



# Indecisiveness of Educational Institutions in Providing Legal Protection Against Bullying Cases in School Environment

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**Abstract.** *Bullying is a form of aggressive behavior where someone deliberately acts without Think about the negative impacts of bullying. The physical impact of bullying occurs due to acts of violence committed by someone individuals or groups to other individuals who are considered weaker. This happened because of a direct attack so that the victim experiences physical complaints such as bruising due to blows or attacks, chronic pain in the upper part In particular, it leaves scars that the victim can remember clearly, causing the victim to experience trauma or the psychological impact of bullying. The psychological impact of bullying can be seen and observed from the victim's behavior patterns, where the victim experiences suffering, emotions, and even excessive stress which can affect the victim. In students The impact of bullying has a bad influence on education and hinders the victim's learning process. Statistical data on bullying cases since 2019 until 2024 there will be an increase every year, KPAI even revealed that there were 4,683 complaints almost Approaching 5,000 complaints will be received throughout 2022, causing doubts among the education agency community in handling the case. This research examines several factors that cause bullying and what the legal umbrella is who protects children. This research uses descriptive analytical research methods with a normative juridical approach, where data and information will be collected both in terms of the study and the management stage in an interdisciplinary and multidisciplinary and cross-sectoral manner. The data and information are then explained judicially normative in depth so as to obtain an overview of legal protection for children who experience victims intimidation. The results of this study show that signs of bullying occur in the educational environment and can influence learning patterns and children's development in pursuing education.*

**Keywords:** *children, bullying, education, victim, future*

## 1. Introduction

According to the Great Dictionary of Indonesian Language (KBBI), children contain meanings, namely the generation of descendants and family successors. [1] In customary law, it is believed that children are not just the next generation of the nation, but also a generation that will carry on the expectations of their parents and take care of them when they grow up and can no longer work. [2] The following are some definitions of children according to the law in Indonesia contained in Law No. 3 of 1997 concerning the Children's Court, a person who in the case of a Juvenile Child has reached the age of 8 (eight) years but has not reached the age of 18 (eighteen) years and has never been married; [3] Law No. 39 of 1999 concerning Human Rights states that a child is any human being under the age of 18 (eighteen) years old and unmarried, including a child who is still in the womb if it is for his or her interests; [4] Law Number 23 of 2002 concerning Child Protection in Article 1 Paragraph 1 A child is a person who is not yet 18 (eighteen) years old, including a child who is still in the womb; [5] According to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System Explained in (Article 1 Paragraph (3)) A child is a child who has been 12 (twelve) years old, but has not yet reached the age of 18 (eighteen) years who is suspected of committing a criminal act; [6] Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection in Article 1 paragraph (1) states that a child is a

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person who is not yet 18 (eighteen) years old, including a child who is still in the womb; [7] The Convention on the Rights Of Child (1989) which has been ratified by the Indonesia government through Presidential Decree Number 39 of 1990 states that children are those under 18 years old; [8] In addition, children are a young generation which is a special gift from God and is important for the continuation of human history. [9] Child protection according to Law Number 23 of 2002 concerning Child Protection in Article 1 Paragraph 2 is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate, optimally in accordance with the dignity and dignity of humanity, and receive protection from violence and discrimination. [10] Effective child protection or not depends on the good or bad phenomena experienced by the child and can be a supporting or inhibiting factor in providing appropriate protection.

With cases of *bullying* that occur in school and social environments, it can have a big impact on students' motivation to learn. [14] Although there have been several laws and regulations that regulate child protection, such as Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection and Law Number 11 of 2012 concerning the Child Criminal Justice System.

Specifically the impact of bullying on mental health itself, namely the victim being traumatized by the perpetrator, depression or mental pressure which results in the victim experiencing a degradation of concentration, decreased self-confidence, growing desire to bully as a form of revenge, social phobia with the characteristic of fear of being seen or supervised in public, excessive anxiety, dropping out of school and committing suicide. [18] By anticipating it so that this does not happen, it is required to form children's character from an early age. Education is a way to educate the nation in accordance with the preamble to the 1945 Constitution in the fourth paragraph. National education functions to develop abilities and shape the character and civilization of the nation with dignity in the life of the nation, in order to educate aims to develop the potential of students to become human beings who believe in and fear God Almighty, have noble character, are healthy, knowledgeable, capable, creative, independent, and become democratic and responsible citizens.

