

LEGAL PROTECTION EFFORTS FOR CHILD VICTIMS OF BULLYING BASED ON THE VICTIMOLOGY ASPECT

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Abstract. Bullying against minors is still prevalent in Indonesia today. Children have a vital part in nation building and are protected by the state under the constitution. In 1945, the Republic of Indonesia established the right of children to be safeguarded from violence. From the victim's perspective, the effects of this type of bullying are far-reaching. Bullying victims in children and teenagers are more likely to develop a variety of physical and mental health issues. The methodology employed in this study is normative justice legal research. The primary and secondary legal documents used in this legal research include a review of the regulations found in the referenced rules and laws. The findings suggested that children who are bullied should be legally protected. Victimology determines the rights of the victims. This is important to remember because bullying is not viewed as a problem in and of itself, but rather as normal behavior. From this vantage point, it is clear that, while bullying has a large detrimental impact, its victims are not widely known. Victim rights, on the other hand, have evolved within the field of victimology. Bullying is still not considered a crime in society and is instead viewed as normal kid behavior, despite the fact that it has severe consequences. Victims' rights are still not fully recognized, necessitating stringent government laws. control so that bullying victims can receive complete attention.

Keywords: Legal Protection of Children, Bullying, Victimology

I. INTRODUCTION

Children are individuals who prioritize cleanliness and have a high awareness of their environment. Children have different characteristics from adults, as they are more likely to acquire knowledge by complying with existing rules. However, their lack of understanding of the complexity of the world can make them sometimes ignore the norms of law and society.

The way a teenager becomes an adult and develops will have a great influence on their character building and self-confidence. A child's personality development can be stunted if they are often subjected to severe abuse and even physical aggression during their formative years. This may impact on children's daily activities at school and in their playgrounds. One of the problems that may occur is the occurrence of bullying behavior among children.

Some opinions state that the bullies may have inadequate social skills, low self-esteem,

challenges in understanding social cues, limited acceptance in peer groups, and other barriers to assimilation. In contrast, some individuals perceive bullying as a rewarding and versatile act that offers advantages. Empirical studies often fail to provide insight into this, especially because they are unable to recognize the wide range of children and adolescents who engage in bullying. While some individuals can be classified as victims of bullying, there are also those who simply engage in bullying behaviors without being victims.¹

Some cases of bullying can have severe consequences, such as causing emotional distress and possibly resulting in the death of the victim. The Victimology comes from the Latin concepts "victim" and "logos", which means knowledge. The Victimology is a field of study that focuses on victims, including the factors that lead a person to become a victim and the consequences of victimization as a social phenomenon and humanitarian issue. Victimology is the science that investigates crime and victimization as a social phenomenon and humanitarian issue. Meanwhile, a victim is an individual who suffers physical or emotional suffering, property damage, or even death as a result of a minor criminal offense or attempted criminal offense committed by oneself or another personasw.²

Bullying requires a dynamic exchange between the victim and the bullies. The power of the victim decreases as the power of the bully increases. As a result, the sufferer finds it difficult to react or cope with the problem. Physical prowess, social standing in the group, or group size (e.g. a group focused on one individual) can all contribute to the power imbalance. Knowing a person's weaknesses (e.g. appearance, learning difficulties, family status, personal qualities) and utilizing this information to harm the person is another way to gain power. For example, hitting, kicking, damaging the victim's property), as well as relational and social violence (spreading rumors, social isolation, etc.).³

Bullying involves several factors. First, there is a mental power gap between the perpetrator and the victim. Second, the purpose of bullying is to inflict pain. Third, bullying occurs regularly. Fourth, the social environment such as association with peers is where this happens. Fifth, it is irrational. The first three factors are universally accepted, but the fourth and fifth factors are less well accepted.

Children have immense value because they have untapped potential, serve as inheritors of the nation's principles, play important roles, and are unique in their own right. To ensure children's holistic physical, mental, and social growth and development, it is imperative to provide them with protection and guidance. Overall, the implementation of Support is necessary to provide guidance and protection for children, as well as provide them with access to safer and more appropriate legal and protection frameworks. Therefore, it is imperative to make special arrangements to enforce protection for younger groups.

6515

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¹Cook C and Williams K, "Predictors of *Bullying* and Victimization in Childhood and Adolescence: A Meta-Analytic Investigation.," *School Psychology Quarterly*, 2010, 25.

² Bambang Waluyo, Viktimologi Perlindungan Hukum Terhadap Korban Kejahatan, SinarGrafika, 2011, hal 203.

³Ersilia Menesini and Christina Samivalli, "*Bullying* in Schools: The State of Knowledge and Effective Interventions," *Psychology, Health & Medicine*, 22 (2017): 240, http://dx.doi.org/10.1080/13548506.2017.1279740.

To illustrate, the government is obliged to ensure the safety of children and prevent all forms of violence and discrimination, as stated in Article 28B Section 2 of the 1945 Constitution of the Republic of Indonesia. In addition to survival, growth, and development. Law No. 35/2014, which amends Law No. 23/2002 on Child Protection, includes provisions relating to child protection.

The Indonesian Child Protection Commission (KPAI) reports that instances of bullying continue to cause anxiety among children in classrooms, as indicated by Das sein and the Federation of Indonesian Teachers' Unions (FSGI). According to KPAI, there were a total of 37,381 reported cases of violence against children between 2011 and 2019, a span of nine years. There were more than 2,473 reports of bullying in schools and on social media, and this number is on the rise. According to the data provided, a total of 226 bullying incidents were documented in 2022. In addition, the number of incidents in 2021 totaled 53, while in 2020 it reached 119.

