

School Bullying from a Criminal Law Perspective in Indonesia

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Abstract: *The growing incidence of bullying in schools causes physical and psychological harm to children and demands examination from multiple perspectives. This study analyzes bullying in the school environment from a criminal law perspective, examining how it can be classified as a criminal offense and how criminal liability is imposed on children who engage in bullying. The research employs a normative juridical method, drawing on statutory and conceptual approaches. The findings show that bullying may fulfill the elements of various criminal offenses, including defamation, slander, assault, fighting, group assault, offenses against decency, hate speech, threats of violence, discriminatory acts, and physical, psychological, and social violence, as well as indecent acts. These offenses are regulated in the Criminal Code, Law No. 1 of 2023 on the Criminal Code, the Law on Electronic Information and Transactions, and the Child Protection Law. The forms of criminal liability for children who commit bullying include: (1) settlement through restorative justice -implemented via diversion - that ensures the restoration of victims' rights and a deterrent effect on perpetrators, where the offense is punishable by imprisonment of less than seven years and is not a repeat offense; and (2) main penalty and ancillary penalty for children aged 14, as well as a sanction in the form of a measure for children under 14 who commit crimes with a threat of less than 7 years. This study implies that a deeper understanding of the criminal law dimensions of bullying can enhance awareness and encourage more effective prevention and intervention in schools.*

Keywords: *bullying; children; criminal law; restorative justice*

Introduction

Bullying is the act of intentionally using repeated aggressive behavior to intimidate, harm, or coerce someone, causing them to suffer (Antonius P.S. Wibowo, 2018). This can manifest in several forms: physical bullying (hitting, kicking), verbal bullying (insults, threats), psychological bullying (manipulation, exclusion), and sexual bullying (unwelcome advances or inappropriate comments) (Kandia, 2024). Recently, a new form known as cyberbullying has emerged. Cyberbullying occurs through digital media, such as public insults, sharing personal data without consent, and harassing messages or comments online (Adellia et al., 2024). Bullying aims to create fear, dread, hurt, and intimidation (Adellia et al., 2024). It can happen to anyone, anywhere (Pradana, 2024). Anyone can experience or commit bullying, including family and friends, often without realizing it. Bullying occurs in workplaces, social settings, and schools.

The National Bullying Prevention Center reports that, in a study of 83 countries, 30.5% of adolescents experienced bullying (Biswas et al., 2020). Data from the Indonesian National Police Criminal Investigation Agency show that bullying cases against children doubled by November 2025 compared to 2024 (Bareskrim Polri, 2025). Most incidents occur at school. Over 69.75% of bullying takes place in schools from elementary through high school.

Children spend almost every day in the school environment. The percentage of interactions between children and their peers is relatively greater than that between children and their parents. Based on this, schools should be places that provide a sense of safety,

comfort, and education for children. However, the patterns of interaction between children and their peers sometimes escape the supervision of those responsible for children at school. Bullying often begins as mere teasing that gradually evolves into repeated behavior. What initially takes the form of joking remarks and playful acts—often perceived as a means of relieving tension—can escalate into intimidating words and actions that undermine an individual's mental well-being.

Bullying has quite complex impacts on victims. Victims of bullying tend to be more susceptible to health problems, both psychological and physical (Zakiyah et al., 2017). When physical bullying occurs, such as pinching, throwing, kicking, punching, and so on, it can have significant physical impacts on the victim. Physical impairments can impact the victim's daily life (Gabryella et al., 2025). Beyond physical harm, bullying also has a direct impact on a person's mental and psychological well-being. Psychological trauma persists and persists even after the bullying has ceased (Chandra Duwita Ela Pradana, 2024). Mental trauma and wounds can often lead to fatal consequences (Nurhayati et al., 2025).

Bullying should not be underestimated, as it can be considered a crime under certain criminal law circumstances. This study analyzes bullying in schools from a criminal law perspective, focusing on its classification as a crime and the forms of criminal liability applicable to children who commit bullying.