## 2. Literature Review

After the researcher reviewed several studies, there were several articles or scientific writings that were related to the research being conducted.

The first research with the title "The Existence of the Role of Strengthening Character Education on Forms of Bullying Behavior in the Elementary School Environment" was written by Hijrawatil Aswat, Mitra Kasih La Ode Onde, Beti Ayda. The results of the study show that this form of bullying behavior is direct *bullying* in the form of verbal, physical, and psychological bullying. The case continues to occur in several students in the school environment because the functioning of character strengthening programs in the form of self-development, school culture, curricular, extracurricular and co-curricular programs do not play a role in preventing acts of violence in the school environment [19]

The second research was titled "*Bullying* Behavior of Senior High School Students in the School Environment" written by Tri Setiyanawati. In this study, data released by the Data and Information Center, National Commission for Child Protection (KomnasPA), said that the number of violence in 2011 showed a significant and worrying increase. Secretary General of Komnas PA Samsul Ridwan said that there was an increase in reports or complaints received by the Complaints and Advocacy Division, Komnas Anak. For the number of complaints received, the increase reached 98 percent in 2011, namely 2,386 complaints from 1,234 reports in 2010. Cases of sexual violence also increased to 2,508 cases in 2011, an increase from 2,413 cases in 2010. A total of 1,020 cases or equivalent to 62.7 percent of this figure were cases of sexual violence committed in the form of sodomy, rape, obscenity, and incest coupled with physical and psychological violence. To overcome this problem, there needs to be a joint effort from schools, families, and the community.

Effective anti-bullying programs and education about empathy and respect for other individuals can help reduce bullying incidents and create a safer environment for all. [20]

The third research with the title "Legal Protection for Children Victims of *Bullying* in the School Environment" was written by Sari Damayanti, Okta Nofia Sari, Kesuma Bagaskara. This study states that one of the factors that cause *bullying* is school, because schools often underestimate or even ignore bullying behavior. As a result, the bullying perpetrators will continue to bully the victim because there is no firm attitude towards the school and there is no attitude in protecting the victims of bullying. Meanwhile, victims of bullying must be given protection so that they do not become victims again so that child protection laws in Indonesia are especially in order to provide protection. The human rights of children who are victims of violence in Indonesia in the future must carry out law reform with the aim of providing justice, certainty, and benefits to children in Indonesia, especially so that they can protect and guarantee the human rights of children who are victims of violence. [21]

### 3. Methodology

This study applies the Normative Juridical Method, an approach to the analysis of primary legal materials that includes the study of relevant concepts, legal principles, and rules. Laws related to research. This approach is also a literature research, which involves the study of books, laws and regulations, and other documents relevant to this research. For this reason, we use normative research and are supported by empirical research in order to obtain accurate and valid data.

#### Legal Umbrella For Children Against Bullying Cases

In addition to criminal law protection, the Child Protection Law also has civil law protection, namely the right to give children victims of bullying the right to demand material/immaterial compensation against the perpetrators of violence. This is regulated in Article 71D paragraph (1) Jo Article 59 paragraph (2) letter i of Law Number 35 of 2014 as follows, Article 71D paragraph (1) of Law Number 35 of 2014 "Every child who is a victim as referred to in Article 59 paragraph (2) letter b, letter d, letter f, letter h, letter i, and letter j has the right to apply to the court in the form of the right to restitution which is the responsibility of the perpetrator of the crime". Article 59 paragraph (2) letter i of Law Number 35 of 2014 "Special Protection for Children as referred to in paragraph (1) is given to children victims of physical and/or psychological violence". The victim can file a civil lawsuit to demand compensation from the perpetrator of violence on the basis of having committed an Unlawful Act (*onrechtmatige daad*) using Article 1365 of the Civil Code, that every act that violates the law and brings harm to another person, obliges the person who caused the loss due to his fault to replace the loss. [24] In Indonesia itself, there are still rampant cases of bullying that occur, many victims who are bullied do not get protection as explained in Article 54 of Law Number 35 of 2014 concerning Child Protection, children's rights regulated in Article 59 paragraph (1) explain that the protection and fulfillment of children's rights must be carried out through several efforts. First, prompt treatment, including physical, psychological, and social treatment and/or rehabilitation, as well as the prevention of diseases and other health disorders. Second, psychosocial assistance during treatment until recovery. Third, the provision of social assistance for children from underprivileged families. Finally, the provision of protection and assistance in every judicial process. However, in reality, there are still many problems in law enforcement for the protection of children from bullying, including the lack of speed in physical, psychological, and social treatment or rehabilitation as well as the prevention of diseases and other health disorders, the absence of psychosocial assistance, the lack of social assistance for children from underprivileged families, and the lack of assistance for children who are victims of bullying.

