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## **Prevention of Bullying of Students in Educational Institutions and the Application of Legal Sanctions**

**Saifullah**

STIAMI- Institute of Social Sciences and Management, Jakarta-Indonesia

**Abstract.** This is a qualitative research with a case study approach. This research is intended to answer the questions how the sanctions are applied by schools for bullying children and how the law enforcement for bullies is applied. Data was collected by means of semi-structured interviews with 5 informants consisting of a psychologist, a legal practitioner and 3 parents whose children were victims of bullying. Cases of bullying that occur in schools receive less attention from teachers, academic staff and school principals. In general, bullying is still considered an ordinary child delinquency and behaviour, even though the impact of bullying is very dangerous for students who become victims. For this reason, every teacher, staff, principal must have sufficient knowledge regarding bullying issues in order to create an activity program that aims to prevent bullying and every parent must also pay attention to their children and understand that currently there is a law related to the problem of bullying and it is hoped that parents will have the courage to report to the authorities in order to provide a deterrent effect not only to the bullies but also to those who cover up the case.

**Keywords.** Bullying, educational institutions, legal sanctions

### **1. Introduction**

Currently, bullying in schools is increasingly prevalent not only at the elementary level but also in junior and senior high school. This has to be given serious attention from all parties, not only parents, teachers, and schools, but also the government and child care organisations. Unfortunately, various polemics still occur regarding the handling of bullying cases in Indonesia, especially related to sanctions for bullies. Many of the victims' parents feel that the school's handling of the bullies is not commensurate and will not provide a deterrent effect. Due to this unequal sanction, then bullies actually increase the intensity of their attacks, which ultimately causes the victim to prefer silence and let his actions take place.<sup>1</sup> In 2005, for example, there was an act of verbal bullying against a student by her classmates related to her father's job. This case became public attention because this bullying caused the student to experience psychological pressure and finally feeling that no one was there to help her, she finally chose to end her life by hanging herself in the kitchen of her home.<sup>2</sup>

<sup>1</sup> <http://lifestyle.kompas.com/read/2017/07/26/080000020/mencari-hukuman-yang-tepat-bagi-anak-pelakubullying>. Accessed on 10 November 2021

<sup>2</sup> <http://news.liputan6.com/read/105426/gara-gara-seringdiejek-vivi-gantung-diri>. Accessed on 11 November 2021

From the cases that occurred above, we can conclude that bullying is not an act that can be taken lightly, considering the impact on the victim is very heavy. Especially if the bullying is done continuously, then this will make the victim experience psychological pressure. Victims will usually be angry, not only at the bully, but also angry at those around them who don't want to help them and eventually they become angry with themselves (Ericson, 2007). The impact of bullying on a student will be seen from frequent absences, declining academic achievement, low self-esteem, and high levels of depression (Banks, 1997). The negative impact of bullying is also seen in the decrease in intelligence test scores (IQ) and students' analytical skills. Various studies have also shown an association between bullying and increased depression and aggression.

The problem until now is which party can be blamed in this bullying case or which party should be responsible. It is very unfortunate by many parties is the omission or lack of attention made by the school. There are still many teachers who think that bullying is a common problem as a result of children's normal behaviour. There are also many educators who still lack understanding of bullying, whose impact is very dangerous for victims. At first, bullying is just an ordinary joke, but if it is not stopped immediately, it will potentially become a psychological attack and will usually end in a physical attack. So, the question arises, whether the bullying treatment can be categorised as an act that violates the law and can be held accountable. This question does not stop there, what is even more concerning is that the bullies who are minor have certain rights in sentencing the child, considering that the sentencing is not allowed to threaten the future of the child.

Based on the problems that have occurred recently related to bullying, this research is aimed at answering the question of how the sanctions are applied by schools for bullying children and how the law enforcement for bullies is applied. The results of this study will contribute to teachers, schools, and parents, so that legal sanctions can be enforced and bullying in educational institutions can be prevented.

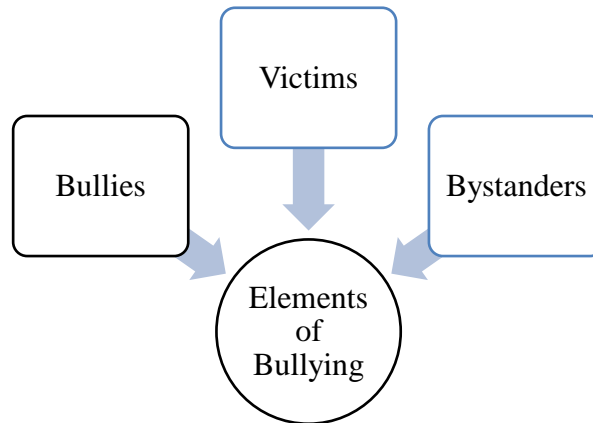
## **Literature Review**

### *Definition of Bullying*

The word 'bullying' in Indonesian language is a new term. The definition of 'bullying' according to Ken Rigby (2003) in Khasanah (2015) is a desire to hurt others. This action is carried out directly by a stronger person or group, is irresponsible, is usually repeated, and is carried out with pleasure. Meanwhile, according to the Indonesia National Commission for Child Protection (KNPA) is long-term physical and psychological violence perpetrated by a person or group against someone who is unable to defend themselves (Cakrawati, 2015).

