

Comparison of Cyberbullying Victim Protection in PMH and China's Cybersecurity LawTri Susanti¹⁾, Irfan Hakim²⁾, Callista Lauren³⁾, Maria Minerva Gani⁴⁾, Aghastyar⁵⁾*^{1,2,3,4,5)} Fakultas Hukum Universitas Pelita Harapan

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Abstract

Cyberbullying is a form of digital violence that causes significant psychological and reputational harm. This article compares the legal framework of unlawful acts in Indonesia with tort liability in China, particularly in relation to civil remedies available to cyberbullying victims. Using a literature-based method with a normative-comparative legal approach, the analysis examines the Indonesian Civil Code, the Electronic Information and Transactions Law, China's Civil Code, and the Cybersecurity Law. The Indonesian framework relies on Article 1365 of the Civil Code and Article 27 paragraph (3) of the Electronic Information and Transactions Law, while China adopts a more explicit approach through the Tort Liability provisions in Book VII of the Civil Code and the Cybersecurity Law. The findings reveal that Indonesia faces substantial challenges due to the absence of a standardized assessment for non-material damages, whereas China provides a more comprehensive structure through explicit recognition of serious mental distress and stricter obligations imposed on digital platforms. This comparison highlights the need for reform in Indonesia's digital civil law, including the development of clear guidelines for immaterial compensation and stronger cybersecurity regulations that ensure effective victim protection. The study suggests the importance of harmonizing civil law, cybersecurity, and data protection regulations in the digital age

Keywords: Unlawful Act; Cybersecurity Law; Victim Protection; Electronic Information Law.

INTRODUCTION

Cyberbullying has become one of the most disturbing forms of digital violence in the era of global connectivity. Advances in information technology enable social interactions to take place without geographical boundaries, but at the same time, it has opened up space for the emergence of new patterns of violence that have a significant impact on the psychological and social well-being of victims. Operationally, cyberbullying refers to deliberate and repeated acts of aggression that utilize digital technology to attack, humiliate, or damage the victim's dignity. These acts typically occur in situations of power imbalance, for example, when the perpetrator has greater access to technology, social influence, or anonymity than the victim (Nugroho et al. 2025). The phenomenon of cyberbullying is becoming increasingly serious because it can occur in cyberspace 24 hours a day, leaves a digital footprint, and is very difficult to stop once the content has been widely disseminated (Rizkiyanto et al. 2024).

Recent international studies indicate that cyberbullying has evolved from an individual-based online misconduct into a systemic digital harm that affects democratic participation, freedom of expression, and social trust. Comparative socio-legal research shows that jurisdictions with inadequate civil remedies tend to place excessive reliance on criminal law, which often fails to fully address the long-term psychological and reputational harm suffered by victims. This development underscores the growing importance of civil liability as a primary mechanism for victim-oriented justice in cyberspace.

From a legal perspective, the digital nature of cyberbullying means that a single act can violate both criminal and civil norms. In the criminal realm, the state has an interest in prosecuting perpetrators because cyberbullying can be categorized as defamation, insults, threats, or violations of privacy, depending on the nature of the act. However, from a civil perspective, the primary focus is on restoring the victim's rights through compensation for the losses incurred (Mukhtar, 2024). In Indonesia, this recovery mechanism is within the framework of Unlawful

Acts (PMH) as stipulated in Article 1365 of the Civil Code. Meanwhile, in China, civil protection for cyberbullying victims is regulated through the Tort Liability regime in the Civil Code of the People's Republic of China (Kiki and Rahmat, 2025).

Previous research on cyberbullying law has predominantly focused on criminalization and content regulation, particularly in relation to online defamation and hate speech. However, several scholars argue that criminal sanctions alone are insufficient to restore victims' dignity and psychological well-being. Studies on civil liability in digital torts emphasize the need for compensation mechanisms that recognize immaterial harm, such as emotional distress and reputational damage, as central components of justice for cyberbullying victims. Nevertheless, comparative analyses between Southeast Asian and East Asian legal systems on this issue remain limited.