#### 4. Discussion And Findings

According to information taken from the website of the House of Representatives, data compiled by the Indonesia Child Protection Commission (KPAI) and the Federation of Indonesia Teachers' Unions (FSGI), bullying cases are still a terror for children in the school environment. From this data, it is known that there were 30 cases of bullying in 2023. 226 cases of bullying in 2022. Then in 2021 there were 53 cases, and in 2020 there were 119 cases. Meanwhile, the types of bullying that victims often experience are physical bullying (55.5%), verbal bullying (29.3%), and psychological bullying (15.2%). For the level of education, elementary school students are the most victims of bullying (26%), followed by junior high school students (25%), and high school students (18.75%) [29] Meanwhile, the number of complaints of bullying victims in schools During the 2016-2020 period, the Indonesia Child Protection Commission (KPAI) has received complaints from 480 children who are victims of *bullying* in their schools, with details as seen in the picture. G [29].

According to data compiled by the Indonesia Child Protection Commission (KPAI) and the Federation of Indonesia Teachers' Unions (FSGI), bullying cases are quite a worrying issue in the school environment. Most recently, FSGI data shows that there have been at least 30 cases of bullying throughout 2023. Where as many as 80% of these cases occur in schools under the auspices of the Ministry of Education and Culture, Research and Technology and 20% in schools under the auspices of the Ministry of Religious Affairs. Based on the distribution of regions, schools in the East Java area are the most reported areas related to bullying cases. Followed by West Java in second position, Central Java, and DKI Jakarta in 4th position. The most cases of physical bullying were found to be up to 55.5%, followed by verbal bullying at 29.3% and psychological bullying at 15.2%. The most bullying rate occurred at the elementary education level which reached 26%, followed by the junior high school level at 25% and high school students at 18.75%. According to the Central Statistics Agency (BPS), the majority of students who experience bullying at school are dominated by male students [30]

#### Form Of Firmness Of Educational Institutions In Overcoming Bullying Cases

Bullying is a serious problem that is an implication of the worrying disparity condition in schools. These gaps can be in the form of economic disparities, social, physical, ethnic, cultural, technological access, and many more. Recent data shows an alarming prevalence of about two-thirds of girls and boys aged 13 to 17 reporting having experienced at least one form of violence throughout their lives. In addition, about 41 percent of 15-year-old students experience bullying more than a few times a month. Furthermore, the results of a survey of 2,777 young people aged 14 to 24 years, conducted through UNICEF's youth engagement platform U-Report, revealed that 45 percent of respondents reported having experienced cyberbullying.

#### 5. Conclusion

Basically, children as caliphs on earth, play an important role in the development and progress of society, so that protection of their dignity and dignity is a must. The presence of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection is the basis that everyone is prohibited from committing violence or bullying against children. For this reason, the state has issued several other regulations as a form of legal protection that maintains the security of the sustainability of children's growth in the educational environment.

The number of cases of children roaming around and a collection of statistical data that shows a fantastic number of bullying cases that are still happening in Indonesia to this day raises doubts in the public about the firmness of educational institutions in protecting children from bullying cases. In fact, the world's largest child protection organization in 2020

based on a study by the International Student Assessment Program in 2018 stated that 41% of 15-year-old students have experienced bullying at least several times in one month.

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