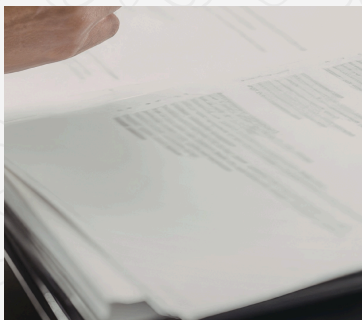


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PUBLIC POLICY: TOO MANY SPICES – WHY INDONESIA’S BEST-INTENTIONED POLICIES STRUGGLE ON THE GROUND

Rafael Frederick

Every time the government launches a new policy, public attention almost invariably gravitates toward the grand objectives being proclaimed. Narratives of equitable development, digital transformation, educational reform, and social protection dominate the official communication. Yet after some time passes, the question that surfaces is often surprisingly simple: why do policies that look excellent on paper struggle so badly in the field?

The answer, more often than not, lies not in the substance of the policy but in the technical architecture of its implementation. In Indonesian public policy practice, discussion of policy objectives and conceptual frameworks tends to be far more prominent than discussion of implementation readiness. There appears to be an assumption that a well-intentioned policy will automatically function well. It does not.

This observation is not new. Pressman and Wildavsky’s foundational study—which remains the most-cited work in the implementation literature more than five decades after its publication—demonstrated that even modest federal programmes in the United States failed spectacularly because of what they termed the “complexity of joint action”: as the number of agencies, approval points, and decision-makers involved in implementation increases, the probability of successful execution decreases exponentially.¹ Sabatier and Mazmanian subsequently formalised this insight, identifying three clusters of variables that determine implementation success: the tractability of the problem being addressed, the capacity of the statute to structure implementation, and the net effect of non-statutory variables such as political support and bureaucratic commitment.²

Matland’s ambiguity-conflict model synthesised the competing top-down and bottom-up approaches into a four-cell typology: administrative implementation (low ambiguity, low conflict), political implementation (low ambiguity, high conflict), experimental implementation

¹Jeffrey L. Pressman and Aaron Wildavsky, *Implementation: How Great Expectations in Washington Are Dashed in Oakland*, 3rd ed. (Berkeley: University of California Press, 1984).

²Paul A. Sabatier and Daniel A. Mazmanian, "The Implementation of Public Policy: A Framework of Analysis," *Policy Studies Journal* 8, no. 4 (1980): 538–560.



(high ambiguity, low conflict), and symbolic implementation (high ambiguity, high conflict).³ Most of Indonesia's flagship policies—ambitious in scope, contested in practice, and vague in operational detail—sit squarely in the symbolic quadrant, where compliance is weakest and outcomes most unpredictable. Lipsky's street-level bureaucracy framework adds a crucial dimension: frontline workers—teachers, civil-registry clerks, social-assistance officers—effectively *make* policy through their daily discretionary decisions, often under conditions of inadequate resources and conflicting mandates.⁴

A simple analogy may help illustrate the dynamic. Public policy can be compared to cooking a steak. If the quality of the meat is excellent, the cooking process need not be elaborate—a touch of salt and the right technique will produce a superb result. But if the meat is poor, layers of seasoning are piled on to mask the deficiency. In public policy, the technical design of implementation is the meat; the policy narrative is the seasoning. The challenge Indonesia faces, repeatedly, is exactly the inverse of what good practice demands: the narrative is crafted with enormous ambition while the technical design receives far less serious attention.

Hudson, Hunter, and Peckham's recent synthesis of the implementation literature captures this dynamic with precision: the "policy-implementation gap" arises not from bad intentions but from the systematic failure to invest in the institutional, administrative, and technical conditions that translate intentions into outcomes.⁵ Hogwood and Gunn identified this structural problem decades earlier, arguing that "perfect implementation" is inherently unattainable and that realistic policy design must account for this.⁶ Howlett's more recent work on policy instrument design extends the argument: effective policy requires coherent instrument mixes, and the layering of contradictory or poorly calibrated tools produces policy incoherence rather than policy impact.⁷

The pattern plays out across Indonesian case studies with striking consistency. Consider the electronic national identity card programme, or e-KTP. In substance, the idea of building a

³Richard E. Matland, "Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation," *Journal of Public Administration Research and Theory* 5, no. 2 (1995): 145–174.

⁴Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*, 30th anniversary expanded ed. (New York: Russell Sage Foundation, 2010).

⁵Bob Hudson, David Hunter, and Stephen Peckham, "Policy Failure and the Policy-Implementation Gap: Can Policy Support Programs Help?" *Policy Design and Practice* 2, no. 1 (2019): 1–14.

⁶Brian W. Hogwood and Lewis A. Gunn, *Policy Analysis for the Real World* (Oxford: Oxford University Press, 1984), Ch. 11.

⁷Michael Howlett, *Designing Public Policies: Principles and Instruments*, 2nd ed. (London: Routledge, 2019).



unified national identity system was a genuinely important step for modernising public administration. A single identity platform could improve the efficiency of public services and strengthen the accuracy of population data. But the technical dimensions of the project—procurement integrity, project governance, and supervisory mechanisms—became its fatal weaknesses. The project, valued at Rp 5.9 trillion, resulted in estimated state losses of Rp 2.3 trillion.⁸ The Jakarta Corruption Court convicted former Speaker of the House Setya Novanto, and approximately eighty officials were implicated.⁹ A policy designed to modernise the state became better known for its corruption scandal than for its administrative contribution.

A parallel problem is visible in the digitisation of government services. Nearly every public agency in Indonesia now operates its own application. The objective is clear: to improve efficiency and accessibility. But for ordinary citizens, the experience is often the opposite. Multiple applications exist in isolation, without data integration. Citizens must create separate accounts for related government services, re-entering the same personal information across platforms. *Peraturan Presiden Nomor 95 Tahun 2018* on the Electronic-Based Government System (SPBE) was intended to address this, yet the initial SPBE evaluation across 616 government agencies found that only 13.31 percent were rated good or better—the remaining 86.69 percent were rated fair or poor.¹⁰ In May 2024, President Jokowi launched INA Digital, managed by PERURI, with the explicit mandate to integrate approximately 27,000 distinct government applications into a unified platform.¹¹ That such integration remained necessary in 2024 is itself an indictment of how fragmented the prior approach had been.

Social assistance targeting provides another revealing illustration. Social assistance programmes are essential instruments for reducing inequality and protecting vulnerable populations. Yet the persistent problems with Indonesia's targeting infrastructure—the *Data Terpadu Kesejahteraan Sosial* (DTKS)—have been extensively documented. The World Bank's 2017 public expenditure

⁸Undang-Undang Nomor 23 Tahun 2006 jo. Undang-Undang Nomor 24 Tahun 2013 tentang Administrasi Kependudukan; BPKP, Audit Report on e-KTP Project, 2016 (state losses estimated at Rp 2.3 trillion of Rp 5.9 trillion project value).

⁹Jakarta Corruption Court, Verdict against Setya Novanto, 24 April 2018 (15 years imprisonment, reduced to 12.5 years on Supreme Court judicial review, July 2025); ICW, "Corruption Trails in the E-KTP Case," *antikorupsi.org*, 2018.

