



## **Criminal Acts of Bullying of Children in the Education Unit**

M. Yanto<sup>1</sup>, Ali Fuad Hasyim<sup>2</sup>, Muhammad Chusnul khitam<sup>3</sup>, Putri Naillah Fauziah<sup>4</sup>

1. Faculty of Law, University of Islam Lamongan, Jl. Veteran No.53 A Lamongan, 62211
2. Faculty of Law, Billfath University, Kompleks Pondok Pesantren Al Fatah, Siman, Kec. Sekaran, Kabupaten Lamongan, Jawa Timur 62261
3. Faculty of Law, University of Islam Lamongan, Jl. Veteran No.53 A Lamongan, 62211
4. Faculty of Law, University of Islam Lamongan, Jl. Veteran No.53 A Lamongan, 62211

Coresponding Author: [muhamadyanto622@unisla.ac.id](mailto:muhamadyanto622@unisla.ac.id)

### **Abstract**

Cases of bullying that occur in educational units often involve children, both as perpetrators and victims. There are two factors that cause bullying cases to occur in the education unit. The first is external factors, which come from outside the individual which includes family, socioeconomic status, religion, culture, and gender. The second factor is internal in individuals including personality values, self-control, self-esteem, self-concept, and emotional intelligence, discrimination is mandatory to get access to quality education. The impact of bullying is on health, economic capacity, and social relationships. Child abuse is a complex problem and its solution is not easy. The formulation of the problems in this study is: How to be accountable for the crime of bullying against children in the education unit and how to regulate the crime of bullying against children in the education unit. The research method uses normative legal research with a legislative approach and a conceptual approach. The legal materials used include the Criminal Code, the Child Protection Law, the Juvenile Justice System Law, and the National Education System Law. From the results of the study, it can be concluded that: 1. Accountability for the crime of bullying of children under the age of 18 is only subject to actions such as return to parents or guardians or foster parents, treatment at LPKS, obligation to attend formal education and/or training held by private bodies, correction of criminal acts. 2. The regulation of the crime of child abuse is contained in Law Number 35 of 2014 concerning Child Protection and Law Number 11 of 2012 concerning the Child Criminal Justice System.

**Keywords:** *Crime, Bullying, Child Crime*

### **Introduction**

Bullying can occur anywhere such as in urban areas, in rural areas, in public or private schools, during school or outside of school. Bullying occurs due to the interaction of various factors that can come from the perpetrator, victim, and environment at the time of the incident. In general, the risk factor for victims is considered to be different, such as being thinner

or fatter and the difference in height and short in their body, economic issues. The second is considered weak or there is no self-defense from the victim. Third, self-confidence is very low, less popular than the perpetrator or has few friends<sup>1</sup>.

Meanwhile, *the perpetrator* of bullying has several characteristics such as caring about popularity, having many friends, coming from a well-to-do family, easily carried away by emotions, feeling alone and experiencing depression, emotionally immature, lack of concern for others, lack of guilt or regret, to increase his status and popularity among his friends. *Bullying* is a desire to hurt and becomes a show of desire in this action. *This bullying* can be done individually or in groups because they feel the strongest from others, are not responsible, and have a sense of pleasure to do the action<sup>2</sup>.

The impact of bullying also has an impact on health capacity, impacts illegal behavior, impacts the economy, and impacts social relationships. There are four concepts of the impact of *bullying*, both physically the victim experiences serious physical injuries and several sexual diseases. Judging from the psychological health of the victim, the victim experienced anxiety disorders, depressive disorders, and anti-social personality disorders. Examples of illegal behavior include lying to others, fighting, robbing houses, or other things related to property, such as drunkenness, consumption of narcotics, and other illegal drugs, as well as sexual activity outside of marriage. The victim dropped out of school and did not continue his schooling is an indicator of socioeconomic status<sup>3</sup>.

