



## The Relevance of Article 1367 of the Civil Code to the Civil Liability of Parents for Cyberbullying by Children in the Digital Age

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**ABSTRACT:** The development of information technology has given rise to new forms of unlawful acts, one of which is cyberbullying, which is often committed by children through digital media. This phenomenon raises complex civil law issues, particularly regarding who should be held liable for the losses suffered by the victim, given that the child as the perpetrator does not yet have full legal capacity. This study aims to analyze the relevance of Article 1367 of the Civil Code in imposing civil liability on parents for acts of cyberbullying committed by children in the digital age. The research method used is normative juridical with a legislative and conceptual approach, through analysis of primary and secondary legal materials. The results of the study show that cyberbullying can be classified as an unlawful act in the broad sense as defined in Article 1365 of the Civil Code, thus opening up the possibility of applying Article 1367 of the Civil Code to parents based on the relationship of parental supervision and authority over children. However, this study emphasizes that the civil liability of parents cannot be understood as absolute liability. In the context of the digital space, which is anonymous, unlimited, and difficult to monitor directly, Article 1367 of the Civil Code needs to be interpreted contextually as a responsibility based on reasonable digital supervision, not merely a conventional supervisory responsibility. This interpretation requires a concrete assessment of the guidance and supervision efforts that can reasonably be carried out by parents in accordance with the child's age, level of maturity, and pattern of technology use. Thus, this study contributes to the development of civil law doctrine by offering a more adaptive and proportional approach to interpreting Article 1367 of the Civil Code, in order to achieve substantive justice for victims, parents, and children in the digital age.

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### 1. INTRODUCTION

The development of information and communication technology has fundamentally changed the way humans interact, communicate, and build social relationships (Sukriyah et al., 2025). Digitalization has not only expanded the space for interaction but also blurred the boundaries between private and public spaces (Fatimah, 2025). Social media, instant messaging applications, and other digital platforms have become the main arena for the formation of social relations and identities, especially for children and adolescents. Children are no longer positioned as passive objects of technological progress, but as active users who are involved in various forms of digital interaction from an early age. This condition has significant legal consequences, especially when digital interactions give rise to behavior that harms others.

One of the prominent phenomena in this context is cyberbullying. Cyberbullying is a form of bullying carried out through information technology, which can take the form of insults, defamation, threats, dissemination of degrading content, or other forms

of psychological violence, whether carried out repeatedly or sporadically (V. A. Anjani, 2024). Unlike conventional bullying, cyberbullying has specific characteristics, including the ability to be carried out anonymously, spread quickly and widely, and cause long-term effects due to the existence of digital traces. These characteristics mean that cyberbullying not only causes psychological distress, but also has the potential to cause serious immaterial losses and, in certain circumstances, material losses (Dewi et al., 2024).

In social practice, perpetrators of cyberbullying often come from among children or adolescents. Easy access to digital devices, a lack of legal literacy, and weak supervision and guidance in the use of technology are factors that encourage this behavior (Ahmad & Khairani, 2025). Children as perpetrators of cyberbullying raise complex legal issues because, although they are subjects of law, children are not yet adults and do not yet have full legal capacity (Lutfiyanur & Fitria, 2025). This position requires a different legal approach compared to adults, both in terms of accountability and the objectives of law enforcement (Agustiawan et al., 2023).

In the Indonesian legal system, the issue of children as perpetrators receives more attention in the criminal law domain through the regulation of the juvenile criminal justice system (Chandra, 2023). However, cyberbullying is not only relevant from a criminal perspective but also has civil law dimensions that are no less important. Cyberbullying can essentially fulfill the elements of an unlawful act as referred to in civil law, especially when the act causes harm to another party (S. Susanto et al., 2025). In this context, a fundamental question arises regarding who should be held responsible for the harm caused by cyberbullying committed by children.

The Civil Code, as the main source of civil law in Indonesia, provides a normative framework regarding liability for unlawful acts (Lukman & Salam, 2023). Article 1365 of the Civil Code establishes the general principle that any unlawful act that causes harm obliges the perpetrator to compensate for the harm. However, if the perpetrator is a minor, the application of this principle cannot be separated from the provisions regarding liability for the actions of others. Article 1367 of the Civil Code emphasizes that a person is not only liable for losses caused by their own actions, but also for losses caused by the actions of people under their supervision, including minors.

The provisions of Article 1367 of the Civil Code reflect the concept of parental civil liability based on the relationship of parental supervision and authority over children. This norm stems from the assumption that parents have the authority and obligation to supervise and guide their children, so that they are legally accountable for the actions of their children that cause harm to other parties (Nunuhitu et al., 2025). However, this assumption was born in a different social context from the current state of society, where children's social interactions still take place directly and parental supervision can be carried out concretely and continuously. The development of digital technology has significantly changed the relationship between parents and children in the context of supervision (R. Anjani, 2025). Children can now carry out various activities in cyberspace without the physical presence of their parents, often without their knowledge. Social media and digital platforms allow children to interact with many parties simultaneously, across regions, and at any time (Pebriani & Darmiyanti, 2024). This situation raises normative questions about the limits of parental supervision in the digital age and the extent to which failure to supervise can be used as a basis for civil liability. In the context of cyberbullying, this issue becomes even more complex.