Method

This study analyzes criminal law regulations on bullying and accountability within Indonesia's legal system using a normative juridical approach. Statutory regulations and relevant research are examined through both statutory and conceptual (contextual) approaches, including analyses of doctrines, principles, theories, and expert perspectives. The legal materials comprise primary statutory regulations and secondary sources from previous research.

Results and Discussion

Bullying in School Environments

A child is defined as a human being who is still categorized as young in age, spirit, and life journey, and is easily influenced by their environment and circumstances (Oktaviana & Purba, 2024). Indonesian laws and regulations also define what constitutes a child. First, the preamble to the Child Protection Law defines a child as a mandate and gift from God Almighty, inherent in the dignity and worth of a complete human being (Djamil, 2013).

The United Nations Convention on the Rights of the Child defines a child as anyone under the age of eighteen, unless otherwise specified in relevant laws and regulations. The definition of a child in laws and regulations varies depending on the legal policy underlying their creation (Nurusshobah, 2019).

In Indonesian laws and regulations, the definition of a child is regulated in Law No. 11 of 2012 Concerning the Juvenile Criminal Justice System (UU SPPA) articles 2, 3, 4, and 5. The law uses the term "Children in Contact with the Law". Children in Contact with the Law are divided into 3 categories: first, "Children in Conflict with the Law" (referred to as "Child"): children who are 12 years old but not yet 18 years old who are suspected of committing a

crime. Second is "Children who are Victims of Crime" (referred to as "Child Victims"): are children who are not yet 18 years old who experience physical, mental, and/or economic suffering caused by a crime. Third, "Child Witnesses to Criminal Acts" (referred to as "Child Witnesses") are children under 18 years of age who can provide information for investigation, prosecution, and court hearings regarding a criminal case they have heard, seen, and/or experienced.

Children are individuals with unique and distinctive characteristics. They can act on their own conscience, feelings, thoughts, and desires (Djamil, 2013). This is based on the surrounding environment that influences their behavioral patterns. This fact naturally creates the perception that if a child is in a safe, comfortable, and calm environment, their character will develop into a good person. However, if the opposite occurs, when a child is in a hostile, uncomfortable environment, or even close to a criminal environment, the child will tend to observe these behavioral patterns.

Childhood is a crucial phase in the development of behavior. The social group that plays the most essential role in this phase is the family, especially the parents. However, to provide a platform for children to develop social interactions and academic abilities, parents must provide the facilities for their education (Ismaniar & Landa, 2023). The right to education is also a mandate stipulated in the Convention on the Rights of the Child. This naturally has implications for the second social group that plays a crucial role in shaping children's behavior patterns: the educational environment, namely the school.

The school environment is part of the academic process, serving almost daily as a place for children to seek knowledge and as a means of growth and development. Therefore, the school environment should have a safe, comfortable, and peaceful atmosphere. However, the reality is different. School environments, once considered safe and comfortable for children's development, have now become threatening places with the rise of violence. Violence in education is an unavoidable fact (Ahmad Baliyo Eko Prasetyo, 2014).

Bullying in the school environment indirectly impacts children's development. Bullying changes children's behavior patterns, creating various obstacles. The adverse effects of bullying include stunted social and emotional development (Yani et al., 2023). This stunted development then creates tangible effects in children's lives, such as difficulty socializing, difficulty interacting, increased isolation, withdrawal, and even fear of going to school.

Bullying not only directly impacts the victim's physical development but also impacts their emotional and psychological well-being. Victims of bullying experience impaired intelligence and emotional development, which can impact the child's future psychological health. The greater the level of bullying a child experiences, the lower and slower their psychosocial development will be. Conversely, the lower the level of bullying a child experiences, the greater and faster the child's psychosocial development will be (Yani et al., 2023).

