



A Comparison of The Justice System for Child Cyberbullying Offenders in Indonesian and South Korean Criminal Law

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ABSTRACT

This study aims to determine the minimum age at which a child can be sanctioned in the legal context of Indonesia and South Korea, as well as to evaluate legal justice measures for children involved in cyberbullying cases in the criminal legal systems of the two countries. The research conducted is normative and descriptive. The approach applied includes legal methods, comparison, and a conceptual approach. This research compares Law No. 11/2012 on the Juvenile Justice System in Indonesia with the Criminal Code of the Republic of Korea in relation to the Juvenile Act 1958. This research analyzes the age limit of children who can be punished for cyberbullying behavior in the context of Indonesian and South Korean law. The technique for collecting legal data is carried out through literature studies complemented by juridical analysis, in accordance with the characteristics of normative legal research. The results of the research and analysis show that regulations relating to cyberbullying, especially in the context of the criminal justice system for children, in Indonesia and South Korea, seek to protect children's rights, including the rights of children who commit cyberbullying. Strict measures in law enforcement are not ignored in order to create a deterrent effect for children. It is important to understand the reasons behind the criminal behavior of these children as part of the legal considerations relevant to the individuals concerned.

Keywords : Comparison; Juvenile Justice; Cyberbullying; Indonesia; South Korea

1. Introduction

Cyberbullying is a crime that is rampant and experienced by almost all countries, including Indonesia. Along with the development of technology, verbal bullying is increasingly common on various social media platforms, this is what is referred to as cyberbullying.¹ Based on a study conducted by Gajah Mada University (UGM), it shows that 43.35% of respondents said that they were victims of cyberbullying. The high suicide rate can be seen that cyberbullying is one of the contributing factors.² Although there are laws that provide legal protection for victims, the number of cyberbullying cases continues to increase. Therefore, it is important to compare a legal system. A comparison can be made between Indonesia and South Korea. This is because Indonesia and South Korea adhere to the Civil Law legal system.³

¹ Nurhayadi Suchayo, *Perundungan Siber di Indonesia Kian Mengkhawatirkan*, diakses dari <https://www.voaindonesia.com/a/perundungan-siber-di-indonesia-kian-mengkhawatirkan-6232440.html> pada tanggal 03 Maret 2025 pukul 01:33 WIB.

² Johanna Tania Wijaya. "Perbandingan Perlindungan Hukum bagi Korban Cyberbullying dalam Hukum Pidana Indonesia dengan Korea Selatan". *Jurnal Ilmiah* (2023), hal 4.

³ Fachrizal Afandi, *Belajar Perbandingan Sistem Peradilan Pidana Melalui Drama Korea (Bagian 2)*, diakses dari <https://www.hukumonline.com/berita/a/belajar-perbandingan-sistem-peradilan-pidana-melalui-drama-korea-bagian-2-lt610cae9a039c2> pada tanggal 03 Maret 2025 pukul 01:29 WIB.

Indonesia and South Korea are two countries in the Asian region. South Korea is in the eastern part of Asia and covers the southern region of the Korean Peninsula. Both apply the Civil Law legal system, which emphasizes the rule of written law in their legal structure. In the Indonesian juvenile justice system, the process of transferring juvenile cases from criminal to non-criminal channels is called diversion. Meanwhile, in South Korea, a similar process does not use diversion but rather a Compromise Recommendation.⁴

Based on information from the Directorate General of Corrections of the Ministry of Immigration and Corrections (formerly the Ministry of Law and Human Rights), around 2,000 children will be involved in legal cases by 2023. Of these, 1,467 children are in detention and undergoing legal proceedings, while 526 children are currently serving time as prisoners. It has become a concern for society and law enforcement that children in Indonesia are in a serious situation. Not only in Indonesia, but the South Korean Ministry of Justice also reported that cases of lawlessness by children doubled from 2013 to 2022. However, not all minors can be prosecuted because they have not met the minimum age of criminal responsibility in South Korea.⁵

With many cases of children involved in crimes, including cyberbullying that are common in Indonesia and especially in South Korea, where the perpetrators and victims are often minors, the author feels interested in examining how far the law sets the age limit for children to be responsible for criminal acts, especially in cyberbullying cases, as well as a comparison of legal justice for child offenders between Indonesia and South Korea.

