

## Legal Analysis And Education On Blessing In The School Environment

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### ABSTRACT

The school environment is a meeting place between teachers and students, with a philosophy to improve students' intellectuals and produce an education that has high dedication and morals and respects others. In this study, analysis and education were conducted on the law of bullying among students and children. This research method aims to analyze the law that regulates bullying. The method used is by tracing the law that applies to the perpetrators of bullying and the psychological impact on the victim

### ABSTRAK

Lingkungan sekolah merupakan suatu tempat bertemunya antara Guru dan siswa, dengan filosofi untuk meningkatkan intelektual siswa serta menghasilkan pendidikan yang memiliki dedikasi tinggi dan moral serta menghargai sesama. Pada Penelitian ini dilakukan analisis dan edukasi tentang hukum bullying dikalangan Siswa dan anak-anak. Metode penelitian ini dengan tujuan untuk melakukan analisis terhadap hukum yang mengatur bullying. Metode yang digunakan dengan melakukan penelusuran terhadap hukum yang berlaku terhadap pelaku bullying serta dampak Secara psikologi terhadap korban, dari analisa yang dilakukan dengan berbagai sumber menyatakan bahwa bullying termasuk bentuk kekerasan yang melanggar norma dan merupakan suatu tindakan kriminalitas serta pada penelitian ini memberikan edukasi yang berfokus terhadap perundangan.

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## I. INTRODUCTION

The existence of the school is basically not solely to transfer knowledge, but it takes an approach for every student to have strong morals and mentality with support in the form of courses or in the form of direct reprimand, in the reality that occurs indirectly between students and students. other students communicate in which sometimes contains elements that can hurt in the form of sentences that sometimes become jokes or the like which is often referred to as bullying. Bullying is a deliberate or conscious activity that aims to hurt and injure someone and is carried out repeatedly. repeat. The definition of bullying according to Rigby (2002) is as repeated suppression or suppression, psychologically or physically against someone who has less power by a stronger person or group of people. Olweus (1997) says that bullying is negative or unfavorable behavior that causes a person to be in a situation that is uncomfortable or hurt and usually occurs continuously which is characterized by an imbalance of power between the perpetrator and the victim. This bullying behavior cannot be separated from the desire to be in power and also to be someone who is always feared in the school environment. The term bullying or bully comes from English which means to bully or oppress. However, the terms bullying and bullying are not appropriate to be used as synonyms for bullying because they do not cover the full meaning of the term bullying.

Bullying is vulnerable to occur in the world of education, in early 2020, the Commissioner of the Indonesian Child Protection Commission in the field of Civil Rights and Child Participation reported that early 2020 was tarnished by the many cases of bullying that occurred and resulted in physical and psychological injuries. The most recent bullying was the case of bullying against children at SMP Kota Malang which resulted in the victim having his finger amputated and experiencing psychological trauma. (Maria Cicilia Tri Palupi, 2020). Bullying has become a tradition in the world of education in Indonesia, especially at the time of admission of students or new students both at the school and college level. The process of school or school orientation to new students is always "seasoned" with acts of violence (thuggery) under the pretext of enforcing discipline, forming character and bringing closer relationships between senior students and junior students. However, what is formed is just the opposite, the relationship between senior and junior students is very distant and not harmonious. Violence, hostility, hatred and revenge become a tradition and a legacy in every next generation. Schools are places that are very vulnerable to bullying (Muhamamad Hatta, 2017).

Data from the 2018 Program for International Students Assessment (PISA) research shows that 41.1% of students claim to have experienced bullying in Indonesia. The number of students who are bullied is far above the average for OECD member countries which is only 22.7%. In addition, Indonesia is in the fifth highest position out of 78 countries as the country with the most students experiencing bullying, with a graphic range. decline and what education should be conveyed to all students in order to minimize the same incident.

## II. METHOD

This study uses a qualitative method using a doctrinal approach by collecting literature related to bullying cases. The research method is a way for researchers to obtain data and where the data is obtained which is used for research with certain research objectives. The method used in this research is a descriptive method where the method is chosen to describe, describe and explain a condition of events that occur which are supported by data from books, studies of other scientific journals and other libraries.

## III. RESULTS AND DISCUSSION

### **Types of Bullying and Bullying Factors**

Bullying that occurs in the school or school environment basically has 3 main characteristics, namely (Lina Muntasiroh, 2019)

The verbal aspect of activities that aim to hurt someone by laughing at it by making it a joke, greeting someone with a nickname so that it will make someone uncomfortable, hurt and angry.

