



# *The Law Enforcement Against Teenagers as Perpetrators of Bullying from the Perspective of Victim Justice*

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**Abstract-** Bullying is a type of aggression, intimidation, and bullying that kids or teenagers commit against their victims. It involves inflicting repeated, long-lasting physical and psychological harm on the victim. Bullying victims endure psychological trauma in addition to physical damage, which alters their behavior and social interactions. Bullying happens in practically every nation on the planet. Normative research methodology employing a legal sociology approach and primary and secondary legal sources is employed in this study. The data is qualitatively evaluated before conclusions are reached. Because (1) there is currently no legislation in Indonesia specifically addressing bullying and (2) law enforcement operates cautiously to avoid endangering minors, bullying law enforcement has not proven effective. In addition, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System permits extrajudicial settlements and diversion of cases, favoring the protection of offenders over victims; 3) victims of bullying require mental health treatment from a psychologist or psychiatrist; 4) society is less understanding and views bullying as a harmless activity that doesn't require legal resolution and only poses a threat to particular individuals.

**Keywords-** Victim Justice; Law Enforcement; Bullying Court.

## I. INTRODUCTION

Bullying is an aggressive and violent conduct. These audacious deeds are performed repeatedly to cause the victim physical and mental suffering. Berkowitz defines aggressive behavior as any action intended to cause physical or psychological harm to another person. Berkowitz distinguishes between two forms of aggressiveness: angry aggression and instrumental aggression. According to Krahe, aggressive behavior is any action meant to cause bodily or psychological harm to another person. Krahe divides the elements of aggressive behavior into three categories: the goal, the potential for injury, and the expectation that the activity would result in some outcome.[1]

Bullying frequently happens to kids or teenagers; the act is performed continuously, either directly or indirectly, to hurt the victim and serve as a way to show the perpetrator's presence in a group setting, exact revenge, or just to show off. Bullying frequently targets children or teens with physical or psychological problems, irrespective of their socioeconomic status. Because bullying includes elements of physical torture, it has transcended beyond being limited to bullying among teenagers and has now become a criminal offense. However, the psychological torment that bullying causes its victims is what makes it so dangerous. Bullying frequently takes place over an extended period and is concealed from the public eye. Sadistic components are present in the torture technique, which is commonly emulated by kids or teenagers on social media these days.

Many victims of bullying decide not to disclose the bullying because they fear more threats from the bully and believe that the act disgraces them. As a result, the victim suffers from depression and ends up taking her own life, as was the case in Bandung on January 13, 2018, when an 18-year-old girl hanged herself from her home's ceiling due to the bullying she had endured since starting high school. Additionally, a Kediri primary school youngster whom his peers had tormented also suffered from a brain infection and genital pain. In the schoolyard, the victim was mistreated by seven of his buddies.[2]

Bullying is a global issue that affects practically every nation, including Indonesia. According to the Indonesian Child Protection Commission (KPAI), there were 1,138 more cases of bullying in Indonesia as of February 13, 2023, with physical and psychological abuse accounting for the majority of these cases. Romania had the most significant percentage of its residents experiencing cyberbullying (37.3%), followed by Greece (26.8%), Germany (24.3%), Poland (21.5%), the Netherlands (15.5%), Iceland (13.5%), and Spain (13.3%), according to

research done on 12,372 people over 12 months in seven European nations. 16.1% of children reported having experienced physical bullying, according to data from the 144-country Global School-based Student Health Survey (GSHS), which was released by UNESCO in October 2018. According to the US Department of Education's 2016 Student Report on Bullying, 20.8% of students in the country reported having been the victim of bullying.[3] Bullying can take many different forms, including sexual, psychological, physical, and social. Its effects are profound and influence both the victim and the bully's physical and emotional health. Bullying results in unstable mental conditions in both the perpetrator and the victim. These conditions lead to pressure from stress, frustration, and even depression, which can result in criminal acts such as abuse, violence, murder, verbal and sexual harassment, slander, and other actions that are not appropriate for a teen to commit.[4]