2. Research Method

Normative law will be the main method in this research, which will use the process of studying other written materials or secondary data, both in the form of literature, books, and other written sources. Legal research is a way to answer an existing legal problem by using legal rules, principles, or doctrines.⁶

The methods applied in this normative study include legal approach, comparative approach, and concept approach. This research compares Law No. 11/2012 on the Juvenile Justice System in Indonesia with the Criminal Code of the Republic of Korea in relation to the Juvenile Act 1958. This research analyzes the age limit of children who can be convicted of cyberbullying behavior in the context of Indonesian and South Korean law.

3. Results and Discussion

In this case, we will discuss the age limit of children who can be convicted in Indonesian and South Korean law and discuss the judicial efforts for cyberbullying children from the perspective of Indonesian and South Korean criminal justice law. As in Indonesia, offenses that occur as a form of social media abuse where the parties are over 18 years old or have entered the adult phase are considered as “cyberstalking” or commonly referred to as “cyberharassment”.⁷

3.1. Age Limit for Children to be Sentenced in Indonesian and South Korean Laws

3.1.a. Indonesia

Law No. 11/2012 on the Juvenile Justice System regulates children who are subject to legal proceedings in Indonesia. In this law, the term child refers to a person or individual between the ages of 12 and 18. In Indonesia, there is a process called diversion. Diversion is an attempt to resolve juvenile criminal cases from the criminal justice system to other means that do not involve the justice

⁴ Khofifah Setyoningrum Gunadi. “Perbandingan Pengaturan Asas Restorative Justice dalam Sistem Peradilan Anak di Indonesia dan Korea Selatan”. *Jurnal Hukum Pidana dan Penanggulangan Kejahatan* Vol. 13, No. 3, (2024), hal 251.

⁵ *Ibid.*, 251.

⁶ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Rajawali Press, 2005), hal 35.

⁷ Nelia Afriyeni, “Perundungan Maya (Cyber Bullying) Pada Remaja Awal”, *Jurnal Psikologi Insight* 1, no. 1 (2017), hal 25-39.

system. In this law, there is a special institution that serves as a place for the development of children while serving a period of detention, namely the Child Special Development Institution, or LPKA. On the other hand, the LPAS or Temporary Child Placement Institution has the task of accommodating children who are undergoing the judicial process.⁸

The Juvenile Criminal Justice System, in accordance with Article 2 of the above law, has the principles of justice, protection, best interests of the child, non-discrimination, respect for the child's opinion, ensuring the safety and development of the child, providing guidance, being proportional, making the option of detention and punishment as a last resort, and avoiding revenge. Article 3 states that children have several rights that exist in the legal process, such as being treated with respect, according to their needs based on age, being separated or not mixed with adult offenders, being able to participate in recreational activities, getting good legal assistance, and not getting cruel, degrading, or torture treatment. In the legal process that occurs in children, there should be no death or life sentence, and no arrest and detention except as a last resort and carried out within a short period of time. They are entitled to a fair juvenile justice process, a hearing that is kept secret from the public, without their identity being published, support from parents and guardians, social activists, a private life, accessibility, education, health care, as well as other rights according to the law.⁹

Article 4 Paragraph 1, explains that children who are in detention have the right to a reduction in the period of detention, assimilation, permission to meet with family, parole, leave before release, conditional leave and existing rights in accordance with applicable regulations.¹⁰

Thus, the age limit considered as a child is an individual who has an age between twelve and eighteen years, who is suspected of being involved in a crime, is called a Child in Conflict with the Law. These children must take responsibility for their actions, but are also entitled to legal protection because they are still included in the category of children who need assistance. Therefore, in the Indonesian legal context, the diversion process remains a priority to move the resolution of children's cases from the criminal justice pathway to a more friendly way.

