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Criminal Law Enforcement against Bullying Perpetrators in School Environments

Himarani Hidayatulloh Yudhomiranti[1*], Tabah Saefuloh[1]

[1] Universitas Muhammadiyah Purwokerto, Purwokerto, Indonesia

Abstract:

Bullying in schools is a form of violence that can disrupt a child's physical, psychological, social, and educational development. This study aims to analyze criminal law enforcement against perpetrators of bullying in schools and identify factors that hinder the law enforcement process. The study uses a normative juridical method by examining laws and legal literature related to child protection, violent crimes, and the juvenile criminal justice system. The analysis is guided by Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014, the Criminal Code, and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The results of the study indicate that bullying can be processed through relevant criminal provisions, although there are no specific regulations. Barriers to law enforcement include legal aspects, apparatus, facilities, society, and culture, so that a proportional approach to protection, guidance, prevention, and law enforcement is needed for both child victims and perpetrators, prioritizing the best interests and recovery.

Keywords:

Bullying; Child Protection; Criminal Law; Law Enforcement; Schools.

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1. Introduction

Bullying in schools is a problem that is not only related to behavior between students, but also has legal consequences when these actions cause physical or psychological harm to children. Bullying practices can appear in various forms, from hitting, pushing, kicking, threatening, insulting, teasing, humiliating, spreading rumors, to intimidation through electronic messages and social media. The existence of these actions shows that educational environments that should provide a sense of security for children can still be places where violence occurs. The impacts are not limited to physical injuries, but can also affect the psychological condition, social relationships, self-confidence, and the continuation of the victim's education. Therefore, handling bullying requires attention not only from schools and families, but also from the legal system.

The issue of bullying is becoming increasingly important because both victims and perpetrators are part of a group of children who need protection. Legal protection for victims is necessary to ensure that children receive safety, recovery, and the right to an education without intimidation. At the same time, perpetrators who are still children cannot be treated solely as adult criminals, as the handling process must consider the child's development and best interests. Rukmana (2022) emphasized that legal protection for victims and perpetrators of child bullying needs to be balanced so that the handling does not neglect the rights of either party. This view suggests that the legal response to bullying must combine aspects of victim protection, perpetrator accountability, and child development.

From a criminal law perspective, bullying does not always constitute a crime with its own specific definition. The perpetrator's actions can be classified based on the consequences and nature of the action. Physical violence may be subject to provisions regarding abuse, while insults, threats, coercion, or other actions may be subject to relevant criminal provisions. Furthermore, if the victim is a child, the provisions of the Child Protection Law are an important basis for providing protection and prosecuting acts of violence against children. Wibowo (2019) explains that addressing bullying through criminal law requires considering the nature of the act and the applicable legal provisions. Therefore, law enforcement must not only identify bullying as deviant behavior but also determine the nature of the act, the consequences, and the rules that can be used to hold the perpetrator accountable.

Criminal law policy also plays a crucial role in addressing bullying in schools. Responses should not be solely focused on punishment, but should also consider preventative and remedial measures that can reduce the likelihood of similar acts recurring. Bakhtiar (2017) points out that criminal law policy in addressing bullying needs to consider the characteristics of violence occurring in educational settings and appropriate resolution mechanisms. Meanwhile, Farida and Rochmani (2020) place criminal law policy regarding child bullies within a framework that considers both criminal liability and the character of the perpetrators, who are still children. This is crucial because sanctions against children must remain within a framework of protection and guidance.

Law enforcement against bullying also faces challenges when the perpetrator is a child. The Juvenile Criminal Justice System Law provides a specific approach to resolving juvenile cases, prioritizing the child's best interests and addressing issues that are not always focused on punishment. Chrysan et al. (2020) demonstrate the importance of implementing sanctions against children who bully from the perspective of the juvenile criminal justice system. This approach demonstrates that responses to child perpetrators need to be tailored to their age, condition, and developmental goals. Furthermore, victim protection must remain a priority, as solutions that focus solely on the perpetrator can disregard the victim's suffering.

Anita et al. (2021) emphasize the importance of legal protection for both victims and perpetrators of bullying in school settings.

Another problem arises from the lack of a uniform understanding of the boundaries between actions considered student misconduct and those that have legal consequences. Teasing or humiliating acts perceived as jokes can escalate into verbal and psychological violence if repeated and cause suffering for the victim. This situation can lead to delayed recognition and handling of bullying. Nurdina (2018) points out that law enforcement against bullying in schools requires attention to the nature of the act and its handling mechanisms. At the school level, prevention also requires the involvement of various parties to prevent bullying from being normalized as part of students' lives. Ramadhan et al. (2021) emphasize the importance of efforts to address bullying through increased understanding and prevention in educational settings.

