The Implementation Repressive Method to Solving of Cyber-Bullying in the West Nusa Tenggara

Abdul Sakban\textsuperscript{1}, Sahrul\textsuperscript{2}, Andi Kasmawati\textsuperscript{3}, Heri Tahir\textsuperscript{4}

\textsuperscript{1,2}Universitas Muhammadiyah Mataram, Mataram - Indonesia
\textsuperscript{3,4}Universitas Negeri Makassar, Makassar - Indonesia

Abstract

Cyber-bullying includes criminal crimes in the form of fraud through internet media, defamation, humiliation, immorality, threats, and hate speech. This article aims to explain the application of repressive methods for solving cyber-bullying in West Nusa Tenggara. The research method uses normative and empirical research by collecting data through observation, interviews and document analysis. Data analysis uses descriptive analytical methods to describe empirical data with statutory studies with a conceptual approach. The results showed that the use of repressive methods can help the police and law enforcement officers in solving cyber-bullying crimes in West Nusa Tenggara, because the repressive method is an alternative way of resolving cyber-bullying as a method that considers the principle of law, cyberbullying that happens is making fun of peers, bullying with various symbols and caricature drawings, and vilify others by provoking others so that other people hate those concerned, the implementation of criminal sanctions for cyber-bullying crimes refers to Law number 11 of 2008 and the KUHP Article 156 and Article 157. So, it can be concluded that the implementation of repressive methods can make law enforcement officials effective in resolving cyber-bullying crimes in various regions in West Nusa Tenggara.

Keywords: Repressive; Cyber-bullying, West Nusa Tenggara

I. INTRODUCTION

Cyber-bullying can be done through media such as text messages, video images, telephone calls, e-mails, chat rooms, Instant Messaging (IM), Social Media Sites, and websites. The media that is recorded to be the most common cyber-bullying is social media sites. Social media sites are believed to be one of the main causes of the rise of cyber-bullying. Cyber-bullying mainly occurred through e-mail, text messages, and phone calls. Although most cyber bullying victims talked with others about their experience, most cyber bullies did not talk about their harmful behavior to others. Victims often did not know the cyber bully and ignored the cyber bullying when it occurred (Tosun, 2016). The case of cyberbullying in ASEAN produces different values, especially the characteristics and culture of Japan, Korea, Hong Kong, and China especially Indonesia (Sittichai, 2013) the results of his analysis of cyber bullying content in the form of verbal sentences: repetition, power imbalance, aggression, and intent to harm (Vivolo-Kantor, et al., 2014). In North Europe and North America found that the highest percentage of articles were published in psychology and most articles focused on the nature and dynamics of phenomena and also on related variables. The results of his studies are lower related to prevention and intervention in bullying and cyberbullying (Zych, et al., 2015). Indonesia is 88.1 million people to use social media, with impact is mass media including defamation, humiliation, hate speech and cyberbullying (Sakban, et al., 2018a).

Some of the factors causing the behavior of perpetrators of cyberbullying namely 1) family factors, self-factors and the environment also have a strong and significant level of influence. 2) the influence between digital protection, social protection and self-factors also influences the victim's behavior (Pandie, 2016). The rules regarding criminal acts of cyberbullying crimes in Indonesia are regulated in Article 27 verse (3) and (4), Article 28 and Article 29 of Law Number 11 Year 2008 about Information and
Electronic Transactions, but the enforcement of the rules can be done through the renewal Book of the Criminal Law (KUHP) so that settlement through the penalty can not yet be for Indonesia, therefore, the government will soon ratify the Draft Book of the Criminal Law to avoid juridical problems with other laws. Likewise, using non-penal channels is highly recommended for Indonesia through educational facilities (Minin, 2018). The problem of cyber-bullying in West Nusa Tenggara is quite complex, during three years the cases of cyber-bullying have experienced ups and downs, where in 2016 cases of fraud through the internet media reached 40%, defamation 29%, insult 20%, immoral 5%, 5% threat, and hate speech 2%. Cases in the year 2017 to fraud through internet media increased by 44%, defamation 43%, insult 2%, immoral 3%, threat 4%, and hate speech 4%. Whereas in 2018 cases of fraud through internet media decreased by 40%, defamation 31%, insult 17%, immoral 3%, threat 6%, and hate speech 3% (Heru, et al., 2018).