1. Indirect aspects Activities that aim to reject or exclude and stay away from someone from a group of friends or leave him from various things intentionally such as slandering someone by telling lies about someone so that that person is judged badly by his friends
2. Physical Aspects Activities to injure someone by hitting, kicking, pushing, playing or terrorizing and doing things that aim to hurt and injure.

The bullying factor is often associated with several situations against the perpetrators such as:

1. Family Factor

Family background also plays an important role in shaping bullying behavior. Parents who often fight or fight tend to make children at risk to be more aggressive. Children who receive less love, imperfect upbringing and lack of positive teaching will have the potential to become bullies.

2. Peer factor

Peers play an equally important role in the development and reinforcement of bullying, anti-social attitudes and behavior among children. The presence of peers as observers, indirectly,

helps bullies gain support for power, popularity, and status. In many cases, witnesses or peers who see, generally take a silent attitude and do not want to intervene.

3. school factor

The school environment, practices and policies affect the activities, behavior, and interactions of students in schools. A sense of security and respect is the basis for high academic achievement in school. If this is not met, then students may act to control their environment by engaging in anti-social behavior such as bullying others. Weak school discipline management and supervision will result in the birth of bullying behavior in schools

4. media factor

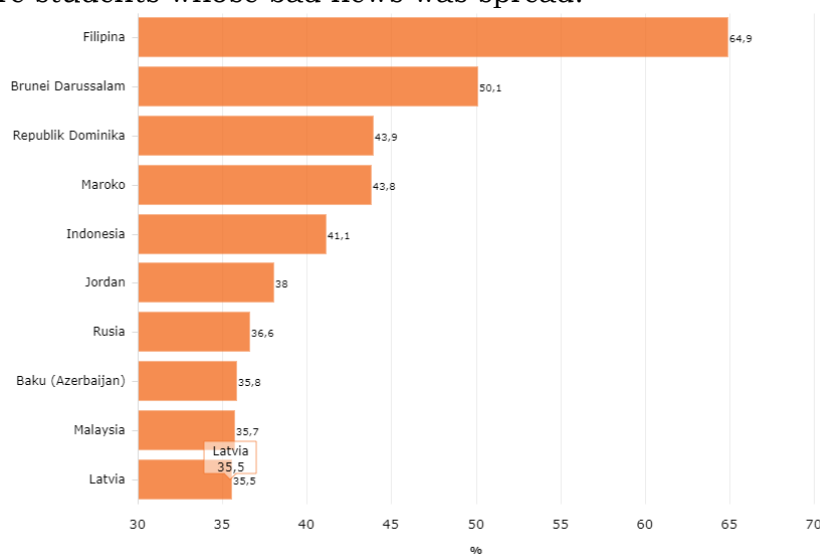
Exposure to violent actions and behavior that is often broadcast by television and electronic media will affect the violent behavior of children and adolescents. Some time ago, the public was enlivened by a debate about the impact of Smack-Down broadcast on a private television which is said to have influenced violent behavior in children. Although there has been no empirical study of the impact of Smack-Down broadcasts in Indonesia, social scientists generally accept that shows containing violence will have both short-term and long-term impacts on children.

5. Self control factor

Self-control is a factor that comes from the individual. Each individual has different self-control, some have high self-control and some have low self-control. According to Denson (2012) self-control can reduce aggression by considering the aspects and applicable rules. With self-control, individuals can regulate their behavior positively and consider the consequences faced so as to avoid committing acts of violence against their friends.

**Development of Bullying in Indonesia**

Data from the 2018 Program for International Students Assessment (PISA) research shows that 41.1% of students claim to have experienced bullying in Indonesia. The number of students who are bullied is far above the average for OECD member countries which is only 22.7%. In addition, Indonesia is in the fifth highest position out of 78 countries as the country with the most students being bullied. In addition to being bullied, students in Indonesia admitted that 15% had experienced intimidation, 19% were ostracized, 22% were insulted and had their belongings stolen. Furthermore, as many as 14% of students in Indonesia claimed to be threatened, 18% were encouraged by their friends, and 20% were students whose bad news was spread.



