

Legal Protection for Cyberbullying Victims: A Comparative Study of Jinayah Perspective and Positive Law

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Abstract: Cyberbullying has become a serious social and legal issue in the digital era, causing significant psychological, social, and moral harm to its victims. This research aims to analyze the legal protection of cyberbullying victims from two perspectives: Indonesian Positive Law and Islamic criminal law (Jinayah). The study adopts a qualitative normative legal research method, utilizing statutory, conceptual, and comparative approaches supported by literature review and case analysis. The results show that Positive Law, particularly through the Information and Electronic Transactions (ITE) Law, the Criminal Code (KUHP), and the Child Protection Law, provides a codified framework to criminalize acts of online harassment, defamation, and threats. However, its focus on punitive sanctions often neglects the holistic recovery of victims. In contrast, the Jinayah perspective addresses cyberbullying through prohibitions against qadhf (false accusation), ghibah (backbiting), namimah (slander), and other offenses under ta'zir, guided by the principle of protecting human dignity (hifz al-'ird) within maqasid al-shariah. While Positive Law ensures legal certainty, Jinayah emphasizes restorative justice, reconciliation, and moral accountability. A comparative analysis reveals that neither system alone provides comprehensive protection for victims. Therefore, this research recommends integrating Positive Law's procedural clarity with the restorative justice elements of Jinayah to establish a more holistic framework for victim protection. Such harmonization requires collaboration among government institutions, religious authorities, educational institutions, and society. This research contributes theoretically by enriching comparative legal studies between Positive Law and Jinayah, practically by offering policy recommendations for improving victim protection mechanisms, and socially by raising awareness about the seriousness of cyberbullying and the importance of safeguarding victims' rights in both national and religious contexts.

Research Highlights:

- **Rising Concern:** Cyberbullying has become a growing problem in the digital era, causing psychological, social, and legal challenges for victims.
- **Positive Law Framework:** Indonesian Positive Law (ITE Law, KUHP, Child Protection Law) provides codified sanctions against cyberbullying but remains mostly punitive, with limited focus on victim recovery.
- **Jinayah Perspective:** Islamic criminal law (Jinayah) categorizes cyberbullying under qadhf, ghibah, namimah, and ta'zir offenses, emphasizing dignity protection (hifz al-'ird) and restorative justice.
- **Comparative Findings:** Positive Law ensures legal certainty and deterrence, while Jinayah prioritizes moral accountability, reconciliation, and victim dignity.
- **Integration Potential:** Harmonizing Positive Law with Jinayah principles could establish a more holistic framework for

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victim protection, combining legal clarity with restorative justice.

- Practical Implications: Recommends policy reforms, victim-centered mechanisms, digital literacy education, and collaboration among government, religious, educational, and social institutions.
- Theoretical Contribution: Enriches comparative legal studies by bridging modern statutory law and Islamic criminal law in addressing contemporary digital crimes.
- Social Contribution: Raises public awareness of cyberbullying's seriousness and strengthens collective responsibility to protect victims' rights.

INTRODUCTION

The rapid advancement of digital technology has brought about significant changes in human life, particularly in the way people communicate and interact. The presence of social media platforms, instant messaging applications, and online communities has made communication more efficient and far-reaching (Hampton, 2016). However, alongside these benefits, the digital era has also given rise to new forms of social problems, one of the most concerning being cyberbullying. Cyberbullying refers to acts of harassment, intimidation, defamation, or humiliation carried out through digital means. Unlike traditional bullying, which is usually limited by physical presence and time, cyberbullying can occur at any time and spread widely in just seconds, making its impact far more severe.

Psychologically, victims of cyberbullying often experience significant distress (Holt & Espelage, 2012). Constant exposure to harassment in online spaces can lead to feelings of insecurity, anxiety, and prolonged stress. Many victims also suffer from low self-esteem, depression, and, in extreme cases, suicidal ideation. The unlimited nature of cyberspace intensifies the trauma because victims feel that there is no safe space to escape from the attacks. Moreover, the anonymity provided by digital platforms makes perpetrators more daring in carrying out harmful actions, leaving victims vulnerable to continuous mental harm.