Cyber-bullying in West Nusa Tenggara is quite difficult to prevent, this is influenced by the fact that repressive methods have never been applied by effective police agencies, educational institutions, agencies, families or parents. This condition is supported by the freedom of individuals to use information technology tools such as the internet, android mobile phones with free expression and opinion in the public. Actually, until now there has been no appropriate method of resolving cyber-bullying crimes that we have ever found, but we have done research related to the implementation of repressive methods for solving cyber-bullying. Because the settlement of cyber-bullying can be done with effort to preemptive, preventive and repressive, in addition it requires the modernization of national criminal law because of increasing technology, provide awareness to the public and law enforcement agencies, the need for Interpol cooperation in combating cyber-bullying (Syam, 2015). Another opinion explains that the efforts of the police in combating criminal acts of extortion and threats through electronic media are carried out through efforts to repressive is done by increasing the police action by giving strict sanctions and deterrent effect to the offender and provide guidance to the offender during serving the sentence. The inhibiting factor is the facility factor and inadequate facilities, the procedure for creating an account is not good, and the existence of perpetrators who are outside the local area police (Lubis and Sunarto, 2018). Likewise, with the results of the study Sakban, et al., (2018b) explained that in an investigation a police officer must determine what the main purpose of the investigation is carried out by the perpetrators of victims of crime of bullying. But settlement must also be combined with prevention, so that cyber-bullying crime doesn't increase, then the results of the study Sakban et al., (2018a) found that prevention can be done through socialization in educational institutions, agencies, campuses and the wider community, good internet ethics, the involvement of parents in controlling their children using mobile phones, the police has a routine agenda in campaigning for "stop bullying" in educational institutions. So the focus of the study in this article will be to specifically describe the implementation of repressive methods for solving cyber-bullying in West Nusa Tenggara. Repressive method is a method of resolving cyber-bullying cases completely, decisively, and objectively.

II. RESEARCH METHODOLOGY

This research uses normative and empirical research supported by primary and secondary legal sources. The method is related to cyber-bullying laws and cyber-bullying and repressive implementation. Data collection requires primary data and second data, the main data is the implementation of repressive methods by providing guidance on solving cyber-bullying crimes to the police, police investigation of the case it. Following are the stages of implementation of the repressive method: 1) The community/victim reports to the police; 2) Report received by the Central Police Service (CPS); 3) Report on Police Disposition picket; 4) Reports accepted by optional Bins at the register; 5) Kasubdit Cyber-crime/Investigator; 6) Kanit/Investigation Team; 7) Appraisal Report; 8) Investigators make to Notification Letter of Progress of Investigation Results (SP2HP); 9) Report Response; 10) Hold a hearing; 11) Determination of Criminal Sanctions. The second data collected is in the form of Law No. 11
of 2008, Law No. 19 of 2016 about of Information and Electronic Transactions, Criminal Laws of the Book to Article 156, Article 157 verse (1) and Article 310 verse (1), and Article 311 verse (1), and articles about cyber-bullying. Data analysis used to descriptive analytical methods to describe empirical data with statutory studies with a conceptual approach.

III. RESULTS

Solving of cyber-bullying through repressive methods involves the reporting party, the police, relevant agencies and victims of bullying. Victims of bullying can be identified through behavior, banter, ridicule, even isolating people through accounts or physical threat. The following are a number of cyber-bullying cases based on the report of the West Nusa Tenggara Regional Police Special Criminal Director for the past 3 years:

<table>
<thead>
<tr>
<th>Jenis Cyber-bullying</th>
<th>Tahun</th>
<th>2019</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banter</td>
<td></td>
<td>35</td>
<td>58</td>
<td>46</td>
</tr>
<tr>
<td>Ridicule</td>
<td></td>
<td>25</td>
<td>57</td>
<td>36</td>
</tr>
<tr>
<td>Insulting</td>
<td></td>
<td>17</td>
<td>3</td>
<td>19</td>
</tr>
<tr>
<td>Threats</td>
<td></td>
<td>4</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Hate Speech</td>
<td></td>
<td>2</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Total number</td>
<td></td>
<td>87</td>
<td>132</td>
<td>115</td>
</tr>
</tbody>
</table>

The most dominant cyber-bullying in West Nusa Tenggara is the cyber-bullying of type banter at a minimum of 35 cases and a maximum of 58 cases, while the fewest cases are hate speech, a minimum of 2 cases, a maximum of 5 cases. The banter to perpetrators committed to the victims in the form of berating with various caricatures/drawings, spread the ugliness of others, and use elements of SARA (ethnicity, religion, race, customs) as weakening one's integrity. Mockery takes the form of passive innuendo, insult in the form of degrading behavior of others, the threat of bullying others by using sharp weapons, sentences, pictures and symbols. Hate speech in the form of behavior carried out by an individual or group in the form of provocation, incitement, or insults to other individuals or groups in terms of various aspects such as race, color, ethnicity, gender, and disability.

State institutions dealing with cyber-bullying involve integration between the Regional Police on the part of the Director of the Special Criminal Investigation Cyber-Crime, Ministry of Information and Technology of the Republic of Indonesia, PT. Telkom West Nusa Tenggara Branch and West Nusa Tenggara High Court and/or local City/Regency District Court. The four institutions coordinate with each other starting from the search for evidence, processing the crime scene, investigation, research, trial and determination of criminal sanctions. In resolving a case, two administrative requirements are needed, namely a cyber-bullying case categorized from a declared complete case file (P21) or a letter requesting an end to the investigation process (SP3). File declared complete (P21) then the next action will increase to the trial stage and providing criminal sanctions, however, if the file is declared incomplete or the file evidence is incomplete, the cyber-bullying settlement process is terminated and the police will issue a letter requesting an end to the investigation process (SP3) to the court.

The report of the Director of the Special Criminal Investigation of the Cyber-Crime of the West Nusa Tenggara Regional Police on the settlement of cyber-bullying, is described below,
Table 2.
The report of the Director of the Special Criminal Investigation of the Cyber-Crime

<table>
<thead>
<tr>
<th>Case Resolved Stage</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abundance</td>
<td>15 cases</td>
<td>6 cases</td>
<td></td>
</tr>
<tr>
<td>Investigator</td>
<td>13 cases</td>
<td>71 cases</td>
<td>87 cases</td>
</tr>
<tr>
<td>Investigation/research</td>
<td>67 cases</td>
<td>2 cases</td>
<td></td>
</tr>
<tr>
<td>Notification Letter of Progress of Investigation Results (SP2HP)</td>
<td>4 cases</td>
<td>49 cases</td>
<td></td>
</tr>
<tr>
<td>Solving/Stage 1 and 2</td>
<td>18 cases</td>
<td>4 cases</td>
<td></td>
</tr>
<tr>
<td>a Letter Instruction Discharge Investigation (SP3)</td>
<td>2 cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of cases</td>
<td>115 cases</td>
<td>132 cases</td>
<td>87 cases</td>
</tr>
</tbody>
</table>

The solving of cyber-bullying cases during the last three years experienced a significant decrease in 2017 reaching 115 cases (34.12%), but in 2018 it increased to 132 cases (40.06%), the following year 2019 decreased to 87 cases (25.82%). So the implementation of repressive methods for solving cyber-bullying in West Nusa Tenggara is very effective at 85.12%. There are several articles that are often used by judges, prosecutors and police in determining the suspect / defendant, punishment and fines for Cyber-bullying crimes.

Table 3.
The article that is often used by judges, prosecutors and police in determining suspects/defendants, sentences and fines for cyber-bullying crimes.