¹⁰Peraturan Presiden Nomor 95 Tahun 2018 tentang Sistem Pemerintahan Berbasis Elektronik (SPBE); PANRB, SPBE Evaluation 2018 (only 13.31% of 616 agencies rated good or better).

¹¹Antara News, "President Jokowi Launches INA Digital," 27 May 2024; Peraturan Presiden Nomor 82 Tahun 2023 (mandating integration of approximately 27,000 government applications).



review found that only approximately one-fifth of the poorest decile received all the social assistance to which they were entitled.¹² Bah and colleagues' analysis of the DTKS—one of the world's largest targeting registries, covering roughly 25 million households—found that universal household enumeration would reduce undercoverage of the poor by one-third compared to the registry-based approach.¹³ Tohari, Parsons, and Rammohan documented that approximately 70 percent of Raskin beneficiaries were non-poor, with targeting gains over random distribution registering at just 24, 13, and 16 percent for BLT, Raskin, and Jamkesmas respectively.¹⁴ These are not failures of policy intent. They are failures of data infrastructure and administrative coordination.

A similar dynamic can be observed in education curriculum reform. *Kurikulum Merdeka*, designated as the national curriculum by *Permendikbudristek Nomor 12 Tahun 2024*, was introduced as a response to the need for more adaptive and student-centred learning. Under the subsequent Minister of Basic Education, however, *Permendikdasmen Nomor 13 Tahun 2025* introduced “deep learning” not as a new curriculum but as a pedagogical approach to be applied alongside both the existing K-13 and *Kurikulum Merdeka* frameworks starting in Academic Year 2025/2026.¹⁵ Hunaepi and Suharta's study across fifteen schools in three provinces found persistent resource gaps, inadequate teacher training, and heavy administrative burden as the primary obstacles to effective implementation.¹⁶ The curriculum is strong as a policy document; its implementation remains uneven. The pattern—a new minister, a new curricular paradigm—has become distressingly familiar.

These cases reveal a consistent structural pattern. Political and administrative energy is disproportionately spent on formulating new policies rather than on ensuring that existing ones can be implemented consistently. The launch of a new policy becomes a symbol of progress; the

¹²World Bank, *Towards a Comprehensive, Integrated, and Effective Social Assistance System in Indonesia: Public Expenditure Review* (Washington, D.C.: World Bank, 2017).

¹³Achmed Bah et al., "Finding the Poor vs. Measuring Their Poverty: Exploring the Drivers of Targeting Effectiveness in Indonesia," *World Bank Policy Research Working Paper No. 8342* (2018).

¹⁴Ari Tohari, Christopher Parsons, and Anu Rammohan, "Targeting Poverty Under Self-Selection: Evidence from Indonesia" (SMERU Working Paper, 2017).

¹⁵Permendikbudristek Nomor 12 Tahun 2024 (designating *Kurikulum Merdeka* as national curriculum); Permendikdasmen Nomor 13 Tahun 2025 (introducing 'deep learning' as pedagogical approach alongside both K-13 and *Kurikulum Merdeka*, AY 2025/2026).

¹⁶Hunaepi and Suharta, "Transforming Education in Indonesia: The Impact and Challenges of the *Merdeka Belajar* Curriculum," *Path of Science* 10, no. 6 (2024): 5026–5039.



construction of implementation capacity becomes long-term work that is politically invisible. Dwiyanto's Governance and Decentralization Surveys, conducted across 150 districts in 20 provinces, documented a bureaucracy characterised by hierarchy, fragmentation, paternalism, and tolerance of informal payments—structural features that undermine implementation regardless of how well a policy is designed.¹⁷ Prasojo's comprehensive study of bureaucratic reform similarly demonstrates that Indonesia's implementation problems are systemic, not episodic.¹⁸

The political economy dimension cannot be ignored. Hadiz's analysis of post-authoritarian Indonesia argues that decentralisation did not produce participatory governance but rather a scramble for local power by entrenched elites, many of whom have little incentive to invest in implementation quality.¹⁹ Aspinall and Berenschot's work on electoral clientelism demonstrates that the incentive structures facing Indonesian politicians systematically favour patronage distribution over policy follow-through.²⁰ OECD and ADB diagnostic studies confirm these findings from an institutional perspective, identifying capacity constraints, weak inter-agency coordination, and insufficient performance monitoring as recurring barriers.²¹

If we return to the cooking analogy, effective public policy needs quality meat—like wagyu. When the raw material is excellent, the preparation does not need to be elaborate. The result will speak for itself because the foundation is solid. In public policy, that foundation is the readiness of the implementation system: accurate data, integrated platforms, clear division of authority, and a bureaucracy that is equipped and motivated.

Indonesia does not lack good policy ideas. The central challenge is ensuring that every policy is supported by mature technical engineering before it is launched to the public. Policy reform requires not only conceptual innovation but also serious investment in implementation capacity.

¹⁷Agus Dwiyanto et al., *Reformasi Birokrasi Publik di Indonesia* (Yogyakarta: Gadjah Mada University Press, 2003/2015).

¹⁸Eko Prasojo, *Memimpin Reformasi Birokrasi: Kompleksitas dan Dinamika Perubahan Birokrasi Indonesia* (Jakarta: Kencana/Prenadamedia, 2020).

¹⁹Vedi R. Hadiz, *Localising Power in Post-Authoritarian Indonesia: A Southeast Asia Perspective* (Stanford: Stanford University Press, 2010).

²⁰Edward Aspinall and Ward Berenschot, *Democracy for Sale: Elections, Clientelism, and the State in Indonesia* (Ithaca: Cornell University Press, 2019).

²¹OECD, *Government at a Glance: Southeast Asia 2025 — Indonesia* (Paris: OECD Publishing, 2025); ADB, *A Diagnostic Study of the Civil Service in Indonesia* (Manila: ADB, 2021).



Ultimately, citizens do not experience policy through regulatory documents. They experience it through their daily interactions with the state—at the registration counter, in the classroom, through the application on their phone, in the envelope of assistance that arrives or does not arrive. It is at that point that the quality of a policy is truly tested. And as in cooking, the final result is determined not by how many spices were added, but by the quality of the ingredients and the precision of the technique.



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Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 12 Tahun 2024 tentang Kurikulum pada Pendidikan Anak Usia Dini, Jenjang Pendidikan Dasar, dan Jenjang Pendidikan Menengah.

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WHEN JUSTICE IS TRIED BY THE MOB: DIGITAL VIGILANTISM, DUE PROCESS, AND THE FAILURE OF MOB JUSTICE IN CAMPUS SEXUAL HARASSMENT CASES

Danendra Keitaro Widarto

Sixteen law students at the Faculty of Law, Universitas Indonesia (FH UI), were accused of committing verbal sexual harassment through a private messaging group. The case surfaced after screenshots from the group containing misogynistic phrases objectifying at least twenty-seven individuals, including fellow students and lecturers went viral on social media on 11 April 2026.¹ The public was outraged. That outrage was legitimate. But what happened next deserves scrutiny.

In the early hours of 14 April 2026, the Student Executive Council of FH UI (BEM FH UI), together with the Dean, organised a public forum referred to as a *sidang terbuka* at the Auditorium Djokosoetono. All sixteen accused students were brought before a mass audience, jeered at, approached aggressively, and nearly physically assaulted. The entire proceeding was livestreamed on TikTok and other platforms, watched by tens of thousands. Their faces were broadcast without any form of censorship.² The digital public cheered, as though justice were being served.