Bullying cases are currently a major issue in the national news. One example is the bullying case involving a student at SMP Negeri 3 Doko in Sumber Urip Village, Doko District, Blitar Regency, East Java. The incident, which occurred on Friday, July 18, 2025, involved a 12-year-old child with the initials "W," a seventh-grade freshman at the school. The perpetrators

included 14 other seventh-grade students. Several of the perpetrators also resided in the same hamlet as the victim. The incident began during a school community service activity. Initially, there was teasing between the victim and the perpetrator during the activity. However, the teasing escalated into physical violence, which took place during break time in the bathroom behind the school (Hemylia Awanda Nur Janah, 2025). The physical violence involved punches, kicks, and a group beating by fourteen students, with the most severe being a kick aimed at the victim's genitals, causing pain (Novita Sari Simamora, 2025). The victim was also known to have bullied several of her other friends. Therefore, the bullying was perceived as an act of revenge (Muhammad Imron, 2025).

As a result of this bullying and physical violence, the victim, identified as "W," suffered both psychological and physical trauma. The case was forwarded to the legal realm. During the investigation by the Blitar Police, 14 perpetrators and 20 witnesses were questioned. A diversion was then conducted involving various parties, including the Correctional Center (Bapas), the Education Office, the Social Service, the Women and Children Protection Unit (UPT), the District Attorney's Office, the school, village officials, and the Bhabinkamtibmas (Community Police Officers). The diversion resulted in seven main points being agreed upon. Among them, the reporting party apologized without demanding compensation, the perpetrator apologized directly to the victim, and the perpetrator was required to participate in a one-month rehabilitation program from the Correctional Center accompanied by the Blitar Police. In addition, the victim requested assistance with trauma healing, the installation of CCTV in the school environment, and facilitation of a school transfer by the Education Office. All agreements were set out in writing. The diversion settlement prevented this case from proceeding to a criminal trial.

Criminal Aspects of Bullying

Bullying comes from the English word "bull," which, etymologically, means to abuse someone who is vulnerable (Sitanggang et al., 2024). In Indonesian, bullying is defined as a violent act intended to physically or verbally attack someone (Hidayat, 2021). There are many types of bullying, including verbal bullying, cyberbullying, physical bullying, and social bullying (Haru, 2023). Given these varying forms, it is important to understand their legal implications. Building on this understanding, bullying can be classified as a crime, which carries criminal sanctions. The classification of criminal sanctions for each act of bullying varies and is regulated by several laws and regulations. The forms of bullying that can be categorized as criminal acts are shown in the following table:

Table 1. Criminal Law Provisions Applicable to Bullying Offender and Their Penalties

Forms of Bullying	Qualified	Indonesian Criminal Code	Law No. 1 of 2023*	Electronic Information and Transactions Law**	Child Protection Law**
Verbal and Cyber-bullying	Defamation	Article 310	Article 433	Article 27, paragraph (1) concerning violations of morality	-
		Verbal: Imprisonment for a maximum period of nine months.	Maximum 9 months in prison/maximum fine in category II	The penalty is a maximum of 6 years' imprisonment and/or a maximum fine of one billion rupiah.	

	Written: Imprisonment for up to one year and four months and/or a fine not exceeding Rp4.500,-		Article 27A concerning defamation The penalty is a maximum of 2 years' imprisonment and/or a maximum fine of four hundred million rupiah.
Minor Insults	Article 311: Maximum 4 Years Imprisonment	Article 434: Incitement: Maximum imprisonment of 6 years and/or a maximum fine of one billion Rupiah.	Article 28 paragraphs (2) & (3): Incitement: Maximum imprisonment of 6 years and/or a maximum fine of one billion Rupiah. Article 29: Threats of Violence: Maximum imprisonment of 4 years and/or a maximum fine of seven hundred and fifty million Rupiah.
Minor Insults	Article 315 Max imprisonment of 4 months and 2weeks/max fine of Rp4,500	Article 436 Max imprisonment of 6 months or category II	-
Fine - Assault	Article 351 Paragraph (1) Maximum imprisonment of 2 years and 8 months maximum fine of Rp4,500.	Article 466 paragraph (1) Maximum imprisonment of 2 years and 6 months, maximum fine of category III	-
Physical	Assault resulting in Serious Injury	Article 351 Paragraph (2) Maximum imprisonment of 5 years	Article 466, paragraph (2) Maximum imprisonment of 5 years
	Assault resulting in Death	Article 351 Paragraph (3) Maximum imprisonment of 7 years	Article 466 paragraph (3) Maximum imprisonment of 7 years
	Minor Assault	Article 352 Maximum imprisonment of 3 months/fine of Rp4.500,-	Article 471 paragraph (1) Maximum 6 months imprisonment and a

