

## **Review of the Effectiveness of Article 76 C of Law Number 35 of 2014 concerning Child Protection in the Prevention and Eradication of Bullying in Indonesia**

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<i>Article Info</i>	<i>Abstract</i>
<i>Receive: 2025-01-24</i> <i>Revised: 2025-04-04</i> <i>Accepted: 2025-05-04</i>  <b>Keywords:</b> <i>Prevention, Eradication, Bullying</i>	<i>Bullying is a negative action that is carried out repeatedly by a stronger or powerful individual against a weaker individual. Article 76C of Law Number 35 of 2014 concerning Child Protection prohibits everyone from placed, allowing, doing, ordering to do, or participating in violence against children. This provision aims to provide comprehensive protection for children from various forms of violence, including bullying. Although normatively Article 76C has regulated the prohibition of violence against children, implementation in preventing and eradicating bullying in Indonesia still faces various challenges. This study uses a normative juridical law research method that focuses on the study of applicable legal norms and their application in practice in society. These findings highlight the effectiveness of article 76C of law number 35 of 2014 concerning child protection in the prevention and eradication of bullying in Indonesia and how the ideal legal concept is in order to reduce bullying in Indonesia.</i>

### **Introduction**

Indonesia as a country of law has a responsibility to protect human rights, including children's rights. Children are social creatures and individuals with different abilities, desires, thoughts, and feelings from each other. Children are the nation's assets and the nation's next generation. Children are part of the younger generation as one of the human resources that have the potential to be the successor to the ideals of the nation's struggle.<sup>1</sup> Children need guidance and protection in ensuring physical, mental, and social growth and development in a whole, harmonious, harmonious, and balanced manner. Bullying is one of the six forms of violence that are vulnerable to occur both in the educational environment and outside the educational unit. The Online Information System for the Protection of Women and Children (Simfoni PPA) in 2025 recorded 4,518 cases of violence, 62.5% of victims and perpetrators are children, the most types of violence that occur in educational units followed by psychological violence.<sup>2</sup>

<sup>1</sup> Fitri Annisa, Henny Kusumawati, and Sumrahadi Sumrahadi, 'Penyuluhan Dan Skrining Tumbuh Kembang Pada Anak Di Panti Asuhan YBKN Al-Hisyam Jakarta Selatan', *JURNAL KREATIVITAS PENGABDIAN KEPADA MASYARAKAT (PKM)*, 5.5 (2022), pp. 1534–40, doi:10.33024/jkpm.v5i5.5755.

<sup>2</sup> 'Peta Sebaran Jumlah Kasus Kekerasan Menurut Provinsi, Tahun 2025'

In Article 76 C of Law Number 35 of 2014 concerning Amendments to Law 23 of 2002 Child Protection stipulates a prohibition that "Everyone is prohibited from placed, allow, committed, ordered to commit, or participate in committing Violence against Children." In addition, it is stated in the 1945 Constitution of the Republic of Indonesia that regulates the protection of children, as stated in Article 28B paragraph (2), which states that every child has the right to survival, growth and development, and protection from violence and discrimination. Children are individuals who are still in the process of development, both physically, mentally, and socially.<sup>3</sup> As the next generation of the nation, they need an environment that supports their growth and development optimally. However, in reality, children are often victims of various forms of violence, including bullying.

Quoting a statement from Antonius P.S. Wibowo in his work *The Application of Criminal Law in Handling Bullying in Schools*, acts of bullying can be classified into five main categories as follows:

1. Physical bullying: Includes acts that attack or injure a person's body, such as beating, pushing, biting, trapping, kicking, confinement in a room, pinching, scratching, extortion, and destruction of other people's property.
2. Verbal bullying: Includes statements or remarks that aim to threaten, humiliate, degrade someone, harass, give derogatory nicknames (name-calling), use sarcasm, ridicule, intimidate, curse, and disseminate information or gossip that can harm other parties.
3. Bullying with direct non-verbal behavior: Refers to expressive actions that have elements of threat, insult, or ridicule, such as degrading or intimidating facial expressions, which are generally carried out in conjunction with physical or verbal bullying.
4. Bullying with indirect non-verbal behavior: Includes actions aimed at isolating or harming a person socially, such as intentionally ignoring an individual, manipulating a friendship with the intention of breaking or damaging it, ostracizing, and conveying threats or intimidation through anonymous letters or messages.
5. Sexual harassment: An act that can be categorized as physical or verbal aggression, which is related to a violation of a person's dignity and dignity in a sexual context.<sup>4</sup>

Each form of bullying as mentioned above can have legal consequences in accordance with the provisions of applicable laws and regulations, especially in the scope of criminal law and child protection.