When children or teenagers run afoul of the law for committing crimes, the diversion procedure can help resolve the situation. Victims are the ones who suffer the most from bullying. According to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Article 1 Number 7, the Diversion Process is the resolution of children's cases from the criminal justice system to a process outside of criminal justice (SPPA). It is stated clearly in Article 5, Paragraph 3 that the Juvenile Criminal Justice System (SPPA) is where diversion must be sought.[5] The Criminal Code (KUHP) and many other relevant statutes were used as grounds for charging the offenders. This is due to the lack of a formal bullying law in Indonesia until now. Law enforcement is therefore thought to be less successful in stopping bullying. The law as it stands now gives legal protection for offenders a higher priority than it does for victims. Victims are left traumatized after it is believed that law enforcement is finished and the offender, victim, and family have all received compensation and forgiveness.[6]

## II. LITERATURE REVIEW

### A. *Law Enforcement of Criminal Law Against Bullying*

Law enforcement can be linked to the definition of 'law enforcement' in the narrow sense, while law enforcement in the broad sense, in the material legal sense, is termed enforcement of justice. In English, a distinction is sometimes made between a 'court of law' in the mind of a legal court and a 'court of justice' or a court of justice. In fact, in the same spirit, the Supreme Court in the United States is called the 'Supreme Court of Justice.' Based on the opinion above related to the definition of violence in the Child Protection Law, it can be concluded that bullying is a form of violence against children.

According to criminal law, bullying is an act of violence against children, so according to the Child Protection Law, bullying is a criminal act. Bullying can be categorized into three types: physical bullying, verbal bullying, and mental or psychological bullying. According to Article 1 number 16 of Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Child Protection Law), violence is "any act against children which results in physical, psychological, sexual misery or suffering, and neglect, including threats to commit unlawful acts, coercion or deprivation of liberty."

### B. *Understanding of Legal Protection*

Legal protection is defined by The Big Indonesian Dictionary (KBBI) as a haven of safety and protective measures. Similar components, namely components of defensive action and methods of protection, are found in the linguistic definition of the word protection. As a result, the word employs specific techniques to defend against particular parties. Legal protection is the action or endeavor to shield society from capricious government actions that violate the law and to bring about peace and calm so that people can live up to their inherent dignity as human beings. A venue or forum—often referred to as a mechanism of protection—is necessary for the execution and provision of legal protection.

## III. METHOD

It is hoped that by using a sociological juridical research method—that is, one based on binding norms or regulations—we can learn more about how law, which is an empirical symptom of society, can be studied as a causal variable that has an impact on different aspects of social life. This study looks at current social facts, particularly bullying incidents, to investigate how the law functions, how effective its restrictions are, how well people follow the law, the function of law enforcement, how laws are implemented, and how the law affects society. Both primary and secondary data are used in this study. An authoritative source of legal material is preliminary data (has authority). Secondary data are published results from literature reviews or previously published references that

are not official documents. To establish a fundamental theoretical framework for this study, the primary, secondary, and tertiary legal sources pertaining to bullying were analyzed as part of the data-gathering technique.

#### IV. RESULT AND DISCUSSION

According to Lawrence M. Friedman, law enforcement is the process of enforcing a legal system made up of legal substance, legal structure, and legal culture. It is carried out by legislators, implementers, and the community to ensure that a law is applied correctly. Jimly Asshiddiqie defines law enforcement as attempting to uphold or carry out actual legal norms as standards for conduct in traffic or legal interactions in social and state life. Soerjono Soekanto defines law enforcement as an activity that, in the end, aims to build, preserve, and uphold social peace by balancing the relationship between values that are expressed in stable, embodied laws and attitudes of action.[7]

The process of gathering evidence and going to court are merely two aspects of effective law enforcement; it goes beyond that. Includes community legal culture, legal facilities, legal content, and legal enforcement framework. Legal standards are considered successful or effective when the community and the police department uphold and enforce them. The Juvenile Criminal Justice System Law Number 11 of 2012 and the Criminal Code are the foundation for law enforcement's efforts to prosecute bullying offenders. When considering justice from the victims' point of view, it is evident that law enforcement efforts to apprehend bullies have not been successful; this is true not just in Indonesia but in nearly every nation on earth.

