

THE ROLE OF THE CHILD PROTECTION LAW IN HANDLING SCHOOL BULLYING CASES

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ABSTRACT

Bullying in schools has become a critical issue affecting the safety, psychological well-being, and educational development of children in Indonesia. Although Law No. 35 of 2014 on Child Protection provides a legal framework to prevent and address violence against children, its implementation in bullying cases remains inconsistent. This study aims to analyze the effectiveness of the Child Protection Law in responding to bullying in school environments, using a normative juridical approach. The research explores the scope of legal protections, the application of criminal sanctions, the use of restorative justice, and the institutional mechanisms involved in handling such cases. Findings indicate that while the law offers a strong foundation in theory, challenges such as limited legal awareness, weak institutional capacity, inadequate victim support, and cultural normalization of bullying reduce its practical effectiveness. The study concludes that a more integrated approach—combining legal enforcement, education, and institutional reform—is essential to realize the law's full protective potential for children in school settings.

Keywords: *Child Protection Law; Bullying; School Violence; Legal Implementation; Restorative Justice; Children's Rights;*

1. INTRODUCTION

The phenomenon of bullying in schools has become an increasingly concerning issue within Indonesia's education system. Bullying is no longer seen as mere mischief or typical childhood behavior; it has evolved into a form of violence that causes serious harm to children's mental, emotional, and even physical development. The forms of bullying are diverse, ranging from verbal abuse and psychological harassment to physical assault and digital bullying (cyberbullying). Bullying involves more than just the perpetrator and the victim—it also affects the overall school climate by creating fear, insecurity, and disrupting the learning process. Ironically, many bullying incidents remain unreported because they are perceived as trivial or because victims fear retaliation or social stigma (Khatimah et al, 2022) .

Data from various institutions such as the Indonesian Child Protection Commission (KPAI) indicates that the number of cases of violence against children in educational settings has increased each year. KPAI's annual reports consistently show that bullying is one of the most frequently occurring forms of violence in schools. This high prevalence confirms that bullying is not a minor problem but rather a systemic issue requiring serious attention and comprehensive handling—including legal intervention. The impact of bullying on victims is complex and long-lasting, often resulting in trauma, declining academic performance, mental health disorders, and even tendencies toward self-harm or suicidal thoughts. These facts

underscore that bullying is not only a social issue but also a matter of human rights and child protection that must be addressed comprehensively.

Indonesia has enacted several legal regulations that govern child protection, particularly in cases involving violence and bullying. One of the most relevant pieces of legislation is Law No. 35 of 2014 on Child Protection, which amended Law No. 23 of 2002. This law affirms that every child has the right to protection from physical and psychological violence, abuse, neglect, exploitation, and discrimination. It also establishes the responsibility of the state, government, society, families, and parents to ensure that children are protected. While this legal framework exists, in practice, its implementation remains suboptimal. Many victims of bullying do not receive adequate legal protection, and perpetrators often evade proportionate sanctions due to various obstacles in law enforcement and public awareness (Kartika & Mustika, 2023).

Another significant issue is the low level of legal literacy among school communities, including educators and parents, regarding the legal rights of children as stipulated in child protection laws. Many still perceive bullying as a normal part of growing up or even as an acceptable form of discipline. This perception is dangerous because it blurs the line between permissible behavior and acts that constitute legal violations. In addition, reporting and handling mechanisms for bullying cases are still underdeveloped. Not all schools have child-friendly reporting systems, and not all reported cases are handled appropriately by law enforcement agencies. Victims and their families often refrain from reporting due to fear of social judgment or community pressure.

This gap between existing legal norms and practical implementation presents a considerable challenge to the enforcement of child protection laws in bullying cases. Although the Child Protection Law outlines children's rights and the responsibilities of all stakeholders, enforcement is often inconsistent. In some cases, legal proceedings against perpetrators are halted prematurely due to pressure from various parties. On the other hand, not all law enforcement officers or educators possess a thorough understanding of the legal substance of child protection, which often leads to mishandled cases and injustice for victims (Santika, 2019).

Beyond criminal prosecution, the Child Protection Law also promotes a rehabilitative approach for both victims and perpetrators. In many cases, bullying perpetrators are also children who have experienced violence or neglect, or who have grown up in unhealthy environments. Therefore, legal intervention should not only focus on punishment but also on education and rehabilitation. Unfortunately, this approach is rarely implemented consistently. Most cases are addressed only through administrative sanctions by the school, without any systematic effort to correct the perpetrator's behavior or to support the victim's psychological recovery (Sila et al, 2024).

The urgency to evaluate and strengthen the role of the Child Protection Law in addressing bullying in schools is becoming increasingly relevant. In today's digital era, bullying has taken on more complex forms, particularly through social media and online platforms. Cyberbullying has emerged as a new threat that is difficult to control, as perpetrators can hide behind anonymous accounts and target victims anytime and anywhere. Although Indonesia's Electronic Information and Transactions Law (ITE Law) provides general provisions for handling cyberbullying, it has not been fully integrated with child protection perspectives. Consequently, there is a growing need to review the Child Protection Law in light of emerging forms of bullying, especially those occurring in digital spaces.