Cases of bullying in the educational environment are currently a serious concern for educators, parents, and the community. Schools that are supposed to be a place for students to gain knowledge and build positive character are often fertile environments for bullying behavior.<sup>5</sup> This phenomenon shows that bullying is not just an individual action, but has evolved into a pattern of behavior that repeats from one generation to the next.<sup>6</sup> Each generation tends to imitate and reproduce the patterns of violence they have

<[https://kekerasan.kemenpppa.go.id/ringkasan?utm\\_source=chatgpt.com](https://kekerasan.kemenpppa.go.id/ringkasan?utm_source=chatgpt.com)> [accessed 9 March 2025].

<sup>3</sup> UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA TAHUN 1945.

<sup>4</sup> P.S Antonius Wibowo, *Penerapan Hukum Pidana Dalam Penanganan Bullying Di Sekolah* (Universitas Katolik Indonesia Atmaja Jaya, 2019).

<sup>5</sup> Surilena, 'Perilaku Bullying (Perundungan) Pada Anak Dan Remaja', 43 No. 1 (2016), doi:10.1116/1153-2000-6.

<sup>6</sup> Nurfika Pitaloka, 'Perundungan Pada Remaja Dan Penanggulangannya', *Kompasiana*, 16 June 2022 <<https://www.kompasiana.com/nurfikapitaloka/62ab0fa2fdcdb4737c0201d2/perundungan-pada-remaja-dan-penanggulangannya>>.

experienced in response to situational pressures. As a result, bullying has become a culture that is difficult to eliminate. Children who experience pressure due to acts of violence they receive are at risk of adopting similar behavior patterns later in life.<sup>7</sup>

Under certain conditions, they may even commit acts of violence that they have experienced against others. Victims of bullying not only experience psychological trauma, but also experience a negative impact on academic achievement, declining mental health, and worst of all, bullying behavior can result in depression and trigger suicide. Physical<sup>8</sup> and psychological violence experienced by victims can cause victims to feel socially isolated, have difficulty making friends, and have less harmonious relationships with their parents.

According to Douglas Vanderbilt and Marilyn Augustyn, the perpetrators themselves often have mental health problems, such as high levels of depression and psychological distress, anxiety disorders, and various social problems. They also tend to exhibit antisocial behaviors that can negatively impact the surrounding environment.<sup>9</sup> Therefore, bullying needs to receive more attention so that this cycle of violence can be broken and the educational environment can again become a safe place for student development.<sup>10</sup>

## Method

Legal research methods are considered interesting because their selection in a study will produce works that contain arguments based on reasoning. In its development, this reasoning requires a special method that is a characteristic in itself.<sup>11</sup> This study uses one of the methods that is often used, namely the normative juridical law research method, this research focuses on the study of applicable legal norms and their application in practice to build systematic and structured legal arguments. This legal research is carried out by examining literature or secondary data as the basis for analysis, which is then traced through regulations and literature related to the problem being researched.<sup>12</sup>

## Results and discussion

### A. The Effectiveness of Article 76 C of Law Number 35 of 2014 concerning Child Protection in the Prevention and Eradication of Bullying in Indonesia

The phrase *bullying* or *bullying* comes from English which has the meaning of bullying or bullying. However, the use of the terms bullying and bullying as the equivalent of the word bullying in Indonesian is considered inappropriate because it

<sup>7</sup> Risha Desiana Suhendar, *FAKTOR-FAKTOR PENYEBAB PERILAKU BULLYING SISWA DI SMK TRIGUNA UTAMA CIPUTAT TANGERANG SELATAN* (11 October 2018).

<sup>8</sup> Setyani Dan, Siti Nur, and Elisa Lusiana, *Analisis Dampak Bullying Terhadap Kepribadian Anak*.

<sup>9</sup> Douglas Vanderbilt and Marilyn Augustyn, *The Effects of Bullying* (Paediatrics and Child Health, 2010).

<sup>10</sup> Tri Rizky Analiya and Ridwan Arifin, *PERLINDUNGAN HUKUM BAGI ANAK DALAM KASUS BULLYING MENURUT UNDANG-UNDANG NOMOR 35 TAHUN 2014 TENTANG PERLINDUNGAN ANAK DI INDONESIA*, *Journal of Gender And Social Inclusion In Muslim Societies*, 2022, iii.

<sup>11</sup> Muhammad Zainuddin and Aisyah Dinda Karina, *PENGUNAAN METODE YURIDIS NORMATIF DALAM MEMBUKTIKAN KEBENARAN PADA PENELITIAN HUKUM USE OF NORMATIVE JURIDICAL METHODS IN PROVING THE TRUTH IN LEGAL RESEARCH*, *Smart Law Journal*, MMXXIII <<http://stikesyahoedsmg.ac.id/ojs/index.php/sljp>ISSN2830-6430;eISSN2830-683X>.