3.1.b. South Korea

CHAPTER 1 General Provisions Article 1 of the Criminal Code of the Republic of South Korea on the Juvenile Act 1958, explains that this law has the purpose of ensuring appropriate care for juveniles through appropriate actions, including protective treatment, to help them adapt to the environment and improve the character of juveniles who show negative behavior towards society, as well as providing special measures regarding criminal treatment.¹¹

Article 2, which details age restrictions, states that the term child in this law refers to an individual under the age of 19, while the term guardian refers to anyone who has legal responsibility for the care, supervision, protection, and education of the child, or the person who is currently responsible for protecting the child.¹²

South Korea states that children, even if they commit a crime, are entitled to protection, especially before the law. Mentioned in Article 4, there is an explanation of the object of protection, removal, and notification which reads :

- (1) Child cases falling under any of the sub-paragraphs below shall be treated as protection cases by the Children's Department :
 1. A child who has been convicted of a crime;
 2. A child between ten years of age and fourteen years of age who has committed an unlawful act; and

⁸ Undang-Undang No Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak, Pasal 1, hal 3.

⁹ *Ibid.*, 5.

¹⁰ *Ibid.*, 6.

¹¹ Elaw, Juvenile Act yang diakses dari

https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=51556&type=sogan&key=9 pada tanggal 25 Maret 2025 pukul 14:00 WIB.

¹² *Ibid.*

3. Children ten years of age or older who fall into the following situations and considering the nature of their condition, have the potential to commit an unlawful act, e.g. juveniles who often tend to disturb people around them by gathering and/or grouping together, juveniles who leave home without a clear reason, and juveniles who tend to consume alcohol, riot, or are exposed to dangerous environments.
- (2) If there is a child who can be categorized in accordance with paragraphs 1, 2, and 3 above, the head of the police station concerned shall be responsible for directly delivering the child to the competent Children's Department.
- (3) The principal or guardian, the social service agency, and the probation office (including all its branches, as applicable), if they find that a juvenile may be categorized under the bullet points of Paragraph 1, may report the matter to the competent Department of Children.¹³

Article 32 on decisions in child protection detention explains that :

- (1) If it is deemed necessary to order protective custody of the child after the trial, the judge of the competent Juvenile Department shall, by a decision, take measures falling under any of the following sub-paragraphs :
 1. Turning the child over to a guardian or other person capable of providing protection for them;
 2. Give an order to attend the hearing;
 3. Issue an order to perform community service;
 4. Placing the juvenile under the short-term probation of a probation officer;
 5. Placing the juvenile under the long-term probation of a probation officer;
 6. Entrust the juvenile to the care and custody of a child welfare agency based on the applicable provisions of the Child Welfare Act or other child protection agencies;
 7. Entrusting them to a sanatorium, hospital, or medical care and protection agency on the basis of the Act on the Care of Protected Children, etc.; 8;
 8. Transferring a juvenile to a juvenile detention facility shall take place within one month;
 9. Placing a juvenile in a reform institution for a short period of time; and
 10. Placing a juvenile in a reformatory for a long period of time.
- (2) The dispositions mentioned in the following sections may be combined in whole or in part :
 1. Disposition under paragraph (1) 1, 2, 3, and 4;
 2. Disposition under paragraph (1) 1, 2, 3, and 5;
 3. Disposition based on paragraph (1) 4 and 6;
 4. Disposition under paragraphs (1) 5 and 6; and
 5. Disposition under subsections (1) 5 and 8.
- (3) A disposition under subsection (1) 3 applies only to a child who is 14 years of age or older.
- (4) A disposition under subsections (1) 2 and 10 shall only be made to a child who is 12 years of age or older.
- (5) If the disposition is based on any of the points in section (1), at the time of the child's removal, the authorized Children's Department shall provide the guardian or custodian of the child with any documents provided to help improve the child's behavior.
- (6) Detention in the care of a child shall not change the future status of the child.¹⁴

