

Legal Protection for Child Victims of School Bullying: Unraveling Multidimensional Barriers in the Implementation of Child Protection

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Abstract

Bullying in school constitutes a severe form of violence against children, with effects extending beyond physical harm to long-term psychological and social development. Although Indonesia has established a comprehensive legal framework, including Law No. 35 of 2014 on Child Protection and Minister of Education and Culture Regulation No. 82 of 2015, bullying cases continue to rise, and their handling remains suboptimal. This study critically identified and analyzed the multidimensional barriers that undermine the effectiveness of legal protection for child victims of bullying in schools. Employing a normative juridical method with statutory, conceptual, and case approaches, this research examines primary and secondary legal materials through descriptive-analytical analysis. The findings revealed four interrelated clusters of barriers: (1) human resource and institutional constraints, including the lack of professional counselors and support facilities; (2) sociocultural barriers, characterized by the normalization of bullying and a permissive culture that discourages reporting; (3) law enforcement challenges, reflected in slow, bureaucratic, and child-unfriendly legal processes; and (4) regulatory obstacles, marked by weak oversight and unsustainable policy evaluation. This study argues that the effectiveness of child legal protection depends not merely on the availability of regulations but also on institutional capacity, collective awareness, and the genuine commitment of all stakeholders to implement the best interest of the child principle. This article offers policy recommendations, including school capacity building, cross-sectoral coordination, and reforming law enforcement procedures to be more adaptive and victim-centered.

Keywords: *Legal Protection; Bullying; Multidimensional Barriers; School; Best Interest of the Child.*

Abstrak

Perundungan (bullying) di lingkungan sekolah merupakan salah satu bentuk kekerasan terhadap anak yang dampaknya tidak hanya mengancam keselamatan fisik, tetapi juga perkembangan psikologis dan sosial korban dalam jangka panjang. Meskipun Indonesia telah memiliki kerangka hukum yang komprehensif, termasuk Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak dan Peraturan Menteri Pendidikan dan

Kebudayaan Nomor 82 Tahun 2015, angka perundungan terus meningkat dan penanganan terhadap kasus-kasus tersebut masih jauh dari optimal. Penelitian ini bertujuan untuk mengidentifikasi dan menganalisis secara kritis hambatan multidimensional yang menyebabkan ketidakefektifan perlindungan hukum bagi anak korban perundungan di sekolah. Dengan menggunakan metode yuridis normatif yang didukung oleh pendekatan perundang-undangan, konseptual, dan kasus, penelitian ini mengkaji bahan hukum primer dan sekunder melalui analisis deskriptif-analitis. Hasil penelitian menunjukkan adanya empat klaster hambatan utama yang saling berkaitan, yaitu: (1) hambatan sumber daya manusia dan kelembagaan, yang mencakup keterbatasan tenaga profesional dan fasilitas konseling di sekolah; (2) hambatan sosiokultural, yang ditandai dengan normalisasi perundungan dan budaya permisif yang menghambat pelaporan kasus; (3) hambatan penegakan hukum, yang tercermin dalam proses hukum yang lamban, birokratis, dan belum sepenuhnya ramah anak; serta (4) hambatan regulatif, yang ditandai oleh lemahnya pengawasan dan kurangnya evaluasi kebijakan secara berkelanjutan. Keempat klaster hambatan tersebut saling berinteraksi sehingga menghambat implementasi perlindungan hukum secara efektif sekaligus membatasi akses anak terhadap keadilan dan mekanisme pemulihan. Penelitian ini berargumen bahwa efektivitas perlindungan hukum bagi anak tidak semata-mata bergantung pada keberadaan peraturan perundang-undangan, tetapi juga pada kapasitas kelembagaan, kesadaran kolektif, serta komitmen seluruh pemangku kepentingan untuk secara sungguh-sungguh menjunjung tinggi prinsip kepentingan terbaik bagi anak.

Kata kunci: *Perlindungan Hukum; Perundungan (Bullying); Hambatan Multidimensi; Sekolah; Kepentingan Terbaik Anak.*

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Introduction

Bullying in schools has become one of the most serious challenges facing the global education system because it directly affects students' well-being, mental health, and learning.¹ The latest data from the 2022 Programme for International Student Assessment (PISA) show that, on average, 20% of students in OECD countries report

¹ Shuang Yu and Xiaojun Zhao, "The Negative Impact of Bullying Victimization on Academic Literacy and Social Integration: Evidence from 51 Countries in PISA," *Social Sciences & Humanities Open* 4, no. 1 (2021): 100151, <https://doi.org/https://doi.org/10.1016/j.ssaho.2021.100151>.

experiencing bullying at least a few times a month, confirming that bullying remains a widespread problem in various educational systems despite the implementation of various prevention policies.² Meanwhile, UNESCO reports that nearly one in three students worldwide (about 32%) have experienced bullying by peers in the past month, with forms ranging from physical, verbal, relational, to cyberbullying.³ This phenomenon encompasses various forms of bullying, ranging from physical, verbal, and relational to cyberbullying, involving perpetrators, victims, and both perpetrators and victims in complex dynamics.⁴ The impact of bullying on children is severe. Neurobiologically, bullying acts as a chronic stressor that disrupts the regulation of the hypothalamic-pituitary-adrenal axis, thereby increasing vulnerability to anxiety, depression, and behavioral disorders.⁵ Bullying has a significant negative correlation with children's subjective well-being; children who experience bullying, whether at home or at school, have lower levels of well-being than those who do not.⁶

Indonesia faces serious challenges in addressing bullying in educational settings. According to 2018 PISA data, 41.1 percent of 15-year-old Indonesian students have experienced bullying at least several times a month, placing Indonesia fifth highest among the 78 countries surveyed.⁷ This figure is nearly double the OECD average of 23 percent.^[8] According to the 2022 Programme for International Student Assessment (PISA), bullying remains a serious issue in Indonesia. The OECD reports that 25% of 15-year-old female and 30% of 15-year-old male students in Indonesia experience bullying at least several times a month.⁸ These figures are above the OECD average—20% for female students and 21% for male students—indicating that exposure to bullying in

² OECD, *PISA 2022 Results (Volume II): Learning During – and From – Disruption* (OECD, 2022), https://www.oecd.org/en/publications/pisa-2022-results-volume-ii_a97db61c-en/full-report/.