The victims commonly experienced verbal bullying (29.3%), psychological bullying (15.2%), and physical bullying (55.5%). According to the 2018 National Survey of Life Experiences of Children and Adolescents (SNPHAR) of the Ministry of Women's Empowerment and Child Protection (KPPPA), as reported by UNICEF, around two-thirds of girls and boys aged 13-17 years old reported having experienced violence in their lives. Among adolescents who experienced one or more types of violence, 75% reported that a friend or someone they knew was responsible for the violence. Like an incident that occurred in Bekasi in February 2023, a 12-year-old student in grade six, identified by the letter F, was bullied by his classmates and later had his leg operated on. According to the police report, the victim sustained the injury by tripping over his own foot while trying to buy food. In February 2023, F's foot was injured and later became septic as a result of the bullying. After that, the condition of F's leg was getting worse. After that, F was immediately taken to the hospital for a thorough examination. After being diagnosed with bone cancer by several medical personnel from different hospitals, it was necessary to perform a surgical procedure to amputate F's left leg. F's leg was amputated and is currently undergoing treatment at a specialised cancer centre. Investigators have identified F's schoolmate as a suspect in this crime. The victim was pronounced dead in December 2023.⁴

Mengingat prevalensi insiden perundungan yang menargetkan anak-anak di Indonesia, penulis sangat yakin bahwa melakukan studi tambahan tentang topik ini sangat penting. Oleh karena itu, sebuah penelitian ilmiah yang berjudul "Tindakan Perlindungan Hukum bagi Anak di Bawah Umur yang Terkena Dampak Perundungan" akan menganalisis topik ini secara mendalam dari perspektif viktimologi.

The problems found in this study are as follows:

- 1. What are the legal protections for child victims of bullying?
- 2. How is the process of providing legal protection to child victims of bullying?

https://www.cnnindonesia.com/nasional/20231207122242-20-1034084/siswa-sd-bekasi-korban-bullying-hingga-kaki-diamputasi-meninggal-dunia/amp(diakses pada 13 februari 2013, pukul 17.26WIB)

II. METHOD

The research approach used in this research is normative juridical, which views law as something that includes explicit legal provisions (written law) and principles or norms that regulate appropriate human behaviour. Normative legal research is based on an examination of the norms outlined in the legislation, both from primary and secondary legal sources.

III. DISCUSSION

Social climate is often an indicator of some socioeconomic phenomena. Individuals who experience violence, such as bullying, experience it because they are ostracised from the bully's social group. Bullying is a social phenomenon, and if classified as a psychosocial problem, both victims and bullies are equally affected by frequent humiliation and defamation, especially if the perpetrator has greater authority than the victim. Bullying can be defined as the act of persistently and intentionally causing distress, annoyance or intimidation to someone by unwanted and unwelcome behaviour. Bullying can take many forms, such as personal hostility, unhealthy group dynamics, and social aggression. Bullying is mainly characterised by the presence of verbal and physical hostility, which is at its core. Due to the power gap, aggressors and targets repeatedly participate in this cycle of behaviour. The definition of power is closely related to individuals' perceptions of their own mental and physical abilities. In addition, there are differences in the number of individuals who are victims and perpetrators, categorised by their level of authority.

Bullying is the act of individual or a dominant group using physical or psychological force to intimidate or manipulate a weaker individual or group. Often referred to as "bullies", these individuals or groups have the belief that they can exercise dominance over their victims with various intimidation tactics, which are usually carried out by those in authority over those in a more vulnerable position. According to experts, the most damaging type of student aggression is bullying, which commonly occurs within educational institutions. These situations can occur when one or more students who have a greater sense of authority engage in inappropriate behaviour towards another student or students who have a lesser sense of authority, are less experienced, or feel unable to defend themselves. In addition, the victimised individual experiences reduced self-esteem and experiences ongoing emotional distress as a result. Friendship relationships between criminals and victims are common. They do not start out as enemies. Due to their inferior physical strength compared to the aggressor, the victim has absolutely no means to defend themselves. Inadequate recess time for primary school children can facilitate bullying in the classroom. They may not be consistent in distributing pocket money. Other common places used for bullying are school grounds, canteens, bathrooms, and transport to and from school. New children may experience this phenomenon during the early weeks of school, as well as during recess, after school, or while participating in extracurricular activities. Bullying does not involve just one person. Usually, bullies will endeavour to achieve their desired outcome, then revel in their dominance, and ultimately seek retaliation. However, he may try it for entertainment and, if it proves successful, he will want to repeat the experience several

times. Individuals who have a bad reputation, face academic challenges, or derive pleasure from getting into mischief are all potential victims of bullying. No one thinks of themselves as weird, not even individuals who are not themselves. However, there are young and ambitious individuals who commit these crimes and also exhibit strong religious tendencies. They have the ability to hide their actions to prevent others from knowing of their activities.

A perpetrator in a school setting may also be a victim in his or her own household, and conversely, a victim at home may also exhibit perpetrator behaviour at school. Both victims and perpetrators sometimes live in the same family.