<sup>12</sup> Suhaimi, 'PROBLEM HUKUM DAN PENDEKATAN DALAM PENELITIAN NORMATIF', *Jurnal Yustitia*, Vol. 19 No. 2 (2018).

does not fully reflect the meaning contained in the concept.<sup>13</sup> A more appropriate term is "annoyance," which comes from the word "rising," which means to constantly harass or annoy with various forms of ridicule.<sup>14</sup> However, Anies Baswedan, the former Minister of Education and Culture, prefers to use the term "bullying" or "bullying" as the equivalent of the word *bullying*.

The word bullying or bullying is considered to reflect more acts of *bullying*,<sup>15</sup> which involve disturbing or harassing the victim repeatedly through intimidation, humiliation, bullying, beating, and other forms of oppression, which can cause the victim to experience physical injuries and psychological pressure.<sup>16</sup> Demaray and Malecki in their writings explain that bullying is a negative act that is carried out repeatedly by stronger or powerful individuals against weaker individuals.<sup>17</sup>

Article 76C of Law Number 35 of 2014 concerning Child Protection prohibits everyone from placed, allowing, doing, ordering to do, or participating in violence against children. This provision aims to provide comprehensive protection for children from various forms of violence, including bullying. Although normatively Article 76C has regulated the prohibition of violence against children, the implementation in preventing and eradicating bullying in Indonesia still faces various challenges, the following is a table of data on the number of cases of child abuse in Indonesia for the period 2016 to 2024.

**Table 1.** Number of Cases of Child Abuse in Indonesia for the Year Period (2016-2024)

NO T	YEAR	NUMBER OF CASES	DATA SOURCES
1	2016	253 cases	KPAI, Ministry of Health of the Republic of Indonesia
2	2017	245 cases	KPAI, Ministry of Health of the Republic of Indonesia
3	2018	234 cases	KPAI, Ministry of Health of the Republic of Indonesia
4	2019	97 cases	KPAI, Ministry of Health of the Republic of Indonesia
5	2020	88 cases	KPAI, Ministry of Health of the Republic of Indonesia

<sup>13</sup> Muhammad Hatta, *TINDAKAN PERUNDUNGAN (BULLYING) DALAM DUNIA PENDIDIKAN DITINJAU BERDASARKAN HUKUM PIDANA ISLAM*, 2017, XLI <<http://www.kpai.go.id/berita/kpai-presiden-jokowi-siapkan-perpres-terkait-bullying->>>.

<sup>14</sup> Kementerian Pendidikan Nasional Republik Indonesia, *Kamus Bahasa Indonesia (Pusat Bahasa Depatemen Pendidikan Nasional, 2008)*.

<sup>15</sup> Kurniawan Fadilah, 'Cegah Perundungan, Anies Janji Bakal Bikin Tim Anti Bully Di Tiap Sekolah', *DetikNews*, 4 December 2023 <<https://news.detik.com/pemilu/d-7071762/cegah-perundungan-anies-janji-bakal-bikin-tim-anti-bully-di-tiap-sekolah->>>.

<sup>16</sup> Rohaimi, 'Pesan Anies Baswedan Ke Pihak Sekolah: Pelaku Pembullying Jangan Dikeluarkan Dari Sekolah Tapi Dididik', *Tvonenews*, 5 December 2023 <<https://www.tvonenews.com/berita/nasional/171781-pesan-anies-baswedan-ke-pihak-sekolah-pelaku-pembullying-jangan-dikeluarkan-dari-sekolah-tapi-dididik->>>.

<sup>17</sup> Nurul Hidayati, *Bullying in Children: Analysis and Alternative Solutions* (Insan, 2012), XIV.

6	2021	-	-
7	2022	-	-
8	2023	3,800 cases (general), 30-40% of cases occurred in the educational environment	KPAI, Federation of Indonesian Teachers' Unions (FSGI)
9	2024	338 cases (common) and 34% of cases occurred in educational settings	KPAI, Federation of Indonesian Teachers' Unions (FSGI)

**Source:** KPAI, Ministry of Health of the Republic of Indonesia, Federation of Indonesian Teachers' Unions (FSGI)

Note:

- Data for 2016–2020 were taken from KPAI and the Ministry of Health of the Republic of Indonesia.
- Data for 2021–2022 are not yet available.
- Data for 2023 shows a significant increase in cases.