³ UNESCO, *Behind the Numbers: Ending School Violence and Bullying* (UNESCO, 2019), <https://www.unesco.org/en/articles/behind-numbers-ending-school-violence-and-bullying>.

⁴ Dorothy L. Espelage et al., “Bullying as a Developmental Precursor to Sexual and Dating Violence Across Adolescence: Decade in Review,” *Trauma, Violence & Abuse* (United States) 23, no. 4 (October 2022): 1358–70, <https://doi.org/10.1177/15248380211043811>.

⁵ Amanda Gollo Bertollo et al., “Neurobiological and Psychosocial Mechanisms Linking Early Life Stress to the Pathogenesis of Eating Disorders,” *Neuroscience* 596 (2026): 128–42, <https://doi.org/https://doi.org/10.1016/j.neuroscience.2026.01.008>.

⁶ Xavier Oriol et al., “Bullying Victimization and Subjective Well-Being in 10- and 12-Year-Old Children from 24 Countries: The Buffering Effect of Family and Teacher Support,” *Child Indicators Research* 18, no. 3 (2025): 1073–100, <https://doi.org/10.1007/s12187-025-10226-w>.

⁷ Rini Psikologi et al., “The Bully Triangle : Bullying Dalam Perspektif Korban , Pelaku Dan Orang Yang Menyaksikan,” *IKRAITH-HUMANIORA* 9, no. 3 (2025): 404–11, <https://doi.org/10.37817/ikraith-humaniora.v9i3>.

⁸ OECD, *PISA 2022 Results (Volume II): Learning During – and From – Disruption*.

Indonesian schools remains relatively high compared to many PISA-participating countries.⁹

Empirical evidence has shown that school bullying has a significant impact on children's well-being. A study by Borualogo et al. (2024) involving 15,604 Indonesian children aged 10 and 12 years found that experiences of being a victim of bullying are correlated with lower levels of subjective well-being. This study also revealed that poly-bullying, the experience of facing multiple forms of bullying simultaneously, is a relatively common phenomenon in Indonesia. The risk of poly-bullying is influenced by various factors, including a high frequency of fights among students ($\beta = 0.129$) and low-quality social support within the school environment, including children's belief that peers will provide help when bullying occurs ($\beta = 0.045$).¹⁰ These findings indicate that bullying is a multidimensional issue that not only impacts children's psychological well-being but is also influenced by social dynamics within the school environment.

In line with this, the Indonesian Child Protection Commission (KPAI) noted that throughout 2024, the issue of child protection in educational settings remained a serious concern. KPAI received 241 complaints regarding the fulfillment of children's rights in education, with cases of bullying in educational institutions being among the most prevalent, accompanied by various other issues, such as school policies that harm children and discriminatory practices in educational settings.¹¹ These incidents demonstrate that bullying can no longer be viewed merely as childish mischief, but rather as a form of violence that requires a legal response,¹² institutional action,¹³ and more effective child protection.¹⁴

As a nation governed by the rule of law, Indonesia has a constitutional responsibility to protect children's rights. Under Indonesian criminal law, bullying is

⁹ Ihsana Sabriani Borualogo and Ferran Casas, "Understanding Bullying Cases in Indonesia," in *Springer* (2022), 187–99, https://doi.org/10.1007/978-3-031-01783-4_12.

¹⁰ P. Borualogo, I.S., Varela, J.J., & de Tezanos-Pinto, "Sibling and School Bullying Victimization and Its Relation With Children's Subjective Well-Being in Indonesia," *Journal of Interpersonal Violence* 39, nos. 5–6 (2024): 1433–1458, <https://doi.org/10.1177/08862605241259412>.

¹¹ KPAI, *Laporan Kinerja Komisi Perlindungan Anak 2024* (KPAI, 2024), www.kpai.go.id.

¹² Kecerdasan Moral, *Jurnal Penelitian Psikologi Pemahaman Agresi Remaja Melalui Keterlibatan Ayah*, 3441 (n.d.).

¹³ Jemma Purdey, "Talking Indonesia School Violence and Bullying," preprint, Parkville 3010 VIC Australia: Indonesia at Melbourne, 2025.

¹⁴ Ihsana Sabriani Borualogo and Muhamad Arif Saefudin, *Traditional Bullying, Cyberbullying, and Subjective Well-Being Post-COVID-19 in Indonesia*, 51, no. 1 (2024): 81–102, <https://doi.org/10.22146/jpsi.90980>.

considered a criminal offense subject to criminal penalties under the Criminal Code (KUHP), Child Protection Act, and Electronic Information and Transactions Act (ITE).¹⁵ Law No. 35 of 2014, Amending Law No. 23 of 2002 on Child Protection, serves as the primary legal basis. Article 76C prohibits any person from inflicting, allowing, committing, ordering, or participating in violence against children. Article 80 stipulates penalties for perpetrators who violate Article 76C, including imprisonment for a maximum of three years and six months or a fine of up to Rp72,000,000, with harsher penalties if the victim suffers serious injury. Regarding cyberbullying, Article 27(1), (3), and (4) of the ITE Law establish prohibitions and criminal penalties for perpetrators of cyberbullying.¹⁶

Astuti et al. (2025) found that criminal law plays a significant role in preventing and addressing bullying through the imposition of sanctions on perpetrators and the protection of victims.¹⁷ These issues indicate that bullying in schools is not solely caused by limitations in the substance of the law, but is also influenced by various institutional, sociocultural, law enforcement, and regulatory barriers. Therefore, it is important to examine legal protections for child victims of bullying in schools by focusing on multidimensional barriers in the implementation of child protection.