Victims are those who follow. There are victims who remain silent and do nothing but follow the perpetrator's every command, and there are victims who try to fight back by acting in ways that the perpetrator deems dangerous. Victims of bullying often have characteristics that make them stand out or that bullies see as different from their classmates, which encourages bullies to carry out bullying behaviour. Differences in the victim's appearance can be attributed to their facial expressions, skin colour, dental make-up, hair texture, and even their height and weight. In addition, victims may have certain behaviours, such as repetitive speech patterns or gait. Place of residence, family relationships, and socio-economic status are factors that influence victim care practices. place of residence and other factors. You may also find fault with the victim, such as thinking that they did something wrong by being too polite, dressing a certain way, smoking, or separating themselves from the group. Usually, these factors contribute to the victim's choice to hide the abusive behaviour: telling the story may lead to negative consequences, such as rejection, which she fears. In addition, the victim may also believe that he/she is guilty, not trusting his/her parents, or even his/her teachers.

A. Forms of Legal Protection for Child Victims of Bullying from a Victimological Aspect

Islamic law and customary law differ in interpreting the definition of a child compared to the law. Whether a person is classified as a child or an adult is determined by Islamic law and customary norms, not by their chronological age. This is because the developmental timeline of each child is different. Islamic law categorises a child based on their physical characteristics, without considering their level of maturity. In Islamic law, a person is considered a child if they do not exhibit the characteristics often associated with adults. Ter Haar, a prominent classical thinker, argued that customary law, which considers factors such as marriage, leaving the parental or in-law home, or starting a family, serves as the basis for determining whether a person is a child or an adult. In various countries, the age, cognitive ability, and level of engagement of an individual are determining factors in classifying someone as a child or an adult. In the UK, individuals under the age of majority are subject to legal responsibility for their criminal actions, but they are not subject to political responsibility until they reach the age of 10.

To hold any form of political office or engage in any political action, one must fulfil the minimum age requirement of 18 years.

A. FIn the UK, a child is officially defined as an individual aged between 0 and 18 years. This age range was chosen because it is during this period that a person's behaviour and cognitive processes differ dramatically from those of adults. Throughout a person's life, they experience physical, emotional, and intellectual development, and acquire the competencies and abilities necessary to reach stable adulthood. In some US states, such as Vermont and New York, individuals under the age of sixteen are still referred to juvenile court. The juvenile court has jurisdiction over matters in Scotland due to the legal definition of a child as an individual between the ages of seven and fifteen. In South Australia, the age range of a child is from 8 to 18 years, however in Canada, the age range includes individuals under 12 years.⁵

⁵Marlina, 35.

In a bullying scenario, there are two individuals involved: the perpetrator, often known as the bully, and the recipient, sometimes referred to as the victim. The Latin term "logos" translates to "study" or "science", while "victima" translates to "victim", giving rise to the English term victimology. Victimology is the systematic study of victims, the process of victimisation, and the underlying factors and consequences. The issues discussed concern the concept of humanity as a social phenomenon.

According to the "Dictionary of Crime", a victim is someone who suffers mental or physical pain, property loss, or even death as a result of a relatively minor crime, or vice versa. The fields of criminology and criminal law are essentially limitless. Victimology is a discipline that focuses on the study of victims. Victims can result from a person's actions, either directly or indirectly, or from a combination of both. Existence, nature, location, and time are some of the many aspects that can lead to victimisation in the absence of complicity. Victimology is the study and analysis of all types of victimisation, taking into account various factors and justifications. Essentially, the definition of "victimisation" or victim determines the boundaries or scope of victimology.

The current state of victimology did not emerge randomly, but rather developed through a series of developments that can be categorised into three main phases. In the beginning, victimology focused solely on the study of individuals who were victims of criminal offences. In the second phase, victimology encompassed both accident victims and crime victims. The third phase of victimology has seen further advancements in the study of issues faced by individuals who are victims of human rights violations and abuse of power.⁶

Victimology is a field of study that examines victims, which includes the dynamics between victims and offenders, victims' relationships with other victims, and victims' interactions with courts, prosecutors, and police, as well as the interrelationships between all parties involved. In addition, victimology also examines the role and significance of crime victims in society, as well as society's reaction to them. This is crucial in dealing with various forms of criminal activity, as well as for the well-being of victims who may or may not suffer direct harm. Ensuring the security of information and knowledge is crucial, especially in preventing individuals from becoming victims of structural and non-structural crimes in the future.⁷

Among students, there is a widespread prevalence of moral degradation, marked by the frequent occurrence of deviant behaviour, disregard for ethics, morals and the law, ranging from minor to more serious offences. A frequent example is the occurrence of violent behaviour, such as bullying. This display of bad behaviour highlights the vulnerability of individual characters within educational institutions, as well as the lack of supportive contextual conditions. Bullying is a form of child abuse where peers target and harm someone who is perceived as 'lesser' or

⁶Ario Ponco Wiguno, "Kajian Viktimologi Terhadap Anak Sebagai Korban Tindak Pidana Kesusilaan," *Jurnal Ilmu Hukum Legal Opinion* 1 (2013): 4.