Was it?

What happened in that auditorium that night reflects a tendency toward *mob justice* the adjudication of wrongdoing by crowds, replacing legal and ethical mechanisms with collective emotional reaction. It is a mode of response that is fundamentally incompatible with the principles of justice that a law faculty, of all institutions, should uphold. To understand why, it is necessary to engage with three interconnected frameworks: the theory of digital vigilantism, the constitutional principle of the presumption of innocence, and the scholarship on victim-centered justice.

¹Tempo, "Bagaimana Pelecehan Seksual Mahasiswa FHUI Terbongkar," 14 April 2026; Asia News Network, "Leaked Lewd Chats Expose Problem of Sexual Violence in Top Indonesian Universities," April 2026.

²Detik, "Sidang Terbuka 16 Terduga Pelaku Kekerasan Seksual FH UI Diinisiasi Korban," 14 April 2026; Kompas, "Orangtua Sempat Tahan 14 Mahasiswa FH UI Tak Hadiri Sidang Kasus Pelecehan," 14 April 2026.



The FH UI incident is a textbook case of what scholars call digital vigilantism. Trottier defines this as the coordinated use of online platforms to identify, shame, and punish perceived wrongdoers outside formal legal channels a process he terms the “weaponisation of visibility.”³ In such dynamics, screenshots, photographs, and livestreams serve not merely as evidence but as instruments of humiliation, permanently attaching stigma to individuals regardless of subsequent legal findings. Kasra’s analysis of digital-networked images is particularly instructive: she demonstrates how visual materials circulate in ways that transform individual disputes into collective spectacles of punishment, with audiences cast as both jury and executioner.⁴

Greer and McLaughlin’s framework of “trial by media” further illuminates the pattern. In their analysis, the media or in this case, social media platforms assume an adjudicatory function normally reserved for legal institutions, rendering verdicts of guilt through the intensity and unanimity of public condemnation rather than through procedural evaluation of evidence.⁵ The FH UI forum fits this framework precisely. The screenshots served as the catalyst for collective outrage; the livestreamed confrontation became the mechanism through which punishment was administered. Critically, this punishment was imposed before any formal verification of individual facts, before any assessment of individual culpability, and before any consideration of proportionality.

Johnston’s typology of vigilantism offers a useful diagnostic lens, identifying six defining features: premeditation, voluntary participation, autonomous citizenship action, the use or threat of force, a response to perceived norm transgression, and a claim to provide security guarantees.⁶ The auditorium forum satisfies each criterion. This is not merely “an angry reaction” it is structurally vigilante in character. Research by Jaffrey using Indonesian National Violence Monitoring System (SNPK) data shows that vigilante action in Indonesia increased by approximately twenty-five percent between 2007 and 2014, even as police personnel doubled

³Daniel Trottier, "Digital Vigilantism as Weaponisation of Visibility," *Philosophy & Technology* 30, no. 1 (2017): 55–72.

⁴Mina Kasra, "Vigilantism, Public Shaming, and Social Media Hegemony," *The Communication Review* 20, no. 3 (2017): 172–188.

⁵Chris Greer and Eugene McLaughlin, "Trial by Media: Policing, the 24-7 News Mediasphere and the Politics of Outrage," *Theoretical Criminology* 15, no. 1 (2011): 23–46.

⁶Les Johnston, "What Is Vigilantism?" *British Journal of Criminology* 36, no. 2 (1996): 220–236.



during the same period, suggesting that vigilantism is not a product of institutional absence but of deeper socio-cultural dynamics around perceived justice.⁷

The first serious casualty of mob justice is the presumption of innocence. This principle is not a technicality it is the foundation upon which any legitimate adjudicatory process must rest. Article 1(3) of Indonesia's 1945 Constitution establishes Indonesia as a *negara hukum* (a state governed by law), and Article 8(1) of the Criminal Procedure Code (KUHP) articulates the presumption directly.⁸ Ashworth's seminal analysis identifies four threats to this presumption: legislative erosion through reverse-burden provisions, pre-trial publicity, civil and hybrid procedures that circumvent criminal-standard protections, and informal social processes that render guilt a matter of popular consensus.⁹ The FH UI incident instantiates the fourth threat in its starkest form. The sixteen accused were "tried" before thousands of spectators and tens of thousands of online viewers before the university's own Task Force on Prevention and Handling of Sexual Violence (Satgas PPKS) had completed its investigation, and well before any criminal proceeding had commenced.

Duff and colleagues' communicative theory of the trial offers a deeper explanation of why this matters. A legitimate trial, in their framework, is a structured process of "calling to answer" it requires an authorised forum, defined procedures, opportunities for defence, and a decision-maker accountable to law rather than to the mood of a crowd.¹⁰ None of these conditions were present in the auditorium that night. What occurred was not a trial; it was a spectacle. As Asshiddiqie and Rahardjo have argued in the Indonesian context, the *negara hukum* principle demands that justice be pursued through institutions and procedures, not through collective emotion however righteous that emotion may feel.¹¹

The second danger of mob justice is the precedent it creates. When the public accepts that anyone who is accused deserves to be publicly humiliated without procedural safeguards, the line

⁷Sana Jaffrey, research utilising SNPK data, PUSAD Paramadina/Australian National University, 2014–2018.

⁸Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 1 ayat (3); Kitab Undang-Undang Hukum Acara Pidana (KUHP), Pasal 8 ayat (1).

⁹Andrew Ashworth, "Four Threats to the Presumption of Innocence," *International Journal of Evidence & Proof* 10, no. 4 (2006): 241–279.

¹⁰Antony Duff et al., *The Trial on Trial, Volume 3: Towards a Normative Theory of the Criminal Trial* (Oxford: Hart Publishing, 2007).

¹¹Jimly Asshiddiqie, *Hukum Tata Negara dan Pilar-Pilar Demokrasi* (Jakarta: Konstitusi Press, 2006); Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia* (Yogyakarta: Genta Publishing, 2009).



between accountability and persecution dissolves. Today's target may well be guilty; tomorrow's may not. Once the mechanism is normalised, its application becomes arbitrary.

This discussion is not merely theoretical Indonesia's legal framework for handling cases of this nature already exists, and it is remarkably comprehensive. *Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual* (the UU TPKS) establishes that non-physical sexual harassment, including verbal and digital forms, constitutes a criminal offence punishable by imprisonment and fines. The statute specifically recognises electronic-based sexual violence as a distinct category.¹² In addition, *Permendikbudristek Nomor 30 Tahun 2021* which has since been replaced and expanded by *Permendikbudristek Nomor 55 Tahun 2024* mandates every higher education institution to establish a Satgas PPKS with the authority to verify reports, provide victim accompaniment, and impose sanctions through institutional mechanisms.¹³

The point is crucial: the legal and institutional pathways available are capable of delivering both sanctions for perpetrators from administrative measures to criminal prosecution and protection and recovery for victims. Nurisman's analysis of implementation challenges acknowledges that these frameworks are imperfect, but argues that the response to institutional weakness should be institutional strengthening, not circumvention.¹⁴ An emotional mass forum offers neither proportional sanctions nor survivor protection. It offers only spectacle.