<table>
<thead>
<tr>
<th>Articles</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Articles 27</td>
<td>Verse (1) Every person intentionally and without the right to distribute and/or transmit and/or make access to Electronic Information and/or Electronic Documents that have contents that violate decency. Verse (3) Every person intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have content of defamation and/or defamation.</td>
</tr>
<tr>
<td>Articles 28</td>
<td>Verse (2) Every person intentionally and without the right to spread information intended to incite hatred or hostility of certain individuals and/or groups of people based on ethnicity, religion, race, and intergroup (SARA).</td>
</tr>
<tr>
<td>Articles 32</td>
<td>Verse (1) Any person who intentionally and without rights or against the law in any way change, add, reduce, transmit, destroy, delete, move, hide an Electronic Information and/or Electronic Documents belonging to another person or public property.</td>
</tr>
<tr>
<td>Criminal Laws of the Book to Article 156</td>
<td>“Whoever publicly expresses feelings of hostility, hatred or condescension towards one or more Indonesian ethnic groups is sentenced to a maximum of four years in prison with a maximum penalty of four thousand and five hundred rupiah”.</td>
</tr>
<tr>
<td>Criminal Laws of the Book to Article 157</td>
<td>Verse (1) Whoever broadcasts, displays or attaches writing or painting in public, the contents of which contain expressions of hostility, hatred or contempt</td>
</tr>
</tbody>
</table>
among or against groups of Indonesian people, with the intention that the contents are known or more known by the public, threatened with a maximum imprisonment of two years and six months or a maximum fine of four thousand five hundred rupiah.

<table>
<thead>
<tr>
<th>Criminal Laws of the Book to Article 310</th>
<th>Verse (1)</th>
<th>Whoever deliberately attacks someone's honor or reputation by accusing something, whose intent is clear so that it is known publicly, threatened with pollution with a maximum of nine months imprisonment or a maximum fine of four thousand five hundred rupiah.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Laws of the Book to Article 311</td>
<td>Verse (1)</td>
<td>If the person who commits the crime of pollution or written pollution is permitted to prove that the accusation is true, not prove it, and the accusation is made contrary to what is known, so he was threatened with slander with a maximum imprisonment of four years.</td>
</tr>
</tbody>
</table>

IV. DISCUSSION

Implementation of Repressive Methods for Resolving Cyber-Bullying Crimes

The flow of cyber-bullying resolution used by the Regional Police in West Nusa Tenggara is through the following steps: 1) Cyber-Crime victims report to the police; 2) Report received by the Central Police Service (CPS); 3) Report on Police Disposition picket; 4) Reports accepted by optional Bins at the register; 5) Kasubdit Cyber-crime/Investigator; 6) Kanit/Investigation Team; 7) Assessment report for 3 days; 8) Investigators make to Notification a Letter of Progress of Investigation Results (SP2HP); 9) Report Response(Daryono & Sugiantoro, 2017). While the repressive methods tested by researchers use the following stages: 1) The community/victim reports to the police; 2) Report received by the Central Police Service (CPS); 3) Report on Police Disposition picket; 4) Reports accepted by optional Bins at the register; 5) Kasubdit Cyber-crime/Investigator; 6) Kanit/Investigation Team; 7) Assessment report for 3 days; 8) Investigators make to Notification Letter of Progress of Investigation Results (SP2HP), a Letter Notification Investigation Progress (SP2HP) is a police service that provides information to the public to what extent the case development is handled by the Police. So that with the transparency of case handling, the public can assess performancethe police in handling various criminal cases that occur in the community. Therefore stages a Letter Notification Investigation Progress (SP2HP) consists of:

A1: Development of research report;
A2: The development of the results of the investigation can not be followed up with the investigation;
A3: Progress of the results of the investigation will be carried out an investigation;
A4: Progress of investigation results;
A5: SP3 (a Letter Instruction Discharge Investigation)

Next proceed to the stage 9) Report Response; 10) The trial; 11) Determination of Criminal Sanctions. The steps to resolve the case are very helpful for the police to solve the crime of cyber-bullying and has a positive impact on improving the performance of the police in solving cyber-bullying crimes.