Numerous studies on bullying in Indonesia have been conducted, but the majority have focused on its prevalence and psychological impacts. For example, the studies by Borualogo et al. (2024) and Borualogo and Wahyudi (2024) emphasize the correlation between bullying and children's subjective well-being, without conducting a critical evaluation of the effectiveness of the legal protection system.¹⁸ Qomariah's (2025) study analyzes legal protection for bullying victims but remains descriptive-normative in nature and has not systematically identified implementation barriers at the field level.¹⁹

¹⁵ Roberth Kurniawan and Ruslak Hammar, "Common Law Approaches to Addressing Cybercrime and Adolescent Bullying in Indonesia: Focusing on Accountability and Protection in The Digital Age," *International Journal of Cyber Criminology* 16, no. 2 (2022): 162–74, <https://doi.org/10.5281/zenodo.4766573>.

¹⁶ Kurniawan and Hammar.

¹⁷ Pudji Astuti, "Comparative Legal Perspectives on Bullying in Educational Environments: Regulatory Gaps and Reform Imperatives in Indonesia, Malaysia, and Vietnam," *JALREV* 7, no. 02 (2025): 696–725, <https://doi.org/10.33756/jlr.v7i2.31232>.

¹⁸ Borualogo, I.S., Varela, J.J., & de Tezanos-Pinto, "Sibling and School Bullying Victimization and Its Relation With Children's Subjective Well-Being in Indonesia"; Borualogo and Saefudin, *Traditional Bullying, Cyberbullying, and Subjective Well-Being Post-COVID-19 in Indonesia*.

¹⁹ Qomariah Qomariah, "PERLINDUNGAN HUKUM BAGI KORBAN BULLYING DI LINGKUNGAN SEKOLAH," *Legal Studies Journal* 4, no. 2 (2025): 103–13, <https://doi.org/10.33650/ljs.v4i2.10913>.

This study aimed to analyze the various multidimensional barriers that hinder the implementation of legal protection for child victims of bullying in schools. Although Indonesia has various legal instruments governing child protection, ranging from the Child Protection Act and the Juvenile Criminal Justice System Act to various policies in the education sector, the practice of legal protection still faces a variety of interrelated obstacles. These barriers stem not only from limitations in human resources and institutional capacity but are also influenced by a permissive culture of bullying, weak law enforcement oriented toward the best interests of the child, and suboptimal regulatory governance and oversight mechanisms. The interplay of these obstacles indicates that bullying in schools cannot be understood solely as a matter of individual behavior or weak legal norms, but rather as a systemic issue whose existence has not yet been comprehensively addressed by stakeholders.

This study employs a theoretical framework that integrates the Theory of Legal Protection to analyze forms of preventive and repressive protection for child victims of bullying,²⁰ the Principle of the Best Interests of the Child as a parameter for assessing the alignment of child protection policies and practices,²¹ Restorative Justice Theory to evaluate case resolution mechanisms oriented toward victim recovery and social reintegration,²² and Progressive Legal Theory as a critical perspective for identifying gaps between legal norms and their implementation.²³ These four perspectives were used complementarily to map the interrelationships among barriers in the institutional, sociocultural, law enforcement, and regulatory spheres, thereby enabling a more comprehensive analysis of the implementation of legal protection for child bullying victims in schools. With this framework, this study is expected to make a conceptual contribution to the development of child protection research, while also serving as a

²⁰ Irwan Safaruddin Harahap, "Perlindungan Hukum Terhadap Anak Korban Kejahatan Seksual Dalam Perspektif Hukum Progresif," *Jurnal Media Hukum* 23, no. 1 SE-Articles (June 2016), <https://doi.org/10.18196/jmh.2015.0066.37-47>.

²¹ Failin Failin, Anny Yuserlina, and Eviandi Ibrahim, "Protection Of Children's Rights And Women's Rights As Part Of Human Rights In Indonesia Through Ratification Of International Regulations," *JCH (Jurnal Cendekia Hukum)* 7, no. 2 (2022): 312–28, <https://doi.org/10.33760/jch.v7i2.557>.

²² Shahna Candra, Trini Handayani, and Aji Mulyana, "Keadilan Restoratif Dalam Kasus Perundungan Oleh Anak: Upaya Pemenuhan Asas Keadilan Bagi Korban," *Journal of Contemporary Law Studies* 2 (August 2025): 373–86, <https://doi.org/10.47134/lawstudies.v2i4.4243>.

²³ Soerjono Soekanto, "Kesadaran Hukum Dan Kepatuhan Hukum," *Jurnal Hukum Dan Pembangunan* 7, no. 6 (1977), <https://doi.org/10.21143/jhp.vol7.no6.742>.

foundation for the formulation of policies that are more integrated, responsive, and oriented toward the best interests of the child.

Method

This study employs a normative legal research methodology, utilizing both statutory and conceptual approaches.²⁴ Normative legal research is the process of identifying legal rules, legal principles, and legal doctrines to address legal issues by examining literature or secondary data as the primary sources.²⁵ The statutory approach was used to examine all relevant laws and regulations pertaining to the legal issue of protecting child victims of bullying, including the 1945 Constitution, Law No. 35 of 2014 on Child Protection, Law No. 11 of 2012 on the Juvenile Criminal Justice System, Law No. 19 of 2016 on Information and Electronic Transactions (ITE), the Criminal Code (KUHP), and Regulation of the Minister of Education and Culture No. 82 of 2015 on the Prevention and Handling of Acts of Violence in Educational Institutions.²⁶ A conceptual approach was applied to examine fundamental concepts in child protection, such as the principle of the best interests of the child, legal protection theory, restorative justice, and progressive legal theory, which enable the analysis of legal issues from the perspective of evolving legal doctrines and concepts.²⁷

The data sources for this study consisted of binding primary legal materials; secondary legal materials in the form of legal books, scholarly works, Scopus-indexed legal journals, research findings, and other literature related to child protection and bullying in schools; and tertiary legal materials such as legal dictionaries and encyclopedias.²⁸ Data collection was conducted through library research, which involved gathering data by examining and reviewing relevant library materials related to the research subject.²⁹ Data analysis employed a qualitative method with a descriptive-

²⁴ Achmad Irwan Hamzani et al., "Implementation Approach in Legal Research," *International Journal of Advances in Applied Sciences (IJAAS)* 13, no. 2 (2024): 380–88, <https://doi.org/10.11591/ijaas.v13.i2.pp380-388>.