Children have the right to education. The right to education means that children or anyone, anywhere, and without discrimination are obliged to have access to quality education. Violence against children or students causes disturbances so that they cannot enjoy their rights fully and fully, and can even be expelled from school. Violence committed in the educational environment, especially in schools, will cause feelings of resentment, hatred, fear, and lack of confidence. Students hate and fear their teachers, the emergence of competition and disputes between students, the formation of gangs among students which result in not concentrating on learning due

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<sup>1</sup> Yuyarti. *Overcome bullying through character education*. Creative Journal, 2018. p. 55-56

<sup>2</sup> Ibid.

<sup>3</sup> Elysa Darma Putri. *Bullying Cases in the School Environment; impact and handling*. STAI Al-Himah Medan, Indonesia. p. 27

to pressure from teachers, upperclassmen, or other members in power so as to cause trauma to the child<sup>4</sup>.

Bullying is an act of violence that involves an imbalance of power between the two parties that occurs continuously. Bullying often occurs in the educational environment, students should feel safe. Bullying in Indonesia that has gone viral has occurred in the school environment. Bullying is based on various factors, both internal factors such as family, and external factors such as society. The main cause of bullying is usually differences, where there are physical, religious, racial, and other differences.

The perpetrator is usually unaware of his actions because his level of knowledge and awareness is still very minimal. *Bullying* is an act that is intentional or unintentional but clearly causes discomfort, humiliation, loss, crime and suffering for the victim which can cause an unpleasant work environment where the victim does not want the treatment at all. The settlement of criminal law for perpetrators of bullying against victims of violence in schools has not gone well because bullying itself has not been regulated by a special law, but law enforcement officials use other main articles that refer to bullying or *bullying* which has been regulated in Law Number 35 of 2014 concerning Child Protection and in the Criminal Code which regulates extortion and threats, opening secrets, insults and persecution and if resolved by legal channels is regulated in Law Number 11 of 2012 concerning the Child Criminal Justice System and will be sentenced to half a year from the applicable sentence of adults.

There are factors that hinder the criminal law settlement of perpetrators of *bullying* against victims in the school environment consisting of law enforcement factors, legal factors, facilities factors, infrastructure factors, community factors, and cultural factors. Factors that affect *bullying* behavior include family factors that cause this behavior, because in the family the perpetrator receives less attention, affection, and injustice from his parents. They tend to get unkind and unfair treatment. So that the perpetrator emulated his parents. The factor of his peers also has a big role as a cause of *bullying* because most of the time the perpetrator has is spent with his friends. The social environment of the bully has an important role in his actions, because the perpetrator tends to follow what his friends do in that environment.

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<sup>4</sup> Ministry of Education and Culture Complex. *Guidelines for the Prevention and Prevention of Violence in Elementary Schools*. Jalan Jenderal Sudirman, Senayan. Central Jakarta 10270. h.9.

## Research Methods

This research method uses a normative juridical method. The normative juridical method is a process to find a rule of law, legal principles, and legal doctrines to answer the legal issues faced.

## Research Results and Discussion

In bullying of children that occurs within the education unit, there are regulations on bullying which consist of the definition and elements (*bullying*), forms of bullying, *characteristics of bullying behavior*, the impact of bullying, bullying according to positive laws in Indonesia, and the regulation of criminal acts of bullying in educational units.

Bullying involves an imbalance of power between the victim and the perpetrator. People who commit bullying usually come from a higher social status or power than others. While victims of bullying are usually children from marginalized communities, children from low-income families, children with disabilities, or refugee children. Bullying behavior is often repeated or has the potential to be repeated over time. Bullying includes actions such as making threats such as threatening to spread rumors, physically or verbally attacking, and also ostracizing a person from a group or from an individual in a deliberate way so that the person does not have friends or groups that want to be with them. Bullying that occurs in children and adolescents is a real problem. Some children who are victims of *bullying* will experience cases that eventually lead to death, but there are also other causative factors<sup>5</sup>.

Bullying is a form of psychological violence, because it can directly affect the mentality of a person who is being bullied. Bullying is a conscious, deliberate activity, and aims to go through the threat of further aggression, and create terror based on an imbalance of power, the intention to injure, the threat of further aggression, terror that can occur if the oppression increases unabated. According to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System or commonly referred to as the SPPA Law, in Article 1 Paragraph 3 it is explained that children who are suspected of committing criminal acts such as stealing, fighting, obscenity, murder, narcotics in terms of the SPPA Law are called children in conflict with the law.