⁷Mihael Sianturi, Muhammad Nazri, and Ayu Efrita Dewi, "Analisis Viktimologi Terhadap Tindak Pidana Pencurian Kendaraan Di Tanjungpinang Kepulauan Riau," *Diktum: Jurnal Ilmu Hukum* 10 (2022): 96, https://doi.org/10.24905/diktum.v10i1.202.

weaker for personal gain or satisfaction. The occurrence of bullying, which involves acts of violence, in primary schools is often fuelled by a culture that values seniority. Bullying incidents tend to occur repeatedly, some even being planned.⁸

Bullying is a conscious and deliberate hostile act that aims to hurt, such as frightening through threats of aggression and causing terror. It includes both planned and spontaneous actions that are visible or almost invisible, in front of someone behind a friendship, carried out by an individual child or group of children.⁹

Bullying that is rampant is motivated by several factors including internal and external factors. Temperamental characteristics and psychological factors contribute to the tendency to engage in violent acts, which are internal elements that can lead to bullying. The perpetrator shows impulsivity and lack of self-regulation ability. Abusers show a lack of remorse or empathy towards their victims. Therefore, those who engage in acts of bullying lack social aptitude. Parental parenting is an extrinsic element that causes bullying. Factors contributing to antisocial behaviour in children include various aspects. Firstly, there are violent parents who show aggression towards their children. It also includes a parenting style characterised by low control but high warmth. In addition, children's behaviour is influenced by their observations of violent acts, both those committed by their parents and those they witness in others. These observations can lead to the imitation of aggressive behaviour. Another influential factor is the formation of friendships with individuals who exhibit aggressive tendencies. Children tend to gravitate towards peers who share similar characteristics, which can then contribute to antisocial behaviour. Exposure to aggressive content through the media, such as films depicting violent acts, can also serve as a model for bullying. In addition, listening to songs with lyrics that promote aggression and playing video games can also contribute to antisocial behaviour. ¹⁰Thus, the social environment is an underlying factor for individuals to commit acts of violence.

Bullying is still relatively new in the Indonesia. Until now, the term bullying does not have an exact equivalent in the Indonesian. Diena Haryana defines bullying as the use of violence or threat of violence against an individual or group with the aim of making the victim feel hopeless, traumatised and depressed. Three different categories of maltreatment. Physical abuse, which includes hitting, slapping and shouting, is the first. The second is verbal abuse, which includes teasing, gossiping, and cursing. Psychological abuse includes actions such as intimidating, alienating, ignoring, and discriminating.¹¹

Bullying can also take several forms. There are three categories that fall under the category of bullying:

1) Physical Bullying: Among all types of bullying, physical bullying is the most common and also the most recognisable. However, this form of bullying only occurred in less than a third

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⁸Yuyarti, "Mengatasi *Bullying* Melalui Pendidikan Karakter," *Jurnal Kreatif*, 2018.

⁹Yuyarti, 56.

¹⁰Rosen, L. H., DeOrnellas, K., and Scott, S. R, *Bullying in School: Perspectives from School Staff, Students, and Parents.* (Texas: Springer, 2017).

¹¹ Dewi Bunga, Analisis Cyber*bullying* Dalam Berbagai Perspektif Teori ViktimologiVyavahara Duta Volume XIV, No.2, September 2019 ISS: 1978 – 0982.

of the episodes recounted by the students. Physical bullying includes actions such as squeezing, biting, choking, elbowing, punching, kicking, scratching, spitting, and putting the victimised child in an unpleasant position. In addition, it can also include damaging and defacing the targeted child's belongings.

- 2) Verbal abuse: Both boys and girls most often use verbal abuse as a form of bullying. Verbal abuse can be done easily, and one can mutter it in front of classmates and adults without anyone noticing. Name-calling is one type of verbal bullying that can occur. defamation, harsh criticism, insults, and statements that are offensive or actually constitute harassment or sexual advances.
- 3) Relational violence: The most difficult to recognise from the outside. Relational bullying is characterised by a systematic pattern of neglect, exclusion, avoidance or shunning that undermines the victim's sense of self
- 4) Cyberbullying: Cyberbullying has emerged as the latest manifestation of bullying, thanks to advances in technology, social media and the internet. In essence, bullies continuously engage in harmful communication with their victims through text messages, the internet, and various social media platforms. The impact of bullying can be devastating for all parties involved, not only for children who witness bullying, but also for children who engage in bullying behaviour, and even for educational institutions that seek to combat bullying. Bullying can adversely affect a child's physical and mental health. Severe cases of bullying can have fatal consequences, such as suicide.

Examples of bullying that involved physical assault and resulted in injuries: An incident in Bekasi in February 2023 greatly impacted the social media landscape in Indonesia. A 12-year-old student at an elementary school with the letter F had to undergo leg amputation as a result of bullying. According to authorities, the child allegedly injured himself by tripping over his own foot while grocery shopping. In February 2023, F was bullied which resulted in a leg injury that later developed sepsis. After that, the condition of F's leg worsened. Subsequently, F was immediately taken to the hospital for examination. F underwent left leg amputation due to a diagnosis of bone cancer made by several experts at several hospitals. F is currently receiving medical treatment at the hospital's unique cancer facility after undergoing a surgical procedure to amputate his leg. Authorities are investigating the student's death and have identified another classmate as the perpetrator. The victim's death was officially announced in December 2023.

According to Article 1 Point 15 (a) of Law No. 35/2014, violence is any act that results in physical harm or suffering to children, as stated in the amendment to Law No. 23/2002 on Child Protection (Child Protection Law). Violence can occur in several forms such as physical, mental, sexual violence, and/or neglect. In addition, violence can also take the form of threats of legal consequences, restrictions on personal freedom, or manipulation. As mentioned earlier, according to the Child Protection Law, bullying is considered a form of violence against children when viewed from the definition of violence.