First, this is due to a legal substance issue—that is, the lack of laws or rules that expressly address bullying. Bullying is considered a crime in Indonesia if the victim satisfies the requirements outlined in the Criminal Code, which include light-to-severe abuse under Articles 351-356, defamation under Article 310, sexual harassment under Articles 289-296 and murder under Articles 338-340. The Juvenile Criminal Justice System Law Number 11 of 2012's provisions are the foundation for law enforcement operations. In the meantime, the Education Law serves as the primary legal framework in a number of nations worldwide to regulate bullying. Several countries, including several states in Florida, Belgium, and England, have created anti-bullying laws. Because bullying is quite common in England, all schools must have an anti-bullying policy in place.[8]

This policy can be a restorative justice system or a legal settlement. Two laws govern bullying are the 1997 Protection From Harassment Act. Part I of this Law states that "a person is prohibited from carrying out acts that are considered harassment, whether the perpetrator knows or should know that it constitutes harassment in various ways, is punishable by six months' imprisonment and up to a fine." And Second is Act of Communication 2003. Cyberbullying is defined as "improper use of public electronic communication network provisions" in Article 127 of the 2003 Communications Act. This prohibition includes the posting of indecent, obscene, or offensive content and the threat of six months' imprisonment and a fine for the offender. This law merely allows for content breaches to be penalized; bullying is not explicitly controlled.[9]

Section V, Torture, Inhumane Care, and Degrading Treatment, of the Criminal Code of the Kingdom of Belgium (1867, as of 2018), addresses bullying. Specific provisions about torture and cruel or humiliating treatment are regulated in this section. The 2019 Florida statutes Title XLVIIIK-20 Education Code (1006.147 Bullying and Harassment Prohibited) contain provisions against bullying in Florida. It is forbidden to intimidate or harass any staff members or students at a public K-12 educational institution.

During any educational activity or program run by a public K-12 institution; within any program or activity associated with or sponsored by the school, or on a school bus owned by a public K-12 educational institution. In this section, "Bullying" refers to both systematic and persistent behavior, including cyberbullying. Causing bodily harm or psychological distress to one or more students; this may include physical harm, theft, threats, intimidation, stalking, social exclusion, physical violence, sexual, religious, or racial harassment, as well as humiliation in public or in private or property destruction.

Second, the legal framework or law enforcement is based on the Child Protection Law no. 23 of 2002, which states that every child has the right to live, grow, develop, and participate in society in a way that naturally respects human dignity. It also states that every child has the right to be protected from discrimination and violence. The position of children as perpetrators is essentially highly beneficial if we refer to the requirements of current laws and regulations, especially those about children. Children who violate the law are not always at fault, Children continue to have rights that need to be upheld, especially when interacting with the law, Since they form the foundation of a

country, children have several rights. The child protection law also stipulates that punishment for children should differ from that meted out to adults, with the former receiving half as much punishment as the latter.

This is predicated on the notion that a child is an individual who is vulnerable since they are still developing both mentally and physically. Because their independence in deciding on behaviors, attitudes, or even decisions is still heavily impacted by their surroundings, youngsters mimic the actions of those closest to them in the background because it reflects the values they will eventually embrace and use as an example or model for their behavior and thinking. Consequently, every child's behavior is more likely to reproduce patterns arising from his daily sensory capture than it is always to represent the actual truth of himself. In addition, the Juvenile Criminal Justice System Law Number 11 of 2012's requirements serve as the basis for law enforcement's actions against juveniles who engage in bullying. As a result of ratifying the Convention on the Rights of the Child by Presidential Decree No. 36 of 1990, Indonesia has generally committed to safeguarding children's rights. Children may only be punished for crimes or subject to action following the terms of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (hereafter referred to as the SPPA Law), specifically Article 69 paragraph (1). It is evident that children who are incarcerated experience more negative effects than favorable ones. The best interests of the kid are given priority when placing a child in a correctional facility, and this should only happen as a last resort and for the shortest time possible. There is a strict division between juvenile courts and courts that hear adult criminal matters.

On the other side, the diversion procedure can be used to handle situations involving minors who are in legal trouble because they have committed crimes. According to Article 1 Point 7 of Law Number 11 of 2012 Concerning the Juvenile Criminal Justice System (SPPA), the Diversion Process is the transfer of the resolution of children's cases from the criminal justice system to a process outside of criminal justice. It is stated clearly in Article 5, Paragraph 3 that the Juvenile Criminal Justice System (SPPA) is where diversion must be sought. The diversion process must be conducted through discussion with victims and/or their parents/guardians, children and their parents/guardians, community counselors, and licensed social workers, according to Article 8 paragraph (1) of the SPPA Law. Giving diversion to all children in conflict with the law (ABH) is undoubtedly difficult; only ABH satisfies the conditions, which include not being a recidivist act and having a threat of incarceration of no more than seven (seven) years.