Article 59 on the reduction of the death penalty and life imprisonment for crimes committed by juveniles stipulates that the death and/or life sentence for juveniles under 18 years of age at the time of the crime must be reduced to 15 years imprisonment.¹⁵

The above description shows that children suspected of committing crimes still have protected rights even though they are criminals, namely, children under 19 years of age who require attention, supervision, protection, and education from their guardians. In addition, there are regulations regarding the punishment of child offenders, often referred to as "delinquent children", with various rules in South Korea considering the age of the child and the level of crime they committed.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

3.2. Judicial Efforts for Child Cyberbullying Perpetrators seen through the lens of Indonesian and South Korean Criminal Justice Laws

3.2.a. Definition of Cyberbullying

Cyberbullying is a form of bullying that occurs in digital technology. Nowadays, cyberbullying is increasingly found in society, especially among minors or children. Although technology provides many advantages, it cannot be denied that increasing this technology also has a negative impact, such as increasing crime on the internet, or what was originally called cybercrime. The definition of cybercrime itself is a criminal offense related to online activities and often uses social media or other electronic media. To overcome this problem, many countries currently have special laws related to cyber or cyber law. When viewed in relation to bullying, cyberbullying can be interpreted as aggressive actions carried out repeatedly through various existing electronic media, such as social media or in the form of online games. According to UNICEF, cyberbullying can take many forms, including taunting, spreading false and harmful information, and threatening individuals who have difficulty fighting back.¹⁶

Cyberbullying involves adults, not just children. Both children as victims and perpetrators can experience serious impacts on mental health, such as stress, frustration, and even depression. The increase in cyberbullying cases, including in Indonesia and South Korea, has prompted the government to implement cyber law to address the impact of these cases in each country. Efforts to overcome cyberbullying become a common duty and obligation to supervise, limit, educate, and direct children, so that children are able to wisely utilize technological developments.¹⁷ Children as perpetrators and children who are victims of cyberbullying have rights regulated in the Juvenile Criminal Justice System Law, as well as other rights regulated in laws and regulations outside the juvenile criminal justice system.¹⁸ Preventive countermeasures can be taken to prevent and reduce various cyberbullying crimes on the internet media by maximizing internet ethics, the role of parents is more intensive, the police routinely conduct anti-bullying socialization and counseling activities, and social organizations.¹⁹ There needs to be an understanding instilled in children that no one should demean another person. The perpetrator of cyberbullying must apologize for the actions taken, express regret, and promise not to repeat these actions to anyone in the future.²⁰

3.2.b. Child Cyberbullying in Indonesian Law

Indonesia, using a civil law legal system, has regulations to deal with cyberbullying offenses that include both child and adult offenders. These rules still protect the rights of children, including underage offenders. According to Law No. 35 of 2014 on Child Protection, a child can be defined as an individual under the age of eighteen, including an unborn fetus. Thus, a child needs legal protection so that all their rights and obligations are protected.

Cyberbullying behavior has been regulated through the ITE Law Article 27, paragraph 3. Cyberbullying is punishable by a maximum imprisonment of 4 years as well as a maximum fine of Rp. 750,000,000. If the cyberbullying involves a child under the age of eighteen, the perpetrator can be punished in accordance with Law No. 23 of 2002 on Child Protection, specifically Article 80,

¹⁶ Nurul Andini, Chairuni Nasution dan Andry Syafrizal Tanjung. *Keadilan Hukum Terhadap Anak Sebagai Korban Cyber Bullying yang Dilakukan Oleh Pelaku Anak*. Jurnal Review Pendidikan dan Pengajaran 8, No. 1, (2025), hal 2610.