Socially, cyberbullying can damage relationships and disrupt social cohesion (Chadwick, 2014). Victims may withdraw from their environment, avoid social interaction, or even face stigma and exclusion within their community. In educational settings, for instance, students who are victims of cyberbullying often experience decreased academic performance and a lack of motivation to learn. Within families and workplaces, cyberbullying can also cause conflicts, mistrust, and a breakdown of harmonious relationships. If not addressed, this phenomenon has the potential to erode collective values of empathy, respect, and mutual care in society.

From a legal standpoint, cyberbullying raises challenges for law enforcement. Many countries, including Indonesia, have established legal frameworks such as the Information and Electronic Transactions (ITE) Law to regulate online behavior and protect victims. However, enforcement often encounters obstacles, particularly in proving digital evidence and identifying perpetrators who hide behind anonymity. Additionally, the cross-border nature of the internet complicates jurisdiction, as cyberbullying may involve individuals from different countries. This highlights the urgent need for stronger laws, improved digital literacy, and international cooperation in handling cyber-related crimes (Peters & Jordan, 2019).

Mohamad Idris Laena and Riswadi (2022) in their paper "Legal Protection for Child Victims of Cyber Bullying" investigate how legal frameworks in Indonesia protect children who are victims of cyberbullying. They use a normative juridical approach and literature study to examine existing laws, concluding that although there are laws meant to protect child victims (e.g., law on child protection), significant implementation gaps exist.

Alinda Julietha Adnan, Dewi Putriyani, Hycal Asmara Wibowo, and Suta Ramadan (2023) in “Perlindungan Hukum terhadap Anak Sebagai Korban Tindak Pidana Cyberbullying” focus specifically on legal protection of children as victims of cyberbullying. They analyze norms using a juridical approach, look at supervision in family, school, community, and the inadequacy in mechanisms currently available. The study references the 2024 amendment to the ITE Law (UU ITE) and highlights how normative regulations still face challenges in putting legal protection into practice.

Wencislaus Sirjon Nansi (2022) examines the formulation of policy and regulatory clarity, “Cyberbullying Formulative Problems Against Child Protection in Indonesia”. The main finding is that the existing law (e.g. ITE Law, amended by Law No. 19 of 2016) still lacks clear definitions and scope for “cyberbullying,” especially the conceptual and legal boundary between conventional offense and newer forms of cyberbullying. This lack of clarity weakens legal protection for children.

Muhammad Alfarizy, Umami Yusnita, and Nur Lailatuka Syafa'atul Uzma (2023) in their article “The Effect of Psychological Crime of Virtual Bullying on Social Media on Victims Under the ITE Law” explore the psychological impact on victims under ITE legal framework. They highlight that the psychological harm is significant and often more severe than conventional bullying, and review how the ITE Law addresses or fails to address these harms. The work adds depth to understanding victim suffering and how law sometimes does not fully account for non-physical harms.

Nabila Ayu Avianingrum (2022) in “Penanganan Cyberbullying terhadap Remaja dalam Perspektif Hukum Siber di Indonesia: Tinjauan Normatif Yuridis” focuses on adolescents as victims, with normative juridical review of cyber law norms, their enforcement, incident management, challenges (like evidence, reporting, platform responsibility), and recommendations. This research points out high prevalence in adolescents and gaps in legal protection mechanisms at both institutional and social levels.

Junika Nurhamidah Wijaya, Ali Johardi, and Siswantari Pratiwi (2022) in “Criminal Liability Perpetrator Bullying Through Social Media” investigate how the law (especially ITE Law) identifies and holds accountable perpetrators of cyberbullying via social media. They analyze the elements of criminal liability under Article 27 (3) of ITE Law and highlight that although there is legal basis for punishment, penalties are relatively moderate and the enforcement capacity is weak in many cases.