Perhaps the most significant irony of mob justice is that it does not, in any meaningful sense, serve the interests of survivors. The scholarship on victim-centered justice demonstrates this with considerable clarity. McGlynn and Westmarland's concept of "kaleidoscopic justice" identifies six elements that survivor-victims regard as essential to their experience of justice: consequences for perpetrators, recognition of wrongdoing, dignity in the process, voice and participation, prevention of future harm, and connectedness with their community.¹⁵ Herman's earlier work

¹²Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS), Lembaran Negara RI Tahun 2022 Nomor 120, Pasal 4(1), Pasal 5, and Pasal 14.

¹³Permendikbudristek Nomor 30 Tahun 2021, Berita Negara RI Tahun 2021 Nomor 1000, Pasal 23–37. Now replaced by Permendikbudristek Nomor 55 Tahun 2024, expanding scope to six forms of campus violence.

¹⁴Eko Nurisman, "Risalah Tantangan Penegakan Hukum TPKS Pasca UU 12/2022," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 170–196.

¹⁵Clare McGlynn and Nicole Westmarland, "Kaleidoscopic Justice: Sexual Violence and Victim-Survivors' Perceptions of Justice," *Social & Legal Studies* 28, no. 2 (2019): 179–201.



similarly finds that survivors prioritise validation, voice, and a sense of being heard over punitive retribution.¹⁶

The public forum at FH UI satisfied, at best, only the first of these elements and even then in a distorted form, since the “consequences” imposed were mob humiliation rather than institutional accountability. Dignity was denied not only to the accused but also to the ecosystem of the case, including the potential exposure of victim identities through the public airing of details. Campbell’s research on secondary victimisation demonstrates that survivors who encounter adversarial, public, or sensationalised processes frequently experience psychological harm comparable to the original offence what she terms “the second rape.”¹⁷ A livestreamed forum watched by tens of thousands is precisely the kind of environment most likely to produce this outcome.

Survivors of sexual violence need safe spaces, confidentiality, and dignified recovery pathways. Koss’s evaluation of the RESTORE Program the first peer-reviewed quantitative study of restorative justice applied to sexual offences demonstrates that structured, consent-based, professionally facilitated processes can deliver both accountability and healing outcomes that adversarial or mob-driven approaches cannot.¹⁸ The question, then, is not whether the accused deserve consequences. They may well. The question is whether the mechanism chosen actually serves the people it claims to protect.

The FH UI incident should have been a moment for Indonesia’s most prestigious law faculty to demonstrate that justice can be pursued procedurally and with dignity. The more productive questions are not “have the perpetrators been sufficiently humiliated?” but rather: is the Satgas PPKS at UI functioning effectively? Are victims receiving adequate accompaniment? Are the sanctions imposed proportional and capable of producing both deterrence and rehabilitation?

Anger toward sexual violence must be maintained it is the fuel for systemic change. But anger channelled through mob justice undermines the very systems being built to address it. It teaches

¹⁶Judith Herman, "Justice from the Victim's Perspective," *Violence Against Women* 11, no. 5 (2005): 571–602.

¹⁷Rebecca Campbell, "The Psychological Impact of Rape Victims' Experiences with the Legal, Medical, and Mental Health Systems," *American Psychologist* 63, no. 8 (2008): 702–717.

¹⁸Mary P. Koss, "The RESTORE Program of Restorative Justice for Sex Crimes," *Journal of Interpersonal Violence* 29, no. 9 (2014): 1623–1660.



the lesson that law can be bypassed when emotions run high a deeply ironic lesson to learn at a faculty of law.

Justice does not come from jeers in an auditorium. It comes from processes that are careful, accountable, and genuinely centred on those who have been harmed.



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REGULATING CCS LICENSING IN INDONESIA: CHALLENGES WITHIN THE OSS-RBA FRAMEWORK

Olivardo Sianturi

Faculty of Law, Universitas Gadjah Mada

Indonesia is racing toward its Net Zero Emission (NZE) target by 2060, and Carbon Capture and Storage (CCS) has been positioned as one of the centrepiece instruments to get there. The regulatory architecture looks impressive on paper: Presidential Regulation Number 14 of 2024 provides, for the first time, a comprehensive legal foundation for CCS activities, while Government Regulation Number 28 of 2025 promises a modern, risk-based, single-window licensing system through the Online Single Submission Risk-Based Approach (OSS-RBA). On the surface, the framework appears ready. Look more closely, and a different picture emerges.

When two major regulatory regimes – one highly technical and newly minted, the other still being refined – are forced to function as a coherent licensing system, the result is not integration. It is friction. This article identifies four structural disharmonies at the intersection of these two frameworks, explains why they matter for legal certainty in business, and proposes what needs to change.

What Is Actually Being Regulated?

Before examining the problems, a brief map of the framework is necessary.

Presidential Regulation 14/2024 defines CCS as a chain of integrated activities: capturing CO₂ emissions from industrial sources, transporting the captured carbon, and injecting it into underground geological formations for long-term storage.¹ This value-chain framing matters because CCS is not a single activity – it is several, each with distinct risk profiles, technical requirements, and potentially different licensing authorities.

The regulation creates two principal licence categories for CCS outside existing oil and gas working areas: a **Carbon Storage Exploration Licence**, granted for up to five years (extendable

¹ Presidential Regulation Number 14 of 2024 on the Implementation of Carbon Capture and Storage Activities (Perpres 14/2024), Article 1(1).



once for two years), and a **Carbon Storage Operation Licence**, granted for the duration of the approved operation plan.² Both are issued by the Minister of Energy and Mineral Resources.

On the other side, PP 28/2025 mandates that all business activities must be registered and licensed through the OSS-RBA platform managed by the Ministry of Investment/BKPM.³ For high-risk activities and CCS plainly falls here the system requires a Business Identification Number (NIB), spatial activity conformity, an environmental approval (AMDAL or UKL-UPL), a standard certificate, and an operational licence, all processed through a single electronic platform.⁴

The problem is not that either framework is poorly designed in isolation. The problem is that they were not designed together, and the gaps between them are real, consequential, and largely unresolved.

The Four Disharmonies

1. The KBLI Problem: CCS Does Not Exist in the System

The OSS-RBA system is built on the Indonesian Standard Industrial Classification (KBLI), maintained by the Central Bureau of Statistics. KBLI functions as the entry point for everything: it determines a business activity's risk level, its applicable licensing requirements, and how applications are routed to relevant agencies within the platform.

CCS does not have a KBLI code.

The closest category in KBLI 2020 is code **09900**, covering "Other Mining Support Activities" a catch-all residual category not designed to capture the complexity of long-term CO₂ injection and storage. Without a proper code, the OSS-RBA system cannot automatically determine the applicable risk level, generate the correct checklist of requirements, or route applications to the right technical agencies. The system's automation its core efficiency argument breaks down entirely for CCS. What follows is manual processing, inconsistent handling, and the kind of regulatory uncertainty that rational investors price as a cost premium or, worse, as a reason to look elsewhere.

² Perpres 14/2024, Articles 10–13.