¹⁷ Alinda Julietha Adnan, Dewi Putriyana, Hycal Asmara Wibowo, Suta Ramadan. *Perlindungan Hukum terhadap Anak Sebagai Korban Tindak Pidana Cyberbullying*. Indonesian Journal of Criminal Law and Criminology (IJCLC) 5, No. 1, (2024), hal 32.

¹⁸ Hatarto Pakpahan. *Aspek Hukum Pidana Cyberbullying di Media Sosial*. Jurnal Cakrawala Hukum 11, No. 3, (2020), hal 250-258.

¹⁹ Flourensia Spty Rahayu. *Cyberbullying sebagai Dampak Negatif Penggunaan Teknologi Informasi*. Journal of Information Systems 8, No. 1, (2012), hal 22-31.

²⁰ Luthfiyanti Harinsa Putri, Siti Ina Savira. *Dampak Psikologis Pada Remaja Yang Mengalami Cyberbullying*. Jurnal Penelitian Psikologi 10, No.1, (2023), hal 309-323.

which provides for imprisonment with a maximum duration of 3 years 6 months and the imposition of a fine not exceeding Rp72,000,000.²¹

The ITE Law was published and legalized in 2008. After that, the ITE Law has received several revisions. The latest revision of the ITE Law is contained in Law No. 1 of 2024, which contains defamation and insults in the digital space. Article 27A states that anyone who defames another individual through the internet and electronic media can be charged with imprisonment for a maximum duration of two years and a maximum fine of Rp400,000,000. The existence of such laws must be able to provide a deterrent effect to child offenders, but must not damage the lives of victims, and must provide broad benefits to the entire community. The Indonesian government has taken many actions to overcome this problem, one of which is the existence of the Indonesian Child Protection Commission (KPAI). KPAI has the task of assisting victims of cyberbullying during the judicial process. Cyberbullying perpetrators under the age of 18, just like adult perpetrators, can also be sanctioned by the applicable law, including getting a warning, doing various types of community service, job training, or getting rehabilitation.²² Due to a lack of understanding of existing laws and regulations, some children may not know the consequences as well as the risks of cyberbullying behavior. In addition, due to a lack of awareness and self-control, children often struggle to control their feelings, behaviors, emotions, and social interactions, making them more at risk of cyberbullying.²³

From cyberbullying cases, it is important to keep justice in mind. This should be considered not only for victims, but also for perpetrators who also have rights in child protection. However, strict law enforcement in accordance with the severity of the act should still be implemented to provide a deterrent effect and educate the child. An understanding of the reasons and motives underlying the child's actions is essential before a legal decision is taken.

Giving extremely harsh punishments to criminals can be considered a violation of human rights.²⁴ Therefore, it is important that due process is fair and balanced. Perpetrators should not be subjected to violence during the investigation or legal process, and they should have legal counsel or a lawyer qualified under the law to provide legal assistance.²⁵ In the context of criminal law in Indonesia, there are laws in place to address cyberbullying. These rules regulate the conditions of threatening, insulting, and harassing actions that exist in the online world. Law enforcement in this regard is the responsibility of the police and the judicial system.

In the preparation of a good criminal law, the main goal that must be achieved is an effort to reduce crime. Policies to tackle crime with the criminal law system relate to the process of applying criminal sanctions. Criminal acts with minor offenders must be treated differently than crimes with adult offenders, because children have the right to get special attention in the handling process.²⁶

When children are involved in cyberbullying, Indonesia regulates this issue in Law No. 11/2012 on the Juvenile Justice System. This law is the main guideline regarding juvenile cases. Article 5 of the law states that the juvenile legal process must prioritize restorative justice. The Juvenile Criminal Justice System covers the entire juvenile criminal justice process, and the process is still carried out in accordance with the law, according to the applicable case, unless otherwise regulated more specifically. The court authorized to handle juvenile proceedings is the general court. The state has an obligation to provide guidance, mentoring, supervision, and assistance. In cases involving children, diversion must be the first choice.²⁷

²¹ Abdurrakhman Alhakim, Junimart Girsang, dan Getrudis Yetiana Wadhi. *Kajian Yuridis Sanksi Pidana Terhadap Tindak Pidana Hate Speech Cyberbullying di Indonesia*. Jurnal Hukum 15, No. 2, (2023), hal 163.