"If the child who is in conflict with the law hereinafter referred to as (child), is a child who is 12 (twelve) years old, but not yet 18 (eighteen) years old who is suspected of committing a criminal act. When these children are

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<sup>5</sup> Definition of Bullying, Types, and Its Impact on Victims. Source: <https://kumparan.com/pengertian-dan-istilah/pengertian-perundungan-jenis-dan-dampaknya-pada-korban-20uzZJxfy9W> accessed on February 24, 2026

suspected of committing criminal acts, of course there are victims and legal processes. In the SPPA Law, it is better known as the Juvenile Criminal Justice System, which is the entire process of resolving children's cases in front of the law, starting from the investigation stage to the guidance stage after serving a criminal sentence" (Article 1 Paragraph 1 of the SPPA Law).

Bullying is psychological violence, because *bullying* indirectly affects the mentality of the person who is *being bullied*. *Bullying* is a conscious, deliberate activity, and aims to go through the threat of further aggression, and creates terror based on an imbalance of power, the intention to injure, the threat of further aggression, the terror that can occur if the oppression increases incessantly. Bullying according to Diena Haryana which is included in the elements of bullying<sup>6</sup>

*Bullying* is an action that is done consciously and deliberately by the parties who do it. Perpetrators *Bullying* have a reason to do so. According to Law Number 11 of 2012 on the Child Criminal Justice System or it can be called the SPPA Law, in Article 1 paragraph 3 it is explained that children who are suspected of committing criminal acts such as stealing, fighting, molestation, murder, narcotics, in legal terms SPPA are called children who are in conflict with the law<sup>7</sup>.

Bully behavior (*bullying*) is a form of aggressive action whose problem has become global, one of which is in Indonesia. Behavior *Bullying* It can happen everywhere, starting from the school environment, workplace, neighborhood houses, playgrounds, and in other places. Prevalence of behavior *Bullying* This is increasing and has had a lot of impact on the victim or on the perpetrator<sup>8</sup>.

Behavior *Bullying* is a negative action that is carried out repeatedly by an individual or group that is offensive because of the imbalance of power between the parties involved. For example, spreading gossip, mocking, ostracizing, intimidating, bullying, bullying, scolding, threatening, physically attacking the victim, slapping, or hitting. Behavior *Bullying* It is a very dangerous act and should not be imitated because it has an extraordinary traumatic impact that can affect the life of children or adolescents at the next stage of development. The impact can occur both on the perpetrator and on the victim. The child who does *Bullying* Potentially and tending to become juvenile delinquents, this act of violence is caught

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<sup>6</sup> Nissa Adilla, 2009. *The Effect of Social Control on Student Bullying Behavior in Junior High School*. Journal of Criminology, Vol.5 No 1. p. 58.

<sup>7</sup> Murfiah Dewi Wulandari and Rachmawati Dewi Mustikasari. *The Bullying Phenomenon at SD Negeri 3 Manggung, Ngemplak District, Boyolali Regency*. Proceedings of the National Seminar and Call for Paper, ISBN: 978-602-70471-1-2. PGSD FKIP University of Muhammadiyah Surakarta. p. 22.

<sup>8</sup> Surilena. *Bullying Behavior in Children and Adolescents*. Vol.4 No.1, Year 2016. p. 36.

up in criminal acts. Perpetrators and victims *Bullying* It will be difficult to make social relationships and if it happens until adulthood it will have a very wide impact.

*Bullying* causes insecurity, isolation, low feelings of self-esteem, depression or suffering from stress that ends in suicide. In the long term, the victim can suffer from emotional and behavioral problems. The long-term effects may not be realized by the perpetrator, the victim or the teacher and his parents. Because these impacts are psychic and emotional and the process is very slow, it lasts a long time and does not appear immediately. *Bullying* can have bad consequences for victims in the long term with psychological and behavioral disorders. A student from Yogyakarta in college. Before he was treated, he often experienced like people were unaware of his trance, which resulted in amnesia. He forgot everything and his lecturer suggested that he undergo *hypnotherapy* to find out his true disease. His disorders such as phobias in crowded places that do not know the cause, anxiety, dizziness, nausea, and choosing a quiet place to be alone because he feels insecure is the cause of his trance<sup>9</sup>.

