.

Another juridical challenge lies in proving the elements of intent and victim harm. In practice, law enforcement authorities must demonstrate that the perpetrator possessed malicious intent and that the victim suffered tangible harm. Decision Number 147/Pid.Sus/2019/PN.Lht serves as an important example in which the District Court successfully applied Article 27 paragraph (4) in conjunction with Article 45 paragraph (4) of the EIT Law by carefully considering the elements of intent and victim harm in a cyberbullying case on social media. This decision reflects a normative approach that upholds justice and legal certainty (Widayati et al., 2025).

In addition to the EIT Law, the Indonesian Criminal Code (KUHP) may also serve as an alternative legal basis for addressing cyberbullying, particularly in cases involving defamation (e.g., Articles 310–321 of the KUHP). However, the application of the KUHP in digital contexts requires interpretative adjustments, as the Code was formulated prior to the digital era. Reliance on the KUHP underscores the limitations of the EIT Law in providing a comprehensive normative framework for digitally mediated cyberbullying (Kurniawan, 2025).

Legal protection under the Witness and Victim Protection Law and the Child Protection Law is also relevant, particularly when cyberbullying victims are minors (Amandangi et al., 2023). These regulations provide rights to protection and support mechanisms for victims, including psychological recovery and reparative measures. However, neither statute explicitly addresses cyberbullying, resulting in limited implementation in judicial practice. This condition highlights the need for regulatory harmonization to ensure substantive protection for victims.

Another critical issue within the juridical framework is the potential normative conflict between the EIT Law and the New Criminal Code, which is scheduled to take effect in 2026. The presence of overlapping provisions creates

interpretative and implementation challenges, requiring law enforcement authorities to carefully apply the principles of *lex specialis* and *lex posterior* in determining which legal norms should govern specific cyberbullying cases (Fajriansyah et al., 2025). Such an approach is essential to prevent legal uncertainty and inconsistent judicial decisions.

A robust juridical framework also necessitates clear and secure standards for electronic evidence in judicial proceedings. Although the Criminal Procedure Code (KUHAP) recognizes electronic information as admissible evidence, technical challenges in the collection, preservation, and validation of digital evidence often hinder effective law enforcement. Procedural uncertainty in this area may weaken the position of victims, particularly given the ease with which digital evidence can be manipulated or erased (Ardiansyah Satria Dwi Putra & Pratama Hapsari, 2025).

Human rights principles must likewise underpin the juridical framework for enforcing cyberbullying laws. The law should function not only to punish perpetrators, but also to protect the dignity, privacy, and sense of security of victims. The concept of restorative justice has begun to be introduced in certain cases as a means of balancing the demands of positive law with social recovery.

In practical law enforcement, cross-institutional coordination is essential, involving the police, prosecutors, child protection commissions, and digital platform providers. Such collaboration strengthens the formal legal framework while facilitating more rapid responses to cyberbullying reports, the investigation of electronic evidence, and the protection of victims. These partnerships are also crucial for enhancing public legal literacy regarding responsible digital media use. Regulatory harmonization, normative clarification, and responsive law enforcement constitute key elements in ensuring that the law is capable of addressing the challenges of cyberbullying in modern digital society.

Challenges and Prospects of Law Enforcement in Protecting the Transgender Community

Law enforcement in protecting the transgender community constitutes a tangible test of the legal system's commitment to the principles of substantive justice and human rights. In an increasingly digitalized society, violence against vulnerable groups is no longer confined to physical spaces but has expanded into cyberspace and symbolic spaces (N. B. A. Putra & H. Sudj'ai, 2024). In this context, law is required not merely to exist as written norms, but also to function as a social practice capable of providing a sense of security. However, empirical realities indicate that legal protection for the transgender community continues to face complex structural and cultural obstacles.

From the perspective of Soerjono Soekanto's law enforcement theory, the effectiveness of law is influenced by five key factors: the law itself, law enforcement officials, facilities and infrastructure, society, and legal culture. When this framework is applied to the protection of the transgender community, it becomes evident that the problems do not lie solely in the substance of the law, but also in non-juridical factors that are closely intertwined. When legal norms are not interpreted and implemented sensitively by law enforcement officials, the law loses its protective function (Malaka, 2025). This condition frequently occurs in

cases involving violence and discrimination against transgender individuals.

Normatively, Indonesia possesses several legal instruments that can be utilized to protect the transgender community from both physical and digital violence. Nevertheless, the absence of regulations that explicitly recognize protection based on gender identity creates broad interpretative space (Rahmatullah, 2021). In judicial practice, such interpretation is often influenced by dominant social values. As a result, the law—which should be neutral—tends to reflect prevailing social biases. A concrete example can be observed in cases of insult and hate speech on social media processed under the Electronic Information and Transactions Law (ITE Law). In Decision of the South Jakarta District Court Number 1340/Pid.Sus/2020/PN.Jkt.Sel, the panel of judges affirmed that identity-based insults, even when framed as personal opinions, may still be classified as unlawful acts. This decision demonstrates the potential of positive law to protect the dignity of vulnerable groups (Gumbira, 2020). However, other judicial practices reveal decisions that lack sensitivity to the position of victims, resulting in inconsistencies in law enforcement.