²⁵ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta: Prenada Media, 2019).

²⁶ Undang-Undang Nomor, "Tahun 2002 Tentang Perlindungan Anak," preprint, 23 AD.

²⁷ Achmad Irwan Hamzani et al., *Trends in the Use of Data Analysis Methods in Legal Research (Analysis of Scopus-Indexed Law Journals in Indonesia and Malaysia)*, *International Journal of Legal Information*, vol. 54, no. 1 (2026): 11–26, <https://doi.org/10.1515/ijli-2025-0002>.

²⁸ Soekanto Soerjono and Sri Mamudji, "Penelitian Hukum Normatif Suatu Tinjauan Singkat," preprint, PT Raja Grafindo Persada, Jakarta, 1995, 13–14.

²⁹ Amiruddin & Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: Rajawali Pers, 2018).

analytical approach, in which the collected data were selected, classified, systematized, and interpreted in depth to understand the intent, purpose, and interpretation of legal norms; conclusions were then drawn in a normative, logical, and systematic manner using deductive reasoning.³⁰ This study aims to provide as accurate a picture as possible of the forms of legal protection for child victims of bullying, as well as to identify and analyze the obstacles to its implementation, thereby generating practical policy recommendations for strengthening the child protection system in Indonesia.

Results and Discussion

The “Elephant in the Classroom” Phenomenon: Interpretations and Realities of Bullying in Schools

The “Elephant in the Classroom” metaphor illustrates the reality that bullying is a major problem that everyone is aware of but is deliberately ignored, considered normal, or concealed to protect the institution’s image.³¹ This phenomenon reflects a collective failure to acknowledge a real threat to children’s safety in an environment that is supposed to be their safest place. From a sociological perspective, this metaphor reflects the paternalistic culture and false sense of harmony that remains strong in Indonesian society, where conflict and violence are covered to avoid public disgrace. Schools tend to prioritize reputation over student safety, resulting in bullying cases being resolved internally without transparency or accountability.

Table 1 Trends in Cases of Violence in the Indonesian Educational Environment (2020–2025)

Year	Number of Cases	Source
2020	91	JPPI
2021	142	JPPI
2022	194	JPPI
2023	285	JPPI
2024	573	JPPI
2025	601	JPPI

Source: Compiled by the Indonesian Education Monitoring Network (JPPI), JPPI Monitoring Results 2025.

³⁰ Hamzani et al., *Trends in the Use of Data Analysis Methods in Legal Research (Analysis of Scopus-Indexed Law Journals in Indonesia and Malaysia)*.

³¹ Borualogo, I.S., Varela, J.J., & de Tezanos-Pinto, “Sibling and School Bullying Victimization and Its Relation With Children’s Subjective Well-Being in Indonesia.”

Table 1 shows that, based on JPPI data, there has been a significant upward trend in cases of violence in educational settings during the 2020–2025 period. The number of cases rose consistently from 91 in 2020 to 142 in 2021, 194 in 2022, and 285 in 2023, and then surged sharply to 573 in 2024 and 601 in 2025.³² The Indonesian Child Protection Commission (KPAI) reported 1,052 cases of child rights violations throughout 2025, with 165 cases (16%) occurring in schools and 26 children losing their lives.³³ This pattern indicates that violence in educational institutions, including bullying, is no longer a sporadic occurrence but has evolved into a structural problem requiring serious attention.

Specific cases have reinforced this view. In October 2025, a student at Wonosobo Elementary School (TA, age 9) died after allegedly being bullied by four classmates, resulting in broken ribs and lung infection with bleeding.³⁴ School officials did not notify the parents; a teacher only visited the hospital five days later to apologize for his “negligence.”³⁵ In November 2025, an explosion at SMAN 72 Jakarta resulted in 96 casualties, allegedly triggered by a grudge stemming from bullying.³⁶ This case demonstrates that bullying can trigger a broader cycle of violence (victim-to-perpetrator cycle), in which victims who do not receive proper recovery are at risk of becoming perpetrators. In May 2025, an elementary school student in Riau died from complications of appendicitis, allegedly resulting from being beaten by peers (aged 11–13 years).³⁷

³² Sekretariat Nasional, Jaringan Pemantau, and Pendidikan Indonesia, *Kekerasan Di Satuan Pendidikan : Temuan Dan Tantangan Perlindungan Anak*, 2025, 1–13.

³³ KPAI, *Laporan Tahunan Kasus Pelanggaran Hak Anak 2025* (2025).

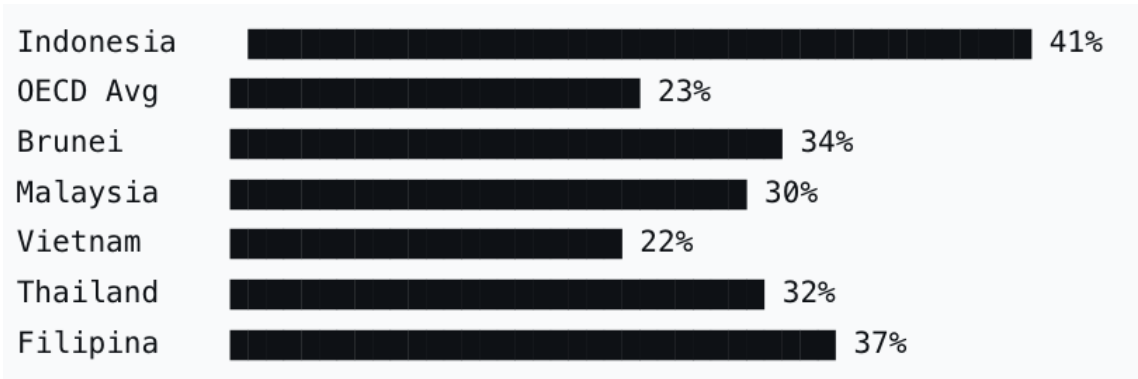
³⁴ Ihsanuddin Bayu Apriliano, “Kronologi Bocah SD Di Wonosobo Meninggal Usai Dipukul Teman Sekelas,” preprint, Jakarta: Kompas.com, 2025.