Including 3,800 cases of bullying in general (KPAI) and 30 cases in schools (FSGI). The Indonesian Child Protection Commission (KPAI) recorded 917 cases of bullying in schools during the period from 2016 to 2020, both by victims and perpetrators. The number of cases has relatively decreased, from 253 cases in 2016 to 245 cases in 2017, then 234 cases in 2018, and dropped significantly to 97 cases in 2019 and 88 cases in 2010. The data above does not include cases that may include bullying but occur outside of school, such as the case of children who face the law as victims of physical violence, such as persecution, rape, and fights that experience psychological violence, such as threats and intimidation and experience sexual violence. The number of cases for the three types of violence reached 2,390 cases.<sup>18</sup>

It should be noted that the data in the period 2020 to 2021 requires special attention, considering that during that time there was a COVID-19 pandemic which caused many schools to carry out online learning. However, after teaching and learning activities resumed normally, KPAI still recorded 87 cases of bullying from January to August 2023.<sup>19</sup> Furthermore, as of March 2024, KPAI has received complaints of child protection violations as many as 338 cases (general) and 34% of the case data occurred within the Education unit.<sup>20</sup>

In Article 76 C of Law Number 35 of 2014 concerning Amendments to Law 23 of 2002 Child Protection stipulates a prohibition that "Everyone is prohibited from

<sup>18</sup> Rokom, 'Perundungan Itu Belum Juga Berakhir', *Redaksi Mediakom*, 9 January 2024 <<https://sehatnegeriku.kemkes.go.id/baca/blog/20240109/4644682/perundungan-itu-belum-juga-berakhir/>>.

<sup>19</sup> Despian Nurhidayat, 'KPAI Catat 2.355 Kasus Kekerasan Di Sektor Pendidikan Dari Januari-Agustus 2023', *Media Indonesia*, 9 October 2023 <<https://mediaindonesia.com/humaniora/619770/kpai-catat-2355-kasus-kekerasan-di-sektor-pendidikan-dari-januari-agustus-2023>>.

<sup>20</sup> Yogi, 'HARDIKNAS: Bergerak Serentak Wujudkan Perlindungan Anak Pada Satuan Pendidikan', *KPAI*, 2 May 2024 <<https://mediaindonesia.com/humaniora/619770/kpai-catat-2355-kasus-kekerasan-di-sektor-pendidikan-dari-januari-agustus-2023>>.



placed, allow, committed, ordered to commit, or participate in committing Violence against Children." From this article, there are elements that can be analyzed:

a. Legal Subject

The phrase "Everyone" shows that the norm applies universally to all individuals, without exception, both parents, guardians, educators, law enforcement officials, and other parties who have a relationship with children.

b. Prohibited Acts (Actus Reus)

Placing → Positioning children in situations or conditions that allow violence to occur, both physically, psychologically, and sexually.

Allowing → Not taking action or being passive towards violence experienced by children, so that it can be categorized as negligence (*omission*).

Committing → Active acts in the form of violence against children.

Ordering to do → Giving orders or instructions to others to commit violence against children.

Participate in → form of participation in criminal acts as regulated in Article 55 of the Criminal Code.

c. Object of Protection

The object of the law in this article is *a child*, namely a person who is not yet 18 years old as stipulated in Article 1 Paragraph (1) of the Child Protection Law.

This regulation aims to provide legal protection for children from various forms of violence, including bullying. However, based on the data above, the effectiveness of the article in reducing the number of bullying still faces various challenges, including:

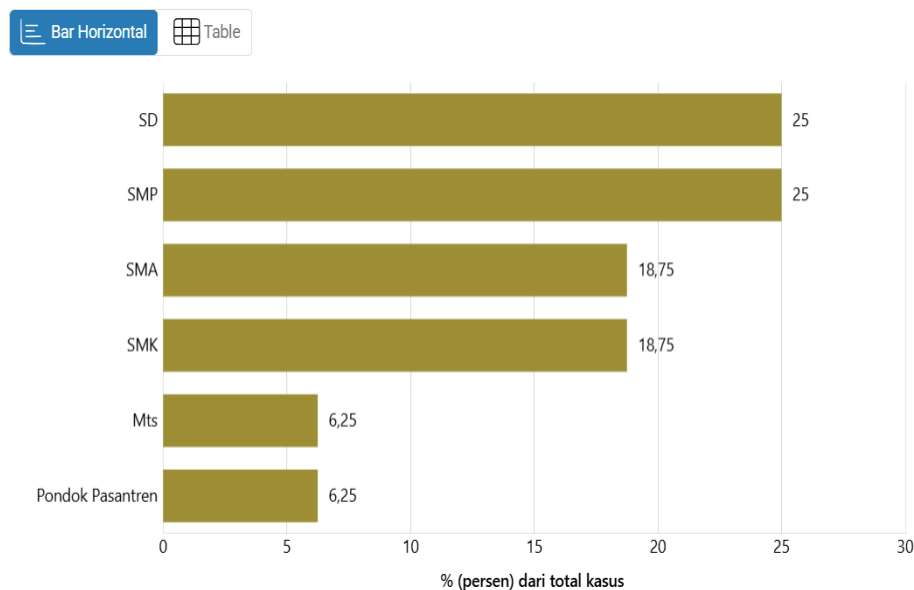
1. High Number of Bullying Cases in 2023