Such inconsistency reflects the weakness of the law enforcement factor as articulated by Soerjono Soekanto. Law enforcement officials who lack a human rights perspective tend to perceive violence against transgender individuals as moral or social issues rather than legal violations. In several cases, victims' reports are not followed up seriously. This situation illustrates that the existence of legal norms, without the support of progressive law enforcement officials, merely produces illusory protection.

From Lawrence M. Friedman's perspective, the legal system consists of three main elements: legal structure, legal substance, and legal culture (Arif, 2019). Protection of the transgender community encounters serious obstacles primarily within the domain of legal culture. Social norms that continue to perceive transgender identity as "deviant" significantly influence the way law is enforced. In this sense, law does not operate in a vacuum but interacts dynamically with prevailing societal values.

Discriminatory legal culture is also reflected in judicial proceedings. In several cases of hate-based violence, courtroom discourse shifts its focus toward the victim's identity rather than the perpetrator's conduct (Agustina et al., 2024). This pattern indicates structural revictimization that contradicts the principles of justice. The Supreme Court, through various decisions, has emphasized the protection of human dignity as a fundamental legal principle (Meinarni, 2019). When this principle is not treated as a primary reference, the realization of substantive justice becomes increasingly difficult.

Nevertheless, there are prospects worth noting within the dynamics of law enforcement. Several court decisions have begun to demonstrate a more progressive approach. For instance, in a hate speech case based on identity decided by the Surabaya District Court Number 2657/Pid.Sus/2018/PN.Sby, the judge affirmed that freedom of expression cannot be used to justify actions that degrade the dignity of certain groups (Gumbira, 2020). Such decisions open avenues for more inclusive legal protection. Another promising prospect lies in strengthening the legal structure through capacity-building programs for law enforcement officials. Enhancing the competence of investigators, prosecutors, and

judges in understanding gender issues and human rights constitutes a critical step forward. Within Friedman's framework, strengthening legal structure without transforming legal culture will not yield effective outcomes.

Therefore, reform of law enforcement must be conducted simultaneously across all three elements of the legal system. Civil society plays a crucial role in shaping a more just legal culture. Legal assistance, advocacy by legal aid organizations, and strategic public litigation contribute significantly to shifting the paradigm of law enforcement officials. Civil society engagement not only supervises judicial practices but also ensures that victims' rights are not marginalized. In many instances, public pressure has become a catalyst for more progressive judicial decisions.

From a policy perspective, the protection of the transgender community can be strengthened through regulatory harmonization and the formulation of guidelines for handling cases involving vulnerable groups. This approach aligns with the principles of restorative justice that are increasingly being adopted within Indonesia's criminal justice system. The theories of Soerjono Soekanto and Lawrence M. Friedman affirm that failures in protection are not merely the result of weak legal norms, but rather stem from disharmonious interactions among legal structure, substance, and culture. Nonetheless, through progressive judicial decisions, strengthened law enforcement capacity, and active civil society participation, the prospect of fair and humane law enforcement remains attainable. Ultimately, the protection of the transgender community serves as a reflection of the extent to which law genuinely upholds human dignity.

Conclusion

Based on the results of the juridical analysis, it can be concluded that law enforcement against cyberbullying cases targeting the transgender community in Indonesia has, at the normative level, been supported by an adequate legal framework, particularly through Law Number 11 of 2008 on Electronic Information and Transactions and its amendments, especially provisions concerning insults, defamation, hate speech, and threats in cyberspace. Nevertheless, the existence of these legal norms has not been fully proportional to their effectiveness in practice. From the perspective of Soerjono Soekanto's law enforcement theory, this issue does not merely lie in the substance of the law, but also in the structure of law enforcement institutions and the prevailing legal culture within society. Law enforcement officials often remain formalistic in their approach, resulting in the application of the ITE Law provisions that is not yet fully oriented toward victim protection and substantive justice, particularly for the transgender community, which remains socially vulnerable and marginalized.

Furthermore, this study affirms that law enforcement in cyberbullying cases involving the transgender community must also be understood within the framework of the legal system as articulated by Lawrence M. Friedman, which emphasizes the interrelationship between legal structure, legal substance, and legal culture. The weakness of a legal culture that respects diversity of identity, the low level of victims' trust in legal mechanisms, and the limited adoption of a human rights-based approach have prevented the law from fully functioning as a

humane and responsive instrument of protection. Therefore, the enforcement of the ITE Law and related regulations should be directed not solely toward repressive measures, but also toward strengthening a victim-centered protection perspective, enhancing the sensitivity of law enforcement officials, and fostering an inclusive legal culture. In this manner, the law functions not only as a tool of social control, but also as an instrument of social justice capable of safeguarding the rights and dignity of the transgender community within an increasingly complex digital environment.

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