On the one hand, victims of cyberbullying need effective legal protection and fair mechanisms for recovery of losses (Satar et al., 2025). In many cases, children as perpetrators do not have the economic capacity to compensate for the losses incurred, so in practice, claims for compensation are directed at parents (Sisera et al., 2024). On the other hand, automatically imposing responsibility on parents has the potential to cause injustice, especially if the parents have made reasonable efforts to supervise and guide their children but are still unable to prevent their children's actions in the difficult-to-control digital space (Arkanudin, 2024). Therefore, the relevance of Article 1367 of the Civil Code in the context of cyberbullying by children in the digital age is an important legal issue that needs to be studied in depth. This relevance is not only interpreted as the formal applicability of the norm, but also as the adequacy of the substance of the norm in responding to technological developments and changing social dynamics (Wibowo et al., 2024). Thus, questions regarding the relevance and limits of the application of Article 1367 of the Civil Code in imposing civil liability on parents for cyberbullying committed by children, as well as how these norms should be interpreted to ensure substantive justice for the parties, are the main focus of this study.

Based on this background, this study focuses on analyzing the relevance and limits of applying Article 1367 of the Civil Code in imposing civil liability on parents for cyberbullying committed by their children. This study places cyberbullying as a form of unlawful act in a broad sense, while also critically examining the relationship between parental supervision and children in the context of digital technology use. With a normative juridical approach, this study aims to assess the adequacy of existing legal norms and offer a more contextual interpretation of parental obligations and responsibilities.

This study provides theoretical and normative contributions to the development of Indonesian civil law by offering a contextual interpretation of Article 1367 of the Civil Code in dealing with the phenomenon of cyberbullying by children in the digital age. Unlike previous studies that place parental responsibility in a formal and textual manner, this study emphasizes that parental civil liability is not absolute, but must be understood as a responsibility based on reasonable digital supervision. Through this approach, the meaning of parental supervision obligations is expanded from conventional supervision to adaptive supervision of the characteristics of cyberspace, taking into account the age and maturity level of the child, patterns of technology use, and concrete

efforts that have been made to provide guidance. Thus, this study contributes to building a more proportional and equitable framework for assessing civil liability, while maintaining the relevance of Article 1367 of the Civil Code as a legal protection instrument amid the development of digital technology.

## II. METHOD

This study uses a normative legal research method, which is research that places legal norms as the main object of analysis. This approach was chosen because the focus of the study was directed at examining positive legal provisions, particularly Article 1367 of the Civil Code, as well as assessing the relevance of its application to cyberbullying committed by children in the digital age. In this framework, law is understood as a set of normative rules that regulate human behavior, so that the analysis can be focused on the concept and construction of parental civil liability in normative and conceptual terms (Busyra, 2025).

The research approaches used include a legislative approach and a conceptual approach. The legislative approach is carried out by examining various legal provisions related to civil liability and child protection, both in the Civil Code and in other laws and regulations relevant to the use of information technology. This review aims to understand the normative structure and the interrelationship between legal provisions in establishing a framework for the civil liability of parents for the actions of their children in the digital space.

The conceptual approach is used to examine the principles, doctrines, and legal concepts that have developed in civil law, especially those related to unlawful acts, civil liability, and liability for the acts of others (Mirza et al., 2024). Through this approach, legal norms are analyzed not only textually but also systematically and functionally, taking into account their purpose and the dynamics of the ever-evolving digital society.

The sources of legal materials in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations that are directly related to the object of study, especially the Civil Code, particularly Articles 1365 and 1367, as well as other laws and regulations relevant to information technology and child protection. Secondary legal materials include legal textbooks, scientific journals, previous research results, and opinions of legal experts discussing unlawful acts, civil liability, and legal issues in the digital space. Tertiary legal materials are used as supplements, in the form of legal dictionaries and encyclopedias, to clarify the terms and concepts used.

Legal materials were collected through a literature study by systematically searching for and inventorying relevant legal materials. This process aimed to obtain an adequate normative and theoretical basis for legal analysis. The analysis of legal materials is carried out qualitatively through the normative analysis method (M.A.P, 2023). The collected legal materials are examined by reviewing the substance of the norms, the legal structure, and the relationship between relevant provisions. Legal interpretation is carried out through grammatical interpretation to understand the meaning of legal language, systematic interpretation to assess the interrelationship between norms, and teleological interpretation to examine the purpose and function of norms in responding to developments in the digital society (M. Pd, 2021).

The results of the analysis are then compiled argumentatively to answer the research questions. This methodological description is not only intended to explain the regulation of parental civil liability under Article 1367 of the Civil Code, but also to assess the adequacy and relevance of this norm in dealing with the phenomenon of cyberbullying by children. Thus, this research method supports the achievement of prescriptive conclusions, namely providing a normative view on the application and development of civil law that is more adaptive and equitable in the digital age.

## III. RESULTS AND DISCUSSION

### The Concept of Civil Liability in Indonesian Civil Law

Civil liability is one of the main pillars of the Indonesian civil law system, which functions as a mechanism for protecting subjective rights and recovering losses resulting from violations of the principle of good faith. This concept is rooted in the principle that everyone must act with consideration for the rights and interests of others, so that any violation of this obligation that causes loss must be followed by an obligation to compensate for the loss. In this context, civil law is not only oriented towards legal certainty, but also towards justice and balance in interpersonal relationships within society.