³⁵ Bayu Apriliano.

³⁶ Muhammad Rizky Febriansyah, “Ledakan Di SMAN 72 Kelapa Gading, ‘Pelaku Tergabung Grup True Crime Community’,” Kata BNPT – Bagaimana Perkembangan Terbaru Penyelidikan,” preprint, Jakarta: BBC News Indonesia, 2025.

³⁷ Sonya Hellen Sinombor, “Siswa SD Di Riau Meninggal Usai Dipukul Teman,” CNN Indonesia, 2025, <https://www.kompas.id/artikel/kasus-riau-potret-lemahnya-pengawasan-dan-perlindungan-sekolah-pada-anak-didik>.

Figure 1. Comparison of Bullying Prevalence in Indonesia with Other Countries (PISA 2018)



Source: OECD, PISA 2018 Results (Volume III)

As shown in Figure 1, PISA 2018 data indicate that 41% of 15-year-old students in Indonesia have experienced bullying, ranking fifth highest among 78 countries and nearly double the OECD average (23%).³⁸ Research by Borualogo et al. (2024) in the *Journal of Interpersonal Violence* found that bullying predicted lower levels of subjective well-being in children.³⁹ Bullying in Indonesia does not occur in a vacuum; socioeconomic inequality, a lack of understanding of children’s rights, a culture that tolerates violence, and weak law enforcement serve as pillars supporting bullying practices.⁴⁰ Without integrated systemic interventions, the “elephant in the classroom” will continue to grow until it destroys the room itself.

Forms of Legal Protection: A Critical Analysis of Norms and Implementation

Normative Framework and Structural Weaknesses

Legal protection for child victims of bullying is regulated by various laws, but its implementation reveals a significant gap between law in books and law in action. Law No. 35/2014 on Child Protection serves as the primary foundation.

³⁸ OECD, *PISA 2018 Results (Volume III)*, III (Paris: OECD Publishing, 2018).
³⁹ Borualogo, I.S., Varela, J.J., & de Tezanos-Pinto, “Sibling and School Bullying Victimization and Its Relation With Children’s Subjective Well-Being in Indonesia.”
⁴⁰ Qomariah, “PERLINDUNGAN HUKUM BAGI KORBAN BULLYING DI LINGKUNGAN SEKOLAH.”

Table 2: Critical Analysis of Legal Provisions

Article	Normative Content	Implementation Shortcomings	Impact
Article 54	Schools are required to protect children from violence	No accountability mechanism if schools fail	Schools shirk responsibility
Article 76C	Prohibition on “tolerating” violence	No effective reporting mechanism; minimal legal awareness	Violations go unreported
Article 80	Criminal penalties (3.5 years / 72 million rupiah)	Does not cover non-physical bullying; weak enforcement	Low deterrent effect
ITE Law, Article 27	Penalties for cyberbullying	formal process is not child-friendly: causes additional trauma	Victims are reluctant to report
Ministry of Education and Culture Regulation No. 46/2023	Requires the establishment of TPPKs	“Paper tigers”; weak implementation; no budget	TPPKs are not functioning

Source: Compiled by the author.

Based on Table 2. Article 54 establishes schools’ obligations but does not specify penalties if schools fail to comply, creating a legal loophole.⁴¹ Article 76C prohibits ‘tolerating’ violence; this phrase can hold accountable those who are aware but remain silent, yet enforcement is weak due to a lack of reporting mechanisms and legal awareness.⁴² Research recommends reformulating Article 76C to explicitly include non-physical violence. Similarly, Article 80 stipulates criminal penalties (3.5 years in prison or a fine of 72 million rupiah), but does not yet cover verbal, relational, and cyberbullying—all of which have equally serious consequences.⁴³ The ITE Law regarding cyberbullying of children faces challenges due to formal procedures that are not child-friendly. Furthermore, Ministry of Education, Culture, Research, and Technology Regulation No. 46/2023 mandates the establishment of the TPPK,⁴⁴ but it is considered a “paper tiger” due to weak implementation. Structural weaknesses include: (1) the TPPK lacks

⁴¹ Ahmad Tang, “Hak-Hak Anak Dalam Pasal 54 UU No. 35 Tahun 2014 Tentang Perlindungan Anak,” *Jurnal Al-Qayyimah* 2, no. 2 (2019): 98–111, <https://doi.org/10.30863/aqym.v2i2.654>.

⁴² Putu Yurika Marta Prasetya, Made Sugi Hartono, and Ni Ketut Sari Adnyani, “Analisis Yuridis Frasa Membiarkan Dalam Pasal 76C Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak,” *Jurnal Ilmu Hukum Sui Generis* 3, no. 3 (2023): 15–24, <https://doi.org/10.23887/jih.v3i3.2588>.

⁴³ Ahmad Farhan Haryo Seno, “Kritik Asas Non-Diskriminatif Terhadap Regulasi Dalam Pasal 76c UU Nomor 35 Tahun 2014 Tentang Perlindungan Anak Korban Bullying (Perundungan),” *Media Hukum Indonesia (MHI)* 4, no. 1 (2026): 960–67, <https://doi.org/10.5281/zenodo.18005124>.

⁴⁴ Dela Sri Wahyuni, Masduki Asbari, and Arum Dalu Desrifitri, “Urgensi Kekerasan Di Satuan Pendidikan: Bagaimana Peran Permendikbudristek PPKSP?,” *Journal of Information Systems and Management (JISMA)* 3, no. 3 (2024): 28–31, <https://doi.org/10.4444/jisma.v3i3.1036>.

investigative authority and the power to impose firm sanctions; (2) conflicts of interest (school committees composed of students' parents); (3) the absence of minimum competency standards; and (4) the lack of a dedicated budget.