In the 2023 period, the Indonesian Child Protection Commission (KPAI) noted that throughout 2023, there were around 3,800 cases<sup>21</sup> of bullying in Indonesia, with almost half of them occurring in educational environments, including Islamic boarding schools.<sup>22</sup>

**Graph 1.** Proportion of Bullying Cases in the School Environment  
(January-July 2023)

<sup>21</sup> Firman and others, 'Penyuluhan Dampak Perundungan (Bullying) Di Lingkungan Pada SMPN 1 Sabbangparu', *Compile Journal of Society Service*, Vol. 2 No. 1 (2024).

<sup>22</sup> Meilita Elaine, 'KPAI Ungkap Sekitar 3.800 Kasus Perundungan Sepanjang 2023, Hampir Separuh Terjadi Di Lembaga Pendidikan', *SuaraSurabaya*, 2 March 2024 <[https://www.suarasurabaya.net/kelanakota/2024/kpai-ungkap-sekitar-3-800-kasus-perundungan-sepanjang-2023-hampir-separuh-terjadi-di-lembaga-pendidikan/#google\\_vignette](https://www.suarasurabaya.net/kelanakota/2024/kpai-ungkap-sekitar-3-800-kasus-perundungan-sepanjang-2023-hampir-separuh-terjadi-di-lembaga-pendidikan/#google_vignette)>.



**Source :** Katadata Media Network Document

According to data compiled by the Federation of Indonesian Teachers' Unions (FSGI) from Republika, there were 16 cases of bullying in the school environment during the period from January to August 2023. The most cases of bullying occurred at the elementary school (SD) and junior high school (SMP) levels, which accounted for 25% of all cases. Bullying also occurred in Senior High Schools (SMA) and Vocational High Schools (SMK), each with a percentage of 18.75%. Meanwhile, in Madrasah Tsanawiyah and Islamic boarding schools, each recorded a percentage of 6.25%. Heru Purnomo, Secretary General of FSGI, explained that in July 2023, there were four cases of bullying. One of them is the bullying that befell 14 junior high school students in Cianjur Regency, West Java, who experienced physical violence due to being late for school. The violence was carried out by drying and kicking students by upperclassmen who were already in high school.<sup>23</sup>

## 2. Obstacles in Law Enforcement

Although Law Number 35 of 2014 concerning Amendments to Law 23 of 2002 on Child Protection Indonesia has regulated the protection of children from bullying, the implementation and enforcement of related laws still face various obstacles. Among others:

### a. Limitations of Supporting Facilities and Infrastructure

Effective law enforcement requires adequate facilities and infrastructure support. However, there are often limitations in this regard, which hinder the law enforcement process against bullying cases.<sup>24</sup>

<sup>23</sup> Nabilah Muhamad, 'Kasus Perundungan Sekolah Paling Banyak Terjadi Di SD Dan SMP Hingga Agustus 2023', *Databoks*, 7 August 2023 <<https://databoks.katadata.co.id/demografi/statistik/2eed1c1a3b491f3/kasus-perundungan-sekolah-paling-banyak-terjadi-di-sd-dan-smp-hingga-agustus-2023>>.

<sup>24</sup> Ulfi Damayanti, 'Penegakan Hukum Terhadap Anak Dibawah Umur Yang Melakukan Perundungan Di

b. Lack of Public Awareness and Understanding

Low public awareness of the importance of reporting cases of bullying to the authorities and understanding children's rights can hinder the law enforcement process. In fact, many cases of bullying in the community are not reported because people think that it (bullying) is a trivial problem or part of ordinary social dynamics.

c. Protection of Child Offenders

If the perpetrator of the bullying is also a minor, then a juvenile criminal justice system must be implemented, which emphasizes a restorative approach and the protection of children's rights. Often, this can also be an obstacle in providing sanctions. A deterrent effect on the actions committed by children is very necessary in an effort to prevent bullying from recurring.<sup>25</sup>

d. Culture and Social Norms that are Tolerant of Bullying

In some communities, bullying may be considered part of a certain process of maturing or tradition, so the act is not taken seriously. This kind of view can hinder law enforcement and bullying prevention efforts.<sup>26</sup>

e. Lack of Coordination Between Related Institutions

Handling bullying cases requires coordination between various institutions, such as schools, police, and child protection institutions. Lack of effective coordination can hinder the process of law enforcement and protection of victims.