The general basis of civil liability is regulated in Article 1365 of the Civil Code, which regulates unlawful acts. This article stipulates that any act that violates the law and causes harm to others obliges the party whose fault caused the harm to provide compensation. This formulation places civil liability as a legal consequence of violating legal norms that impact the interests of other parties.

In civil law doctrine, unlawful acts are understood as a construction consisting of several elements, namely the existence of an act, the nature of the unlawfulness, the existence of fault, the existence of damage, and the causal relationship between the act and the damage (Yuflikhati et al., 2025). These five elements are cumulative, so that failure to prove one of the elements can invalidate the claim for compensation. However, developments in legal thinking show that these elements are not applied rigidly, but are interpreted contextually in accordance with developments in society.

The meaning of "unlawful" is no longer limited to violations of written norms alone. Since the development of doctrine and jurisprudence, particularly after the recognition of unlawful acts in a broad sense, the nature of unlawfulness also includes violations

of the subjective rights of others, violations of the perpetrator's legal obligations, violations of the rules of decency, and violations of the principles of propriety, prudence, and appropriateness in social interactions. This expansion of meaning shows that civil law is dynamic and adaptive to changes in values and patterns of social interaction.

The element of fault in civil liability is generally associated with intent or negligence. Fault is the basis for the legitimacy of imposing liability because it reflects a legal attitude that is reprehensible. However, in civil law practice, fault is not always understood subjectively, but can also be assessed objectively based on the standards of behavior of a reasonable person in a particular situation (Apriyanto et al., 2024). This approach allows civil law to provide more effective protection to victims without getting caught up in proving internal intent.

Losses as an element of civil liability include both material and immaterial losses (Simanungkalit et al., 2025). Material losses are related to losses that can be assessed economically, while immaterial losses are related to psychological suffering, embarrassment, or loss of honor. In the development of judicial practice, the recognition of immaterial losses indicates that civil law is not solely oriented towards economic aspects, but also towards the protection of non-material values inherent in human beings.

The causal relationship between an act and a loss is an element that logically and legally connects the perpetrator's actions and the resulting consequences (Sofian, 2025). Without an adequate causal relationship, the imposition of civil liability becomes unreasonable. Therefore, causality analysis is an important part of every assessment of unlawful acts, including in the context of acts committed through information technology.

In principle, civil liability is individual in nature, i.e., it is imposed on the party who directly commits the unlawful act. This principle is in line with the principle of personality in civil law, which places individuals as the main subjects of liability. However, the absolute application of this principle is not always adequate, especially in situations where the direct perpetrator lacks legal capacity or economic ability to fulfill compensation obligations.

Therefore, civil law also recognizes the concept of indirect liability or liability for the actions of others (Lie et al., 2023). This concept arose from the need to ensure the effectiveness of legal protection for victims and to distribute social risks more fairly. Within this framework, civil liability is not merely viewed as a consequence of personal fault, but also as an instrument for regulating social relationships that takes into account power dynamics, supervision, and responsibility between individuals.

Thus, the concept of civil liability in Indonesian civil law cannot be understood statically. It is a normative construct that continues to evolve along with changes in society, values, and technology. A comprehensive understanding of this concept is an important basis for analyzing parental responsibility for cyberbullying committed by children, as will be discussed in the following sections.

### **Parental Responsibility for the Actions of Children According to Article 1367 of the Civil Code**

Indonesian civil law not only regulates responsibility for one's own actions, but also recognizes responsibility for the actions of others in certain legal relationships. This concept is explicitly regulated in Article 1367 of the Civil Code, which states that a person is liable not only for losses caused by their own actions, but also for losses caused by the actions of persons under their care or supervision. This provision reflects the expansion of the principle of civil liability, which aims to ensure effective legal protection for the injured party.

In the relationship between parents and children, Article 1367 of the Civil Code places parents as the party who is legally responsible for the actions of their minor children as long as the children are under the authority and supervision of their parents (Mardatillah et al., 2025). This imposition of responsibility is based on the normative assumption that parents have the authority, power, and obligation to care for, guide, and supervise their children in their daily lives. Therefore, when a child commits an unlawful act that causes harm, the parents are considered the party who should be held civilly liable.

Doctrinally, parental responsibility for the actions of children is classified as a form of indirect or vicarious liability. This responsibility does not arise from the direct fault of the parents in committing an unlawful act, but from a special legal relationship that gives rise to a duty of supervision (Kaban et al., 2023). Thus, the basis for imposing responsibility does not lie in the factual involvement of the parents in the act, but in the failure to exercise the duty of supervision properly.

The concept of vicarious liability in civil law has a dual function. On the one hand, this concept provides protection for victims by providing a party that is realistically capable of providing compensation. On the other hand, this concept serves as a preventive instrument by encouraging parties who have power or supervision to act more carefully in controlling the behavior of those under their responsibility. In the context of parents and children, this preventive function is realized through encouraging parents to actively guide and supervise their children's behavioral development.