The effectiveness of law enforcement is ultimately determined not only by the existence of regulations. Law enforcement is influenced by law enforcement officials, the availability of resources, public awareness, and the evolving legal culture. In cases of bullying, these obstacles can be seen in the reluctance of victims or families to report incidents, limited understanding of legal mechanisms by schools, and a tendency to view bullying as an internal school issue. Mailinda and Hidayana (2021) highlight the importance of legal protection for child victims of bullying, while Siahaya et al. (2021) position the issue of law enforcement against perpetrators of bullying as part of the need to ensure effective child protection. Therefore, studies on criminal law enforcement against perpetrators of bullying need to be conducted simultaneously with the identification of factors that contribute to suboptimal law enforcement.

Based on the description above, this research is directed to examine the relationship between criminal law provisions, child protection, and mechanisms for handling perpetrators of bullying who are still children. This research also looks at the obstacles that arise in the law enforcement process so that it can identify factors that cause the handling of bullying to be less than fully effective. Based on these problems, the formulation of the problem in this research is: (1) How is criminal law enforcement against perpetrators of bullying in schools? (2) What factors hinder the enforcement of criminal law against perpetrators of bullying in schools?

2. Methods

This research uses a normative juridical method, namely research that places law as the primary object of study by examining the norms, principles, and provisions of laws and regulations related to law enforcement against acts of bullying in the school environment. This approach is used to gain an understanding of the legal basis that can be applied to acts of bullying, the forms of criminal liability of perpetrators, protection for victims, and the handling mechanisms if the perpetrator is still a child. The study was conducted through tracing and analyzing various legal provisions relevant to child protection and the juvenile criminal justice system.

The legal materials used consist of primary and secondary legal materials. Primary legal materials include laws and regulations related to the research object, specifically provisions regarding child protection, violence against children, the juvenile criminal justice system, and criminal provisions applicable to bullying. Secondary legal materials include law books, scientific journals, research results, and various academic literature discussing bullying, criminal law enforcement, victim protection, and the accountability of children in conflict with the law. These materials are used to strengthen understanding of legal norms and provide a conceptual foundation for analyzing the research problem.

The collection of legal materials was conducted through a literature review by identifying, reading, recording, and grouping legal materials related to the problem formulation. The obtained materials were then analyzed qualitatively and descriptively. The analysis was conducted by linking applicable legal provisions with the characteristics of bullying acts in the school environment, then outlining the application of these norms to both perpetrators and victims. The research also took into account the special characteristics of children in conflict with the law so that the discussion was not only directed at the criminal aspect, but also at the protection, guidance, and best interests of the child. Furthermore, the results of the analysis were systematically compiled to answer two research questions: the enforcement of criminal law against perpetrators of bullying and the factors that hinder its implementation.

3. Result and Discussion

3.1 Criminal Law Enforcement against Bullying Perpetrators in Schools

Bullying in schools can take various forms, including physical violence, verbal violence, and psychological and social pressure. Physical violence can include hitting, kicking, pushing, pulling hair, or other actions that cause pain or injury. Verbal violence, on the other hand, can manifest through insults, teasing, derogatory nicknames, threats, or repeated remarks intended to humiliate the victim. Other forms include psychological and social actions, such as ostracizing someone, spreading derogatory information, humiliating the victim in front of peers, and intimidating them through electronic messages and social media. These characteristics mean that bullying cannot always be viewed as ordinary misbehavior, as the actions can cause suffering and disrupt a child's development. From a child protection perspective, actions that cause physical or psychological suffering to a child can be placed within the context of violence against children.

Law Number 23 of 2002 concerning Child Protection, as amended by Law Number 35 of 2014, provides the basis for protecting children from various forms of violence. This provision is important because victims of bullying are generally children in educational settings. This protection is also reflected in the obligation to provide a sense of security to children while they are in educational settings. When bullying takes the form of violence against children, Article 76C of the Child Protection Law can be a basis for criminal liability for the perpetrator, while Article 80 provides provisions regarding the threat of punishment according to the consequences. The application of criminal law must still consider the form of the act and the concrete consequences experienced by the victim. If the act of bullying contains elements of abuse, insults, threats, or other criminal acts, relevant criminal provisions can also be applied according to the nature of the act.