In the solving of cyber-bullying, it is also assisted by the integration of other law enforcement agencies including the Police Kasubdit Director of the Special Criminal Investigation Cyber-Crime in West Nusa Tenggara Regional, Ministry of Information and Technology of the Republic of Indonesia, PT. Telkom in the West Nusa Tenggara and the High Court in West Nusa Tenggara has carried out its duties and their respective authorities in accordance with applicable law in Indonesianspecial prosecution to cyber-bullying crime. The task of the Kasubdit Regional Police is the Director of the Special Criminal Investigation Cyber-Crime in resolving cyber-bullying crimes is registration of cyber-bullying reporting,
checking the victim's report, to carry out an investigation, rate the report for a minimum of 3, a maximum of 7 days, to issue a Letter Notification Investigation Progress (SP2HP), determine the status of the suspect or not the culprit and give up to cyber-bullying cases in the court. The Ministry of Information and Technology of the Republic of Indonesia Directorate General of Informatics Application tasked to block negative accounts, deception, crimes and oversee online business every day. The aim is to avoid conflict and the spread of crime is not widespread, support the police in the investigation process, besides conducting socialization in using information technology applications that are healthy and heart to the public. Likewise, the role of PT. Telkom Branch the West Nusa Tenggara support the police in the investigation process to find out the original source of cyber-bullying.

The High Court in the West Nusa Tenggara or Court City/Regency District to role of providing criminal sanctions after going through the judicial process began reading the demands, advocacy, and reading of the judge's decision. This is in line with the opinion that found that coordination between government agencies in resolving any conflicts is very much needed such as the head of the household pillars, head of the environment, district head, sector police, to adat holders are needed in resolving communal conflicts to find out the main actors (Natsir, 2017). Similarly Priyatno (2017) explain the enforcement of criminal law in concreto through restorative justice can be done with activities. First, Correctional Institution, Police Sector, prosecutor and Judge given the authority to investigate, decide the crime according to the content of the violation. Second, the obligations of law enforcement officers (police, prosecutors and judges) implement creation, extinction, atau alternation of primary rules in resolving criminal crimes to coordinate with each other to disclose the perpetrators and victims of crime.

During the implementation of repressive methods produce positive impacts and negative impacts. Positive effects are used repressive methods for solving cyber-bullying crimes cyber-bullying crimes can be resolved transparently, accountable, precise and objective, not all public reports can be processed due to lack of evidence but only reports that are declared complete have been completed to completion, repressive methods are very helpful for police in solving complex cyber cases with has help by several law enforcement agencies and the government, the number of cases that have been generated through repressive methods reaches 85.12%. Creation of relations between law enforcement agencies and local governments and telecommunications companies in dealing with cyber-bullying crimes in an integrated manner, to prevent cyber-bullying crimes, the government should always provide information to educational institutions to campaign for stop bullying. The negative impact is that the evidentiary tool is very difficult to trace thoroughly because the accounts and identities of multiple perpetrators and anonymity (multiple address) so that investigators have difficulty getting authentic evidence.

**Cyber-Bullying Crimes Including Crimes Against Complaints**

This cyber-bullying crime is categorized as a criminal offense of complaint, because this crime is not directly committed by the police in conducting an investigation, arrest, and determination of the suspect, however there must be other parties (victims) who report themselves to the police for reporting third party (perpetrator). If the victim or the harassed party does not report, the police have no right to conduct an investigation because the case is not a direct criminal such as theft, killing, rape and the like. The solving of a criminal case can be done in the form of being caught red-handed, community report, own knowledge of law enforcement officers, and a complaint. This cyber-bullying crime includes complaint offenses, this is in line with the explanation which states that the prosecution of a case is determined by the person who complains, because the basis for the prosecution of complaints, if not, the complaint will be returned. For a complaint offense does not mean that the complaint was dropped but the complaint was not carried out because no one has reported (Sufiarina, 2017). In line with research from Nicolescu (2015) the substance of the complaint is a mandatory procedure in every crime, the report of a crime complaint indicates that there is a perpetrator who must be responsible for the crimes, on that basis criminal behavior can be given a penalty.
Criminal Sanctions to Cyber-Bullying Crimes