However, parental responsibility under Article 1367 of the Civil Code is not absolute (Chesar et al., 2024). Civil law doctrine recognizes the possibility of exemption from liability if parents can prove that supervision has been carried out appropriately and reasonably in accordance with the circumstances. In other words, this norm contains the principle of reasonableness, which requires a concrete assessment of the supervisory relationship between parents and children, rather than the automatic and unlimited application of responsibility.

The limits of reasonable supervision are an important aspect in assessing parental responsibility. Supervision cannot be interpreted as absolute control over every action of the child, but rather as a rational and proportional effort tailored to the age, level of maturity, and concrete conditions of the child. Therefore, failure to prevent unlawful acts cannot necessarily be equated with parental

negligence, without first assessing whether the duty of supervision has been carried out properly.

In addition, parental responsibility for a child's actions must also be placed within the framework of protecting children as developing legal subjects. Imposing civil liability on parents should not be interpreted as neglecting the best interests of the child. Instead, this mechanism should be understood as part of a legal system that aims to create a balance between victim protection, justice for parents, and child development.

Thus, Article 1367 of the Civil Code provides a strong normative basis for imposing civil liability on parents for the actions of their children. However, its application requires careful and contextual interpretation, taking into account the supervisory relationship, the level of reasonableness of the parents' actions, and the purpose of civil law as a means of restoration and regulation of social relations. This framework of understanding is an important basis for analyzing parental responsibility in the context of unlawful acts committed by children in the digital space, which will be discussed in the next section.

### **The Position of Children as Legal Subjects and Its Implications for Civil Liability**

In the Indonesian civil law system, children are recognized as legal subjects who have rights and obligations from birth. This recognition affirms that children are not merely objects of legal protection, but individuals who have their own legal status. However, recognition as a legal subject does not automatically come with full legal competence. The limitations of children's legal competence are a legal consequence of their psychological and intellectual conditions, which are still in the developmental stage (Marhayani et al., 2024).

Legal capacity in civil law is closely related to a person's ability to perform legal acts independently and be responsible for the legal consequences of their actions. Children are generally categorized as parties who are not yet legally competent, so their legal actions require representation or consent from their parents or guardians. This principle aims to protect children from legal consequences that are detrimental to themselves, while maintaining certainty and fairness in legal relationships with other parties. The legal incompetence of children has important implications in the context of civil liability. When a child commits an unlawful act that causes harm, the question arises as to who should be held liable for the harm. In the framework of civil law, the limitations of a child's legal capacity make it problematic to impose civil liability directly on the child, especially in terms of the child's ability to effectively fulfill their obligation to pay compensation.

Therefore, the mechanism of civil liability in cases of unlawful acts committed by children cannot be separated from the role of parents. Article 1367 of the Civil Code provides a normative basis for transferring civil liability to parents as the parties who legally have the power and obligation to supervise their children. Thus, the limitations of a child's legal capacity are one of the main rationales for imposing liability on parents in civil law.

However, recognition of a child's legal incompetence does not mean that the child is completely free from legal consequences. From a civil law perspective, children can still be assessed as perpetrators of unlawful acts, even though their civil liability is carried out through mechanisms involving their parents. This approach reflects civil law's efforts to balance the protection of children and the fulfillment of victims' rights to compensation.

Another implication of the child's position as a legal subject is the need to pay attention to the principle of the best interests of the child in every application of the law (Manurung, 2025). This principle requires that every policy or legal decision involving children not only be oriented towards restoring the victim's losses, but also consider the impact on the child's physical, psychological, and social development. Therefore, the imposition of civil liability on parents cannot be separated from the goal of nurturing and educating children as part of the family's function.

In the context of unlawful acts, including those committed through information technology, children's behavior is often influenced by environmental factors, lack of understanding, and emotional immaturity. These factors reinforce the argument that children's civil liability must be placed in a broader framework, namely the framework of parental responsibility and the duty of supervision. Thus, civil law does not only function as a means of imposing sanctions, but also as an instrument for shaping responsible behavior. The position of children as legal subjects who are not yet fully competent also requires a proportional approach in assessing the fault and legal consequences of children's actions. The assessment of fault cannot be equated with the standards applied to adults, but must be adjusted to the age and level of maturity of the child. This approach is in line with the principle of substantive justice, which is one of the main objectives of civil law.

Thus, the position of children as legal subjects in Indonesian civil law has direct implications for the mechanism of civil liability for unlawful acts. The limitations of children's legal competence form the normative basis for imposing responsibility on parents, as stipulated in Article 1367 of the Civil Code. This framework of understanding is important for analyzing more specifically the phenomenon of cyberbullying as an unlawful act and the civil liability arising from it, which will be discussed in the next section.

### **Cyberbullying as an Unlawful Act from a Civil Law Perspective**

The development of information and communication technology has given rise to a new space for interaction known as cyberspace (M.I.Kom et al., 2024). This space allows individuals to communicate, express opinions, and build social relationships without geographical boundaries (Iswaratama, 2024). However, behind these benefits, cyberspace has also become a medium for various forms of deviant behavior that have the potential to violate the law, one of which is cyberbullying. This phenomenon poses a unique

challenge for civil law because its form, impact, and mechanisms differ from conventional unlawful acts.