Thus, law enforcement against bullying does not depend on a single type of offense, but is carried out through identifying the actions committed by the perpetrator. Wibowo (2019) explains that handling bullying through criminal law requires considering the form of the act and the legal provisions that can be used to hold the perpetrator accountable. Mahadewi et al. (2023) also show that acts of bullying accompanied by abuse can be linked to child protection provisions, so that the violence that occurs does not stop at the school's internal resolution if it meets the elements of a criminal act. On the other hand, victims have an interest in obtaining protection, recovery, and guarantees to prevent similar acts from occurring again.Legal protection must therefore be an integral part of the law enforcement process. Anita et al. (2021) emphasized that legal protection in bullying cases must be provided to victims while also considering the role of the perpetrator, who may also be a child. This approach demonstrates that law enforcement must

maintain a balance between accountability for actions and fulfilling the rights of children involved in the case.

If the perpetrator of bullying is still a child, the law enforcement process cannot be equated with the handling of adult perpetrators. Children who commit crimes can still be held accountable under legal provisions, but the resolution mechanism must take into account the child's developmental characteristics and the goals of rehabilitating them. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System provides a specific framework for children in conflict with the law, including the possibility of resolving cases through a diversion approach if the legal requirements are met. Therefore, sanctions imposed on child perpetrators must consider the seriousness of the act, the impact on the victim, the child's age, the environmental conditions, and the possibility of rehabilitating them.

Chrysan et al. (2020) explain the importance of implementing sanctions against children who bully because handling children should not only be directed at punishment but also at the process of education and behavior development. This approach aligns with the principle that child criminalization is a last resort and must consider the child's best interests. However, implementing a restorative approach does not mean eliminating the victim's right to protection and recovery. The interests of victims must continue to be considered through stopping bullying, providing psychological support, protecting them from further intimidation, and redressing losses if legally warranted. Rukmana (2022) places the protection of victims and perpetrators as two aspects that must be balanced in handling bullying cases. Law enforcement must also be supported by schools, families, communities, and the government. Schools cannot leave all matters to law enforcement officials because the educational environment has a preventive and developmental function. Teachers and education personnel need to be able to recognize signs of bullying, intervene, document incidents, and take appropriate action if the action leads to a crime.

Families also have a role in providing supervision and shaping children's behavior. At the policy level, bullying prevention can be implemented through three stages of criminal law policy: establishing regulations, implementing regulations, and implementing sanctions. Farida and Rochmani (2020) emphasize that criminal law policy regarding child bullies needs to consider the perpetrator's character as a child and the broader goals of protection. Bakhtiar (2017) also pointed out that criminal law policy in addressing bullying violence is not sufficient with a repressive approach alone, but needs to be accompanied by a preventative strategy. Therefore, criminal law enforcement against perpetrators of bullying in schools can be carried out through existing criminal provisions, both based on general criminal law and child protection law.The main issue isn't simply the lack of a legal basis, but the ability of authorities and educational institutions to determine the qualifications of the act, choose appropriate resolution mechanisms, and ensure that victim protection and child perpetrator development go hand in hand. Such a response will ensure the law serves not only to impose sanctions but also to prevent recurrence, rehabilitate victims, and shape the behavior of perpetrators so they don't relapse.

3.2 Factors that Hinder Criminal Law Enforcement against Bullying Perpetrators

Law enforcement against bullying in schools does not always run optimally because several factors influence its success. From a law enforcement perspective, these factors can be seen in the substance of the law, law enforcement officers, facilities, society, and legal culture. The first factor relates to the substance or legal instruments used to address bullying. Even within the legal framework that forms the basis of the study, bullying has not been formulated as a specific crime with its own elements and sanctions. Consequently, bullying must be classified based on the form of the act and its consequences, for example through provisions regarding

violence against children, abuse, insults, threats, or other relevant criminal acts. This condition can lead to differences in determining the provisions applied to a case. Bakhtiar (2017) explains that criminal law policy in resolving bullying violence requires a clear approach so that the act can be handled appropriately. The second factor relates to law enforcement officers.

Handling bullying requires officers who understand the nature of violence against children and the specific mechanisms for children in conflict with the law. Limited numbers and human resources can impact the process of case identification, examination of victims and perpetrators, evidence collection, and determination of resolution mechanisms. In cases involving children, authorities must also be able to maintain the child's psychological well-being to prevent further trauma from the legal process. Siahaya et al. (2021) show that the issue of law enforcement against perpetrators of bullying is related to various factors within and outside the legal system. Limited facilities are a third factor. Handling bullying, especially those that cause psychological impacts or are carried out through electronic media, can require the support of adequate professionals and technology.