						maximum fine of Category II
Premeditated Assault	Article 353 Paragraph (1) Maximum 4 years imprisonment		Article 467 paragraph (1) Maximum 4 years imprisonment	-		-
Premeditated Assault causing serious injury	Article 353 Paragraph (2) Maximum 7 years imprisonment		Article 467 paragraph (2) Maximum 7 years imprisonment	-		-
Premeditated Assault causing death	Article 353 Paragraph (3) Maximum 9 years imprisonment		Article 467 paragraph (3) Maximum 9 years imprisonment	-		-
Serious Assault	Article 354 Paragraph (1) Maximum 8 years imprisonment		Article 468 paragraph (1) Maximum 8 years imprisonment	-		-
Serious Assault causing death	Article 354 Paragraph (2) Imprisonment, Maximum 10 years		Article 468 paragraph (2) Maximum 10 years imprisonment	-		-
Premeditated serious assault	-		Article 469 paragraph (1) Maximum 8 years imprisonment	-		-
Premeditated serious assault resulting in death	-		Article 469 paragraph (2) Maximum 10 years imprisonment	-		-
Assault/fight resulting in serious injury	Article 358 paragraph 1 Maximum 2 years 8 months imprisonment		Article 472.a Maximum 2 years 8 months imprisonment	-		-
Assault/fight resulting in death	Article 358 paragraph 1 Maximum 4 years imprisonment		Article 472.b Maximum 4 years imprisonmen	-		-
Assault	Article 170 Maximum 5 years imprisonment		Article 262 Maximum 5 years imprisonment /max fine Category V	-		-

					Article 76C Imprisonment: maximum 3 years and 6 months; maximum fine of 72 million rupiah. If it results in serious injury, the maximum prison sentence is 5 (five) years and/or a fine of up to 100 million rupiah. If it results in death, the maximum prison sentence is 15 (fifteen) years and/or a maximum fine of 3 billion rupiah.
	Physical, psychological, and sexual violence against children	-	-	-	
	Indecent Acts Against Children	-	-	-	Article 76E Minimum 5 years, maximum 15 years, maximum fine of 5 billion rupiah.
	Discrimination against children	-	-	-	Article 76A Maximum 5 years imprisonment and/or a fine of one hundred million rupiah
Social	Mistreatment and neglect of children	-	-	-	Article 76B Maximum 5 years imprisonment and/or a fine of one hundred million rupiah

Description:

*Law Number 1 of 2023 concerning the Criminal Code

** Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions.

** Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection

From Table 1 above, it can be seen that certain acts of bullying committed in the school environment, under certain conditions, can be categorized as criminal acts subject to punishment, either imprisonment or a fine. According to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), Article 81, paragraph (2), the maximum prison

sentence that may be imposed on a child is 1/2 (one-half) of the maximum prison sentence for adults.

According to Article 69 of the SPPA Law, children who commit crimes may be sentenced to criminal penalties or subject to other measures. Children under 14 (fourteen) years of age are not subject to action. Articles 71-81 of the SPPA Law regulate the penalties that can be imposed, namely the main penalty and the ancillary penalty. Main penalties consist of: a) Warning penalties, b) Conditional penalties, which consist of: out-of-institutional counseling, community service, or supervision, c) job training, d) in-institutional counseling, and e) imprisonment. Meanwhile, ancillary penalties consist of: a) Confiscation of profits obtained from the crime; or b) Fulfillment of customary obligations.