Based on available data, the effectiveness of Article 76C of Law No. 35 of 2014 in preventing and eradicating bullying is still not optimal. The increase in the number of bullying cases in 2023 shows that regulation alone is not enough without strengthening implementation, supervision, and education for the community. Without concrete steps, bullying will continue to be a difficult problem to eradicate even though there are regulations that regulate it.

## **B. An Ideal Legal Concept in Context of Reducing Bullying in Indonesia**

### **1. Ideal Legal Concepts**

Law is a fundamental foundation in community life that plays a role in maintaining order, upholding justice, and protecting the rights of individuals and groups. In the study of legal philosophy, law is not only understood as a set of norms that govern human behavior, but also as a reflection of cultural and moral values embraced by a society.<sup>27</sup> Therefore, a comprehensive understanding of legal concepts is the key in designing a legal system that can adapt to changing times. The complexity of social, economic, and technological dynamics requires the law to continue to adapt in order to remain effective in overcoming various problems. In the

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Wilayah Polres Lamongan', doi:10.38035/jihhp.

<sup>25</sup> S.H Mahir Sikki Z.A., 'Sekilas Tentang Sistem Peradilan Pidana Anak', *Pengadilan Negeri Palopo Kelas I B* <<https://pn-palopo.go.id/30-berita/artikel/363-sekilas-tentang-sistem-peradilan-pidana-anak>> [accessed 8 March 2025].

<sup>26</sup> Muh Shirli Gumilang, "BULLYING" NYATA YANG DILAKUKAN GURU. APAKAH ITU?', *Sekolah Literasi Indonesia*, 9 November 2022 <<https://sekolahliterasi.id/bullying-nyata-yang-dilakukan-guru-apakah-itu/>>.

<sup>27</sup> K.R. Yahya, 'Sociological Jurisprudence in the Perceptual Perspective of Legal Philosophy', *Journal of Educational and Social Humanities*, 12 (2023), pp. 1–2.



context of bullying, the analysis of basic legal concepts is the first step in formulating the right policy. The ideal legal concept to reduce bullying in Indonesia needs to include a preventive, educational, and strict law enforcement approach, as applied in several countries.<sup>28</sup>

Bullying is a serious problem that requires a comprehensive legal approach to prevention and treatment.<sup>29</sup> Several countries have adopted effective legal policies in reducing bullying, which can be used as a reference for Indonesia. The ideal legal concept in dealing with bullying should include various aspects, such as the drafting of specific laws regulating bullying as implemented in Sweden and France, the implementation of education and prevention programs such as the "KiVa" Program in Finland. KiVa was developed by the University of Turku, Finland, with funding support from the Finnish Ministry of Education and Culture. The program is designed by experts who have been researching the phenomenon of bullying and its mechanisms for many years. The development team is led by Professor *Christina Salmivalli* with researcher *Elisa Poskiparta*. KiVa focuses on preventing bullying by instilling character values in students. This program aims to form healthy group norms and increase children's capacity not to bully or be bullied. Through the KiVa system, children are taught about responsibility and empathy.<sup>30</sup> As well as the establishment of independent watchdogs such as "Ofsted" in the UK which is tasked with monitoring the implementation of anti-bullying policies in schools.<sup>31</sup>

In addition, training for educators and students as implemented in Australia through the "*Bullying. No way!*" The program provides a variety of materials, including lesson plans, interactive activities, and multimedia content that aims to improve students' understanding of the impact of bullying as well as foster more respectful relationships with each other. Teachers and school staff are given access to training modules and workshops that help them identify, prevent, and handle bullying incidents effectively. *Bullying. Not want!* Encouraging cooperation between schools, families, and communities to create a common approach to combating bullying can also be an effective strategy.<sup>32</sup>

Increasing legal awareness from an early age for the community, including children, is also important in building an understanding of the rights and obligations and legal consequences of bullying. Furthermore, collaboration between sectors, including governments, educational institutions, non-governmental organizations, and the wider community, is urgently needed to create a comprehensive strategy in addressing bullying. By learning and adopting best practices from other countries, Indonesia can develop a more effective legal framework to reduce bullying and create a safe and supportive environment for all individuals.

<sup>28</sup> Bunga Candra Kanti and others, 'ANALISIS TERHADAP KONSEP-KONSEP HUKUM', *Jurnal Hukum Ekonomi Syariah*, Vol. 6 No. 2 (2024), pp. 293–303.

<sup>29</sup> Daffa Rizky Febriansyah and Yuyun Yuningsih, 'Fenomena Perilaku Bullying Sebagai Bentuk Kenakalan Remaja', *Jurnal Ilmiah Perlindungan Dan Pemberdayaan Sosial (Lindayasos)*, 6.1 (2024), pp. 26–33, doi:10.31595/lindayasos.v6i1.1177.