Bullying is indeed defined as an aggressive action taken by the bullies to his victim by using himself or an object with the aim of injuring or making the victim uncomfortable (Olweus in Helen C. & Dawn J, 2007). In the act of bullying itself, there are several elements involved, as stated by Diena Haryana (in Sejiwa 2008) which can be seen in Figure 1 below:

Figure 1  
Elements of Bullying



Source: Diena Haryana in Sejiwa (2008)

1. Bullies. In general, the bullies are children who have more power than the victim.
2. Victims of bullying. Victims usually have a smaller physique or students who are considered weak or have low self-confidence.
3. Bystanders. Bystanders of bullying usually have 2 roles, namely just watching without making a sound, and watching while giving shouts that encourage the bullies to take more aggressive actions.

Meanwhile, when viewed from the type, Sullivan (2000) quoted by Ponny Retno Astuti (2008) divides the types of bullying into: (1) physical, such as spitting on the victim, scratching, hitting, pushing, pulling hair, kicking etc., (2) non-physical, which is distinguished into verbal and non-verbal. Verbal bullying acts for example like threatening, pressuring, spreading bad news about the victim, inciting, saying dirty words etc. Meanwhile, non-verbal actions, for example, do not involve the victim in activities (isolate), send messages that are inflammatory. This is also known as indirect verbal action. As for direct non-verbal actions, such as frightening, threatening, staring sharply, moving legs or other limbs roughly.

Meanwhile, Riauskina (2005) said that bullying is divided into 5 forms, namely: (1) direct physical contact (scratching, pinching, kicking, etc.), (2) direct verbal contact (mocking, giving derogatory name calls, intimidating, saying rude, etc.), (3) direct non-verbal behaviour (looks cynically, shows condescending facial expressions, etc., 4) indirect non-verbal behaviour (isolates, silences, stays away, etc., 5) sexual harassment.

#### *Bullies and Legal Sanctions*

Law Number 35/2014, article 54 point 2 states that teachers, teaching staff, government and society are responsible for the protection of children. The protection as referred to in point (1) is carried out by educators, education staff, government officials, and/or the community. However, cases of violence against children still continue to occur even though the regulation on bullying has been mentioned in the convention on the rights of the child which has been ratified by Indonesia and implemented in the Presidential Decree of the Republic of

Indonesia Number 36 of 1990 as well as in other legislation or positive laws. Cases of violence against children and bullying continue to occur both within the scope of education and outside the scope of education. This Law No. 35/2014 is a replacement for Law No. 23/2002 on child protection. In this new law, it is stated in more detail that everyone is prohibited from placing, allowing, committing, ordering to commit, or participating in committing violence against children. Those who violate it, will be sentenced to a maximum imprisonment of 3 (three) years and 6 (six) months and/or a maximum fine of IDR 72 million.

In order to bring a child to court, there is an age limit for whether or not the child should be brought before the court. It can be seen explicitly in Law No. 3 of 1997 Article 1 point 1 which is in line with the formulation of Article 4 point (1). Article 1 point 1, namely: A child is a person who in the case of a naughty child has reached the age of 8 (eight) years but has not yet reached 18 (eighteen) years and has never been married. Article 4 point (1), namely: The age limit for naughty children who can be submitted to the juvenile court is at least 8 (eight) years but has not yet reached 18 (eighteen) years and has never been married. The two articles show that what is called a child who can be sued or brought to a juvenile court is only a child between the ages of 8 and 18 years and has never been married. Against children who, although not yet 18 years old but are married, cannot be submitted to a juvenile court, but to an adult trial based on the Criminal Code and the Criminal Procedure Code (Nasriana, 2014).

Thus, the means of criminal law through the criminal justice system, including the juvenile criminal court, which can also be referred to as the children's court, have the duty and authority to examine, decide and settle cases of children as determined in the applicable laws and regulations (Gultom, 2014).

### **Research Method**

This research uses a qualitative method with a case study approach. Qualitative methods are also defined as research methods in describing phenomena based on the point of view of the informants, finding various realities and developing a holistic understanding of a phenomenon in a certain context (Hilal and Alabri: 2013). The purpose of qualitative research is also stated by Sani, Manurung, Suswanto, and Sudiran (2017) who mention that qualitative methods aim to reveal existing phenomena and understand the meaning behind these phenomena.