²² *Ibid.*, 2611.

²³ *Ibid.*, 2612.

²⁴ Munir Fuady, *Hak Asasi Tersangka Pidana* (Jakarta : Prenada Media Group, 2015), 57.

²⁵ Aksara, *Kamus Istilah Hukum* (Yogyakarta : Indoeduka, 2022), 98.

²⁶ Matius Hermawan Anugraha, Erny Herlin Setyorini. *Perlindungan Hukum terhadap Anak sebagai Pelaku Tindak Pidana Cyber Bullying*. Jurnal Seminar Nasional dan Pancasila 1, No. 4, (2022), hal 40.

²⁷ Undang-Undang Nomor 11 Tahun 2012, *Op. Cit* hal 7.

Furthermore, Article 7 explains that diversion is an obligation in the settlement of juvenile cases. The form of diversion that can be taken is the threat of imprisonment for a maximum duration of seven years, and no repetition of the crime.²⁸ Article 8 Paragraph (1) states that diversion efforts are carried out through discussions involving Community Supervisors, Professional Social Workers, including both the perpetrator and his parents or guardians, victims of criminal acts along with their parents or guardians, using the Restorative Justice approach.

In the next article, it is stated that law enforcers must consider when conducting diversion, namely the type of criminal offense, the age of the child, data from Bapas, and the role of the family and community. In addition, when conducting diversion, an agreement must be obtained between the victim and the perpetrator, except for criminal offenses, minor crimes, without victims, and the victim's loss is less than the minimum value of the local province.²⁹

3.2.c. Child Cyberbullying in South Korean Law

South Korea implements a civil law legal system. Similar to Indonesia, the country also has regulations regarding the crime of cyberbullying. This case involves both adults and children who are often both victims and perpetrators of such acts. According to data from Statista, in 2020 cyberbullying cases reported to the police amounted to 234 thousand, which has increased by 54 thousand cases compared to the previous year.³⁰

One form of cyberbullying is defamation, which is the act of harming someone's reputation by spreading information, both true and false, in the public sphere. Honor is a valuable element for individuals who deserve respect from a moral, ethical, social aspect, in accordance with human dignity. Therefore, damaging the name and image of a person can be categorized as a violation of such dignity.³¹ Related to the law on defamation committed through the internet, such as social media, there is Law No. 18201 of 2021, which is South Korea's ITE Law or on Information Protection and Accelerated Use of Telecommunications and Information Networks. Article 1 of this law states that the purpose of this law is to improve the welfare of society through accelerating the use of telecommunications networks, protecting users of telecommunications services, and creating a healthy and safe environment when using these networks.³²

South Korea also has regulations related to the juvenile justice system for minors, as stated in the Criminal Code of the Republic of South Korea regarding the Juvenile Act of 1958. Article 3 explains that :

- (1) The legal jurisdiction of child protection proceedings shall be in accordance with the location where the criminal offense occurred, the residence, or the location of the child.
- (2) In child protection cases, the case falls under the jurisdiction of the Children's Department or the Family Court of the district court, also known as the "Children's Department".
- (3) The single judge of the Children's Department has the duty to handle the trial and decision on the disposition of child protection cases.