In light of these issues, it is evident that protecting children from bullying in schools is an inseparable part of the state's duty to uphold children's rights. While the Child Protection Law provides a strong legal foundation, its implementation must be evaluated and strengthened to ensure it effectively safeguards children's well-being. Research on the role of this law in school bullying cases is crucial to assess how far the law has been applied, identify implementation barriers, and propose strategies for improvement. It also serves to inform how schools, law enforcement, and the

broader community can create a safe, inclusive, and violence-free educational environment.

2. RESEARCH METODOLOGY

This study employs a normative juridical approach, which focuses on the analysis of legal norms contained within existing laws and regulations relevant to child protection and bullying in Indonesia. The normative juridical method is used to examine the content, principles, and effectiveness of the Child Protection Law (Law No. 35 of 2014) as it relates to bullying in school environments. This approach allows for a comprehensive understanding of how the law regulates the issue of bullying, what legal instruments are currently in place, and how these are interpreted and implemented in practice (Santika, 2021).

Legal sources used in this research consist of primary legal materials, including statutory regulations such as the Child Protection Law, the Criminal Code (KUHP), the Law on the Juvenile Criminal Justice System (UU SPPA), and the Electronic Information and Transactions Law (ITE Law) in the context of cyberbullying (Wijaya, 2023). In addition, secondary legal materials such as scholarly articles, legal commentaries, reports from government bodies (e.g., KPAI), and previous academic studies are used to support the analysis and interpretation of legal norms. Tertiary legal materials, including legal dictionaries and encyclopedias, are also consulted to provide a clearer conceptual understanding (Sujianti et al, 2025).

Data collection is conducted through literature review, involving the systematic gathering and examination of documents relevant to the research problem. These include laws and regulations, journal articles, legal case studies, institutional reports, and other written sources that discuss bullying and child protection in Indonesia. The analysis is carried out using qualitative descriptive methods, where the collected data are categorized, interpreted, and critically evaluated to assess the effectiveness of the existing legal framework in addressing school bullying cases (Santika et al, 2019).

This research does not involve empirical fieldwork or interviews, as the focus is on legal norms and their application in theory and practice. However, documented case studies and published reports on bullying incidents may be used illustratively to highlight the gaps between law and implementation. The expected outcome of this method is to provide a normative-analytical evaluation of the legal instruments regulating child protection from bullying in schools, and to formulate recommendations for improving legal protections and law enforcement mechanisms.

3. RESULTS AND DISCUSSION

The implementation of Law No. 35 of 2014 on Child Protection, particularly in relation to bullying in educational settings, has shown both progress and considerable challenges in Indonesia. This law clearly defines the rights of children to be free from any form of violence, including physical, psychological, and emotional abuse, all of which are encompassed by the term “bullying.” Article 76C of the law prohibits any form of violence against children, while Article 80 outlines the criminal sanctions imposed on perpetrators. However, despite the presence of these legal instruments, their application within the school environment remains inconsistent and often ineffective in creating a deterrent effect (Kandia, 2024).

Several studies and reports by institutions such as the Indonesian Child Protection Commission (KPAI) highlight that bullying remains prevalent in many schools across the country. While some cases have reached public attention and legal follow-up, the majority are handled internally by school authorities without involving formal legal mechanisms. These internal resolutions often lack transparency and accountability, leading to dissatisfaction among victims and their families. Moreover, the administrative sanctions typically imposed—such as warnings or temporary suspensions—fail to address the underlying behavioral

issues and rarely offer rehabilitation for either the victim or the perpetrator (Hymel & Swearer, 2015) .

The legal framework, while comprehensive in theory, often fails in practice due to the limited capacity of schools and local authorities to enforce child protection norms. Many educational institutions lack personnel trained in child protection or legal procedures (Santika, 2020). Consequently, school staff may not recognize bullying as a violation of the law, but rather as a disciplinary issue to be resolved through informal means. This misconception undermines the intent of the law and reinforces a culture of silence, where victims are discouraged from reporting abuse for fear of retaliation or being stigmatized. In addition, many schools do not have clear, child-friendly reporting mechanisms, making it difficult for students to safely and confidently report incidents of bullying.

Another critical issue is the limited application of restorative justice and diversion as alternative legal approaches, especially for child perpetrators. The Juvenile Criminal Justice System Law (Law No. 11 of 2012) emphasizes the use of diversion in handling juvenile offenses, including bullying, as long as certain legal requirements are met. However, in practice, the diversion process is not always applied or is misunderstood by law enforcement officers and educators. Some authorities prefer conventional punitive measures, overlooking the potential of restorative justice to educate and rehabilitate the child offender, while also helping the victim recover emotionally (Batian, 2024). This lack of consistency indicates a gap between legal mandates and institutional capacity to implement them effectively (Brank et al, 2012).