Judging from the cases studied, according to Endraswara (2012: 78), case studies can be divided into two groups, namely case studies in the form of deviations from reasonableness and case studies towards positive developments. The first case study is curative, and is called a retrospective case study, which allows for follow-up healing or improvement of a case (treatment). Healing actions do not have to be carried out by researchers, but by other competent people. Researchers only provide input from research results. The research conducted by this researcher is one example where the researcher hopes that this research can provide input to related parties to pay more attention to bullying cases that occur in educational institutions and find the best solution for its prevention.

Data collection in case studies can be drawn from various sources of information, because case studies involve collecting "rich" data to build an in-depth picture of a case. Yin (2014) revealed that there are six forms of data collection in case studies, namely: (1) documentation consisting of letters, memorandums, agendas, reports of an event, proposals, research results, evaluation results, clippings, articles; (2) archive records consisting of service records, maps, survey data, list of names, personal records such as diaries, calendars, etc.; (3) interviews are usually open-ended; (4) direct observation; (5) participant observation and (6)

physical or cultural equipment, namely technological equipment, tools or instruments, art work, etc.

Data collection in this study was conducted by interview in addition to documentation. According to Sugiyono (2017:233) Interviews can be conducted in a structured, semi-structured and unstructured manner. Qualitative research generally uses unstructured or semi-structured interviews (Holloway & Wheeler, 1996), as researchers did on the basis of considerations because the implementation is more free than structured interviews so that there will be closeness between researchers and respondents which will ultimately facilitate researchers in collecting data (Sugiyono, 2010: 233).

In this study, a number of 5 informants were interviewed, consisting of 1 psychologist, 3 parents whose children had been victims of bullying from different schools in Jakarta, and 1 legal practitioner to get a perspective on how legal sanctions should be applied to child offenders. For ethical issues reasons and objections from the informants, the names of informants and schools are only written in initials.

Meanwhile, according to Bogdan and Biklen in Moleong (2007: 248) data analysis is an effort made by working with data, organising data, sorting it into manageable units, synthesising it, looking for and finding patterns, finding what is important and what is not, learned, and decide what to tell others. The data analysis technique used in this study refers to the concept of Mudjia Rahardjo (2017) which classifies data analysis in six steps, namely: Data Collection, Data Completion, Data Processing, Data Analysis, Data Analysis Process, and Research Conclusions.

## Results

The following are the results of interviews with parents whose children are victims of bullying.

Table 1  
Results of interviews with parents

Informant	Types of bullying	Impact on Victims	Sanctions from schools
1	<ol style="list-style-type: none"> <li>1) Bad name calling</li> <li>2) Mocking</li> <li>3) Pulling the clothes</li> <li>4) Pulling the bag</li> <li>5) Throwing away the things in the bag</li> </ol>	<ol style="list-style-type: none"> <li>1) The victim is afraid to go to school</li> <li>2) The victim is afraid to meet people</li> <li>3) The victim is afraid to look at the other person</li> </ol>	The guidance and counseling teachers only call the bullies and give advice
2	<ol style="list-style-type: none"> <li>1) Sending intimidating messages</li> <li>2) Showing silly pictures</li> <li>3) Never involved in group work</li> </ol>	<ol style="list-style-type: none"> <li>1) The victim doesn't want to use the cellphone anymore</li> <li>2) The victim doesn't want to go to school</li> </ol>	<ol style="list-style-type: none"> <li>1) The guidance and counseling teacher only calls the bullies and gives advice</li> <li>2) The bullies are only given a sanction to clean toilets and school grounds</li> </ol>

		3) The victim is afraid to meet people	
3	<ul style="list-style-type: none"> <li>1) Stealing money</li> <li>2) Breaking things in the victim's bag</li> <li>3) Sexual harassment</li> <li>4) Pushing chairs when the student is sitting</li> <li>5) Putting animals (caterpillars, cockroaches, frogs etc.) in the victim's bag</li> </ul>	<ul style="list-style-type: none"> <li>1) The victim always feels scared</li> <li>2) The victim does not dare to leave the room</li> <li>3) The victim doesn't want to study anymore</li> <li>4) The victim doesn't want to meet other people</li> </ul>	<ul style="list-style-type: none"> <li>1) The bullies have never been reported to the authorities</li> <li>2) The school seems to be covering up this bullying incident in order to maintain its reputation.</li> </ul>

### Discussion

From interviews with 3 mothers whose children had been victims of bullying, information was obtained that their children were victims of verbal and non-verbal bullying (Sullivan, 2000 in Ponny Retno Astuti, 2008), which had a very serious impact on physically and psychologically on the children. Not only did they not want to go to school anymore, but they were always afraid to meet other people besides their family members. However, it is unfortunate that the school still considers bullying to be a normal case and does not give serious attention to both the victim and the bullies.