Cyberbullying is essentially aggressive behavior that is carried out deliberately and repeatedly through electronic means with the aim of hurting, degrading, or intimidating others (Rizkiyanto et al., 2024). It can take the form of insults, defamation, dissemination of degrading information or images, threats, and other actions that attack a person's honor and dignity. Although the term cyberbullying is more commonly used in psychological and sociological studies, legally, this behavior can be analyzed using the construction of unlawful acts in Article 1365 of the Civil Code (Mukhtar, 2024).

From a civil law perspective, cyberbullying fulfills the element of an act. This act is manifested through active actions, such as uploading content, sending messages, or disseminating certain information on digital media. This act is real and can be proven through digital traces, so it can be held legally accountable. Thus, the virtual nature of cyberspace does not eliminate the existence of the act as an element of an unlawful act.

The unlawful element in cyberbullying can be assessed from the violation of the subjective rights of others, particularly the rights to honor, reputation, privacy, and security (Manoppo, 2025). The act of degrading or humiliating someone in cyberspace clearly contradicts legal norms, morality, and the principles of propriety and prudence in social interactions. Furthermore, cyberbullying also violates the legal obligation of every individual to respect the rights of others in exercising their freedom of expression (Awur et al., 2025).

Fault as an element of unlawful acts in cyberbullying cases can generally be assessed based on the existence of intent or at least negligence (Widayat et al., 2025). The perpetrator consciously uses digital media to convey content that has the potential to hurt others. Although in some cases the perpetrator may not be fully aware of the widespread impact of their actions, the standard of fault in civil law can be assessed objectively based on the behavior of a reasonable person in the same circumstances. With this approach, fault does not always have to be proven as malicious intent, but rather it is sufficient to demonstrate a reprehensible lack of care.

The harm caused by cyberbullying is often immaterial, such as psychological distress, embarrassment, fear, and loss of self-confidence (Iskandar & Salamah, 2025). However, such harm cannot be considered minor or legally irrelevant. In many cases, the immaterial losses caused by cyberbullying are actually more severe and long-lasting than material losses (Dewantara & Fransisca, 2024). In addition, cyberbullying can also cause material losses, such as disruption to the educational process, loss of job opportunities, or psychological recovery costs that must be borne by the victim (Prayogo & Rosando, 2023).

The causal relationship between the act and the harm in cyberbullying cases can be proven through the connection between the perpetrator's actions in cyberspace and the impact experienced by the victim (Rizkiyanto et al., 2024b). The widespread and repeated dissemination of degrading content reinforces the causal relationship between the act and the harm. In this context, the characteristics of cyberspace that enable the massive replication and distribution of content actually reinforce the existence of a significant causal relationship.

The specific characteristics of cyberbullying lie in its nature, which knows no boundaries of space and time (Kartika, 2025). Uploaded content can be accessed by many people in a short time and is difficult to completely delete. As a result, the victim's suffering does not stop at a single incident but can continue indefinitely. This situation reinforces the argument that cyberbullying constitutes a serious illegal act and deserves attention under civil law.

Thus, cyberbullying can be classified as an unlawful act in the broad sense as referred to in Article 1365 of the Civil Code. All elements of an unlawful act can be fulfilled, both in terms of the act, the unlawful nature, the fault, the loss, and the causal relationship. This qualification is an important basis for discussing civil liability arising from cyberbullying, especially when the act is committed by a child, which will be analyzed in the next section.

### **Civil Liability of Parents for Cyberbullying Committed by Children**

Cyberbullying committed by children places civil law in a situation that requires a balance between protecting the victim and protecting the child as a legal subject who is not yet fully competent (Adnan et al., 2024). In this context, civil liability cannot be established solely by focusing on the direct perpetrator, but must consider the legal relationship between the child and the parents as the parties who have a duty of supervision. Article 1367 of the Civil Code provides a normative basis for addressing this need by imposing civil liability on parents for unlawful acts committed by their children.

The imposition of civil liability on parents for cyberbullying by children is based on two main rationales. First, children generally do not yet have the legal competence and economic capacity to be independently responsible for the losses incurred (Listiawan, 2025). Second, parents have the legal authority and obligation to care for, nurture, and supervise their children's behavior, including their use of information technology (Miyanti & Izzy, 2024). Thus, parents are positioned as the parties who can realistically be held accountable for ensuring the recovery of the victim's losses.

Under Article 1367 of the Civil Code, parental responsibility for the actions of their children is vicarious liability (Muhtar, 2025). This means that parents are not required to be directly involved in the cyberbullying. This responsibility arises from the relationship of supervision and authority inherent in the parent-child relationship (Pandu & Rengganis, 2025). Therefore, the focus of the liability analysis is not on the actions of the parents, but on the existence of a legal relationship that gives rise to a duty of supervision. The application of this concept in cases of cyberbullying by children raises its own issues, given the characteristics of cyberspace,

which is private, personal, and often beyond the direct supervision of parents (Fitri & Rahmadhani, 2024). Children can engage in cyberbullying using personal devices, at times and places that are difficult to control, and by taking advantage of the anonymity of the digital world. This situation raises questions about the limits of reasonable parental supervision and to what extent the failure to prevent a child's actions can be used as a basis for civil liability.