Ensure the welfare of victims of bullying in accordance with the Child Protection Law Amendment (No. 35 Year 2014) to Law No. 23 Year 2002. Every individual has a human right to security and protection from harm: The 1945 Constitution of the Republic of Indonesia guarantees that everyone is entitled to the basic rights to life, liberty and security. The law also provides protection against any form of fear or threat to personal safety, family, reputation, dignity or property. Protection from harm includes protection against potential threats arising from negligence and non-compliance with human rights. Ensuring protection against crimes stemming from bullying is critical, as these crimes can have devastating consequences for victims and have a significant impact on their physical and mental health. Indonesia has laws that regulate illegal behaviour, including events related to bullying. One of the important laws in this regard is Law No. 35 of 2014, which amends Law No. 23 of 2002, specifically aimed at protecting the welfare of minors. Under Article 76C of Law No. 35 of 2014, every person is prohibited from committing, ordering to commit, or participating in violence against children.

This article offers protective strategies for young individuals to prevent bullying-related offences, particularly those involving physical aggression. Without a more specific definition, the term "violence" can be applied generically to cover both actual instances of physical aggressiveness and expressions of intent to commit such acts. The psychological consequences of physical bullying include trauma, leading to the victim's potential decision to miss school and isolate themselves socially. Scars are a typical indication of physical bullying.

The concept of legal protection can be applied in this context. Satijipto Raharjo asserts that the primary purpose of legal defence is to protect human rights that have been violated by external entities. Furthermore, this protection is extended to the whole of society, so that every individual can effectively enjoy their lawful rights. By using a customisable and versatile approach to law, it enables the provision of proactive and forward-looking protection. The law plays an important role in ensuring that economically and politically disadvantaged individuals have access to social justice.

In the case of this article, "legal protection" refers to the protection of "legal subjects" through the application of relevant rules and regulations, enforced through punishment. The law provides two types of protection: a) Legal Protection for Prevention The primary purpose of government protection is to proactively prevent crime from occurring. Its legislative purpose is to prohibit offences and provide guidelines for fulfilling responsibilities. b) Oppressive Legal Protection: The final layer of protection consists of punitive measures, such as monetary penalties and incarceration, which can be applied in the event of a dispute or offence. 12

B. Legal Protection Process of Child Victims of Bullying

Child protection must be taken into account and applied in all aspects of society. Child protection covers a wide spectrum of measures, which include the protection of the rights, interests and spiritual well-being of children. The legal aspect serves as the primary basis for its development. The Constitution explicitly states that the purpose of this law is to protect the

¹²Muchsin, Perlindungan Dan Kepastian Hukum Bagi Investor Di Indonesia (Surakarta, 2015), 13.

rights and well-being of every individual, regardless of his or her citizenship status, within the Indonesian population. Based on this, it is imperative for the Indonesian government to provide social resources that protect all residents, especially young individuals, from harmful behaviour. To ensure predictability and certainty in addressing key social issues, such as combating crime, it is imperative that the implementation of social needs, including the establishment of legal standards, be adaptable to changes in society. It is essential to carefully consider and consistently enforce policies designed to establish and prevent policies (policy/crime). ¹³

¹³Barda Nawawi Arief, *Masalah Penegakan Hukum Dan Kebijakan Hukum Pidana Dalam Menanggulangi Kejahatan* (Jakarta: Kencana Pernada Media Group, 2007), 81.

LEGAL PROTECTION EFFORTS FOR CHILD VICTIMS OF BULLYING BASED ON THE VICTIMOLOGY ASPECT

The purpose of this law is to protect the rights and interests of all individuals living in Indonesia, in accordance with the provisions outlined in our constitution. Considering this, it is the government's responsibility to provide social resources that can protect all Indonesian citizens, especially their children, from harmful actions. To ensure a reliable and predictable response to actions that are likely to cause significant social problems, such as initiatives aimed at curbing crime, the implementation of regulations through social mechanisms, such as the establishment of legal standards, must take into account the ongoing social changes in society. Therefore, it is imperative to carefully consider and consistently implement policies relating to the prevention and creation (policy/crime) of crime.¹⁴

In order for children to enjoy their rights and fulfil their responsibilities, they must be protected by legal measures. Based on the notion of parental patriae, the state is obliged to ensure that children receive the same care and protection as that provided by their parents. Ensuring the welfare of children and adhering to ethical standards is crucial when dealing with children involved with the court system.

Peer pressure, which normalises bullying and minimises its seriousness, aggressive or bullying interactions within the family, and institutional factors, which neglect to address the problem, are the three main catalysts for bullying.

Cases of bullying in schools can be prosecuted once they enter the justice system. When cases of bullying occur within the school setting, there are several alternative measures other than using the criminal justice system. These include implementing academic protocols or enforcing disciplinary measures. An appropriate approach to reduce aggressive bullying behaviour prior to legal intervention is to maintain family cohesion. Psychiatrists, loved ones, clergy, and counselling instructors can provide valuable assistance to individuals who have experienced psychological abuse.

On the other hand, it is imperative to address bullying by eradicating bullying behaviour in schools. Before bullying occurs, proactive measures can be taken to prevent bullying from occurring. To reduce bullying, teachers can engage in conversations with children about the adverse consequences associated with bullying. Another way that young people can raise awareness about bullying is by providing an understanding that bullying is intolerable and unacceptable to everyone. Nevertheless, it is imperative to combat bullying by eradicating prohibited behaviours within educational institutions. Preventive procedures can be implemented to address certain offences before they even occur. To reduce bullying, teachers should provide knowledge to children regarding the adverse consequences. Harassment and legal protection provided to victims. Children can play an important role in raising awareness about bullying by understanding that it is inappropriate and harmful. Bullies can be dealt with effectively by simply confronting them. While there are legal options to deal with bullying in the family retrospectively, there are alternative non-legal approaches to stopping unlawful behaviour, including:

Vol. 6 No. 1 (2024)

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6525
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LEGAL PROTECTION EFFORTS FOR CHILD VICTIMS OF BULLYING BASED ON THE VICTIMOLOGY ASPECT

- 1)Educate children about bullying and strategies to manage their emotions,
- 2) Offer school-based counselling services to children;
- 3) Facilitate guidance and counselling on religious laws and customs, as well as morality, from relevant parties such as educators, spiritual advisors, police, the Ministry of Law and Human Rights, and non-governmental organisations.
- 4) Teach children not to commit acts of bullying, either as a victim or as a bully. 15

In addition, there are steps taken to stop academic harassment, including taking a personal or individual approach, providing support to students who experience harassment, asking guidance and counselling teachers to help harassed students, involving parents in the process of bringing together harassed students and their parents, and punishing harassers academically.

In order for children to fully exercise their rights and discharge their responsibilities, they must be protected by legal provisions. According to the concept of parental patriae, the state has an obligation to ensure that children are provided with care and protection equal to that provided by their own parents. It is important to prioritise the welfare of the child and uphold ethical principles when handling cases involving children in the justice system.

Peer pressure, which normalises bullying and underestimates its severity, aggressive or bullying behaviour within the family, and institutional factors, which fail to address the problem, are the three main catalysts for bullying.

Cases of bullying in schools can be prosecuted once they become part of the legal system. When cases of bullying occur in a school setting, there are several alternative approaches other than using the criminal court system. These include the implementation of academic protocols or the enforcement of disciplinary sanctions. In order to effectively reduce aggressive bullying behaviour before getting involved in legal proceedings, family harmony must be maintained. Psychiatrists, loved ones, clergy, and counselling instructors can offer important support for people experiencing psychological abuse.

Seijiwa, Bullying Mengatasi Kekerasan Di Sekolah dan Lingkungan Sekitar Anak, Grasindo, Jakarta, 2008
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6526
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Vol. 6 No. 1 (2024)

However, it is imperative to address bullying by eliminating bullying behaviors in educational institutions. Before bullying occurs, proactive measures can be taken to prevent bullying from occurring. To reduce bullying, educators can initiate dialogue with students regarding the detrimental effects associated with engaging in bullying behaviors. Young individuals can further raise awareness about bullying by emphasizing the universal intolerance and unacceptability of such behavior. However, it is imperative to address bullying by removing prohibited acts within educational institutions. Preventive measures can be taken to address certain offenses before they occur. To reduce bullying, educators should provide information to children regarding the detrimental effects. Harassment and the legal protection offered to victims. Children can play an important role in raising awareness about bullying by understanding that it is inappropriate and harmful. Effective resolution of bullying can be achieved by direct confrontation. While there are legal remedies available to address family bullying after the fact, there are also other non-legal methods to prevent illegal behavior. ¹⁶

The information above shows that the victim is responsible and involved in the crime. Victims can contribute to the crime, either directly or indirectly, intentionally or unconsciously. Everything needs to be examined thoroughly, holistically and microclinically if we are to obtain a truly dimensional picture of reality, especially with regard to its relevance. This is the historical context of victim mentality.

Through the lens of victimology, victim research seeks to promote social welfare and human development in society, ultimately preventing all members of society from becoming victims of one of these tragedies. The areas of exploration of victimology are as follows:

1) Traditional cultural values and societal systems can impact the standing, distinction, and status of individuals and organizations. Social pressure, negative labels, conflicts, and structural mismatches between the goals and objectives of social structures all exist. There are several techniques of illicit relationships and dispute resolution within the social environment. One example is the abuse of power by means of the imposition of will based on power. This is known as endemic victimization; 2) In particular, the social impact of victimization has detrimental effects on individuals, communities, society, and humanity at large. This adverse impact can be seen in the fields of criminology, psychology, and medicine. These actions can also have a social impact, as those in authority have the ability to shape societal problems. This is difficult to understand. The process of a person becoming a victim, which is not always associated with crime, falls within the field of victimology. Victimization can also be caused by abuse of power, accidents, or natural disasters. This is not the case for Separovic, who believes that victimology is a unique field of study that focuses on victims of abuse of power and criminal activity, rather than victims of natural disasters or other catastrophes that are beyond human control. ¹⁷

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¹⁶Nandang Sambas and Dian Andrisari, *Kriminologi: Perspektif Hukum Pidana* (Jakarta: Sinar Grafika, 2019).

¹⁷Setyanawati, D. P. W. Y., "Tinjauan Viktimologi Dan Perlindungan Hukum Korban Kekerasan Dalam Pacaran," Serambi Hukum, 8 (n.d.).

LEGAL PROTECTION EFFORTS FOR CHILD VICTIMS OF BULLYING BASED ON THE VICTIMOLOGY ASPECT

Legal victimology will show that the rights of children as victims of moral violations are unambiguous, in line with Article 28B paragraph (2) of the 1945 Constitution which states that "every child has the right to survival, growth and development and the right to protection from violence and discrimination."

According to statements made at the fifth UN session in Geneva in 1977 and the sixth in Caracas in 1980, victimology research focuses on those who have been victims of crime. The goal is to commit standard crimes such as assault, theft, rape, and so on. While white-collar crime, terrorism, and piracy are examples of unconventional crimes. Another agreement that came out of the fifth congress was on business crime, which of course victimizes consumer protection, environmental damage, and other crimes known as organized crime.

