



Children's Legal Protection from Violence (Bullying) In the Education System

Made Sinthia Sukmayanti

Faculty of Law, Universitas Pendidikan Nasional

Abstract: Currently, there is a lot of aggressive and pressing behavior, either in the form of direct physical action and/or verbal attacks or so-called bullying, occurring in the educational environment from the most basic to the tertiary level, necessitating legal protection efforts for children who are victims of bullying. This study was conducted to determine and assess how legal protection children as victims are bullied under the Child Protection Law. This study employs normative research approaches, using both a statutory and conceptual approach. The results of this study indicate that children have a right to protection from bullying. Article 80 and Article 76C of the Child Protection Law stipulate that sexual offenses and violence committed by educators, education professionals, fellow students, and/or other parties are prohibited in educational units and will result in punishments.

Keywords: Child, Bullying, Legal protection.

1. Introduction

Since children are the country's greatest future resource and the next generation to carry on its principles, they should have the freedom to participate in society, grow and develop, and be protected from acts of violence and discrimination in addition to enjoying civil rights and freedoms (Carmela & Suryaningsi, 2021), (Roza & Arliman, 2018). A child is defined as someone who is not yet eighteen (18) years old in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection Article 1 number 1. "A child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb," according to the article's text (Santriati, 2020), (Burhayan, 2021), (Analiya & Arifin, 2022).

The way a youngster grows and develops will have a big impact on how their character and credentials are formed later on. Children's ability to establish their personalities will be hampered if they frequently experience harsh treatment or even violence during their growth and development. Since children are the ones who carry the leadership torch, it is important to take child protection into account (Siswanto, 2020), (Hamdanah & Surawan, 2022).

According to Child protection is defined as "all activities to guarantee and protect Children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and receive protection from violence and discrimination" in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Article 1 Number 2.

Currently, there is a lot of aggressive and oppressive behavior, either in the form of direct physical action and/or attacks through words or called bullying, occurring in educational environments from the most basic level to tertiary level. The perpetrators are not only seniors, but also teachers, parents and the environment (Dody Riyadi, 2021), (Abdullah & Al-Mustafa, 2019). The term bullying is a term that is still new in the Indonesian vocabulary. Until now there is no exact equivalent word for the word bullying in Indonesian. According to the Chair of the Sejiwa Diena Haryana Foundation, the act of

Correspondence:

Name: Made Sinthia Sukmayanti

Email: sinthiasukmayanti@undiknas.ac.id

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using force or authority to injure an individual or group with the intention of making the victim feel hopeless, traumatized, and depressed is known as bullying. First, there are three types of bullying (Nursasari, 2017), (Sambas, 2023): physical acts like slapping, punching, or shouting. Second, it is verbal, such as: cursing, gossiping, ridiculing and third, it is psychological, such as: intimidating, isolating, ignoring, discriminating (Taqiah, n.d.).

The importance of protecting children remembers that we know very well that any act of violence that occurs will result in losses, both for the victim of violence and other parties in general and more broadly (Sinaga, 2022), (Rahmat, 2020). The causes of violence itself need a more in-depth study so that the root of the problem that is actually the cause of the violence itself can be found and then used to find a solution in an effort to protect victims of aggression. Since There are numerous violent cases. in schools, including direct physical contact (teachers beating students, student fights, and student beatings) and non-physical contact (name-calling, degrading remarks, (Yamada & Setyowati, 2022), (Ikhwan, 2022) sarcasm, and mocking), the author will concentrate her research on protecting children's rights, particularly in the field of education. Thus, in addition to physical violence, psychological violence has also been observed in schools these days. One example of this is discrimination against pupils, which has a negative moral and financial impact (Miftakhuddin & Harianto, 2020). Given this circumstance, it is imperative that a more thorough investigation into " Children's Legal Protection from Violence (Bullying) In the Education System" be conducted.

2. Materials and Methods

Normative legal research is a kind of legal research that involves searching for relevant legislation and literature as well as library resources or secondary data to use as a starting point for the investigation of the issue under study. This study examines the issue of child bullying and the current legal protection initiatives (Muhammad Syahrudin, 2022), (Ali, 2021).

The statutory approach and the conceptual approach are the two types of problem approaches that are employed. While the conceptual approach is applied by analyzing legal theories, legal science concepts, and jurisprudence, the legislative approach can be implemented by looking at statutory rules pertaining to the issues highlighted (Ali, 2021), (JONI, 2023), .

Descriptive analysis is used in the preparation process, which entails gathering and organizing data before analyzing it. The deductive method, which is a style of thinking that begins with preexisting beliefs or principles, is then applied to the obtained evidence in order to examine it. This approach is used to examine how efforts are examined in the field of education to shield kids from violent activities (bullying) (Yunanda, 2019), (Dedah, 2022).

3. Results and Discussion

Bullying is a well - known phenomena both domestically and internationally. The victims of bullying are typically school-age children, and bullying is still a common practice in elementary and high school settings.

Bullying or bullying are forms of violence that occur verbally and physically, victims bullying. There are moments when people lack the bravery to inform the authorities. Especially if the victim is a minor, they tend to keep it to themselves. People who do bullying sometimes in groups or also alone (individuals). In general,perpetrators do bullying because they feel powerful in that area.

Bullying is the most common cause of violence in schools. These violent acts can also be divided into a number of categories, such: (a) Physical violence: beatings, beatings, torture, use of drugs or weapons to cause harm, physical destruction, murder, etc which manifest this. (b) Sexual/reproductive violence: this is a physical attempt to injure the

sexual/reproductive organs, or a psychological attack with degrading and insulting behavior whose target is the subject's sexual feelings. For example, forcing sexual intercourse which is often referred to as rape, sadism or violence in sexual relations or relations, mutilating sexual organs, forcing forced pregnancy, abortion, and numerous variations. (b) Psychological violence: this is when someone's self-worth is targeted. committing acts of terror, such as degrading others. For instance, abusive language, intimidation, harassment, derogatory remarks, and numerous instances of physical or sexual abuse that have an effect on one's mental health (such as rape and stripping), (c) Violent deprivation: this is a denial of basic needs in various forms. For example, neglect without getting food and drinking and neglecting someone who is sick intentionally continuously.