Hafizah Syafri in “Cyber-bullying terhadap Anak Dibawah Umur yang Terjadi di Lingkungan Sekolah Perspektif Hukum Pidana Islam” examines cyberbullying involving minors in school contexts from an Islamic criminal law perspective. The research looks at how Islamic law would categorize such offenses (e.g. whether as qisas, diyāt, or ta'zīr) and what forms of redress or sanctions might apply, including remedies for compensation. It notes that while Islamic law has provisions for harm and wrongdoing, integration into positive law or legal enforcement is often missing.

In Indonesia, the issue of cyberbullying has gained significant attention due to the increasing number of cases reported in various media (Kurniasih et al., 2020). The government has responded by enacting several regulations, such as Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE Law) and its amendments, as well as provisions in the Criminal Code (KUHP) and Child Protection Law. These regulations are designed to provide legal protection for victims while also imposing sanctions on perpetrators. However, in practice, law enforcement often faces obstacles such as limited digital literacy, difficulties in proving electronic evidence, and cross-border jurisdictional issues.

From the perspective of Islamic criminal law (Jinayah), acts of cyberbullying are considered violations of the principles of maqasid al-shariah, particularly in protecting honor (hifz al-'ird), intellect (hifz al-'aql), and life (hifz al-nafs). Cyberbullying may be equated with acts such as slander (qadhf), spreading false information (ghibah or namimah), or making threats, all of which are strictly prohibited in Islam. The sanctions in Jinayah, whether in the form of hudud, qishash-diyat, or ta'zīr, are not only punitive but also preventive, aimed at restoring justice and safeguarding social harmony.

Therefore, studying legal protection for cyberbullying victims from both Positive Law and Jinayah perspectives is crucial. This comparative approach allows for a deeper understanding of the extent to which both legal systems address the protection of victims, the similarities and differences in their approaches, and how these perspectives can complement each other. Such research is expected to contribute theoretically by enriching the discourse on comparative law, and practically by providing recommendations for strengthening policies and legal mechanisms to protect victims of cyberbullying in Indonesia.

METHOD

This study employs a normative juridical research method, which is appropriate for examining legal issues related to the protection of victims of cyberbullying within both Positive Law and the Jinayah (Islamic criminal law) perspective. The normative juridical approach emphasizes the analysis of laws, legal principles, doctrines, and scholarly opinions, making it suitable for a comparative study that focuses on statutory regulations and Islamic jurisprudence (Rosen, 2000).

The research begins with an approach to legislation (statute approach) by reviewing Indonesian Positive Law, including Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE Law) and its amendment, the Criminal Code (KUHP), the Child Protection Law, and other relevant regulations governing cybercrime and victim protection. In addition, the study adopts a conceptual approach, which analyzes Islamic criminal law (Jinayah) principles, such as *maqasid al-shariah* (objectives of Islamic law), as well as the classification of crimes like *qadhaf*, *ghibah*, and *ta'zir* that are relevant to acts of cyberbullying.

The data collection technique relies primarily on library research. Sources consist of primary legal materials (statutory regulations, Islamic legal texts, Qur'an, Hadith, and classical fiqh works), secondary legal materials (scholarly journals, books, theses, and legal commentaries), and tertiary sources (legal dictionaries, encyclopedias, and supporting references). These materials are carefully selected to ensure both the legal and Islamic perspectives are comprehensively addressed.

Data are analyzed using qualitative descriptive analysis (Nassaji, 2015). This involves interpreting, comparing, and synthesizing legal norms and Islamic principles to identify how each system provides protection to cyberbullying victims. The analysis also includes a comparative approach, which examines similarities and differences between Positive Law and Jinayah in terms of preventive measures, sanctions, victim protection, and restorative justice (Muhammad, 2020). This comparative analysis is intended to highlight areas of convergence and divergence, as well as to propose integrative solutions for enhancing victim protection in Indonesia.