“My son is 10 years old and has been bullied not only by his classmates but also by his seniors because he is a child with special needs (autistic). Every day my son is treated badly at school. At first they were only ridiculed with bad name calls, but over time they dared to do physical violence such as pulling hair, pulling clothes and spilling the things from his bag. What I regret is that there is no serious action from the school regarding this bullying incident, so the bullies are getting bolder because there is no sanctions whatsoever from the school. It seems like the teachers, staff, and also the principal just take this as a matter of course and only give light punishments.” (FU- parent of the victim)

The result of the interview also indicated that every parents hope that their children will have safety and comfort when they are at school, and teachers can carry out their functions as a substitute for parents while students are at school. If the school is no longer able to provide security and comfort for its students, then it is appropriate for parents to report it to the authorities, because after all there is currently a law regarding bullying.

“What I really regret is that the school seems to be covering up the abuse incident that was experienced by my child whereas teachers and staff in schools should be able to provide protection to every child. I have even reported to the principal twice, but the response was very unpleasant. Even I as a parent are blamed for not being able to educate children to socialize, and I was asked not to exaggerate the problem too much.” (RI- parent of the victim)

This is in line with what is stated in Law Number 35/2014 article 54 point 2 which says that teachers, teaching staff, government and society are responsible for the protection of children. In reality on the ground, the implementation of this legal instrument is still hit by various obstacles such as public ignorance and lack of commitment from local governments. This bad implementation makes elementary school education in Indonesia not fully protected. For this reason, it is necessary that school creates some programs to suppress or minimise bullying among students.

From the results of interview with a psychologist, we know that intervention programs that can be run by schools include providing student consultation services and training for students and teachers. In addition, schools also need to involve parents in the form of parenting programs. These activities will raise awareness to prevent bullying. The involvement of various parties in preventing bullying will make schools reduce the level of bullying (Halimah, Khumas, and Zainuddin, 2015; Espelage, Polanin and Low, 2014).

In addition, counseling teachers and academic staff are expected to have sufficient knowledge regarding bullying and to play an active role in creating programs that aim to prevent bullying in schools (Sullivan, 2000). Schools need to apply rules with clear discipline marked by a clear structure and strong support so that bullying can occur (Cornell, Shukla, and Konold, 2015). Schools must be consistent in enforcing the rules and not covering up the occurrence of bullying which in the end will invite new cases of bullying.

Parents whose children are victims of bullying must also have the courage to report the bullies and also the school to the authorities. Until now, most cases of bullying in schools have only been resolved amicably with the school as the mediator. Mediation is carried out between the victim's parents, the bullies' parents, teachers, staff, and the school principal and usually the matter is considered resolved with an apology from the bullies' parents. Thus, without realizing it, it triggers more cases of bullying because it does not deter the bullies.

### **Conclusion**

The results of this study indicate that cases of bullying that occur in schools receive less attention from teachers, academic staff and school principals. In general, bullying is still considered an ordinary child delinquency act and behaviour, even though the impact of bullying is very dangerous for students who become victims. Unfortunately, bullying cases that occur in schools are generally only resolved amicably between the parents of the students, the parents of the bullies and the school which consists of teachers, staff and principals and the problem is considered resolved only with an apology from the bullies' family. There are no legal sanctions applied, even the school tends to cover up cases of bullying that occur in their schools, which does not provide a deterrent effect to the bullies even after that triggers new bullying cases. For this reason, every teacher, staff, principal must have sufficient knowledge regarding bullying issues in order to create an activity program that aims to prevent bullying and every parent must also pay attention to their children and understand that currently there is a law related to the problem of bullying and it is hoped that parents will have the courage to report to the authorities in order to provide a deterrent effect not only to the bullies but also to those who cover up the case. For further research, the researcher suggests that research related to bullying in educational institutions should be carried out with a different approach.

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### **Policies**

- [1] Law No 35/2014, Chapter 54, point 2 stating that teachers, teaching staff, government and society are responsible for the protection of children.
- [2] Decree of the President of the Republic of Indonesia Number 36 of 1990 which is a the Convention on the Rights of the Child which has been ratified by Indonesia.
- [3] Law No. 35/2014 is a replacement for Law No. 23/2002 on child protection. In this new law, it is stated in more detail that everyone is prohibited from placing, allowing, committing, ordering to commit, or participating in committing violence against children.
- [4] Law No. 3 of 1997
  - (a) Article 1 point 1, namely: A child is a person who in the case of a naughty child has reached the age of 8 (eight) years but has not yet reached 18 (eighteen) years and has never been married.
  - (b) Article 4 paragraph (1), namely: The age limit for naughty children who can be submitted to the juvenile court is at least 8 (eight) years but has not yet reached 18 (eighteen) years and has never been married.

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