There are several, intricate elements that contribute to the prevalence of violent crimes in the field of education. As a result, identifying the causes and remedies is difficult. Recently, there have been several violent incidents in the education sector that have been resolved only by mutual blaming amongst the involved parties.

In order to guarantee and preserve children's rights and enable them to live, grow, participate, and develop to the fullest extent possible in accordance with their human dignity, child protection activities take the form of acts.

Teachers, other education professionals, government officials, and members of the community should and must provide children with protection in the school setting. This will shield them from criminal acts and crimes, such as physical, psychological, sexual, and other types of violence.

"The State of Indonesia is a legal State" is declared in Republic of Indonesia 1945 Constitution, Article 1, paragraph (3), among other sources. In order for the state to provide the country and state with legal protection, which is a remedy available to victims of bullying.

Repressive legal protection is the type of protection examined in this study in an effort to solve an issue by establishing a connection between human rights recognition and protection. Similarly, with regard to children's legal protection, the Indonesian government is required to guarantee that children's rights will be upheld by incorporating legal protection, as the Convention on the Rights of the Child was ratified with the Decree of the President of the Republic of Indonesia Number 36 of 1990 concerning Ratification Conventions on the Right of the Child.

Article 1 Point 3 of the Child Protection Law states that "all children has the right to receive protection in an educational unit from sexual crimes and violence committed by educators, educational staff, fellow students, and/or other parties. In light of this, it can be said that children have the right to self-defense in the event of a crime or criminal conduct in the school setting, which may be committed and caused by instructors, staff members, other students, or other parties.

Law Number 35 of 2014 about Amendments to Law Number 23 of 2002 concerning Child Protection provides protection for victims of bullying. According to the Republic of Indonesia's 1945 constitution, "Everyone has the right to protection of himself, his family, honor, dignity, and property under his control, and is entitled to on a sense of security and protection from the threat of fear of doing or not doing something that is a human right," every citizen essentially has the right to protection from threats and a sense of security."

This entails being protected from acts of bullying, which can be terrifying as well as detrimental to one's physical and mental health. Bullying is forbidden in Indonesia under Law Number 35 of 2014 on Amendments to Law Number 23 of 2002 concerning Child Protection. "Everyone is prohibited from placing, allowing, committing, ordering to commit, or participating in committing violence against children," reads Article 76C of Law Number 35 of 2014.

"In this article, what is of concern is the phrase prohibited, prohibiting violence against children, this is clear because it is protected by Law Number 35 of 2014 about modifications to Law Number 23 of 2002 about Child Protection Article 9 paragraph (1a), which deals with rights. "Every child has the right to receive protection in an educational unit from sexual crimes and violence committed by educators, educational staff, fellow students, and/or other parties".

Children who are bullied are protected under Law Number 11 of 2012, which governs the Juvenile Justice System. Juvenile court Law Number 3 of 1997, which hasn't properly protected kids in trouble with the law, is out of date and doesn't represent modern society's demands. Law Number 11 of 2012, which governs the juvenile justice system, takes its place. When it comes to criminal actions of bullying, particular consideration is given to articles that are directly related to violence, such as article 76C of Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning child protection. Penalties are stipulated in Article 80 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection violating this article's restrictions, which reads: (a) The maximum sentence for violating the terms as stated in Article 76C is three (3) years and six (6) months in jail, and the maximum fine is IDR 72,000,000.00 (seventy-two million rupiah). (b) The criminal faces a maximum term of five (five) years in jail and/or a fine of up to IDR 100,000,000.00 (one hundred million rupiah) if the child specified in paragraph (1) sustains a serious damage. (c) The criminal faces a maximum punishment of 15 (fifteen) years in jail and/or a fine of up to IDR 3,000,000,000.00 (three billion rupiah) if the child mentioned in paragraph (2) passes away. (c) If the abuse is being perpetrated by the parents, the penalty is raised by one-third of the provisions mentioned in paragraphs (1), (2), and (3).

The accomplishment of the rights of children as specified by the Convention on the Rights of the Child and the Declaration of Human Rights, is likewise guaranteed by the International Constitution. The UN General Assembly Resolution No. 44/25, dated November 20, 1989, officially adopted the children's rights convention, and on September 2, 1990, it was implemented. The Convention on the Rights of the Child essentially affirms four significant rights for children, namely: (a) Right to survival (survival rights), namely children's rights that encompass the rights to life preservation and upkeep (the rights of life), as well as the right to optimal wellness and attention. (b) Children have the authority to be protected against discrimination, exploitation, violence, and abandonment, including those without a family. (c) Children's development rights include access to education (formal and non-formal) and sufficient living conditions for their mental, physical, spiritual, moral, and social development. (d) Children have the right to freely voice their thoughts on all relevant issues.

4. Conclusion

The Child Protection Law, which offers special protection guarantees for children who are in conflict with the law, both as victims and as perpetrators, particularly in cases of bullying, regulates legal protection for children who are victims of bullying in educational settings. In educational settings, children are entitled to protection from sexual offenses and violence perpetrated by teachers, staff, other pupils, and/or other parties. For the sake of future generations of children, more consideration and caution must be given to the implementation of child protection and law enforcement recommendations. Families, educators, and the community at large play a crucial role in providing more stringent oversight of the application of child protection laws and other government programs.

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