Preventive, Repressive, and Rehabilitative Approaches

The main weakness of the preventive approach lies in the lack of a structured prevention system within the educational environment. Although the Ministry of Education, Culture, Research, and Technology Regulation No. 46 of 2023 mandates the formation of the Violence Prevention and Handling Team (TPPK) and the strengthening of a safe school culture, its implementation remains uneven.

Table 3. Critical Analysis of the Three Legal Protection Approaches

Approach	Objective	Field Implementation	Weaknesses
Preventive	Prevent bullying	Lack of structured education; schools have not established TPPKs	Systemic failure
Repressive	Law enforcement	Slow; internal; lacks enforcement personnel	Low deterrent effect
Rehabilitative	Restore victims	Limited services, especially in rural areas	Suboptimal recovery

Source: compiled by the author

Based on Table 3, the implementation of legal protection for child victims of bullying in schools shows that the three approaches to protection, preventive, repressive, and rehabilitative, have not yet been optimally implemented and still face various interrelated obstacles. Many schools have not established a School-Based Child Protection Committee (TPPK) or have formed it merely as a formality to meet administrative requirements without consistently carrying out its educational and preventive functions. This indicates that the preventive function is still viewed as a supplementary program rather than a primary tool for creating a safe and violence-free educational environment.

Regarding the repressive approach, this study found that law enforcement in bullying cases faces structural and cultural barriers. Case resolution processes tend to be slow, bureaucratic, and do not fully implement the principles of child-friendly justice. On the other hand, many schools prefer to resolve cases internally to protect the institution's reputation, rather than ensuring that victims have access to adequate legal protection.⁴⁵ Many alleged bullying

⁴⁵ Qomariah, "PERLINDUNGAN HUKUM BAGI KORBAN BULLYING DI LINGKUNGAN SEKOLAH."

incidents are not immediately reported to law enforcement authorities; therefore, the process of holding perpetrators accountable does not function optimally.⁴⁶

On the other hand, the implementation of diversion mechanisms under Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) constitutes a form of legal protection oriented toward the best interests of the child through case resolution outside the criminal justice process.⁴⁷ However, the implementation of diversion in bullying cases still faces various obstacles, including a shortage of human resources with the necessary expertise in handling juvenile cases, lack of supporting facilities, and low public understanding of the principles of restorative justice. The main barriers to the application of diversion stem not only from regulatory aspects but also from the capacity of law enforcement officials and inter-agency coordination in handling juvenile cases.⁴⁸

Meanwhile, the rehabilitative approach remains the weakest aspect of the legal protection system for victims of child bullying. Although various local governments have provided support services through the Department of Women's Empowerment and Child Protection (DPMPPA) and the Regional Technical Implementation Unit for Women's and Children's Protection (UPTD PPA), the availability of psychological services, counseling, and social rehabilitation remains limited, especially in rural areas. Consequently, many victims do not receive ongoing support to recover their psychological, social, or educational well-being after experiencing bullying. Therefore, effective legal protection for child bullying victims can only be achieved if these three approaches are implemented in an integrated manner and are oriented toward the best interests of the child.

Multidimensional Critical Analysis of Barriers in the Implementation of Legal Protection: A Theoretical Perspective

Various barriers to legal protection for child victims of bullying in schools do not exist in isolation; rather, they are interrelated and form multidimensional barriers that affect the effectiveness of child protection implementation. Although regulations have incorporated various protective measures, a gap still exists in the practice between legal norms and the reality of implementation. Therefore, to comprehensively understand the

⁴⁶ Bayu Apriliano, "Kronologi Bocah SD Di Wonosobo Meninggal Usai Dipukul Teman Sekelas."

⁴⁷ Komariah Komariah and Tinuk Dwi Cahyani, "EFEKTIFITAS KONSEP DIVERSI DALAM PROSES PERADILAN ANAK PELAKU TINDAK PIDANA MENURUT UU NO. 11 TAHUN 2012 TENTANG SISTEM PERADILAN PIDANA ANAK (Dalam Proses Peradilan Anak Pelaku Tindak Pidana Di Kabupaten Malang)," *Legality : Jurnal Ilmiah Hukum* 24, no. 2 SE-Journal's Articles (February 2017): 266–85.

⁴⁸ Muhammad Idris Nasution, Muhammad Ali, and Fauziah Lubis, "Pembaruan Sistem Pemidanaan Di Indonesia: Kajian Literatur Atas KUHP Baru," *Judge : Jurnal Hukum* 5, no. 01 SE-Articles (February 2024): 16–23.

root of the problem, this study analyzes it from four theoretical perspectives: the Theory of Legal Protection, the Principle of the Best Interests of the Child, the Theory of Restorative Justice, and the Theory of Progressive Law. These four perspectives serve as analytical tools to evaluate the alignment between legal norms and practices, identify factors hindering the implementation of legal protection, and explain why these obstacles continue to perpetuate bullying practices in educational settings.

The Gap Between Preventive and Repressive Protection: The Perspective of the Theory of Legal Protection

The theory of legal protection proposed by Philipus M. Hadjon divides legal protection into two main dimensions: preventive and repressive protection. Preventive protection aims to prevent violations through the establishment of norms, oversight, and preventive mechanisms, whereas repressive protection serves to restore rights and resolve violations that have already occurred through effective law enforcement.⁴⁹ In the context of protecting child victims from bullying in schools, these two dimensions should operate synergistically. However, there is a clear gap between normative constructs and on-the-ground implementation. In terms of prevention, Indonesia has a relatively adequate regulatory framework, such as Law No. 35 of 2014 on Child Protection and Ministry of Education, Culture, Research, and Technology Regulation No. 46 of 2023 on the Prevention and Handling of Violence in Educational Institutions, which mandates the formation of a Violence Prevention and Handling Team (TPPK).