When discussing bullying from a victimology perspective, we must discuss bullying from the victim's point of view. The victimology hypothesis is a useful tool for examining bullying. particularly with regard to the following important issues: 18

- 1) A victimology approach is used to identify the rights of victims. This view is particularly important because in the eyes of society, bullying is still seen as normal childhood behavior and not a serious problem. Of course, based on this assumption, although abuse has serious consequences, the rights of victims are still not well recognized.;
- 2) We need to understand cultural, historical, and economic dynamics to cognitively analyze oppression. We can observe what causes oppression once we have this information. government's ability to assist victims Research on this can be done to find out how victims are protected by legal and non-legal policies.

Despite the belief that the victim is a neutral party and does not have any agency, the theory of victimology is actually very helpful in examining bullying. investigating the victim's involvement in the crime in any way. Victimology offers a more comprehensive understanding of crime victims, highlighting how human behavior can cause psychological, physical, and social distress.

Crime is influenced by exogenous factors, which are beyond the control of the criminal, and endogenous factors, which originate from the victim of the crime. In the field of victimology, there is a viewpoint that states that victims have active participation and responsibility in the occurrence of crime. This implies, in line with the aforementioned rationale, that victim participation and responsibility are contributing factors to the occurrence of crime. Victims can have a direct or indirect, conscious or unconscious impact on the occurrence of crime. Background observation is a victim-centered approach. In order to gain a comprehensive understanding of reality, it is necessary to observe everything from a holistic perspective and analyze it in detail at the micro level. This approach allows us to capture the multidimensional nature of reality, especially in terms of understanding the meaning of different concepts. "Dividing oppression from a victimological perspective" shows a victim-focused discussion of systematic abuse. The theory of victimology is an invaluable tool for understanding important issues related to oppression when conducting studies in this area:

Rena Yulia, Viktimologi Perlindungan Hukum Terhadap Korban Kejahatan, Graha Ilmu, Yogyakarta, 2010
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- 1) ictimology recognizes the rights of victims. This viewpoint is important because bullying is still seen as a common behavior in childhood and not a serious problem. With opinions like this, it is understandable that despite the severity of the behavior, the rights of bullying victims have not received widespread recognition.
- 2) It is essential to understand the historical, cultural and socio-economic processes to analyze the concept of bullying. With this knowledge, the causes of bullying can be investigated.

According to legal system theory, in relation to the issue of bullying, especially in educational institutions, Lawrence M. Friedmann highlights the legal factors that must be considered. Friedmann asserts that this legal issue includes three fundamental aspects: structure, content and culture. The bodies that establish jurisprudential rules are also the ones responsible for implementing them; individuals in this capacity are sometimes referred to as law enforcers. The criminal justice system is the governing body charged with enforcing the criminal law. It functions as a law enforcement system with the authority to conduct investigations, trials, and adjudications. In addition, the system also has the ability to use machinery for the execution of judgments and the execution of crimes. The legal culture has authority over the four pillars of the legal system. Advocating non-penal alternatives to punishment is the most efficient approach to address bullying in schools, given the substantial influence of culture. Enforcing regulations on the legal framework and its substance is important when non-coercive measures prove ineffective in solving the problem.

Pembelaan yang disediakan oleh negara untuk para korban. Dengan menggunakan kriteria ini, kita dapat memeriksa metode-metode terlarang dan sah yang digunakan oleh pemerintah untuk melindungi para korban. Langkah-langkah pendisiplinan secara eksklusif: a) Law enforcement personnel conduct operations with the primary objective of eliminating past offenses by applying criminal law, specifically through the application of sanctions designed to harm offenders, in order to promote efficiency and justice. Non-penal (preventive) measures refer to activities designed to prevent crime before it occurs. These methods do not require criminal action or legislation. For example, keeping a close watch on prohibited items and developing effective measures to prevent violent offenders from obtaining such items are examples of addressing issues related to violent crime. b) Creating a safe and conducive environment for children to live in, with the aim of reducing the likelihood of violent crime occurring. c) One of the approaches to addressing this issue is to raise individual awareness of shared responsibility in cases of violence.

Bullying investigations in criminal cases can be efficiently conducted using the theory of victimology, despite the misconception that victimology is a politically neutral concept that ignores the victim's involvement in the crime. Victimology offers a thorough examination of the mental, physical and social suffering experienced by victims of crime as a result of the actions of others. Fighting for the legal rights of individuals who have been victims of bullying Investigating the problem of bullying Bullying can take many forms, such as psychological, physical, and verbal aggression. There has been a considerable decline in suicide attempts. In particular, school-aged children, who incidentally spend time with their peers every day.

Bullying is an unavoidable occurrence, regardless of whether the topic is trivial or not. However, it cannot be denied that bullying is prevalent among people of all age groups. Bullying cases can occur indiscriminately, affecting individuals of all ages, even adults. Bullying encompasses various forms of harassment, including physical, verbal, and psychological abuse such as ostracization.

Legislative measures designed to protect children are aligned with regulations that require the preservation and defense of children's rights, ensuring their healthy development while upholding their inherent dignity and keeping them safe from harm. Article 76c of Law No. 23 of 2014, which amends Law No. 23 of 2002, prohibits anyone from engaging in any form of abuse of a minor. This includes placing, ignoring, conducting, directing, or participating in such activities. Therefore, there are preventive measures in place to prevent potential acts of abuse, should they occur.