This report seeks to comparatively examine how the two countries respond to the phenomenon of cyberbullying through their civil legal instruments. The comparison is conducted to understand whether Article 1365 of the Civil Code and Tort Liability in the Chinese Civil Code are able to provide effective protection and access to justice for victims. Furthermore, this analysis also assesses the suitability of the two legal systems in addressing modern forms of digital harm, including immaterial harm such as mental distress, psychological trauma, and online reputation damage.

Distinguishing between civil and criminal sanctions is crucial for understanding how the law views cyberbullying as a multidimensional phenomenon. Civil compensation serves as a remedy for victims, both in the form of tangible economic losses such as psychological recovery costs, and immaterial losses such as embarrassment or mental anguish, which are difficult to quantify but have a very real impact (Rahmah, 2024). Conversely, criminal sanctions such as imprisonment or fines are a form of punishment intended to protect the public interest and provide a deterrent effect for perpetrators (Pratiwi, 2022).

In practice, a single act of cyberbullying often has multiple legal consequences. For example, the distribution of a victim's private photos accompanied by insults on social media can trigger criminal liability under the Electronic Information and Transactions (ITE) Law, as well as civil liability under Article 1365 of the Indonesian Civil Code, which requires compensation for psychological and reputational harm. This situation demonstrates that cyberbullying not only damages social relationships but also requires a holistic legal response from various regulatory aspects. This practical overlap between criminal prosecution and civil claims highlights the urgency of developing coherent legal standards that integrate digital civil liability with cybersecurity and data protection regulations, ensuring that victims are not only protected symbolically but also effectively compensated.

RESEARCH METHODS

This study employed a library research method with a normative-comparative legal approach. The use of library research and a normative-comparative legal approach in this study is consistent with the views of legal research scholars who emphasize that normative legal research focuses on law as a system of norms. Normative legal research examines written legal rules, legal principles, and legal doctrines through the analysis of statutory regulations and authoritative legal materials (Widiarty 2024). All analyses were conducted by reviewing laws and regulations, court decisions, academic literature, scientific journals, and policy documents related to PMH, cyberbullying, and cyber regulations in Indonesia and China. Primary legal materials in this study include the Civil Code, the ITE Law, and various Indonesian digital regulations, while primary legal materials from China include the Civil Code, Cybersecurity Law, and their derivative regulations. Secondary legal materials consist of books, scientific

articles, and research findings related to civil liability and victim protection in the digital space. Data were analyzed descriptively to explain the legal framework of each country, then comparatively to identify similarities and differences in regulations, particularly in the aspects of compensation and immaterial losses. This analysis aims to reveal the effectiveness of each legal system in providing civil protection for victims of cyberbullying.

RESULT AND DISCUSSION

A. PMH on Cyberbullying in Indonesian and Chinese Law

The phenomenon of cyberbullying has become one of the most rapidly growing forms of digital-based violence with the increasing use of social media and digital platforms. Actions such as online insults, doxing, the distribution of embarrassing content, and reputational attacks through anonymous accounts often cause psychological wounds and immaterial losses that are difficult to recover from. In the context of civil law, both Indonesia and China consider cyberbullying a form of unlawful act (PMH) if it meets the elements of a rights violation and causes harm to the victim.

To understand how the two countries provide legal protection for cyberbullying victims, the first step is to examine the basis of civil liability used by each legal system. The provisions on Unlawful Acts (PMH) in Indonesia and tort liability in the Chinese Civil Code are the primary foundations for determining whether an act of cyberbullying is eligible for civil compensation.

Under Indonesian law, cyberbullying can be classified as an Unlawful Act (PMH) under Article 1365 of the Civil Code. This article requires four elements: the unlawful act, fault, harm suffered by the victim, and a causal relationship between the act and the harm. Cyberbullying, which includes insults, spreading disgrace, and digitally damaging reputations, generally meets all four elements because it causes both material and immaterial losses (Dewi et al., 2024). Furthermore, practices such as the unauthorized distribution of private photos, derogatory comments, or mass bullying on social media often involve invasion of privacy and defamation. However, Article 1365 does not provide specific rules regarding the digital context, so the application of the law is highly dependent on the judge's interpretation and the creativity of the parties' arguments in proving losses.