Table 4: Implementation Gap in Hadjon’s Theory of Legal Protection

Aspect	Standard	Reality	Gap
Preventive	Ministry of Education and Culture Regulation No. 46/2023	Schools have not yet established TPPK; minimal education	Weak implementation; minimal oversight
Repressive	Law No. 35/2014, Sections 76C, 80	Slow process; handled internally by schools; perpetrators not punished	Enforcement is suboptimal; low deterrent effect

Source: compiled by the author

⁴⁹ Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara* (Bina Ilmu, 1987).

According to Table 4, the implementation of these regulations is far from optimal. In many educational institutions, the TPPK has not yet been established or functions only in administrative capacity, while anti-bullying education has not been implemented on a sustainable basis as part of school culture. This situation indicates that the preventive function of the law has not yet been able to fulfill its primary objective, which is to prevent violations before victims emerge. The success of anti-bullying policy implementation is heavily influenced by the school's institutional capacity as well as management and human resource support in implementing the policies.⁵⁰ Conversely, a lack of commitment among stakeholders, particularly school leaders and educators, causes various anti-bullying policies to remain at the administrative level and fail to develop into effective protective practices.⁵¹

A similar gap is evident in the dimension of repressive protection. Normally, Article 76C in conjunction with Article 80 of Law No. 35 of 2014 provides a sufficiently strong legal basis for taking action against perpetrators of violence against children. However, the handling of bullying cases is still dominated by internal school resolutions that avoid formal legal processes on the grounds of preserving the institution's reputation or treating bullying as a form of juvenile delinquency. As a result, the case resolution process is slow, bureaucratic, and not child-friendly. Thus, this situation indicates that repressive legal protection has not yet functioned optimally as an instrument for dispute resolution and the restoration of victims' rights.

This phenomenon has also been observed in various countries. Weak enforcement of legal sanctions means that criminal provisions lack a sufficient deterrent effect against perpetrators of bullying.⁵² Meanwhile, a study in Malaysia revealed that regulatory fragmentation and an unclear division of responsibilities among schools, parents, and the state resulted in inconsistent legal protection for victims.⁵³ In fact, in the United States, legal protection for bullying victims through the civil rights framework remains limited to specific groups that receive special protection, leaving many victims without access to equivalent protection.⁵⁴

⁵⁰ W. J. Hall and M. V. Chapman, "The Role of School Context in Implementing a Statewide Anti-Bullying Policy and Protecting Students," *Educational Policy* 32, no. 4 (2018): 507–39, Scopus, <https://doi.org/10.1177/0895904816637689>; M. R. Ramirez et al., "Does Implementation Matter? Associations Between Implementation of Maine's Anti-Bullying Law and Bullying Victimization Among High School Youth," *Journal of Adolescent Health* 74, no. 1 (2024): 161–68, Scopus, <https://doi.org/10.1016/j.jadohealth.2023.08.011>.

⁵¹ M. B. Greene, "Bullying in Schools: A Plea for Measure of Human Rights," *Journal of Social Issues* 62, no. 1 (2006): 63–79, Scopus, <https://doi.org/10.1111/j.1540-4560.2006.00439.x>.

⁵² D. E. Mayasari, A. L. Atjengbharata, and S. Monteiro, "Legal Protection for Child Victims of Bullying from the Perspective of Child Protection Law," *Yuridika* 39, no. 1 (2024): 79–96, Scopus, <https://doi.org/10.20473/ydk.v39i1.48032>.

⁵³ Z. Tahir, J. Z. Mohd Yusoff, and S. Z. Jamaluddin, "Addressing School Bullying in Malaysia: Doctrinal Gaps, Legal Accountability, and Reform Imperatives," *Sriwijaya Law Review*, 2026, 68–89, Scopus, <https://doi.org/10.28946/SLREV.V10I1.4604>.

⁵⁴ D. Cornell and S. P. Limber, "Law and Policy on the Concept of Bullying at School," *American Psychologist* 70, no. 4 (2015): 333–43, Scopus, <https://doi.org/10.1037/a0038558>.

From the perspective of Legal Protection Theory, these findings indicate that the multidimensional barriers to protecting child victims of bullying stem not only from weak law enforcement but also from an accumulation of interrelated institutional, sociocultural, regulatory, and policy governance barriers. When preventive mechanisms fail to create a safe school environment and repressive mechanisms are unable to provide protection, legal certainty, and redress for victims, the law loses its fundamental function as an instrument for the protection of rights.

The Best Interests of the Child as a Benchmark for the Implementation of Legal Protection

The principle of the best interests of a child is a fundamental principle of the Convention on the Rights of the Child, which Indonesia ratified through Presidential Decree No. 36 of 1990. This principle requires that every policy, decision, and action concerning children prioritize their interests, safety, and well-being as the primary consideration. This principle not only demands normative protection but also requires that the entire case-handling process be conducted in a child-friendly, prompt, non-discriminatory manner and be oriented toward the victim’s recovery.

Table 5: Violations of the Principle of the Best Interests of the Child

Dimensions	Practices	Impact
Legal Process	Convoluted, not child-friendly	Additional trauma
Case Resolution	Handled internally to protect the institution’s image	The child’s best interests are sacrificed
Restorative Justice	Limited involvement of parents/teachers	Suboptimal recovery
The TA Wonosobo Case	The school turned a blind eye	The child lost protection

Source: compiled by the author

Table 5 shows that the process of handling bullying cases still tends to be convoluted, bureaucratic, and insensitive to the psychological condition of the victim, potentially leading to revictimization or further trauma. Furthermore, case resolution is still often handled internally by the school, so that protection in practice is not yet fully child-centered but is still influenced by administrative and institutional interests. This aligns with the research by Astuti et al. (2025), which indicates that the involvement of parents, teachers, and the community in restorative justice mechanisms for both child perpetrators and victims of bullying remains suboptimal.⁵⁵ This argument is further supported by research by Arifulloh et al. (2025), which emphasizes that

⁵⁵ Astuti, “Comparative Legal Perspectives on Bullying in Educational Environments : Regulatory Gaps and Reform Imperatives in Indonesia , Malaysia , and Vietnam.”

restorative justice is better able to realize the best interests of the child because it focuses on the victim's recovery, the perpetrator's accountability, and the restoration of social relationships rather than merely on punishment.⁵⁶

Furthermore, the weak implementation of the best interests of the child principle is not only due to limitations in legal mechanisms but also to the low commitment of stakeholders to implementing child protection policies.⁵⁷ Consequently, legal protection often fails to reach groups of children who are more vulnerable.⁵⁸ Therefore, from the perspective of the Best Interests of the Child Principle, the multidimensional barriers identified in this study indicate that the primary issue in legal protection for bullying victims does not lie in the absence of legal norms but rather in the failure to make the best interests of the child the primary foundation in every decision-making process and policy implementation.