*Bullying* is included in actions that harm others and is called violence because the actions hurt others with certain intentions, such as seeking attention, wanting to be in power in the school environment to wanting to be categorized as a hero<sup>10</sup>. If it is done continuously, *bullying* causes trauma, anxiety, fear, depression, and even death. Bullying behavior has a very dangerous effect that has a traumatic impact so that regulations against *bullying* must be applied. In Indonesia, it has been regulated in the Law on *Bullying*, law enforcers in resolving this case must first look at the form of *bullying* before ensnaring the perpetrators. *Bullying* carried out against children is regulated by the government in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, so that the perpetrators of bullying can be brought to witness or charged with the Law.

Based on Article 1 point 15a of the Child Protection Law, violence is defined as any act against which physical, psychological, sexual, and/or neglect misery or suffering occurs, including threats to commit unlawful acts, coercion or deprivation of independence. Seeing from how *bullying* is carried out, Article 76C of the Child Protection Law has been regulated that

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<sup>9</sup> Ahmad Baliyo Eko Saputro. *Bullying in Schools and Its Impact on Children's Futures*. No.1 Vol.1. IV. 2011. p. 23.

<sup>10</sup> Yuli Permata Sari. Wehendri Azwar, 2017. *The Phenomenon of Student Bullying: A Study on the Motives of Student Bullying Behavior at SMP Negeri 01 Painan*. West Sumatra. Journal of Islamic Community Development. ISSN: 2614-2615. Vol.10. No.2. p. 345

everyone is prohibited from placing, allowing, doing, ordering to do, or participating in violence against children. The criminal threat of violation of the provisions of Article 76C is regulated in Article 80 of the Child Protection Law, namely

- a. Every person who violates the provisions as referred to in Article 76C shall be punished with imprisonment for a maximum of 3 (three) years and 6 (six) months and/or a maximum fine of Rp. 72,000,000.00 (seventy-two million rupiah).
- b. In the event that the child as referred to in paragraph (1) is seriously injured, the perpetrator shall be sentenced to imprisonment for a maximum of 5 (five) years and/or a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah).
- c. In the event that the child as referred to in paragraph (2) dies, the perpetrator shall be sentenced to imprisonment for a maximum of 15 (fifteen) years and/or a maximum fine of Rp. 3,000,000,000.00 (three billion rupiah).
- d. Criminal offence is added to 1/3 (one-third) of the provisions as referred to in paragraph (1), paragraph (2), and paragraph (3) if the perpetrator of the abuse is his parents.

Article 76B also prohibits everyone from placing, allowing, involving, instructing, and instructing children to be involved in situations of mistreatment and neglect. Based on Articles 77 and 77B, a person who violates the rules of Articles 76A and 76B can be sentenced to a maximum of 5 (five) years in prison and/or a maximum fine of Rp. 100,000,000.00. (one hundred million rupiah).

The criminal provisions apply to all perpetrators of bullying, including minors. The age of the perpetrator is under 18 years old, the system and the judiciary are used as regulated in Law No. 11 of 2012 concerning the Juvenile Justice System. Law Number 11 of 2012 is a strict regulation regarding restorative justice and diversion which is intended to avoid and keep children away from the process of persecuting in order to prevent stigmatization of children who are directly confronted with the law and hope that the child of the perpetrator of the crime can return to the social environment in a reasonable manner.

Bullying behavior does not only occur in minors but adults can also be victims of *bullying*, which in addition to the regulations for bullying perpetrators (*bullying*) can be imposed with the Articles contained in the Criminal Code or commonly called the Criminal Code, namely in Article 170 paragraphs (1) and (2), Articles 351 to 355. Regulations related to bullying in the criminal law are *a table* of legal rules related to bullying formulated in the Criminal Code based on the form of bullying. So in this

case, the victim of bullying is a child, so the laws and regulations used to ensnare the perpetrator are to use Law Number 35 of 2014 concerning Child Protection. This law is a *Lex Specialist Denerali* from the Criminal Code (KUHP) as a general law.