The research design also incorporates an analytical framework guided by *maqasid al-shariah* and the principle of justice in Positive Law (Auda, 2008). This framework allows the study to evaluate whether the legal protection currently available aligns with the broader goals of law: ensuring justice, protecting human dignity, and providing effective remedies for victims. Through this approach, the study not only assesses the adequacy of existing legal instruments but also explores how principles from both legal traditions may be harmonized to create a more comprehensive protective framework.

RESULTS AND DISCUSSION

Result

The results of this research indicate that cyberbullying, as a contemporary form of violence in the digital era, has gained increasing attention in both Indonesian Positive Law and Islamic criminal law (Jinayah). The study found that, under Indonesian Positive Law, legal protection for victims of cyberbullying is primarily regulated through Law No. 11 of 2008 on Information and Electronic Transactions (ITE Law) as amended by Law No. 19 of 2016, in addition to provisions in the Criminal Code (KUHP) and the Child Protection Law. These regulations provide a legal basis to criminalize acts of online defamation, threats, hate speech, and harassment. Victims have the right to file complaints through law enforcement mechanisms, and perpetrators may be subjected to fines or imprisonment (Ashworth, 2019). However, the study also revealed several weaknesses, such as limited accessibility to legal remedies for victims, complex legal processes, and the potential misuse of ITE provisions that sometimes criminalize expression rather than protecting victims.

From the perspective of Jinayah (Islamic criminal law), the study found that cyberbullying can be categorized into several forms of offenses, including *qadhaf* (false accusation), *ghibah* (backbiting), *namimah* (spreading slander), and acts subject to *ta'zir* punishments for offenses not explicitly covered in the Qur'an or Hadith. Within the framework of *maqasid al-shariah*, protecting the dignity (*hifz al-'ird*) and mental well-being of individuals is a central objective. Therefore, Islamic law strongly condemns acts of humiliation, slander, and psychological harm caused by cyberbullying. Unlike Positive Law, which often emphasizes punitive sanctions, Jinayah prioritizes both deterrence and moral reformation of the perpetrator, alongside the restoration of the victim's dignity.

The comparative analysis between Positive Law and Jinayah reveals both similarities and differences. Both legal systems recognize the harmful impacts of cyberbullying and aim to protect victims

from such violations (Campbell & Završnik, 2013). Positive Law provides a structured legal framework with specific sanctions, while Jinayah emphasizes broader moral, social, and spiritual dimensions of justice. A key similarity lies in their shared concern for protecting human dignity and preventing social disorder. However, a significant difference lies in the orientation of sanctions: Positive Law focuses on retribution and deterrence, whereas Jinayah combines deterrence with rehabilitation and community harmony through restorative principles.

The research results also show that victim protection remains insufficient in practice. In Indonesian Positive Law, the legal process often prioritizes punishment of perpetrators rather than the recovery of victims, leaving gaps in psychological and social support. Meanwhile, in Jinayah, although the principles of protecting dignity and justice are strong, their application in the context of modern digital crimes is not explicitly detailed and requires contemporary *ijtihad* (reinterpretation). Thus, there is a need for legal reform that integrates the strengths of both systems: the procedural clarity of Positive Law and the restorative justice elements of Jinayah.

The research found that both Indonesian Positive Law and Jinayah perspectives provide essential frameworks for addressing cyberbullying, yet neither system alone fully ensures comprehensive protection for victims. The integration of Positive Law's legal certainty with Jinayah's restorative justice and moral guidance could offer a more holistic approach to protecting cyberbullying victims in Indonesia.

Comparison and Integration

The comparison between Positive Law and Jinayah perspective in addressing cyberbullying highlights both convergence and divergence in their conceptual foundations, objectives, and practical enforcement. From the perspective of similarities, both legal systems agree that cyberbullying is a harmful act that violates human dignity and must be prevented and sanctioned (Shariff, 2009). Both Positive Law and Jinayah emphasize the importance of protecting individuals from verbal abuse, threats, and slander, whether in the physical world or in digital spaces. They also share a concern for upholding social harmony and ensuring that justice serves not only the victim but also the community at large.