**Figure 1.** Bullying Percentage Figure

## Laws Governing bullying

Bullying is defined as a form of violence that violates norms and is an act of crime. Bullying is referred to as bullying which means an act of violence. Article 20 of the Republic of Indonesia Law Number 35 of 2014 concerning Child Protection states that the State, government, local government, community, family and parents or guardians are obliged and responsible for the implementation of child protection. Therefore, it is appropriate to provide good protection for a child from acts of violence, especially bullying or bullying. According to Article 3 of Law Number 35 of 2014 concerning Child Protection, Child protection aims to ensure the fulfillment of children's rights so that they can live, grow, develop, and participate optimally in accordance with human dignity, as well as protection from violence and discrimination, for the realization of quality, noble and prosperous Indonesian children.

There are two forms of protection for students from acts of bullying: first, prevention of bullying/violence, protection in the form of socialization of school rules, discussions on gender-based anti-violence, extracurricular activities, determination of certain subjects (such as Islamic ethics, morals), credit score system violations, Counseling guidance, warning letters and anti-drug socialization. Second, protection for victims of bullying, protection in the form of: Restitution/Compensation, Counseling, medical services/medical assistance, legal assistance, and providing information. In addition to preventive protection for students, there is also student protection against victims of bullying. The protection of students who are victims of bullying is carried out so that students get recovery as an effort to balance the condition of students who are disturbed.

Victim protection is also related to one of the objectives of punishment, namely conflict resolution. By resolving conflicts caused by criminal acts, it will restore balance and bring a sense of peace in society. Given that bullying is an act of violence against children, according to the child protection law, bullying is a crime. Bullying perpetrators may be subject to criminal sanctions in the form of imprisonment for 3 (three) years and 6 (six) months and/or a maximum fine of Rp. 72 million. Article 54 of the Republic of Indonesia Law No. 35 of 2014 concerning Child Protection stipulates that every child has the right to protection from acts of violence in schools, as follows: (1) Children within and within the education unit are required to receive protection from acts of physical, psychological, sexual violence, and other crimes committed by educators, education staff, fellow students, and/or other parties. (2) The protection as referred to in paragraph (1) is carried out by educators, education staff, government officials, and/or the public.

On the other hand, the Child Protection Act also has a civil aspect, namely giving rights to children or victims of bullying violence to demand material/immaterial compensation for perpetrators of violence. This is regulated in Article 71D paragraph (1) in conjunction with Article 59 paragraph (2) letter I of the Republic of Indonesia Law Number 35 of 2014 concerning Child Protection as follows:

1. Article 59 paragraph (2) letter I of the Republic of Indonesia Law Number 35 of 2014 concerning Child Protection: special protection for children as referred to in paragraph (1) is given to: Children who are victims of physical and/or psychological violence, children who are victims of sexual crimes.<sup>63</sup>
2. Article 71D paragraph (1) of RI Law Number 35 of 2014 concerning Child Protection: every child who becomes a victim as referred to in article 59 paragraph (2) letter b, letter d, letter f, letter h, letter I and letter j, has the right to file to the Court in the form of the right to restitution which is the responsibility of the perpetrator of the crime. In general, it is also possible to file a civil lawsuit to claim compensation for the perpetrators of violence on the basis of having committed an unlawful act using
3. Article 1365 of the Civil Code (Civil Code). As for Article 1365 of the Civil Code: "Every act that violates the law and brings harm to others, obliges the person who caused the loss because of his mistake to replace the loss."

### **Psychological impact of bullying**

some even bleed because of intentional or unintentional physical violence by their friends. Bullying by children in a school environment can make children feel uncomfortable, traumatized, afraid, insecure, moreover, this act is a physical act that can cause physical injury, injury, disability, and even death. Which causes the child/victim to feel anxious and fearful so that it affects the concentration of learning for children as victims of bullying. Bullying behavior can also cause victims to feel depressed and angry when they experience continuous bullying that lasts a long time and can make children feel resentful and can do the same or worse.

### **Bullying education**

The steps taken in overcoming bullying behavior are first to find the root of the problem, because each problem must be identified first, otherwise it is difficult to decide and resolve cases of bullying behavior, especially the most complex bullying cases. Because the source of bullying is not only from the perpetrator, sometimes it is caused by the victim of bullying himself, for example after borrowing a friend's pen, then it breaks when it is returned, then the owner gets angry and ends up getting angry and berating each other. So identification of the problem is important, if you look at it at a glance, it seems as if the fault is the culprit even though the source is from the victim, it is necessary to identify the problem in its entirety.