What has been said above is appropriate if the elements of error can be demonstrated, but it will lead to unfairness if we consider the effects of bullying and the psychological losses experienced by those who are bullied. Bullying not only causes physical harm to the victim, but it also primarily targets their psychological well-being, leaving them deeply traumatized and in a state of extreme depression. The worst part is that the victim's conduct and social life can be drastically altered as a result of the bullying they endured, and this is why reaching an agreement on peace or financial compensation alone is insufficient.

Third, there is still a severe lack of law enforcement facilities, infrastructure, and resources that children who are bullied need. More importantly, though, these children require psychological support from a psychologist or psychiatrist to address the mental trauma they have endured to regain their courage and self-assurance. Rejoin the social scene. Seven dimensions of the psychological effects of bullying—self-esteem, exclusion, emotional outbursts, domino effect, influence on schooling, and suicide—were identified by research conducted in Jakarta. One of the respondents saw how bullying affected her feelings of exclusion, her emotional reactions, and her attendance at school. Other respondents, however, dealt with the psychological effects of bullying in the form of emotional outbursts, attempts at suicide, and exclusion from social situations.

The study's victims of bullying reported that stress or pressure from bullying and feeling like they were back in a bullying environment was the most significant detrimental effect of bullying conduct. Twenty-two kids, or 44% of the total, reported feeling anxious or depressed as a result of bullying experiences they had had, and they frequently thought they were back in a bullying environment. The findings of this study support the claims made by Craig and Pepler. According to this research, bullying will have negative effects on one's physical, mental, social, and spiritual well-being.

The study's findings also demonstrate the existence of PTSD (post-traumatic stress disorder) symptoms. People living with PTSD typically experience flashbacks or memories of the upsetting things that happened to them. In addition, victims typically experience elevated levels of tension, which impedes their ability to go to asleep or stay asleep. The victim's life may be at risk if the PTSD symptoms are not treated right away because they will also affect their social life.[10]

Fourth, the legal culture of society. Society is responsible for preventing bullying, including the government, law enforcement, and the victim's or perpetrator's family. This legal awareness should be present in every society by being aware of forms of bullying in the surrounding environment. Currently, bullying is included in the category of hidden crimes, where it is assumed that there is no bullying if there is no victim. Aside from that, people are reluctant and sluggish to deal with the police and courts; they fear reprisals; and they believe that bullying is a minor infraction that does not need to be reported to the authorities. The efficacy of law enforcement will be significantly impacted by the public's ignorance of the risks associated with bullying.[11]

In addition, laws governing the kinds of bullying that fall under this category must be followed; they include rules governing the rehabilitation of victims of bullying who suffer from psychological or physical harm. Since the law must govern all of this as it stands, law enforcement must be more uniform. If the law is successfully implemented, its goal of regulating human interests has been accomplished. The community and law enforcement must uphold and execute legal norms for the law to be successfully implemented. In the meantime, if the established legal provisions are not successfully implemented or do not fulfill their intended purpose, the law is not enforced.[12]

The constraints imposed by statutory laws rob victims of a feeling of justice. Justice is typically administered by formal legal norms that contain procedural requirements. With the offender punished, it is believed that justice has been served, and the judge imposes a light sentence on the offender. As a result, the public believes that bullying is not a severe issue that requires prevention, and many victims are reluctant to report the incident. The decision solely considers the consequences of the offender's actions and ignores the victim's psychology. As. Judges should prioritize substantive justice based on principles derived from responsive legal sources that are by society's conscience and sense of justice.[13]

## V. CONCLUSION

Based on the results of the explanation above, the author can conclude that law enforcement against perpetrators of bullying from the perspective of victim justice has not been effective, because firstly, Indonesia does not yet have a specific law regulating bullying, secondly, law enforcement is carried out based on the Child Protection Law which states that law enforcement must be carried out with caution so as not to cause trauma to children and the Juvenile Criminal Justice System Law, allows for diversion or settlement of cases outside of justice by means of deliberation and tends to prioritize the protection of perpetrators rather than victims of bullying, thirdly, law enforcement facilities are still lacking, especially in terms of psychological therapy for victims of bullying after trial or peace and fourth, society considers bullying to be something trivial (child's play) so that it does not need to be reported to the authorities and also feels afraid of even greater retaliation from the perpetrator to the victim, As a result, society becomes less concerned and considers bullying to be a form of threat only to specific individuals. Stated differently, law enforcement prioritizes legal safeguarding and preserving the offender's psychological state.

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