Legislative measures designed to protect children are aligned with regulations that require the preservation and defense of children's rights, ensuring their healthy development while upholding their inherent dignity and keeping them safe from harm. Article 76c of Law No. 23 of 2014, which amends Law No. 23 of 2002, prohibits anyone from engaging in any form of abuse of a minor. This includes placing, ignoring, conducting, directing, or participating in such activities. Therefore, there are preventive measures in place to prevent potential acts of abuse, should they occur. Regarding the issue of bullying, especially in educational institutions, Lawrence M. Friedmann highlights the legal factors that must be considered. Friedmann asserts that this legal issue covers three fundamental aspects: structure, content and culture. The bodies that establish jurisprudential rules are also the ones responsible for implementing them; individuals in this capacity are sometimes referred to as law enforcers. The criminal justice system is the governing body in charge of enforcing criminal law. It functions as a law enforcement system with the authority to conduct investigations, trials, and adjudications. In addition, the system also has the ability to use machinery for the execution of judgments and the execution of crimes. The legal culture has authority over the four pillars of the legal system. Advocating non-penal alternatives to punishment is the most efficient approach to address bullying in schools, given the substantial influence of culture. Enforcing regulations on the legal framework and its substance is important when non-coercive measures prove ineffective in solving the problem.

he defense provided by the state for victims. Using these criteria, we can examine the prohibited and legitimate methods used by the government to protect victims. Disciplinary measures exclusively: a) Law enforcement personnel conduct operations with the primary objective of eliminating past offenses by applying criminal law, specifically through the application of sanctions designed to harm offenders, in order to promote efficiency and justice. Non-penal (preventive) measures refer to activities designed to prevent crime before it occurs. These methods do not require criminal action or legislation. For example, closely monitoring prohibited items and developing effective measures to prevent violent offenders from obtaining such items are examples of addressing issues related to violent crime. b) Creating a safe and conducive

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Bullying investigations in criminal cases can be efficiently conducted using the theory of victimology, despite the misconception that victimology is a politically neutral concept that ignores the victim's involvement in the crime. Victimology offers a thorough examination of the mental, physical and social suffering experienced by victims of crime as a result of the actions of others. Fighting for the legal rights of individuals who have been victims of bullying Investigating the problem of bullying Bullying can take many forms, such as psychological, physical, and verbal aggression. There has been a considerable decline in suicide attempts. In particular, school-age children, who incidentally spend time with their peers every day. Bullying is an unavoidable occurrence, regardless of whether the topic is trivial or not. However, it cannot be denied that bullying is prevalent among people of all age groups. Bullying cases can occur indiscriminately, affecting individuals of all ages, even adults. Bullying encompasses various forms of harassment, including physical, verbal, and psychological abuse such as ostracization. Three main aspects of the law require consideration: the utility of the law, which relates to the practical or utilitarian value of the law; the justice of the law, which involves a philosophical examination of the law; and legal certainty, which addresses the law from a juridical point of view. The law introduces uncertainty because it has the goal of creating public order. Legal certainty serves as a valid explanation to refrain from adjusting one's behavior. Moreover, since the law is designed for the welfare of mankind, its implementation should prioritize the welfare of the general public. It is imperative to ensure the fair application of the law due to its universal, comprehensive, and mandatory nature. Other components will be negatively impacted if you only concentrate on one part of it. Therefore, to achieve harmony it is necessary to consider these three criteria.

Legislative measures designed to protect children are aligned with regulations that require the preservation and defense of children's rights, ensuring their healthy development while upholding their inherent dignity and keeping them safe from harm. Article 76c of Law No. 23 of 2014, which amends Law No. 23 of 2002, prohibits anyone from engaging in any form of abuse of a minor. This includes placing, ignoring, conducting, directing, or participating in such activities. Therefore, there are precautionary measures in place to prevent potential acts of violence.

Lawmakers have implemented appropriate regulations to protect children from emotional and physical abuse, as outlined in Law No. 35 of 2014, which is an amendment to Law No. 23 of 2002 on Child Protection. To prevent acts of violence against children, the law imposes heavier criminal sanctions on perpetrators. Article 8 of Law No. 35 of 2014 regulates the criminal consequences, as specified in Law No. 23 of 2002 on Child Protection. The following are the provisions: 1. The sanction for non-compliance with the provisions of Article 76C is a maximum fine of Rp72,000,000.00 and/or a maximum imprisonment of 3 (three) years and 6 (six) months. 2. If the incident as referred to in paragraph 1 results in serious injury, the perpetrator may be punished with a maximum imprisonment of 5 (five) years and/or a maximum fine of one hundred million rupiah (Rp100,000,000,000.00). 3. Perpetrators can be punished with imprisonment of up to 15 (fifteen) years and/or a fine of up to 3 (three) billion rupiah, in accordance with the rights of the child outlined in section 2. Furthermore, the punishment for violence against children committed by parents should be three times as severe as the punishment for other types of violence, as indicated in sections 1, 2, and 3.

IV. CONCLUSION

Legal protection for child victims of bullying is regulated in Law No. 35/2014 on Child Protection, which outlines the rights of victims in the field of victimology. This perspective is particularly important as bullying continues to be considered a prevalent behavior among young people, rather than being recognized as a serious problem. From this perspective, it is clear that those who are victims of bullying have diminished rights, regardless of the real consequences of such behavior.

The rights of victims are established in the field of victimology. Given that bullying is often considered a child's problem and is not considered a significant problem, this point of view has significance. From this point of view, it is evident that although the severity of this crime is significant, the benefits experienced by victims of abuse are usually not perceived, despite the enormous impact of the act.

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