Then after the root of the problem is searched, then counseling services are given, because the service is also a medium to resolve bullying behavior, if you don't provide services, it will be difficult to enforce discipline because students have the excuse of not knowing and not being notified in advance. However, if students have been given services, such as classical classes, then students will know which ones are good and bad, what they can and can't do. If you violate the school rules, you will be punished. Punishment is important in the educational process, so punishment is educational, not violence against children. Because if no punishment is given, it is difficult to give a deterrent effect to the perpetrators, so punishment is important to provide a deterrent effect. Sanctions are given such as presenting parents/guardians,

The next step is to hold extracurricular activities, to familiarize students with growing togetherness and cohesiveness, because if they are already compact then it is impossible for them to insult, mock, and berate each other. So extracurricular activities are very important to reduce or overcome bullying behavior because the perpetrator has activities to forget bullying behavior, but if the perpetrator has no activities carried out, then he will look for alternative activities such as mocking, disturbing his friends and others.

Establish cooperation between the school and the school committee structure (teachers and staff) and ask them to help and observe if there are emotional or physical changes in students, for example, they often look scared or look battered. Be aware of different aggressive expressions and different interactions at home and at school (with or without parents at school). When you find a change in your child, ask for help from an expert third party (psychologist or professional expert) to deal with cases of bullying in schools that occur between students.. The participation of schools, families, government and law enforcement when viewed from the RI Law No. 35 of 2014:

- a) **Obligations and Responsibilities of the State and Government and Local Government**  
The state and the government and local governments are obliged to fulfill, protect, and respect the rights of the child, are obliged and responsible in formulating and implementing policies in the field of implementing child protection, having the obligation and responsibility to provide support for facilities, infrastructure, and the availability of human resources in the implementation of protection. children, ensure the protection, maintenance and welfare of children by taking into account the rights and obligations of parents, guardians or other persons who are legally responsible for children, as well as supervising the implementation of child protection.
- b) **Community Obligations and Responsibilities**

Community obligations are carried out through community role activities in the implementation of child protection. Article 72 of the Republic of Indonesia Law No. 35 of 2014 adds to the participation of the community, mass media, and business actors in child protection.

c) **Obligations and Responsibilities of Family and Parents**

Its obligations are to nurture, nurture, educate and protect children, develop children according to their abilities, talents, and interests, prevent marriage at an early age, and provide character education and inculcate character values in children. In the event that the parents are absent, or their whereabouts are unknown, or for some reason cannot carry out their obligations and responsibilities, the obligations and responsibilities can be transferred to the family which is carried out in accordance with the provisions of the legislation.

**Review of RI Law Number 35 of 2014 concerning Child Protection Against Bullying Behavior**

Bullying is defined as a form of violence that violates norms and is an act of crime. Bullying is referred to as bullying which means an act of violence. Article 20 of the Republic of Indonesia Law Number 35 of 2014 concerning Child Protection states that the State, government, local government, community, family and parents or guardians are obliged and responsible for the implementation of child protection. Therefore, it is appropriate to provide good protection for a child from acts of violence, especially bullying or bullying. In accordance with Article 3 of Law Number 35 of 2014 concerning Child Protection, child protection aims to ensure the fulfillment of children's rights so that they can live, grow, develop, and participate optimally in accordance with human dignity.

There are two forms of protection for students from acts of bullying: first, prevention of bullying/violence, protection in the form of socialization of school rules, discussions on gender-based anti-violence, extracurricular activities, determination of certain subjects (such as Islamic ethics, morals), credit score system violations, Counseling guidance, warning letters and anti-drug socialization. Second, protection for victims of bullying, protection in the form of: Restitution/Compensation, Counseling, medical services/medical assistance, legal assistance, and providing information. In addition to preventive protection for students, there is also student protection against victims of bullying. The protection of students who are victims of bullying is carried out so that students get recovery as an effort to balance the condition of students who are disturbed. If there are victims of crime, the State must pay attention to the needs of victims by improving services and regulating rights. Victim protection is also related to one of the objectives of punishment, namely conflict resolution. By resolving conflicts caused by criminal acts, it will restore balance and bring a sense of peace in society.