Article 82 of the SPPA Law regulates the sanction in the form of a measure that can be imposed on children, including: Return to parents/guardians; Surrender to another person; Treatment in a mental hospital; Treatment at the LPKS (Rehabilitation and Rehabilitation Institution); Required formal education and/or training provided by the government or private institutions; Revocation of driver's license; and/or Rehabilitation for the crime. The Public Prosecutor may propose sanctions in the form of actions in their indictment if the child commits a crime with a sentence of less than 7 (seven) years.

Within the Indonesian legal framework, the regulation of a criminal offense is not limited to the imposition of penal sanctions. The shift in Indonesia's legal paradigm from retributive to restorative, or recovery, known as Restorative Justice, has given rise to a scheme for resolving crimes through a peace process. In Indonesia, the concept of restorative justice is rooted in Pancasila, particularly the fourth and fifth principles, which describe deliberation and consensus (Muhammad Rif'an Baihaky & Muridah Isnawati, 2024). The concept of restorative justice requires the active involvement of all parties, from perpetrators and victims to law enforcement officials, with the goal of achieving a win-win solution without harming any party (Sulistiyanta et al., 2021)

The concept of restorative justice, or the resolution of a crime without criminal prosecution, is enshrined in Article 7, paragraph 2, of the Juvenile Criminal Justice System Law, known as the diversion process. Diversion is a method of resolving juvenile cases outside the judicial process. The diversion process prioritizes the agreement and active involvement of the victim, the perpetrator, and the victim/perpetrator's family. The goals of the diversion process include preventing children from experiencing trauma due to the sometimes intimidating judicial process, restoring the relationship between the victim and the perpetrator, and instilling in the child a sense of responsibility for the consequences of their actions (Revinta Irma Kartikasari & Subekti, 2025)

Diversion is used to implement restorative justice in handling juvenile cases. The success of the diversion process is influenced by: the good faith of the child and their parent/guardian to apologize to the victim; the victim's willingness to forgive with or without conditions; positive support from the parties involved in the diversion process; fulfillment of requirements by the child and/or parent/guardian; and law enforcement officials who embody and support the success of the diversion process. The success of diversion is determined by positive subjective will and fulfillment of requirements. If an agreement is not

reached during the diversion process or the diversion agreement is not implemented, the juvenile's case will proceed to trial, where criminal charges or other legal action may be taken (Zulfiani, 2023).

The concepts of restorative justice and punishment are post-bullying or repressive measures. Addressing bullying, particularly in schools, requires preventive measures. It is crucial for parents, teachers, and the community to understand the potential legal problems a child who bullies may face. Some ways to prevent bullying in schools include behavioral counseling, which addresses internal, interpersonal, emotional, and other issues. In this context, counselors' roles are crucial in changing behavioral patterns (Nasir, 2018). It is also necessary to establish an anti-bullying team in schools, consisting of teachers and staff, and collaborating with external institutions such as psychologists. Teachers act as substitutes for parents at school. They must actively provide advice, motivation, and supervision to students through various means, such as disciplining, modeling good behavior, fostering empathy, teaching good communication with friends, and teaching responsibility (Firmansyah, 2022). Active coordination with parents is also crucial to monitor children's behavioral patterns at school.

Conclusion

Bullying behavior can basically fulfill the elements of a number of criminal acts, including defamation, slander, abuse, assault/fighting, mob violence, violating morality, hate speech, threats of violence, discriminatory treatment, committing physical, psychological, and social violence, and obscene acts. These crimes are regulated in the Criminal Code, Law No. 1 of 2023 concerning the Criminal Code, Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Information and Electronic Transactions, and Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection. The form of criminal responsibility for children who carry out bullying is 1) It is possible to resolve it through restorative justice - implemented via diversion - which still guarantees the restoration of the victim's rights and a deterrent effect for the perpetrator, in the case of actions threatened with imprisonment of less than 7 years and not a repetition of the crime. 2) main penalty and ancillary penalty for children aged 14, as well as a sanction in the form of a measure for children under 14 who commit crimes with a threat of less than 7 years. The results of this study are expected to increase understanding of the criminal aspects of bullying behavior, thereby increasing school and community awareness of the issue and enabling them to prevent and intervene against bullying in schools.

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