Unlike Indonesia, which still relies on general provisions of the PMH (Civil Code), China has a more structured legal framework for addressing cyberbullying. The 2020 Civil Code, specifically the section on Tort Liability, explicitly includes reputational harm, mental harm, and privacy violations as forms of damages that can be sued civilly (Li Y, 2024). This provision gives victims direct access to redress mechanisms without first having to resort to criminal proceedings. In addition to the Civil Code, the Cybersecurity Law strengthens protection by mandating obligations for digital platforms to maintain information security, remove infringing content, and prevent the further dissemination of potentially harmful material.

Through the combination of these two regulations, China provides a more specific and progressive legal framework for addressing cyberbullying cases. Actions such as doxing, online insults, or the dissemination of manipulative content are recognized as civil offenses that victims can directly sue for without waiting for criminal proceedings (Haiyang, 2024). This difference demonstrates that civil protection in China is more responsive to the dynamics of the digital space than in Indonesia.

The differences in regulatory orientation between Indonesia and China create variations in liability mechanisms, particularly when cyberbullying results in harm requiring civil remedies. Therefore, it's important to examine how each country regulates liability and compensation for victims.

B. Differences in Liability and Recovery Mechanisms

When cyberbullying causes harm, both countries implement civil liability, but their approaches differ. In Indonesia, victims' compensation claims still depend on proof of actual or immaterial losses, but the standard for proving non-material losses has not yet been clearly formulated (Suryoutomo, 2022). Courts often rely on subjective judgments, resulting in inconsistent decisions. This makes civil litigation less reliable in addressing the psychological and reputational impacts of cyberbullying.

After understanding the legal basis, it is important to explore how each country implements victim recovery mechanisms. This section connects the aforementioned legal basis with liability practices in the civil system, which directly determine the quality of protection for victims.

In Indonesia, the recovery mechanism still faces significant obstacles. Although the Civil Code recognizes immaterial losses, there is no clear standard for calculating compensation for psychological suffering or reputational damage (Sudarmono, 2020). As a result, the amount of compensation varies widely across decisions, and this legal uncertainty often encourages victims to rely more on criminal rather than civil remedies.

China offers a different approach through more detailed compensation arrangements. The Civil Code provides options such as monetary compensation, content removal orders, apologies, and even termination of harmful behavior (Chen & Wang, 2025). Furthermore, digital platforms can be held liable if proven negligent in following up on victims' reports. This shared liability model reflects a system that focuses not only on the perpetrator but also on the digital ecosystem that enables cyberbullying.

This differentiated framework of responsibility directly impacts the extent to which cyberbullying victims receive effective protection. A significant factor influencing this effectiveness is the existence of cyber regulations and how they support civil redress mechanisms.

C. Effectiveness of Cyber Regulations in Victim Protection

The effectiveness of legal protection is determined not only by civil provisions, but also by how strongly cyber regulations support prevention and enforcement. Indonesia focuses the ITE Law on specific criminal offenses, while victim protection through civil mechanisms remains complementary. This often leaves cyberbullying victims dependent on criminal proceedings because civil proceedings are considered to provide no certainty of compensation (Mufid, 2024).

Given these differences in redress mechanisms, the discussion then moves on to how cyber regulations strengthen or weaken victim protection. The effectiveness of cyber regulations is key because cyberbullying occurs so rapidly that civil law alone is insufficient to curb the spread of harmful content.

Indonesia does have regulatory instruments through the ITE Law and Government Regulation 71/2019, but the emphasis is more on repression after a violation occurs, rather than prevention (Oksidelfa, 2021). Mechanisms for handling harmful content on digital platforms are not strictly regulated, resulting in many victims having to wait long periods before harmful content is removed. This exacerbates psychological and reputational harm.

In contrast, China implements a much stricter regulatory system through the Cybersecurity Law, Data Security Law, and Personal Information Protection Law (Li Y, 2024). China, with its comprehensive cyber legal regime, provides protection from the preventative stage. The Cybersecurity Law requires platforms to actively moderate, take action against anonymous accounts spreading harmful content, and protect users' personal data. These regulations create a structural deterrent effect that limits the spread of cyberbullying content, thereby reducing the burden on victims to prove harm. Thus, strict cyber norms have a significant impact on the success of civil remedies.