In civil law doctrine, parental responsibility is not understood as absolute responsibility (Beta & Marwa, 2023). Parents can, in principle, be exempted from responsibility if they can prove that supervision has been carried out appropriately and reasonably in accordance with the specific circumstances (Psychologist, n.d.). Therefore, in assessing the civil liability of parents for cyberbullying by their children, a factual assessment is needed regarding the supervision efforts that have been carried out, the level of digital literacy of the parents, the age and maturity of the child, and the pattern of technology use within the family.

Supervision of children in the digital context cannot be equated with direct physical supervision (Savitri & Fatihah, 2025). Digital supervision includes providing an understanding of media ethics, reasonable access restrictions, assistance in the use of technology, and fostering a sense of responsibility when interacting in cyberspace. If parents have made these efforts in a proportionate manner, the automatic imposition of civil liability has the potential to cause injustice.

However, acknowledging the limitations of parental supervision in cyberspace cannot be used as a reason to completely eliminate responsibility. If parents are proven to be negligent, for example by providing access without any supervision or ignoring signs of deviant behavior by children in the digital space, then the imposition of civil liability still has a strong basis (Sulistti, 2022). In this case, Article 1367 of the Civil Code serves as a corrective instrument to encourage the active role of parents in supervising and guiding their children's behavior.

The civil liability of parents for cyberbullying by children must also be placed within the framework of victim protection (Hardiyanti & Indawati, 2023). Victims of cyberbullying often experience serious and ongoing harm, both psychologically and socially (Sidauruk et al., 2024). Without an effective accountability mechanism, victims risk not receiving adequate redress. Therefore, imposing responsibility on parents serves as a means to guarantee victims' access to civil justice.

On the other hand, this accountability approach must not neglect the best interests of the child (Wartawan, 2024). Children who are perpetrators of cyberbullying still need guidance and education, not just stigmatization. Therefore, the civil liability of parents must be understood as part of the overall responsibility of the family in shaping the child's responsible behavior in the digital space, not as a form of covert punishment for the child.

Thus, the civil liability of parents for cyberbullying committed by children is a complex legal construct that requires balanced interpretation. Article 1367 of the Civil Code remains relevant as the normative basis for imposing liability, but its application must take into account the characteristics of cyberspace, the limits of reasonable parental supervision, and the principles of protecting children and victims simultaneously. This analysis serves as the basis for assessing the relevance and limits of the application of Article 1367 of the Civil Code in the digital age, which will be discussed in the next section.

### **Relevance and Limits of the Application of Article 1367 of the Civil Code in the Digital Age**

Article 1367 of the Civil Code is a legal norm that was born in a social context that is very different from the reality of today's digital society (Wibowo et al., 2024b). This norm was formulated at a time when social interactions took place directly in physical spaces, with supervisory relationships that were relatively easy to identify and control. Therefore, the application of Article 1367 of the Civil Code to the phenomenon of cyberbullying committed by children requires a critical evaluation of its relevance and limits of applicability in the context of information technology developments.

Normatively, Article 1367 of the Civil Code still has strong validity because the principle of responsibility for the actions of others does not lose its relevance simply because of changes in the medium of social interaction (Mirza et al., 2024b). The legal relationship between parents and children remains, as does the obligation of parents to supervise and guide their children's behavior (Adam & Awali, 2023). Therefore, the shift from physical space to digital space does not automatically eliminate the normative basis for imposing civil liability on parents.

However, the relevance of these norms cannot be understood solely through a textual interpretation. The application of Article 1367 of the Civil Code in the digital era must consider the specific characteristics of cyberspace, such as anonymity, the speed of information dissemination, and the limitations of parental control over children's digital activities (M.Sos, 2025). These characteristics mean that parental supervision is no longer direct and comprehensive, so the standard of reasonable supervision needs to be interpreted dynamically and contextually.

The limits of the application of Article 1367 of the Civil Code are important to prevent the imposition of absolute and disproportionate liability (Widananti, 2024). Parental responsibility cannot be interpreted as an obligation to control every action of a child in the digital space without exception. Such an interpretation is unrealistic and has the potential to cause injustice, especially in situations where parents have exercised reasonable supervision in accordance with their abilities and circumstances.

In this context, the assessment of parental responsibility must be based on objective standards of reasonableness. These standards include considerations regarding the age and maturity level of the child, the intensity and pattern of technology use, the level of digital literacy of the parents, and the concrete steps that have been taken to prevent deviant behavior in cyberspace. With this approach, the imposition of civil liability is no longer automatic, but is based on a comprehensive factual evaluation.

On the other hand, restrictions on the application of Article 1367 of the Civil Code should not sacrifice the interests of victims of cyberbullying. Victims of cyberbullying are often in a weak and vulnerable position, requiring effective legal mechanisms to obtain compensation for damages (Setiawan et al., 2025). Therefore, restrictions on parental responsibility must be carried out carefully so as not to create a legal protection vacuum for victims. The balance between the interests of the victim and justice for the parents is the main principle in determining the limits of the application of this norm.