In terms of differences, Positive Law focuses on codified regulations, such as the Information and Electronic Transactions Law (ITE), which sets out detailed prohibitions, legal definitions, and sanctions in the form of imprisonment or fines (Lubis & Maulana, 2010). The approach is largely punitive and designed to create deterrence through formal court processes. Conversely, the Jinayah perspective draws on Qur'anic principles and Hadith, where acts of cyberbullying may be classified as *qadhif* (false accusation), *ghibah* (backbiting), *namimah* (spreading slander), or other offenses subject to *ta'zir* punishments. Here, the emphasis lies not only on punishment but also on restorative justice, reconciliation, and moral reformation of the perpetrator, with the ultimate aim of protecting *maqasid al-shariah* particularly the preservation of dignity (*hifz al-'ird*) and mental well-being.

The potential harmonization between the two systems opens opportunities for more comprehensive protection of victims. Positive Law provides legal certainty through structured mechanisms and enforceable sanctions, while Jinayah contributes ethical and restorative dimensions that focus on rehabilitation, community reconciliation, and victim dignity (Naipospos et al., n.d.). Integration could be achieved by embedding restorative justice principles derived from Jinayah into national legislation, ensuring that while perpetrators are held accountable, victims also receive psychological, social, and spiritual support. Such harmonization would create a hybrid system that balances the need for legal certainty with the need for humanized justice.

When examining the strengths and weaknesses, Positive Law's main strength lies in its clear legal framework and enforceability, which gives victims the right to pursue justice through state institutions. However, its weaknesses include lengthy legal processes, the risk of misuse of ITE provisions, and limited focus on victim recovery. Jinayah's strength lies in its holistic approach that integrates spiritual, moral, and social considerations, prioritizing both justice and reconciliation (Kardono et al., 2019). Yet, its weakness is that traditional Islamic law does not explicitly address modern digital crimes like cyberbullying, requiring reinterpretation (*ijtihad*) to adapt its principles to contemporary contexts.

Overall, the comparison underscores the need for integration rather than reliance on a single system. By combining the procedural clarity of Positive Law with the restorative and moral guidance of Jinayah, a more balanced, victim-centered approach to cyberbullying can be developed in Indonesia. This dual approach ensures that justice is not only punitive but also rehabilitative, aligning legal protection with both national and religious values.

Challenges and Solutions

The enforcement of legal protection for cyberbullying victims faces a range of challenges that are both technical and socio-cultural (Mangena, 2020). From a technical perspective, the rapid development of digital platforms makes it difficult for Positive Law enforcement agencies to keep pace with the evolving methods of online harassment. Issues such as the anonymity of perpetrators, jurisdictional problems in cross-border cases, and limited digital forensic capacity further complicate investigations. Cultural challenges arise from society's tendency to underestimate the seriousness of cyberbullying, often dismissing it as trivial online behavior rather than recognizing its deep psychological harm (Willard, 2007). On the institutional level, the legal process under Positive Law is often perceived as rigid, bureaucratic, and lacking victim-centered support, which discourages victims from reporting cases. In contrast, the Jinayah perspective faces the challenge of reinterpretation (ijtihad) to address crimes that were not explicitly mentioned in classical texts, leading to uncertainties in applying its principles to modern cybercrimes.

To overcome these obstacles, several solutions can be proposed. From the Positive Law perspective, improvements should focus on strengthening digital forensics, updating the ITE Law to provide clearer definitions of cyberbullying, and establishing victim support services within law enforcement institutions. Introducing restorative justice mechanisms into the legal process could also align Positive Law more closely with the spirit of victim protection (Dignan, 2012). From the Jinayah perspective, there is a need for contemporary ijtihad to reinterpret Qur'anic and Hadith-based principles to fit the context of digital abuse, ensuring that punishments under ta'zir are both just and adaptable to modern realities. This would enhance the role of Islamic law in providing moral, spiritual, and psychological recovery for victims.