<sup>30</sup> Fera Nur Aini, 'KiVa, Program Anti Bullying Paling Efektif Dari Finlandia', *IDNtimes*, 4 July 2017 <<https://www.idntimes.com/life/education/fera/kiva-program-anti-bullying-paling-efektif-dari-finlandia-1>>.

<sup>31</sup> Patricia Jessiman and others, 'School Culture and Student Mental Health: A Qualitative Study in UK Secondary Schools', *BMC Public Health*, 22.1 (2022), doi:10.1186/s12889-022-13034-x.

<sup>32</sup> Australia Government, 'Bullying No Way: National Week of Action', August 2024 <<https://www.education.gov.au/newsroom/articles/bullying-no-way-national-week-action>>.

## 2. Analysis of Ideal Legal Concepts

The ideal legal concept in dealing with bullying must include three main principles, namely preventive (prevention), repressive (enforcement), and rehabilitative (recovery of victims and perpetrators). These three aspects aim to ensure that the legal system is not only reactive to bullying, but also able to prevent it early and provide long-term solutions for victims and perpetrators.

The preventive approach aims to prevent bullying before it occurs by creating a safe and conducive environment for students and increasing public awareness of the dangers of bullying. A repressive approach is needed to sanction bullies and ensure that the law is enforced fairly. Indonesia needs to improve laws and regulations that contain special and more specific regulations in regulating bullying, both in physical, verbal, and digital forms (cyberbullying) that are more comprehensive. Currently, Indonesia does not have a Special Law that comprehensively and systematically regulates bullying. In reality, the current regulations have several shortcomings and become obstacles in dealing with bullying of children both within the educational unit and outside of education. Such as the indecisiveness of sanctions for perpetrators, the unclear mechanism for handling repeat cases, and the lack of protection for victims to prevent long-term psychological impacts. In addition, existing regulations do not accommodate digital bullying (cyberbullying), have not optimized the involvement of parents and the community, and the current monitoring and evaluation system is considered to be not optimal. To increase its effectiveness, it is necessary to strengthen sanctions, more concrete protection for victims, more detailed regulations related to cyberbullying, and the active role of parents and the community in preventing and handling bullying. It should be noted that acts of bullying can be prosecuted through several existing laws and regulations, including:

1. Law Number 35 of 2014 concerning Child Protection Article 76C of this law prohibits everyone from committing violence against children. Violation of this provision may be subject to criminal sanctions in accordance with Article 80.<sup>33</sup>
2. Criminal Code (KUHP). Acts of bullying can be subject to articles related to insults, persecution, or unpleasant acts. For example, Article 351 of the Criminal Code regarding persecution and Article 310 of the Criminal Code regarding insult.<sup>34</sup>
3. Civil Code (KUHPerdata). Civil lawsuits are listed in Article 71D Paragraph (1) juncto Article 59 Paragraph (2) Letter I of Law No. 35 of 2014 which generally provides an opportunity for victims to file a civil lawsuit to pay compensation to the perpetrators of violence on the basis of having committed an unlawful act using Article 1364 of the Civil Code.<sup>35</sup>
4. Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE): In the case of bullying carried out through electronic media or cyberbullying, the perpetrator can be charged with the ITE Law, especially Article 27 paragraph (3) which regulates insult or defamation through electronic media.<sup>36</sup>

<sup>33</sup> S.H Renata Christha Auli, 'Bunyi Pasal 76C UU 35/2014 Tentang Bullying Anak', *HukumOnline*, 23 February 2024 <[https://www.hukumonline.com/klinik/a/bunyi-pasal-76c-uu-35-2014-tentang-bullying-anak-lt65d86258364d3/?utm\\_source=chatgpt.com](https://www.hukumonline.com/klinik/a/bunyi-pasal-76c-uu-35-2014-tentang-bullying-anak-lt65d86258364d3/?utm_source=chatgpt.com)>.

<sup>34</sup> *KITAB UNDANG-UNDANG HUKUM PIDANA*.

<sup>35</sup> Adi Herisasono and others, *Analisis Yuridis Penanggulangan Bullying Pada Anak Sebagai Suatu Tindakan Dalam Analisis Undang Undang Nomor 35 Tahun 2014 Atas Undang Undang Nomor 23 Tahun 2002, Atas Perubahan Undang Undang Nomor*, October 2023, ix.

<sup>36</sup> Michele Gisela Dubu and others, 'Penegakkan Hukum Terhadap Tindak Pidana Perundungan Dalam Dunia Maya (Cyberbullying) Di Kota Kupang', 2024, pp. 251–60, doi:10.62383/presidensial.v1i4.355.