Then for the regulation of *cyber bullying* crimes, it can be reviewed from the Criminal Code Article 315 because it meets the subjective and objective elements contained in it, further regulated in Law Number 19 of 2016 concerning ITE Article 27 paragraph (3) because it explains about insults committed through electronic media or through computer media which has proven the form of insult through social media.

### **Conclusion**

The regulation of the crime of bullying minors is a child who is 12 (twelve) years old but not yet 18 (eighteen) years old who commits a criminal act in and within the educational unit must be protected from physical, psychological, sexual crimes, and other crimes committed by educators, education staff, all students, and/or other school parties. There are 2 enforcement of bullying laws according to the SPPA Law, namely the first through diversion. The purpose of diversion is to achieve peace between victims and child perpetrators, resolve children's cases outside the court process, prevent children from being deprived of their freedom, encourage the community to participate, and instill a sense of responsibility to children. The second is through the juvenile criminal court. A judicial system that ensures that needs and rights are met when a child is in conflict with the law, including where the child is accused of committing an offense, is charged with committing an offense and where the offense is proven to have been committed, and where the child is detained as part of the disposal of the offense.

It is expected that law enforcement agencies in Indonesia or other institutions, both from educational institutions and information as well as the surrounding environment, will continue to provide guidance or direction to the community, especially to children who feel that they do not understand and do not understand the dangers of bullying for themselves and others, as a form of action to prevent similar cases from causing similar cases in the future.

### **Bibliography**

#### **Journal :**

- Ahmad Baliyo Eko Saputro. *Bullying di Sekolah dan Dampaknya bagi Masa Depan Anak*. No.1 Vol.1. IV. 2011. h. 23.
- Elysa Darma Putri. *Kasus Bullying di Lingkungan Sekolah ; Dampak Serta Penanganannya*. STAI Al-Himah Medan, Indonesia. h. 27

- Kompleks Kementrian Pendidikan dan Kebudayaan. *Pedoman Pencegahan dan Penanggulangan Tindak Kekerasan Di Sekolah Dasar*. Jalan Jenderal Sudirman, Senayan. Jakarta Pusat 10270. h.9.
- Murfiah Dewi Wulandari dan Rachmawati Dewi Mustikasari. *Fenomena Bullying Di Sd Negeri 3 Manggung Kecamatan Ngemplak Kabupaten Boyolali*. Prosiding Seminar Nasional dan Call for Paper, ISBN: 978-602-70471-1-2. PGSD FKIP Universitas Muhammadiyah Surakarta. h. 22.
- Nissa Adilla, 2009. *Pengaruh Kontrol Sosial Terhadap Perilaku Bullying Pelajar Disekolah Menengah Pertama*. Jurnal Kriminologi, Vol.5 No 1. h. 58.
- Surilena. *Perilaku Bullying (Perundungan) pada Anak dan Remaja*. Vol.4 No.1, Tahun 2016. h. 36.
- Yuli Permata Sari. Wehendri Azwar, 2017. *Fenomena Bullying Siswa: Studi Tentang Motif Perilaku Bullying Siswa Di Smp Negeri 01 Painan*. Sumatera Barat. Jurnal Pengembangan Masyarakat Islam. ISSN: 2614-2615. Vol.10. No.2. h. 345
- Yuyarti. *Mengatasi Bullying Melalui Pendidikan Karakter*. Jurnal Kreatif, 2018. h. 55-56

#### **Laws and Regulations :**

Kitab Undang-Undang Pidana

Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

Undang-Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang- Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak

Undang-Undang Nomor 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik

#### **Internet :**

Pengertian Perundungan, Jenis, dan Dampaknya Pada Korban.Sumber: <https://kumparan.com/pengertian-dan-istilah/pengertian-perundungan-jenis-dan-dampaknya-pada-korban-20uzZJxfy9W> diakses pada 24 februari 2026