In Article 7 related to Transfer to the Office of the Competent Public Prosecutor for Criminal Disposition, that :

- (1) If the Juvenile Department discovers criminal facts that are punishable by imprisonment without hard labor or more severe punishment during the investigation/trial process, and if the Juvenile Department judges it necessary to impose a criminal punishment taking into account the motive of the accused and the nature of the crime, the Juvenile Department shall refer the case to the public prosecutor and the public prosecutor's office having jurisdiction in accordance with the competent district court.

²⁸ *Ibid.*, 8.

²⁹ *Ibid.*, 9.

³⁰ Abdurrahman Alhakim, *Op. Cit* hal 164.

³¹ Hong Seong Ho, *Studi Rencana Perbaikan Pertanggungjawaban Secara Perdata dan Pidana Tentang Pencemaran Nama Baik di Dunia Maya* (Seoul : Kyung Hee University, 2017), 51.

³² Hasbullah, Jung Chang Hee, *Tindak Pidana Pencemaran Nama Baik Melalui Media Elektronik: Studi Perbandingan Indonesia dan Korea Selatan*. Jurnal Hukum Pidana & Kriminologi 03, No. 2, (2022), hal 26.

- (2) Where the results of the investigation or the proceedings indicate that a child has reached the age of 19 years or older, the Juvenile Department shall, by decision, refer the case to the public prosecutor of the competent prosecutor's office: provided that this shall not apply to cases referred to the court under Article 51.

In Article 17 regarding the appointment of a companion, it is also explained that :

- (1) The child or the guardian may appoint a companion after obtaining permission from a judge of the Juvenile Department.
- (2) If a guardian or lawyer is appointed as a companion, the permission under the provisions of article (1) is not required.
- (3) For the appointment of an assistant, a signed and sealed letter shall be submitted together with the assistant. In situations where the appointed assistant is not a lawyer, the document shall explain the relationship between the delinquent child and the assistant.
- (4) Where a judge of the Children's Department considers that an assistant is likely to obstruct the proceedings or act contrary to the interests of the child, such as deliberate delay in the proceedings, the judge has the authority to revoke the assistant's appointment.
- (5) A companion shall be appointed for each trial.
- (6) The provisions governing the rights and obligations of legal counsel in the Criminal Procedure Law also apply to assistants, provided that they do not conflict with the core nature of the child protection case.

Article 24, Paragraph (1) regulates the method of trial, which is required to be conducted with a humanitarian approach and a gentle attitude towards the child. Paragraph (2) emphasizes that the trial should not be held in public, although the judge may allow the presence of certain individuals if deemed necessary.³³

4. Conclusion

An understanding of the laws relating to cyberbullying, especially in the context of juvenile criminal justice, shows that both Indonesia and South Korea are committed to protecting the rights of children, including child perpetrators of cyberbullying. Nevertheless, strict measures in law enforcement are not ignored, in order to create a deterrent effect for children. It is important to understand the reasons behind these children's criminal behavior as part of the legal considerations relevant to the individuals concerned.

In Indonesia, the juvenile criminal justice system encompasses the entire process of responding to a child's criminal behavior, from investigation to guidance. In Indonesia, the emphasis is on Restorative Justice, which is a comprehensive approach to resolving crimes that includes the perpetrator, victim, family, and other relevant external parties, to find a fair solution, with a focus on restoring the situation to its original state, rather than focusing on retribution. The aim is to protect children, prepare them for a good future, and create opportunities through guidance, in the hope that they can find their identity.

Meanwhile, the juvenile criminal justice system in South Korea governs every step, from investigation to trial, under the authority of the Department of Children. Compromise Recommendations are used as part of the criminal settlement, aiming to improve the character of the juvenile as well as protect the victim through suggestions to reach an agreement with the victim, including compensation for the harm suffered. It aims to ensure optimal guidance for juveniles by taking measures such as protective dispositions, to adjust the environment and improve attitudes and behaviors for juveniles with anti-social behavioral tendencies, as well as providing specific measures related to the replacement of criminal acts.

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³³ Elaw, Juvenile Act, *Op. Cit.*

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