Given that bullying is an act of violence against children, according to the child protection law, bullying is a crime. Bullying perpetrators may be subject to criminal sanctions in the form of imprisonment for 3 (three) years and 6 (six) months and/or a maximum fine of Rp. 72 million. violence in schools, as follows: (1) Children within and within the education unit are required to receive protection from acts of physical, psychological, sexual violence, and other crimes committed by educators, education staff, fellow students, and/or other parties. (2) The protection as referred to in paragraph (1) is carried out by educators, education staff, government officials, and/or the public. On the other hand, the Child Protection Act also has a civil aspect, namely giving rights to children or victims of bullying violence to demand material/immaterial compensation for perpetrators of violence. This is regulated in Article 71D paragraph (1) in conjunction with Article 59 paragraph (2) letter I of the Republic of Indonesia Law Number 35 of 2014 concerning Child Protection as follows:

Article 59 paragraph (2) letter I of the Republic of Indonesia Law Number 35 of 2014 concerning Child Protection: special protection for children as referred to in paragraph (1) is given to: Children who are victims of physical and/or psychological violence, children who are victims of sexual crimes. Article 71D paragraph (1) RI Law Number 35 of 2014 concerning Child Protection: every child who becomes a victim as referred to in article 59

paragraph (2) letter b, letter d, letter f, letter h, letter I and letter j, has the right to submit to the Court the right to restitution which is the responsibility of the perpetrator of the crime.<sup>64</sup>

In general, it is also possible to file a civil lawsuit to claim compensation for the perpetrators of violence on the basis of having committed an unlawful act using Article 1365 of the Civil Code (KUH Perdata). As for Article 1365 of the Civil Code: "Every act that violates the law and brings harm to others, obliges the person who caused the loss because of his mistake to replace the loss." Basically the protection of students in schools can be viewed from the point of view of criminal policy. Criminal Policy is an effort to overcome crime with an approach There is integration between criminal politics and social politics and there is integration between crime prevention efforts with the "penal and non-penal" path.

Sudarto in Barda Nawawi Arif's book entitled *Interests in Criminal Law Policy* suggests that if criminal law is to be involved in overcoming the negative aspects of community development/modernization (among other things, crime prevention), it should look at the overall relationship between criminal politics or social defense planning, which must be an integral part of the national development plan. Crime prevention efforts through criminal policies are broadly divided into two, namely: through the penal route (criminal law) and through the non-penal route (not/outside criminal law). Efforts to resolve through the penal route are more focused on the repressive nature (eradication/ suppression), while the non-penal route of this policy focuses more on the preventive nature (prevention of countermeasures).<sup>65</sup>

In the positive legal system there are no laws and regulations that specifically regulate bullying (bullying) but in acts of violence that are caused based on field interviews, respondents stated that bullying (bullying) or acts of violence can be in the form of, mocking, kicking, pinching, threatening, molesting, and defaming. Then the applicable legal rules in Indonesia can be used. The participation of schools, families, government and law enforcement when viewed from the RI Law No. 35 of 2014:

- a. **Obligations and Responsibilities of the State and Government and Local Government**  
The state and the government and local governments are obliged to fulfill, protect, and respect the rights of the child, are obliged and responsible in formulating and implementing policies in the field of implementing child protection, having the obligation and responsibility to provide support for facilities, infrastructure, and the availability of human resources in the implementation of protection. children, ensure the protection, maintenance and welfare of children by taking into account the rights and obligations of parents, guardians or other persons who are legally responsible for children, as well as supervising the implementation of child protection.
- b. **Community Obligations and Responsibilities**  
Community obligations are carried out through community role activities in the implementation of child protection. Article 72 of the Republic of Indonesia Law No. 35 of 2014 adds to the participation of the community, mass media, and business actors in child protection.
- c. **Obligations and Responsibilities of Family and Parents**  
Its obligations are to nurture, nurture, educate and protect children, develop children according to their abilities, talents, and interests, prevent marriage at an early age, and provide character education and inculcate character values in children. In the event that the parents are absent, or their whereabouts are unknown, or for some reason cannot carry out their obligations and responsibilities, the obligations and responsibilities can be transferred to the family which is carried out in accordance with the provisions of the legislation.

## **Discussion**

Based on the explanation from the search, it can be concluded that the factors that can influence the emergence of bullying behavior are due to the feeling of wanting to dominate and revenge that exist in bullies, low self-confidence owned by bullies so that they feel they deserve to be treated like being bullied. the school environment is not harmonious, family conditions are not harmonious,

there are factors from the media such as shows on television which show a lot of violence so that many follow the action on the show and the individual has low self-control. The reason I prefer self-control in my research is because of all the self-control factors that play the most role in everyday life,

#### IV. CONCLUSION

Based on the analysis carried out that bullying is vulnerable to occur in the world of education, both in the school environment or in universities based on some previous research information, bullying begins with a joke and has an impact on psychology and even death, the law that regulates bullying is

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