After the trial process the reading of the demands and the defense carried out by both the victims and the perpetrators, then the next listened to the judge's decision. Judges in giving decisions refer to Article 1 clause (1) Judicial Power, namely the power of an independent state to administer justice in order to enforce law and justice based on Pancasila and The 1945 Constitution of the Republic of Indonesia, for the implementation of the Republic of Indonesia State Law (Mustofa, 2013). In the explanation of Article 50 clause (5) court decisions in addition must contain the reasons and grounds for the decision, also contains certain articles of the relevant laws and regulations or unwritten legal sources which are used as a basis for hearing (Mustofa, 2013). In both articles, the judge in giving criminal sentence decisions to perpetrators of cyber-bullying must be based on the perpetrators' acts and the contents of the articles violated must be based on written law and not based on opinion or assumptions.

As a guide for the community in the process of solving cyber-bullying crimes there are a number of rules regarding the prohibition of cyber-bullying crimes in the Law No. 11 of 2008 about Information and Electronic Information Technology to Article 27 clause (1) and (3); Article 28 clause (2); Article 32 clause (1). For the article to ensnare a prison sentence and fines contained in the Criminal Laws of the Book to Article 157 clause (1) and Article 310 clause (1) and Article 311 clause (1). Prohibited acts in the spread of ethnicity, religion, race, and between groups (Sara) regulated in Article 30 clause (2) among others; a) has communicated, transmitted, radiate or intentionally try to realize these things to anyone who has no right to receive it; b) intentionally prevent the information from being intended or fails to be received by authorized to receive it in the environment of the government and/or regional government (Angkupi, 2017).

The use of articles is very important to be used by judges with the aim to ensnare cyber-bullying criminals to provide an impact and deterrent effect on the perpetrators. The criminal sanctions contained in Law No. 11 of 2008 specifically the explanation of cyber-bullying, the following explanation: Article 45 clause (2) "Everyone who fulfills the elements referred to in Article 28 clause (1) or clause (2) shall be sentenced to a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)." Article 16 Law No. 40 of 2008 about the Elimination of Racial and Ethnic Discrimination, which reads "Any person who intentionally shows hatred or hatred towards others based on racial and ethnic discrimination as referred to in Article 4 letter b number 1, number 2, or number 3, shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah)."

Thus the criminal sanctions imposed on perpetrators (suspects) of cyber-bullying in West Nusa Tenggara are on behalf: First, the initials MH on 18 January 2017 was sentenced to 2 years 6 months in prison based on the decision of the Mataram District Court. Second, the initial GBA on 15 February 2018 was sentenced to 3 years 2 months in prison based on the decision of the Mataram District Court in the West Nusa Tenggara Province. Third Nasaruddin on 10 April 2018 was sentenced to 2 years 6 months in prison based on the decision of the West Lombok District Court in the West Nusa Tenggara Province. Fourth, the initials AIZ on 10 April 2018 was sentenced to 2 years 6 months in prison based on the decision of the Mataram District Court in the West Nusa Tenggara Province.

V. CONCLUSION

The results of this study indicate that the repressive method can help the police and law enforcement officers in solving cyber-bullying crimes in West Nusa Tenggara. Repressive method is an alternative way to solve cyberbullying as a method that considers the principles of law in the form of the principles of law use, legal justice, and law enforcement. The cyber-bullying crime that is happening is making fun of your peers, bullying with various symbols and caricature drawings, and vilify others by provoked others so that other people hate those concerned. The application of criminal sanctions for cyber-bullying crimes refers to Law No. 11 of 2008 and the Criminal Laws of the Book to Article 156 and Article 157 about...
alleged hate speech. So the implementation of repressive methods can make law enforcement officials effective in resolving cyber-bullying crimes in various areas in West Nusa Tenggara.

REFERENCES