³ Government Regulation Number 28 of 2025 on Risk-Based Business Licensing (PP 28/2025), Article 1(2).

⁴ PP 28/2025, Articles 12–16.



From a normative standpoint, reading CCS into code 09900 is also legally indefensible. Grammatically, "mining support activities" does not encompass long-term CO₂ storage. Systematically, Presidential Regulation 14/2024's creation of entirely new licence categories signals a legislative intent to treat CCS as a specialised activity in its own right. Teleologically, forcing CCS into an ill-fitting residual code defeats the purpose of PP 28/2025's risk-based approach the entire point of which is to tailor regulatory burden to actual, specific risk profiles. A granular KBLI revision covering each CCS value chain segment separately capture, pipeline transport, marine transport, onshore storage, and offshore storage is not merely administratively convenient. It is normatively required.

2. The Central-Local Authority Trap

CCS projects are geographically complex. A single integrated project may involve capture facilities in one regency, pipeline networks crossing several provinces, and a storage reservoir located offshore. This cross-jurisdictional reality collides directly with Indonesia's divided environmental and spatial licensing authority.

Under Law Number 32 of 2009 on Environmental Protection and Management, environmental licensing authority is distributed based on the scale and geographic reach of impacts. Projects with impacts crossing provincial boundaries fall under the Minister of Environment and Forestry; those within one province go to the governor; those within one regency go to the regent or mayor.⁵ Spatial conformity authority follows an analogous structure under Law Number 26 of 2007 on Spatial Planning.

Neither Presidential Regulation 14/2024 nor PP 28/2025 provides a clear answer to the question that follows: when a CCS project spans multiple jurisdictions, which authority issues the AMDAL approval? Does each segment require a separate approval from each jurisdiction, or does one comprehensive approval suffice? Presidential Regulation 14/2024 Article 15 states only that CCS activities "must comply with legislation provisions in the field of environmental protection and management," without specifying which agency is authorised for cross-boundary projects.⁶

⁵ Law Number 32 of 2009 on Environmental Protection and Management, Articles 23–26.

⁶ Perpres 14/2024, Articles 9(2) and 15.



The absence of a "primary jurisdiction" rule creates the prospect of a business actor obtaining environmental approvals from several agencies for a single integrated project, with no assurance of consistency. This directly contradicts the single-window logic OSS-RBA is supposed to embody. The solution is a primary jurisdiction principle anchored at the storage location the component with the highest temporal and geological risk, the focus of long-term liability, and the focal point of monitoring obligations. This approach is consistent with practice in Norway, where storage permits and oversight are anchored at the Ministry of Energy level under specific CO₂ safety regulations, and with Australia's cross-boundary authority mechanism under the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

3. The Chicken-and-Egg: AMDAL Before Exploration?

One of the more revealing contradictions in the current framework is the sequencing of environmental approval relative to the Exploration Licence.

Presidential Regulation 14/2024 Article 11 includes environmental approval among the requirements for an Exploration License.⁷ Environmental approval, in other words, is a prerequisite for the licence that would allow an operator to conduct the studies needed to prepare environmental documents. A comprehensive AMDAL for CCS requires data on reservoir characteristics, injection rates, leakage risk, and groundwater impacts data that can only be obtained through the very exploration activities the AMDAL is meant to evaluate.⁸

PP 28/2025 partly anticipates this by allowing a more flexible licensing sequence, under which business actors may start with NIB and location approval, conduct preliminary studies, and apply for environmental approval based on available data.⁹ But this flexibility is not incorporated into Presidential Regulation 14/2024, leaving the sequencing contradiction formally unresolved.

The solution is a phased environmental assessment model a structure already developed in practice under the EU CCS Directive 2009/31/EC. At the exploration stage, a preliminary screening and generic risk assessment should suffice for a limited data-gathering permit with defined safeguards. A full AMDAL informed by actual exploration data should be required only

⁷ Perpres 14/2024, Article 11.

⁸ Government Regulation Number 22 of 2021 on the Implementation of Environmental Protection and Management (PP 22/2021), Articles 24–37.

⁹ PP 28/2025, Articles 17–19.



before injection and storage operations commence. This resolves the logical deadlock without weakening environmental protection. It simply places the detailed assessment at the point where detailed data actually exists.

4. The Coordination Gap and the Missing Liability Rules

Presidential Regulation 14/2024 Article 27 establishes a CCS Coordination Team under the Coordinating Ministry for Maritime Affairs and Investment. But the team's mandate is strategic, not operational.¹⁰ It is not tasked with agreeing Service Level Agreements for individual licensing stages, establishing consultation mechanisms when agencies disagree on technical assessments, or providing a single point of contact for business actors navigating a multi-agency process. Neither regulation establishes maximum processing times for CCS-specific licences. Neither provides a dispute resolution mechanism for the scenario in which the Ministry of ESDM and the Ministry of LHK reach conflicting assessments of the same storage site.

For projects that can take five to ten years from feasibility study to commercial operations, the absence of enforceable timelines is not an inconvenience — it is a material investment risk that affects project bankability and contractual commitments.

What is equally absent and perhaps more consequential is any rule on **long-term liability after site closure**. CCS is unusual among industrial activities in that its primary risk extends potentially for decades or centuries after injection ceases. Presidential Regulation 14/2024 does not specify who bears responsibility for monitoring, remediation, and third-party damage after closure. It does not require financial security instruments proportional to residual liability. It does not establish criteria under which liability transfers from operator to state. Under the EU CCS Directive, by contrast, operators must provide financial security before operations begin and maintain monitoring until stringent performance criteria are met, at which point the state accepts residual responsibility. For an investor committing capital for a fifty-year asset life, the absence of equivalent provisions in Indonesia's framework is not a peripheral concern it is central to the investment decision.

Why These Problems Persist: The Local Government Dimension

¹⁰ Perpres 14/2024, Article 27.



These disharmonies have not been resolved partly because of a structural political economy problem that formal regulatory texts do not capture. The Audit Board of the Republic of Indonesia (BPK), in its 2022 audit of OSS implementation, found that local government resistance to integration was partly driven by concerns about losing licensing fee revenue PAD that currently flows through locally-issued permits.¹⁹ For CCS, which requires permits touching multiple local jurisdictions, this creates incentive misalignments that formal central mandates alone cannot overcome.

Any reform strategy requiring local government cooperation must accompany its regulatory mandates with a credible fiscal compact: transparent revenue-sharing arrangements and meaningful participation rights in licensing decisions, so that integration into OSS is not perceived as a unilateral transfer of power away from the regions.

What Needs to Happen

The problems identified above are serious, but they have concrete solutions. None of them require new legal concepts. They require political will and inter-ministerial coordination:

First, KBLI must be revised to include granular, value-chain specific codes for CCS activities, developed with input from the Ministry of ESDM, Ministry of LHK, and industry.

Second, the Ministry of Investment/BKPM must issue a dedicated Ministerial Regulation mapping CCS licence types into OSS-RBA, establishing a requirements checklist, an authority matrix for multi-jurisdictional projects, and enforceable Service Level Agreements with administrative consequences for missed deadlines.

Third, Presidential Regulation 14/2024 should be amended or a Government Regulation issued to establish the primary jurisdiction principle and a cross-boundary authority mechanism for multi-jurisdictional CCS projects.