Furthermore, the deterrent effect of the law is called into question by the recurring nature of bullying incidents. KPAI has reported that the handling of bullying cases often lacks a long-term impact, and that perpetrators are not adequately held accountable. In many cases, the sanctions imposed are minimal, and there is little follow-up or monitoring to prevent recidivism (Sujana & Kandia, 2024). Victims often do not receive the psychological support they need, and in some instances, are even transferred to different schools instead of being protected in their current environment (Dewi, 2025). This raises concerns about whether the law, in its current form and implementation, is truly serving its protective function.

The role of institutional support bodies, such as KPAI, the Ministry of Women's Empowerment and Child Protection (KPPPA), and the local child protection units (P2TP2A), is crucial in bridging the gap between law and implementation. These institutions are mandated to provide services such as legal aid, counseling, medical assistance, and shelter for child victims. However, their effectiveness varies widely across regions, depending on the availability of resources, coordination with local governments, and community involvement. In some urban areas, child protection services are more accessible, while in rural or underdeveloped regions, they remain limited or absent. This regional disparity further exacerbates the uneven enforcement of child protection laws.

In addition to criminal proceedings, civil remedies and victim compensation have been discussed in legal literature as complementary approaches. Victims of bullying, particularly those who suffer physical injuries or psychological trauma, should have the right to claim compensation from the perpetrator or responsible institution. However, this aspect of the law is underutilized in practice, partly due to a lack of awareness among victims and their families, and partly due to the complexities of pursuing civil litigation in a child protection context. Legal scholars argue that integrating restitution and compensation more explicitly into the child protection framework would provide a more holistic approach to justice (Azan, 2024).

Cyberbullying presents another layer of complexity to the enforcement of the Child Protection Law (Wolke & Lereya, 2015). The rapid development of digital communication technologies has created new forms of bullying that are more difficult to detect and regulate. The Electronic Information and Transactions Law (ITE Law) offers some legal basis for handling online harassment, but it is not specifically designed for children, and its enforcement mechanisms are not well integrated with

the child protection system. As a result, victims of cyberbullying often fall through the cracks of both legal frameworks. There is a pressing need for stronger coordination between the Child Protection Law and the ITE Law, along with specialized procedures and units capable of handling digital bullying cases involving minors (Santika et al, 2021).

Cultural factors also play a significant role in the persistence of bullying in schools. In many communities, there is a tendency to downplay bullying as a normal part of childhood or as a rite of passage. Some teachers and parents still hold the belief that harsh discipline or teasing is beneficial in building character, which can normalize violence and inhibit legal reporting. This cultural acceptance of bullying makes it more difficult to implement legal protections, as victims may be reluctant to come forward and adults may not take their complaints seriously. Changing these perceptions requires long-term educational efforts and public campaigns to raise awareness about children's rights and the harms of bullying (Sila, 2024).

In sum, the findings of this study suggest that while Indonesia has a relatively strong legal foundation for addressing bullying through the Child Protection Law, the practical challenges in its implementation significantly reduce its effectiveness. These challenges include limited institutional capacity, lack of public and professional awareness, inconsistent application of restorative justice principles, and cultural norms that hinder legal reporting. Strengthening the role of the Child Protection Law in combating bullying requires a multifaceted approach that includes not only legal reform but also improvements in institutional practice, community engagement, and educational efforts. Only through such a comprehensive strategy can the law fulfill its intended function of protecting children from violence and ensuring a safe and supportive school environment.

4. CONCLUSION

Based on the analysis of the legal framework and its practical implementation, it can be concluded that Law No. 35 of 2014 on Child Protection provides a substantial normative foundation for addressing bullying in schools in Indonesia. The law affirms the rights of children to be protected from all forms of violence, including bullying, and mandates a range of legal sanctions and protective mechanisms. However, in practice, the enforcement and application of these provisions remain inconsistent and often inadequate. Many schools and local authorities lack the capacity, resources, or understanding to properly implement the law, resulting in underreporting of bullying cases, insufficient sanctions for perpetrators, and inadequate support for victims. Although restorative justice and diversion are recognized under the Juvenile Criminal Justice System, their actual use in bullying cases is limited and inconsistent. Cultural perceptions that normalize bullying, combined with a lack of awareness among educators, parents, and even law enforcement officers, further hinder the law's effectiveness. The current system does not yet provide a strong deterrent against bullying nor does it consistently ensure the rehabilitation of offenders or the recovery of victims. Therefore, while the Child Protection Law holds significant potential, its effectiveness depends heavily on improvements in institutional capacity, inter-agency coordination, legal education, and community involvement. Without these reforms, the law will remain strong in theory but weak in practice in protecting children from bullying in educational settings.

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