The relevance of Article 1367 of the Civil Code in the digital era is also related to the preventive function of civil law. Imposing civil liability on parents can encourage increased awareness and involvement of parents in monitoring their children's digital activities (The Role of Parents in Improving the Quality of Children's Education in the Digital Age | EDUCARE: Journal of Education and Health, n.d.). In this case, legal norms function as a means of social control that encourages preventive behavior, not merely as a means of recovery after damage has occurred.

However, this preventive function can only be effective if the norms are applied proportionally and accompanied by an adequate understanding of the challenges of parenting in the digital age. Imposing responsibility without considering the context can actually cause resistance and distrust of the law. Therefore, the application of Article 1367 of the Civil Code needs to be accompanied by an educational and guidance approach, both for parents and children.

Thus, Article 1367 of the Civil Code remains relevant as a normative basis for imposing civil liability on parents for cyberbullying committed by their children. However, this relevance is conditional and depends on an adaptive interpretation of technological developments and social interaction patterns. The limits of the application of this norm must be determined through an assessment of the fairness of supervision and proportionality of responsibility, so that civil law can continue to function as a means of justice and protection in the digital age.

### **Contextual Interpretation of Article 1367 of the Civil Code and Its Implications for Substantive Justice**

Legal interpretation is the main instrument for maintaining the relevance of legal norms amid dynamic social changes (Puspitasari et al., 2025). In the context of Article 1367 of the Civil Code, interpretation cannot stop at grammatical or historical understanding alone, but must be directed towards contextual interpretation that considers social realities, technological developments, and the values of justice that exist in society (Susetiyo, 2025). Without such an interpretative approach, legal norms risk losing their effectiveness or even causing substantive injustice.

Contextual interpretation of Article 1367 of the Civil Code requires an understanding that parental responsibility for the actions of children is not a form of absolute responsibility that is unconditional (Mardatillah et al., 2025b). This norm must be understood as a mechanism for sharing responsibility that stems from a relationship of supervision, not as a means of mechanically transferring the burden of blame. Thus, the essence of contextual interpretation lies in assessing the reasonableness of parental supervision in concrete situations, including in the context of children's use of digital technology.

Within the framework of substantive justice, the interpretation of Article 1367 of the Civil Code must be able to balance three main interests, namely the interest of the victim to obtain compensation for losses, the interest of parents to be treated fairly and proportionally, and the interest of children as developing legal subjects (Reconstruction of Judicial Considerations in Civil Disputes (Unlawful Acts) Based on the Value of Justice - ProQuest, n.d.). These three interests cannot be prioritized unilaterally without sacrificing the purpose of civil law as a means of regulating fair social relations.

Substantive justice requires that the imposition of civil liability on parents be based on a comprehensive factual evaluation (S et al., 2024). This assessment must include the extent to which parents have carried out their supervisory and guidance obligations, whether there has been culpable negligence, and whether the child's actions were within the scope of influence that could reasonably be controlled by the parents. This approach prevents the rigid and formalistic application of Article 1367 of the Civil Code, which has the potential to cause injustice.

In the context of cyberbullying, contextual interpretation must also take into account the specific characteristics of cyberspace that influence patterns of supervision and control (Fikri, 2023). The digital space creates a distance between parents and their children's activities that cannot always be bridged through direct supervision (Mistiani, 2024). Therefore, reasonable supervision standards need to be adjusted to the real challenges faced by parents in the digital age, without reducing their moral and legal responsibilities in guiding their children.

The normative implications of the contextual interpretation of Article 1367 of the Civil Code is that it opens up space for the application of civil law that is more responsive and adaptive (Kelvin et al., 2025). The law is no longer positioned as an instrument of blind punishment, but rather as a means to encourage preventive behavior, family guidance, and fair compensation for losses (Asuki, 2024). In this framework, the civil liability of parents serves as both a corrective and educational tool (N. D. K. Susanto, 2024).

Furthermore, this contextual interpretation also has implications for the development of Indonesian civil law in general (Imaduddin et al., 2025). It shows that classical legal norms can still be used to address contemporary issues without always having to wait for legislative updates (Hendrayani, 2024). The flexibility of interpretation allows civil law to develop evolutionarily, in line with changes in society and technology (Dalila et al., 2024).

Thus, Article 1367 of the Civil Code remains significantly relevant in addressing cyberbullying committed by children, as long as

it is applied through contextual interpretation oriented towards substantive justice. This approach allows civil law to optimally function as an instrument for protecting victims, regulating parental responsibility, and guiding children in the digital age. This overall analysis provides a strong conceptual foundation for formulating conclusions and normative recommendations in the following section.

### **Legal Comparison: A Global Perspective on the Evolution of Parental Responsibility in the Digital Space**

An analysis of the relevance of Article 1367 of the Civil Code cannot be conducted in isolation without examining the development of legal doctrine in various countries that have already adapted their civil law to changing social and technological realities. Given that Article 1367 of the Civil Code is derived from the Dutch Burgerlijk Wetboek (BW), tracing the transformation of law in its country of origin and comparing it with other legal systems is crucial to maintaining the relevance and effectiveness of national civil law amid advances in digital technology (Santo et al., 2024).

Theoretically, the comparative law approach in this context is not intended to mechanically transplant norms, but rather to obtain an interpretative framework that allows national norms to be interpreted evolutionarily in accordance with the development of social risks faced by society.