Fourth, the AMDAL sequencing contradiction must be resolved through a phased environmental assessment model, separating exploratory screening from full operational environmental approval.

Fifth, provisions on long-term liability, financial security, and responsibility transfer after site closure must be developed before commercial-scale projects enter the licensing pipeline.



Conclusion

Indonesia has the geological endowment, the regulatory ambition, and the climate policy imperative to be a significant CCS jurisdiction. It has estimated storage capacity of 400 to 600 gigatons of CO₂, making it a strong regional hub candidate in Southeast Asia. Existing pilot projects have demonstrated technical feasibility. What is missing is not the geology or the intent. It is regulatory coherence.

The disharmonies between Presidential Regulation 14/2024 and PP 28/2025 will confront every CCS project that enters the licensing pipeline. Each barrier is individually manageable. Collectively, they create a level of legal uncertainty that rational capital will not absorb without demanding significant risk premiums — or choosing a jurisdiction with clearer rules. The framework must be finished. The licensing maze must be mapped. And that work needs to happen before the investment pipeline arrives, not after.



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**THE MATTER OF AGE FOR CRIMINALLY RESPONSIBLE IN THE PERSPECTIVE
OF ISLAMIC CRIMINAL LAW: ANALYSIS OF BULLYING IN SUKOHARJO
ISLAMIC BOARDING SCHOOL**

Amanda Zafira Mumtaz

I. INTRODUCTION

Humans are social creatures who need others to fulfill their needs. This is fulfilled through various relationships, one of which is friendship. Good friendships can provide happiness, help, and so on. However, some of them actually experience bullying in their friendships. Bullying is the most common crime case among teenagers and is found at every level of education. Based on bullying case data from Federasi Serikat Guru Indonesia (FSGI), from January to September, 23 cases of bullying were recorded and 50% occurred at the junior high school level.¹ Recently, a bullying case occurred at a Sukoharjo Islamic boarding school involving two people, a junior and senior. It started when a 9th grade student, (MG), smelled cigarettes from the room of an 8th grade student, (AKPW), and approached him to ask for a cigarette. However, AKPW refused because he did not have any cigarettes. MG forced him and allegedly committed violence against AKPW to the point of death.²

The bullying perpetrated by MG is a reprehensible act and is prohibited under Islamic law because it injured AKPW both physically and mentally and even caused AKPW to lose her life. The basic principle of Islam is respect for human life, so acts of violence are not justified. The Quran strictly forbids murder and states that killing another person is the same as killing all mankind (Al-Maidah 5:32).³ It is important to understand bullying from an Islamic criminal law perspective to focus on moral acts and provide effective sanctions to the perpetrators. Therefore, this article aims to determine what sanctions are most appropriate to be given to MG because of the age for criminally responsible issues from Islamic criminal law perspective.

II. THE CONCEPT OF BULLYING

Bullying is a harassing activity that can threaten and harm an individual or group. According to the American Psychological Association, bullying is a deliberate act of aggression aimed at causing harm or discomfort to another person (Hospitals, 2024).⁴

Bullying occurs in various forms, including verbal, physical, cyber, and social. An article from Siloam Hospital explains several types of bullying, such as physical

¹ Nindiya Rosa, "Data Kasus Bullying di Sekolah, FSGI: 50% di Jenjang SMP," *detikedu*, 3 October 2023, <https://www.detik.com/edu/detikpedia/d-6962155/data-kasus-bullying-di-sekolah-fsgi-50-di-jenjang-smp>.

² S. RYANTHIE, "Polres Sukoharjo Ungkap Kasus Meninggalnya Santri Akibat Penganiayaan, Bukan Perundungan," *Tempo.co*, 17 September 2024, <https://metro.tempo.co/read/1917342/polres-sukoharjo-ungkap-kasus-meninggalnya-santri-akibat-penganiayaan-bukan-perundungan>.

³ Kementerian Agama Republik Indonesia. "Surah Al-Ma'idah Ayat 32." *Quran Kemenag*. <https://quran.kemenag.go.id/quran/per-ayat/surah/5?from=32&to=32>.

⁴ American Psychological Association. "Bullying." <https://www.apa.org/topics/bullying>.



bullying, which leaves scars from punches, kicks, trips, and other physical acts.⁵ Verbal bullying, which does not leave scars but affects mental health, stems from insulting, demeaning, and belittling others. Cyberbullying is not much different from verbal bullying, the difference being that it occurs online. Furthermore, social bullying is an act aimed at destroying the victim's social reputation by intimidating or spreading gossip.

Bullying can have a long-lasting impact and affect the lives of victims of bullying, such as affecting mental and physical health and decreasing academic performance for students.

1. Psychological impact. The most common impact of bullying is mental health issues such as depression and anxiety. On average, 10.82% of victims of bullying experience depression and 7.83% experience anxiety (Ferry Diana K, 2020). Bullying, in various forms, affects victims emotionally, which can lead to mental health issues.⁶
2. Physical impact. The impact of physical bullying can be seen directly, such as scars and bruises. In addition, physical bullying can cause victims to experience temporary or permanent disabilities, such as Sinta Auliya, who was the victim of a friend's prank who pulled Sinta's chair when she was about to sit down. Sinta Aulia experienced temporary paralysis due to a fractured tailbone and a broken spine (Wijayanti, 2019).⁷ The impact of bullying can significantly change a person's life. Bullying factors increase the risk of self-harm behavior (Muhammad Yunus Misfala, 2023).⁸ Physical impacts can also arise from non-physical bullying, which gives rise to the victim's desire to harm themselves.
3. Academic impact. Victims of physical bullying are more likely to have poorer academic performance. Students who are bullied are more likely to suffer from symptoms of depression and anxiety, compared to students who are not bullied (Fadia AlBuhairan, 2017).⁹ Similarly, students who are bullied are 3.44 times

⁵ Siloam Hospitals, "Bullying – Pengertian, Penyebab, dan Cara Mengatasinya," 29 August 2024, <https://www.siloamhospitals.com/informasi-siloam/artikel/apa-itu-bullying>.

⁶ I. W. Ferry Diana K et al., "The Susceptibility to Mental Health Problems in the Future as a Serious Effect of Bullying on Adolescent: A Systematic Review," *International Journal of Science and Society* 2, no. 3 (2020): 299–340.

⁷ Willa Wijayanti, "Kisah Mereka Korban Bercanda Tarik Kursi, Pingsan Hingga Alami Lumpuh," *Detikhealth*, 14 December 2019, <https://health.detik.com/berita-detikhealth/d-4822327/kisah-mereka-korban-bercanda-tarik-kursi-pingsan-hingga-alami-lumpuh>.

⁸ Muhammad Yunus Misfala dan U. Z., "Faktor-Faktor Penyebab Bullying Peserta Didik di Era Milenial," *EDUJAVARE PUBLISHING* 1, no. 2 (2023): 39–53.

⁹ Fadia AlBuhairan et al., "The Relationship of Bullying and Physical Violence to Mental Health and Academic Performance: A Cross-Sectional Study among Adolescents in Kingdom of Saudi Arabia," *International Journal of Pediatrics and Adolescent Medicine* 4, no. 2 (2017): 61–65.



more likely to experience mental health problems than students who are not bullied.¹⁰ These mental disorders affect their academic performance, such as feeling intimidated so they cannot pay attention to learning, being threatened that they are not smarter than the bully, and so on.