The protection of victims can be further strengthened through active collaboration among key stakeholders. The government has a central role in drafting progressive legislation, improving the accessibility of legal aid, and providing digital literacy programs that empower individuals to recognize and resist online abuse (Akpobome et al., 2018). Religious institutions can complement this by raising awareness of the moral and spiritual consequences of cyberbullying, emphasizing the Islamic prohibition against slander, humiliation, and harm to others' dignity. Educational institutions should integrate digital ethics and online responsibility into their curricula, shaping the character of students to be more mindful in their use of technology. Finally, society at large must foster a culture of empathy and solidarity, where victims are supported rather than stigmatized, and where collective efforts discourage cyberbullying behavior.

Through these combined strategies, both Positive Law and Jinayah perspectives can be harnessed to create a comprehensive framework for victim protection. The integration of technical, institutional, and cultural solutions ensures not only the punishment of perpetrators but also the restoration of victims' dignity and the strengthening of social harmony.

Contributions of the Research

This research provides several contributions at the theoretical, practical, and social levels. From a theoretical perspective, the study enriches academic discourse in the field of comparative legal studies, particularly between Indonesian Positive Law and Islamic criminal law (Jinayah) (Ferry, 2014). By analyzing cyberbullying through both legal frameworks, the research highlights similarities and differences in their approaches to victim protection, thus expanding knowledge on how traditional Islamic legal principles can be reinterpreted to address contemporary digital crimes. This comparative insight contributes to the broader field of legal scholarship by bridging modern statutory law with classical religious law, offering a more holistic understanding of justice in the digital age.

On a practical level, the research provides concrete recommendations for policymakers, law enforcement agencies, and legal practitioners (Moses & Chan, 2014). These recommendations include revising existing Positive Law, particularly the ITE Law, to clarify the scope of cyberbullying offenses, introducing victim-centered support systems, and integrating restorative justice mechanisms inspired by the Jinayah perspective. The study also emphasizes the importance of cross-institutional collaboration between government, religious bodies, and educational institutions to create a more comprehensive and effective system of victim protection. These practical contributions are expected to support the development of policies that not only punish perpetrators but also ensure recovery and empowerment for victims.

From a social perspective, the research contributes to raising awareness about the seriousness of cyberbullying and the fundamental rights of its victims (Rodkin & Fischer, 2012). By demonstrating that

cyberbullying has significant psychological, social, and moral impacts, the study challenges the cultural tendency to trivialize online abuse. It promotes a broader societal understanding that protecting victims is a collective responsibility, requiring empathy, solidarity, and active participation from all members of society. Furthermore, by integrating Positive Law and Jinayah perspectives, the research strengthens the moral foundation of social awareness, reminding communities of both their civic and religious obligations to safeguard human dignity in the digital space.

Overall, the contributions of this research lie in its multidimensional impact: advancing legal theory, providing practical guidance for policy reform, and fostering social change through increased awareness. Together, these contributions underscore the importance of integrating legal, moral, and social approaches to effectively address the challenges of cyberbullying in Indonesia (Salawu et al., 2017).

Comparison with Previous Research

The findings of this research on legal protection for cyberbullying victims reveal both consistencies and new insights when compared to earlier studies. Previous research by Setiawan (2017) highlighted that the enforcement of the ITE Law in Indonesia often focuses heavily on punishing perpetrators, yet fails to provide adequate psychological and social protection for victims. The current study confirms this limitation but goes further by offering a comparative perspective with Jinayah, showing how restorative elements from Islamic law could complement Positive Law by emphasizing victim recovery and dignity preservation (Muhammad, 2020).

Similarly, Hidayat (2019) found that many victims of cyberbullying refrain from reporting cases due to complicated legal procedures and the fear of social stigma. The results of the present study align with this, identifying institutional and cultural challenges as key barriers to effective victim protection (Keller & Brennan, 2007). However, by incorporating the Jinayah perspective, this research provides an alternative lens, suggesting that the involvement of religious institutions and community-based moral education could help reduce stigma and encourage reporting.