5. Regulation of the Minister of Education, Culture, Research, and Technology Number 46 of 2023 concerning the Prevention and Handling of Violence in Education Units.<sup>37</sup>

Criminal law provides sanctions for acts of violence or serious threats, while civil law allows for compensation claims. Child Protection Laws and education regulations help prevent bullying. Based on the description above, it can be concluded that from the perspective of the Child Protection Law and its amendments, *bullying* against children has two legal aspects, both criminal and civil. Although these regulations can be used to crack down on bullies, the absence of specific and comprehensive laws regulating bullying indicates the need for separate regulations. This aims to provide a clear definition, bullying categories, prevention mechanisms, handling, and appropriate sanctions, so that bullying countermeasures in Indonesia can be more effective and directed.

The rehabilitative aspect of handling bullying is part of recovery efforts that aim to restore the psychological and social condition of the victim and prevent the perpetrator from committing similar actions in the future. From a legal perspective, the rehabilitation of victims of bullying must be part of the state's responsibility, as stipulated in the principles of human rights protection and the state's obligation to provide redress for victims of violence.<sup>38</sup>

The government is obliged to provide counseling and psychological assistance services that can be accessed for free to ensure the mental recovery of victims and prevent adverse long-term impacts. In addition, perpetrators of bullying, especially those who are still classified as minors, must receive a coaching program in accordance with the principles of restorative justice, as stipulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System.<sup>39</sup>

Rehabilitation programs for perpetrators can be in the form of moral education, social work, or compulsory counseling, as a form of law enforcement that is not only repressive, but also aims to foster and prevent the recurrence of bullying. This approach is in line with the principle of *ultimum remedium*, which emphasizes that criminalization of children must be a last resort.<sup>40</sup> This approach is in line with the Convention on the Rights of the Child which has been ratified through Presidential Decree No. 36 of 1990, which requires the state to protect children from all forms of violence and provide rehabilitation for those affected. Thus, handling bullying does not only focus on providing sanctions for perpetrators, but also includes efforts to recover victims and coach perpetrators so that they do not repeat their actions in the future.<sup>41</sup>

## Conclusion

Although Article 76C of Law Number 35 of 2014 concerning Child Protection has

<sup>37</sup> *Peraturan Menteri Pendidikan, Kebudayaan, Riset, Dan Teknologi Nomor 46 Tahun 2023 Tentang Pencegahan Dan Penanganan Kekerasan Di Lingkungan Satuan Pendidikan.*

<sup>38</sup> Putri Assyiva Septiyani and Mubarak Ahmad, 'Upaya Mengatasi Perundungan Anak Di Sekolah Dasar Wilayah Jakarta Timur', doi:10.38035/jmpis.

<sup>39</sup> Husnul Hamdi Yonas and Asep Suherman, 'Upaya Meningkatkan Efektivitas Perlindungan Hukum Anak Korban Di Lingkungan Sekolah', *Jurnal Kajian Hukum Dan Kebijakan Publik*, Vol. 2 No. 1 (2024).

<sup>40</sup> I Dewa Ayu Yus Andayani, *PIDANA PENJARA DALAM SISTEM PERADILAN PIDANA ANAK* <<https://nasional.tempo.co/read/893559/kpai-ada-lebih-dari-8-200-kasus-anak-berhadapan->>>.

<sup>41</sup> Unicef Indonesia, 'Konvensi Hak Anak: Versi Anak Anak', 2018 <<https://www.unicef.org/indonesia/id/konvensi-hak-anak-versi-anak-anak#:~:text=Pada%20tahun%201989%2C%20pemerintah%20di,pendapatnya%2C%20dan%20diperlakukan%20dengan%20adil>>>.

regulated the prohibition of violence against children, including bullying, its implementation still faces various obstacles. The significant increase in bullying cases in 2023 shows that existing regulations are not effective enough in preventing and eradicating bullying. Obstacles in law enforcement, such as limited facilities and infrastructure, low public awareness, and a culture that still tolerates bullying, further complicate child protection efforts. Therefore, it is necessary to strengthen the implementation of regulations, optimize law enforcement, and cross-sectoral coordination so that the protection of children from bullying can run more effectively.

The ideal legal concept in dealing with bullying must include preventive, repressive, and rehabilitative approaches to be effective and fair. The preventive approach emphasizes regulations in education, legal socialization, and the active role of the community in prevention. The repressive approach requires strict legal improvements and proportional sanctions, while the rehabilitative approach focuses on the recovery of victims and the development of perpetrators, especially minors, through *restorative justice* mechanisms. Currently, Indonesia does not have a specific law that comprehensively regulates bullying, although some regulations such as the Child Protection Law, the Criminal Code, and the ITE Law can be used to ensnare perpetrators. Therefore, clearer and more targeted special regulations are needed to reduce the number of bullying and create a safe environment for the entire community.

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