III. PERPETRATORS OF BULLYING MINORS

A. Bullying Behavior Factors

Bullying is an act influenced by various factors, both internal and external. It's important to understand the motives that drive individuals to become bullies so that bullying can be prevented. Here are some factors that influence bullying behavior:

1. Lack of empathy. According to the Kamus Besar Bahasa Indonesia (KBBI), empathy is a mental state that causes a person to feel or identify with the same feelings or thoughts as another person or group.¹¹ Empathy plays a crucial role in friendships to prevent bullying. Bullies lack empathy or understanding for their victims' feelings, so the perpetrators are unaware of the harmful impact of their actions (Muhammad Yunus Misfala, 2023).¹² This lack of empathy can lead someone to become a bully.
2. Social environment. Family and community environments influence a person's development, influencing how they speak, behave, and think, often mimicking those around them. However, an unhealthy social environment can have a negative impact and lead to bullying. Teenagers may lack attention at home, so they seek attention at school by asserting power over those perceived as weaker (Muhammad Yunus Misfala, 2023).¹³
3. Peer influence. Being friends with a bully can be a motivating factor for them to become bullies themselves. 45% of bullying behaviors are driven by peer pressure (Xiaoou Man, 2022).¹⁴ Peers are influential in building friendships.
4. Experience of being bullied. Someone can become a bully because of their experience of being a victim of bullying, leading to a motive for revenge directed at others.

B. Responsibility of the Perpetrator in Islamic Law

¹⁰ *Ibid.*

¹¹ Kamus Besar Bahasa Indonesia. "Empati." *KBBI Daring*, <https://kbbi.web.id/empati>.

¹² Muhammad Yunus Misfala dan U. Z., "Faktor-Faktor Penyebab Bullying Peserta Didik di Era Milenial," *EDUJAVARE PUBLISHING* 1, no. 2 (2023): 39–53.

¹³ *Ibid.*

¹⁴ Xiaoou Man dan J. L., "Effects of Bullying Forms on Adolescent Mental Health and Protective Factors: A Global Cross-Regional Research Based on 65 Countries," *International Journal of Environmental Research and Public Health* 19, no. 4 (2022): 4–17.



Islamic law stipulates that the age of criminal responsibility is 12-15 years, known as the age of puberty.¹⁵ Children who reach puberty are presumed to fully understand the consequences of their actions. Islamic Criminal Law prescribes a more rehabilitative approach to children who violate the law, focusing on rehabilitation rather than punishment. This system prioritizes guidance and moral education to help children correct their mistakes. Despite the age limit and varying treatment options, justice is still upheld. If a child commits a crime, the law remains enforced, taking into account the child's future. Islamic religious fatwas or consensus (ijma') regarding the conduct of minors under Islamic criminal law can inform policy.

IV. ISLAMIC CRIMINAL LAW ON BULLYING

A. Basis of Islamic Criminal Law

Islamic law is derived from the Quran, Hadith, and Ijtihad. Each source regulates the law on bullying. The following is an explanation.

1. The Quran. The Quran is a book for Muslims containing commands and prohibitions. In the context of bullying, the Quran explains the prohibitions and sanctions for perpetrators of bullying as well as teachings to encourage goodness. "O you who believe, let not a people ridicule another people; perhaps those who are ridiculed are better than they. And do not criticize one another and do not call one another by bad names. The worst name is the wicked after faith; and whoever does not repent, then those are the wrongdoers" (Al-Hujurat 49:11).¹⁶ This verse emphasizes that his followers should not demean others because humans have the same status. The punishment for wrongdoers is explained in Surah Al Furqan verse 19: receiving punishment and being removed from the pleasures of Allah SWT both in this world and the hereafter.¹⁷
2. Al-Hadith. Al-Hadith is a record of the life of the Prophet Muhammad SAW, both in his words and deeds. The Prophet Muhammad SAW is a person who needs to be emulated because of his nobility, so that the hadith is used as a guide in life. Several hadiths from the sayings of the Prophet Muhammad SAW explain about maintaining ethical interactions to avoid bullying, one of which is "A Muslim is one who is safe from his tongue and hands" (Narrated by Abu Hurairah).¹⁸ This

¹⁵Stanford Medicine Children's Health, "Cognitive Development in the Teen Years," *Stanford Children's Health*, <https://www.stanfordchildrens.org/en/topic/default?id=cognitive-development-in-the-teen-years-90-P01594>.

¹⁶ Kementerian Agama Republik Indonesia. "Surah Al-Hujurat Ayat 11." *Quran Kemenag*. <https://quran.kemenag.go.id/quran/per-ayat/surah/49?from=11&to=11>.

¹⁷ Kementerian Agama Republik Indonesia. "Surah Al-Furqan Ayat 19." *Quran Kemenag*. <https://quran.kemenag.go.id/quran/per-ayat/surah/25?from=19&to=19>.

¹⁸ Sunan an-Nasa'i, "Hadith 4995," *Sunnah.com*, <https://sunnah.com/nasai:4995>.



hadith emphasizes the importance of not hurting others either through words or actions. In addition, the hadith from Abu Huraira "The Messenger of Allah SAW said, shyness is from faith and faith is in heaven, while vile words are from rude behavior and rude behavior is in hell." (Narrated by Ahmad No. 10108).¹⁹ Therefore, rude behavior and hostility are prohibited and not exemplified by the Prophet Muhammad SAW because they bring evil and the group of inhabitants of hell.

3. Ijtihad. Ijtihad is the effort of Islamic scholars to provide legal solutions that are not regulated in the Quran and Hadith and do not conflict with Islamic teachings. One such solution is the Kementerian Agama Republik Indonesia (Kemenag). Kemenag has ruled that bullying is forbidden because it includes attitudes and behaviors that hurt others (What Does Islam Say About Bullying?, 2019).²⁰ Those who bully must apologize to their victims and seek forgiveness from Allah SWT.

These sources can assist in deciding life's matters. Thus, the sources of Islamic law provide commands and prohibitions, reinforced by sanctions, for Muslims to obey.

B. Action Against Bullies

The actions of perpetrators of bullying are regulated by Islamic criminal law, namely, they can be subject to hudud, qisas, and ta'zir punishments depending on how the bullying is carried out and the consequences of the bullying. If the perpetrator acts by taking property, they can be subject to hudud punishments. If the perpetrator acts by assault resulting in injury or loss of life, they will be subject to qisas punishments. If the perpetrator acts in a way that causes stress and depression to the victim, they will be subject to ta'zir punishments.

The diyat sanction takes the form of compensation paid by the perpetrator to the victim as a form of accountability for their actions. The amount of the diyat is determined by agreement between the perpetrator and victim or based on the victim's social circumstances.

C. Protection of Victims

The legal process not only focuses on the perpetrator, but also includes legal efforts to protect the rights of victims of bullying. There are two forms of protection for victims of bullying: preventive and remedial (Triasavira, 2021).²¹

¹⁹ Imam Ahmad ibn Hanbal, *Musnad Ahmad*, "Hadith 10108," *Hadits.in*, <https://hadits.in/ahmad/10108>.