Schools and authorities can experience difficulties if counselors, psychologists, reporting systems, documentation, or the ability to trace digital evidence are not available. This is especially important because bullying can occur secretly and does not always leave physical evidence. The fourth factor comes from the community, including victims, peers, families, and the school environment. Victims may choose to remain silent due to fear of retaliation, embarrassment, or the belief that reporting will only worsen the situation. Friends who know about the incident may also be reluctant to provide information for fear of becoming the next target. On the other hand, families or schools sometimes prefer internal resolutions to prevent the problem from becoming known to outsiders. This situation results in many acts of bullying not reaching the legal enforcement process.

Anita et al. (2021) emphasizes the importance of legal protection for victims and perpetrators to ensure that case resolution does not result in further harm to children. Low legal awareness can also prevent the public from distinguishing between joking and acts that constitute violence. As a result, repeated teasing, insults, exclusion, or intimidation can be considered a normal part of student interactions. This understanding presents a serious obstacle, as law enforcement will be difficult if the surrounding community does not recognize that the actions are a problem that needs to be addressed.

The fifth factor relates to the legal culture that develops in schools, families, and communities. A culture that considers teasing, humiliating, or intimidating other students normal can lead to continued bullying. In certain environments, victimized students may be perceived as having to cope with the pressure alone, while perpetrators gain recognition from their peers due to their perceived power or influence. This pattern makes bullying a recurring behavior that is difficult to stop simply by imposing sanctions after the incident occurs. Ramadhan et al. (2021) demonstrate the importance of addressing bullying through increased understanding and preventive measures in educational settings. Therefore, law enforcement must go hand in hand with the development of a school culture that rejects violence. Schools need to have clear internal rules regarding forms of bullying, reporting mechanisms, protection for victims, and action against perpetrators.

The reporting system must also provide a sense of security so that victims and witnesses are not afraid to come forward. Furthermore, education about children's rights, legal consequences, empathy, and conflict resolution needs to be ongoing. Families play a crucial role in recognizing changes in children's behavior, both when they are victims and when they exhibit aggressive behavior towards peers. Mailinda and Hidayana (2021) point out that protecting child victims of bullying requires attention to the victim's condition and protective mechanisms that can provide a

sense of security. For perpetrators, a coaching approach is also necessary so that children understand the consequences of their actions and have the opportunity to improve their behavior. Rukmana (2022) emphasizes that legal protection for child victims and perpetrators must continue to consider their respective interests and rights.

Therefore, obstacles to law enforcement cannot be resolved simply by increasing criminal penalties. Coordination between schools, families, communities, law enforcement officials, and child protection agencies is necessary. Schools must be able to detect and prevent early punishment, while officials must respond appropriately when actions meet the elements of a crime. At the same time, victims must receive protection and rehabilitation, while child perpetrators must receive educational and proportionate treatment. These efforts are crucial because bullying has a strong social dimension, so resolving it requires a change in the community's perspective on violence. Effective law enforcement ultimately relies on a combination of regulatory certainty, officer capacity, facility support, public awareness, and a legal culture that rejects violence. If these five factors can be improved simultaneously,The bullying handling process will be more effective in providing protection to victims while ensuring accountability and redress for perpetrators. Conversely, if any of these factors are weak, law enforcement can potentially stop at short-term solutions without addressing the causes of bullying or preventing its recurrence.

4. Conclusion

Criminal law enforcement against perpetrators of bullying in schools can essentially be carried out through existing legal provisions, although bullying has not been formulated as a separate criminal offense. The form and consequences of the act are the basis for determining the applicable criminal provisions. Acts of physical violence, insults, threats, or other forms of conduct can be processed under relevant criminal provisions, especially when such actions cause suffering or harm to the child. The Child Protection Law provides an important basis for protecting children from violence in educational environments. If the perpetrator is a child, the handling process must use a different approach than for adult perpetrators, taking into account the provisions of the Juvenile Criminal Justice System. Sanctions must take into account the child's age, condition, level of culpability, consequences of the act, and the child's best interests. Handling is not solely directed at punishment, but also includes guidance, rehabilitation, and prevention to prevent bullying from recurring.

Law enforcement against bullying still faces various interrelated obstacles. These obstacles include the lack of specific regulations regarding bullying, limited understanding and capacity of authorities, a lack of supporting facilities, low public legal awareness, and a school and family culture that still considers some acts of bullying to be jokes or simple mischief. The reluctance of victims and families to report incidents can also lead to many cases not being handled through legal mechanisms. Therefore, addressing bullying requires an integrated approach involving law enforcement, victim protection, guidance for child perpetrators, and prevention efforts. Schools need to establish safe reporting mechanisms and clear internal regulations, while families and communities need to increase oversight and understanding of the impacts of bullying. Law enforcement officials also need to provide a proportional response oriented toward child protection. With these steps, law enforcement will not only serve to hold perpetrators accountable but also create a safe educational environment that supports children's development.

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