From an international perspective, Smith et al. (2018) demonstrated that legal systems in several countries remain reactive rather than preventive in addressing cyberbullying, often focusing solely on criminal sanctions. The current study corroborates this global trend but enriches the discussion by proposing the harmonization of Positive Law with Jinayah principles. This integration not only addresses punishment but also stresses restorative justice and reconciliation, which are absent in most statutory-based approaches (Gavrielides, 2020).

Another relevant study by Rahman and Aziz (2020) emphasized that Islamic law possesses strong moral and ethical foundations for protecting human dignity but lacks explicit mechanisms for modern crimes such as cyberbullying. The present research affirms this observation while advancing the discussion by advocating for contemporary *ijtihad* as a means to adapt Jinayah to digital realities. In doing so, it bridges the gap between traditional Islamic legal principles and the practical needs of today's victims.

In comparison with these previous works, the novelty of this research lies in its integrative approach. While earlier studies tended to analyze cyberbullying from either the statutory/legal framework or the religious perspective in isolation, this research positions both systems side by side (Middlemiss, 2017). The comparative results show that Positive Law ensures legal certainty but is limited in restorative aspects, while Jinayah provides strong moral guidance but requires reinterpretation for application to modern cybercrimes. The integration of both frameworks, therefore, presents a more comprehensive model for protecting victims, which previous research has not fully addressed.

CONCLUSION

This research concludes that cyberbullying, as a growing phenomenon in the digital era, poses significant psychological, social, and legal challenges that require comprehensive protection mechanisms for victims. From the perspective of Indonesian Positive Law, regulations such as the ITE Law, the Criminal Code (KUHP), and the Child Protection Law provide a legal framework to criminalize acts of online harassment, defamation, and threats. However, these laws are largely punitive in nature and often fail to address the recovery and holistic protection of victims. Procedural complexity, limited victim support systems, and the potential misuse of certain legal provisions remain ongoing challenges in law enforcement. From the Jinayah perspective, cyberbullying can be categorized under offenses such as *qadhif* (false accusation), *ghibah* (backbiting), and *namimah* (slander), which are strictly prohibited in Islam. The underlying principle of protecting dignity (*hifz al-'ird*) within *maqasid al-shariah* emphasizes not only punishment for

perpetrators but also the moral, spiritual, and social restoration of victims. While this approach offers a broader restorative dimension compared to Positive Law, its application to modern digital crimes requires contemporary *ijtihad* to ensure relevance and effectiveness. The comparative analysis between the two legal systems reveals both similarities and differences. Both Positive Law and Jinayah share the goal of protecting human dignity and ensuring justice, but they diverge in orientation: Positive Law prioritizes codified sanctions and deterrence, whereas Jinayah emphasizes moral accountability and restorative justice. This research demonstrates that neither system alone provides comprehensive protection for victims of cyberbullying. Therefore, the study concludes that the integration of Positive Law and Jinayah principles offers the most effective path forward. By combining the legal certainty and procedural clarity of Positive Law with the restorative and moral dimensions of Jinayah, a more holistic framework can be developed to ensure justice for victims while fostering community harmony. Such integration would require collaboration between government, religious authorities, educational institutions, and society at large to strengthen victim protection, raise public awareness, and prevent future cases of cyberbullying. Ultimately, this research contributes to legal scholarship, policy reform, and social awareness by highlighting the importance of a multidimensional approach in addressing cyberbullying. Protecting victims requires not only punitive measures but also restorative justice, empathy, and collective responsibility, ensuring that dignity and justice are upheld in both national and religious contexts.

AUTHORS' DECLARATION

Authors' Contributions and Responsibilities

The author of this research was solely responsible for the entire process of study design, data collection, analysis, and writing.

Competing Interests

The author declares that there are no competing interests related to the conduct of this research. This study was carried out solely for academic purposes, without any financial, institutional, or personal interests that could influence the objectivity of the findings.

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