²⁰ Kementerian Agama Republik Indonesia, "Apa Kata Islam Tentang Bullying?," 8 February 2019, <https://kemenag.go.id/opini/apa-kata-islam-tentang-bullying-o58xvy>.

²¹ A. Triasavira dkk., "Perlindungan Hukum terhadap Korban dan Pelaku Tindak Pidana Praktik Bullying di Lingkungan Sekolah," *Jurnal Jendela Hukum* (2021): 90-95.



1. Efforts to prevent bullying, protection in the form of socialization of interaction ethics, anti-violence discussions, determination of certain subjects (such as Islamic ethics, morals), counseling guidance, and warning letters.
2. Protection for victims of bullying that is needed is in the form of Restitution/Compensation, Counseling, medical services/medical assistance, legal assistance, and provision of information. Apart from the protection for victims of bullying that is preventive, there is also protection for victims of bullying. Explained in Article 28G paragraph (1) of the 1945 Constitution, "Everyone has the right to protection of themselves, their families, honor, dignity, and property under their control, and has the right to a sense of security and protection from the threat of fear to do or not do something that is a human right."²² This includes getting protection from bullying, because bullying can cause fear, physical and other psychological impacts.

V. CASE STUDY

A. Examples of Cases of Bullying of Minors

Continuing the discussion of the issues explained in the introduction. Based on the press conference of the Sukoharjo Headquarters on Monday, September 17, 2024, a murder of a student occurred at one of the Islamic boarding schools in the Grogol sub-district, Sukoharjo Regency, Central Java. The perpetrator with the initials (MG) aged 15 years and the victim with the initials (AKPW) aged 13 years were students of the Islamic boarding school. The chronology of the incident occurred on Sunday, September 16, 2024 at around 4:00 PM WIB. It began when MG smelled cigarettes from the direction of room 2.3 which was AKPW's room. Then, MG went to AKPW's room and asked for the cigarettes. However, AKPW refused because he didn't have any. MG then asked AKPW's friend for cigarettes and was given 2.²³ After getting the cigarettes, MG became angry with AKPW and beat him in the chest and stomach. AKPW was taken to Solo Hospital and died on the way. In handling this case, the Sukoharjo Police, through the Unit Protection of Women and Children (PPA) The Criminal Investigation Unit works with the Correctional Center (Bapas) because both the victim and the perpetrator are still minors (Ryanthie, 2024).²⁴

²² Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 28G ayat (1).

²³ S. Ryanthie, "Polres Sukoharjo Ungkap Kasus Meninggalnya Santri Akibat Penganiayaan, Bukan Perundungan," *Tempo.co*, 17 September 2024, <https://metro.tempo.co/read/1917342/polres-sukoharjo-ungkap-kasus-meninggalnya-santri-akibat-penganiayaan-bukan-perundungan>.

²⁴ *Ibid*.



B. Case Analysis Based on Islamic Criminal Law

Islamic criminal law can be applied in the case of bullying at the Sukoharjo Islamic boarding school, considering that MG is already a puberty student, not a minor, and therefore can be given appropriate sanctions for his actions. MG's actions that led to the death of AKPW are categorized as murder. There are two types of murder in Islamic criminal law: qisas (revenge) and dhun (unintentional killing). However, to date, there is no further information regarding MG's motive other than anger at AKPW for refusing to give him cigarettes. If MG is proven to have intended to kill, then the qisas sanction will be applied, and if MG is proven not to have intended, then the dhun sanction will be applied.

If the victim's family chooses not to pursue qisas, they can request diyat (retribution) as compensation. This option allows for a more peaceful resolution and provides compensation to the family. The diyat that MG can award for murder is 100 to 200 camels or an equivalent amount of money.

VI. CHALLENGES AND SOLUTIONS

A. Challenges in Enforcing Islamic Criminal Law

Bullying can occur as soon as children begin interacting with their peers, making it necessary to enforce laws against perpetrators of bullying among minors. However, this enforcement faces various obstacles.

1. Lack of legal awareness. Victims and their families often don't know their rights or what to do if they experience bullying. Through legal awareness, individuals can learn what is prohibited and permitted, and how to obtain justice.
2. Legal limitations. Law is inherently dynamic, following societal developments and always remaining behind society. This means that law exists because of human actions. Particularly in the context of bullying of minors, regulations regarding this matter remain unclear. Given that the judicial process must consider the future of the perpetrator, who is also a minor, the sanctions imposed are sometimes disproportionate to the offense.
3. The perpetrator's attitude. Minors who bully often lack mental and emotional stability, so they tend to be unaware of the consequences of their actions. This also influences the perpetrator's testimony, which often presents illogical reasons.

B. Solutions and Recommendations

Bullying is crucial to address so that children can develop to their full potential. Therefore, steps are needed to address bullying and enforce the law.

1. Legal counseling. Through legal outreach, information is provided regarding individuals' obligations and rights within society. This is done to prevent bullying.



People who understand their obligations will naturally comply with social order to create peace, and those who understand their rights will learn how to advocate for them, such as reporting and suing.

2. Implementation of anti-bullying policies. Schools and educational institutions must have clear policies regarding bullying, including appropriate sanctions. These policies must be socialized and consistently enforced.
3. Establishing solution-oriented complaint channels. Complaint channels like the SAPA 129 service provided by the Ministry of Women's Empowerment and Child Protection play a crucial role in assisting victims by providing information for reporting to authorities, providing a platform to share stories to ease their stress, and providing solutions for victims to break free from bullying.²⁵

VII. CLOSING

Bullying is the most common crime at the junior high school level, with both perpetrators and victims being underage on average. This bullying occurs in various forms, including physical, verbal, cyber, and social, which have various negative impacts on victims. The bullying case at the Sukoharjo Islamic boarding school is being discussed to determine the most appropriate sanctions for the perpetrators from an Islamic criminal law perspective. The bullying case at the Sukoharjo Islamic boarding school is being handled by the Unit Protection of Women and Children (PPA) Satreskrim works with the Correctional Center (Bapas) because the victim and perpetrator are still minors.²⁶ Meanwhile, from the perspective of Islamic criminal law, the victim and perpetrator are already mature and can be held criminally responsible. Based on the analysis of Islamic criminal law, the perpetrator of bullying at the Sukoharjo Islamic boarding school must be given qisas sanctions if proven to have intended to kill and dhun sanctions if they did not intend to kill. If the victim and perpetrator want to use a peaceful way, then use dhiyat as compensation to the victim. Through the analysis of Islamic criminal law regarding this case, it produces an important message that the law in Indonesia needs to be reviewed regarding the minimum age limit for criminal responsibility, because from the age of 12 a person has the ability to think and reason. This is done to uphold justice and increase legal awareness through socialization to create a society that is aware of its rights and obligations.

²⁵ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia, "SAPA 129," *Lapor SAPA 129*, <https://laporsapa129.kemennpppa.go.id>.

²⁶ Komisi Perlindungan Anak Indonesia, "Desakan KPAI Terhadap Kasus Kekerasan di Ponpes Solo," 19 September 2024, <https://www.kpai.go.id/publikasi/desakan-kpai-terhadap-kasus-kekerasan-di-ponpes-solo>.



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