In modern Dutch civil law (Nieuw Burgerlijk Wetboek), there has been a significant conceptual shift from mere supervisory obligations to risk-based liability (Saraya et al., 2025). Article 6:169 NBW provides more detailed provisions than Article 1367 of the Indonesian Civil Code, which is still formulated in general terms. In the Dutch system, parents bear responsibility for the unlawful acts of children under the age of 14 based on a risk responsibility construct that in practice approximates absolute responsibility, without requiring proof of parental fault (Lukman & Salam, 2023). Meanwhile, for children aged 14 and 15, the law still allows for the exemption of parental liability as long as they can prove that the act could not have been reasonably prevented. This approach reflects the view that granting certain authorities and access to children, including access to information technology, inherently carries legal risks that must be borne by parents as the party that legally has a position of control and guidance. In the context of cyberbullying, this construction contains a normative message that children's use of digital technology is not merely a matter of individual choice, but part of a legal relationship of responsibility between parents and children, which requires active guidance and supervision from an early age.

Unlike the civil law tradition, the common law system in the United States does not recognize automatic parental responsibility for the actions of children, but rather develops the doctrine of negligent supervision (Najib, 2024). Within this framework, parental civil liability arises if it can be proven that they knew, or should have known, about their child's dangerous behavior, including digital bullying, but failed to take reasonable preventive measures (Dewi et al., 2024). The assessment of fault is conducted objectively based on reasonable parental behavior standards in specific situations, so the focus of liability lies on the quality of parental supervision and response to foreseeable risks.

This approach reinforces the urgency of a contextual interpretation of Article 1367 of the Indonesian Civil Code. Although this norm provides the possibility of exemption from liability by proving that supervision has been carried out appropriately, the concept of "appropriateness" can no longer be understood statically (Mirza et al., 2024). In the digital reality, the appropriateness of supervision requires educational efforts, restrictions, and risk mitigation that are in line with the maturity level of the child and the characteristics of the technology used. Therefore, the measure of parental responsibility is no longer solely determined by physical presence, but by the effectiveness of digital supervision that can reasonably be expected in certain social conditions.

This legal comparison shows a global common thread that parental civil liability evolves in line with changes in the types of risks faced by children (Wibowo et al., 2024). By adopting this comparative perspective, Article 1367 of the Civil Code can still maintain its relevance as an instrument for protecting victims of cyberbullying, while also maintaining justice for parents through the application of adaptive and proportional standards of reasonableness in response to the challenges of the digital age.

## **VI. CONCLUSION**

Cyberbullying committed by children through digital media can be legally classified as an unlawful act in the broad sense as referred to in Article 1365 of the Civil Code, because it fulfills the elements of action, unlawfulness, fault, loss, and causal relationship. When such acts are committed by children who do not yet have full legal capacity, the mechanism of civil liability cannot be separated from the provisions of Article 1367 of the Civil Code, which imposes responsibility on parents based on their relationship of supervision and authority over their children.

However, this study emphasizes that the application of Article 1367 of the Civil Code in the context of cyberbullying by children in the digital age cannot be done textually, automatically, and without limits. The characteristics of cyberspace, which is personal, anonymous, transcends space and time, and is difficult to monitor directly, mean that the concept of parental supervision is no longer relevant when understood within the framework of conventional supervision. Therefore, the imposition of civil liability on parents must be placed within a framework of contextual interpretation that takes into account the reality of parenting and children's use of digital technology.

This study offers the concept of reasonable digital supervision as a normative standard in assessing the civil liability of parents based on Article 1367 of the Civil Code. This concept requires a concrete and proportional assessment of the efforts that can

reasonably be made by parents, taking into account the age and maturity level of the child, patterns of technology use, the level of digital literacy of parents, and the educational and preventive measures that have been taken. Thus, the civil liability of parents is not absolute, but conditional on the proven negligence in meeting the standard of reasonable digital supervision.

Normatively, this approach has important implications for civil court practice. Judges should not impose civil liability on parents solely based on their family relationship status, but must conduct a factual evaluation of the quality of supervision and guidance that has been provided. This approach also maintains a balance between protecting victims of cyberbullying, justice for parents, and the best interests of children as developing legal subjects.

Thus, Article 1367 of the Civil Code remains relevant as an instrument of civil liability in dealing with the phenomenon of cyberbullying by children in the digital age, as long as it is interpreted adaptively and oriented towards substantive justice. Contextual interpretation based on the reasonableness of digital supervision not only prevents the imposition of disproportionate liability but also encourages the development of Indonesian civil law doctrine that is more responsive to technological dynamics and social change.

In conclusion, while the Civil Code is a legacy of the past, its core principles of justice remain indispensable in addressing modern complexities. The application of Article 1367 to cyberbullying cases demonstrates that parental liability is not merely a static legal obligation, but a dynamic duty that must adapt to the technological landscape. By adopting the standard of 'reasonable digital supervision,' the law balances the protection of victims with the practical realities of parenting in an interconnected world. Ultimately, law must not only be written in codes but must also breathe in the digital space, ensuring that the pursuit of substantive justice remains steadfast, even in the intangible realms of the internet.

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