In addition to civil remedies, handling cyberbullying often also involves criminal aspects. Therefore, it is important to understand how both civil and criminal law interact in resolving cyberbullying cases.

D. The Interrelationship of Civil and Criminal Law in Cyberbullying Cases

In practice, civil and criminal proceedings often operate in parallel to address cyberbullying. In Indonesia, the Electronic Information and Transactions (ITE) Law imposes criminal penalties on perpetrators of insults, defamation, or the distribution of hateful content. Criminal sanctions, such as imprisonment or fines, are often the primary focus, while civil redress mechanisms serve as a complement if the victim files a separate lawsuit (Rangotwat et al., 2025).

After reviewing the effectiveness of cyber regulations, this section connects administrative and civil approaches to the criminal dimension. Cyberbullying often involves insults, threats, or the disclosure of personal data, raising questions about the role of criminal law in supporting victim recovery efforts.

In Indonesia, the resolution of cyberbullying cases typically begins with the criminal process through the provisions of the ITE Law, for example, regarding defamation or electronic threats (Sukarna & Nurwulandari, 2023). In practice, criminal proceedings often serve as the basis for establishing that PMH has occurred, resulting in victims only filing civil lawsuits after the criminal process has been completed. However, this pattern is not always effective because the criminal process takes a long time and can delay the victim's recovery.

In China, the relationship between the criminal and civil spheres is more flexible. Victims can file civil lawsuits directly without waiting for criminal proceedings (Junke, 2020). If the violation is particularly serious, criminal proceedings can run parallel without hindering compensation efforts. Furthermore, courts can issue interim orders, such as removing content or restricting distribution, to allow victims to recover more quickly. This model demonstrates that China provides greater opportunity for victims to seek justice directly without relying entirely on the criminal process.

Thus, both countries view the civil and criminal spheres as complementary instruments. However, the effectiveness of victim recovery is greatly influenced by the cyber legal framework and the clarity of the applicable compensation standards.

CONCLUSION

Indonesia and China both recognize cyberbullying as an act that can give rise to civil liability through the concept of tort liability. However, their approaches to protecting victims differ significantly. Indonesia still relies on the general construction of Article 1365 of the Civil Code and the criminal provisions of the Electronic Information and Transactions Law (UU ITE). Therefore, the recovery of losses, especially immaterial losses, often lacks clear standards and varies across decisions. As a result, the civil legal pathway is not yet fully effective as the primary instrument for protecting victims of cyberbullying.

On the other hand, China has developed a more integrative protection model through its Civil Code, Cybersecurity Law, and strict obligations for digital platforms. This combination creates a legal ecosystem that not only prosecutes perpetrators but also prevents the spread of harmful content and strengthens victims' rights to compensation for reputational, moral, and psychological losses. The emphasis on platforms' obligations to moderate content and the notice-and-takedown mechanism contribute significantly to the effectiveness of redress.

This comparison of the two legal systems reveals several important areas for strengthening Indonesia's digital civil law. First, guidelines for assessing immaterial losses are needed to ensure more consistent decisions and provide a sense of equal justice for victims. Second, cyber regulations need to focus not only on administrative or criminal aspects, but also

be optimized to support civil remedies. Third, the role of digital platforms needs to be clarified and expanded, particularly regarding content moderation obligations, notice-and-takedown, and preventing the re-dissemination of harmful material. Fourth, harmonization between civil law, personal data protection, and cybersecurity needs to be considered to ensure Indonesia has a comprehensive digital legal framework that is responsive to the dynamics of cyberspace.

Thus, this comparative analysis confirms that digital civil law reform in Indonesia needs to be directed at increasing legal certainty, expanding protection for victims, and strengthening integration between civil and cyber regulations. Lessons from the Chinese model illustrate that a legal system that is firm, consistent, and based on the technical obligations of digital platforms can increase the effectiveness of protecting victims of cyberbullying in the context of an evolving digital society.

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