Restorative Justice in Addressing Bullying: Between Concept and Implementation

Restorative justice stems from a critique of the conventional criminal justice system, which places too much emphasis on punishing perpetrators (retributive justice). From this perspective, bullying is not viewed merely as a violation of legal norms, but as a breakdown in social relationships that causes suffering for the victim, the perpetrator, their families, and the school community; therefore, its resolution must be directed toward restoration, reconciliation, and shared responsibility. In the context of school bullying, the restorative approach is highly relevant because it engages all stakeholders in restoring disrupted social relationships. Unlike punitive approaches that focus on imposing sanctions, restorative justice prioritizes the victim's healing, the perpetrator's acknowledgment of wrongdoing, and the rebuilding of social relationships as its primary goals.

Table 6: Relevance and Barriers to the Implementation of Restorative Justice

Principles	Relevance	Barriers to Implementation
Restoring Social Relationships	Bullying Destroys School Bonds	Lack of Competent Personnel
Involvement of All Parties	Perpetrators, Victims, Families, Schools	Lack of Facilities
Focus on recovery	Victims need recovery	Limited regulations

⁵⁶ Toni Triyanto Achmad Laksana Arifulloh, Andri Winjaya, Moh Aris Siswanto, "Legal Protection for Child Offenders in Bullying Cases: Challenges and Deviations in Restorative Justice Practice," *Mizani* 12, no. 02 (2025): 727–38, <https://doi.org/10.21154/justicia.v21i1.9156>. Marlina.

⁵⁷ J. Dayton and A. P. Dupre, "A Child's Right to Human Dignity: Reforming Anti-Bullying Laws in the United States," *Irish Educational Studies* 28, no. 3 (2009): 333–50, Scopus, <https://doi.org/10.1080/03323310903335435>.

⁵⁸ S. Mephram, "Disabled Children: The Right to Feel Safe," *Child Care in Practice* 16, no. 1 (2010): 19–34, Scopus, <https://doi.org/10.1080/13575270903368667>.

Perpetrator accountability	Recognition and responsibility	Low public awareness
Victim participation	Determine the form of recovery	No standard guidelines yet

Source: adapted by the author

Table 6 shows that the implementation of restorative justice in addressing school bullying faces various multidimensional barriers. Research by Shahna Candra et al. (2025) identified that the implementation of diversion is still hampered by a shortage of human resources with the necessary competencies to handle cases involving children.⁵⁹ This is reinforced by the findings of Nasution (2024), which indicate that barriers to implementation stem not only from normative aspects but also from the capacity of law enforcement officials and the lack of uniform operational guidelines.⁶⁰ These conditions often result in restorative mechanisms not being implemented optimally or even replaced by informal resolutions that do not guarantee the protection of victims' rights.

Restorative justice mechanisms are an effective approach because they promote the restoration of victims' losses, foster empathy in offenders, and involve all affected parties in the case resolution process.⁶¹ However, the success of this approach depends heavily on institutional readiness and the quality of implementation. Thus, the transition from a punishment-oriented approach to a recovery-oriented approach still faces structural challenges that must be addressed through strengthened regulations, improved human resource competencies, and the development of a more collaborative child protection ecosystem.

Progressive Law and Child Protection Reform

Progressive Law, as developed by Satjipto Rahardjo, views law as a dynamic and human-centered institution ("law for human beings"), such that the primary goal of law enforcement is not merely to ensure legal certainty but to deliver substantive justice that addresses the needs of society.⁶² In the context of protecting child victims of bullying in schools, this approach calls for the law to be interpreted flexibly in the best interests of the child, prioritizing recovery through restorative justice, and creating space for legal innovations when existing norms can no longer address the complexity of the issue.

⁵⁹ Candra, Handayani, and Mulyana, "Keadilan Restoratif Dalam Kasus Perundungan Oleh Anak: Upaya Pemenuhan Asas Keadilan Bagi Korban."

⁶⁰ Nasution, Muhammad Ali, and Lubis, "Pembaruan Sistem Pemidanaan Di Indonesia: Kajian Literatur Atas KUHP Baru."

⁶¹ Achmad Laksana Arifulloh, Andri Winjaya, Moh Aris Siswanto, "Legal Protection for Child Offenders in Bullying Cases : Challenges and Deviations in Restorative Justice Practice."

⁶² Satjipto Rahardjo, *Membedah Hukum Progresif* (Penerbit Buku Kompas, 2006).

As a result, the handling process is more oriented toward administrative resolutions and protecting the institution's reputation rather than fulfilling the victim's rights to protection, recovery, and justice. The orientation of law enforcement remains focused on procedural certainty, while the dimension of substantive justice—which lies at the core of Progressive Law—has not yet been fully realized. This finding is supported by research by Kurniawan et al. (2024), which shows that the lack of firm action by educational institutions in handling bullying cases contributes to rising bullying rates in school settings.⁶³ Therefore, it is essential to strengthen schools' capacity by establishing professional Violence Prevention and Response Teams (TPPK), enhancing educators' competencies, and developing more responsive child protection mechanisms. From a Progressive Law perspective, the various multidimensional barriers identified in this study indicate that the primary issue regarding legal protection for bullying victims lies not merely in a lack of legal norms, but in the legal system's inability to translate values of justice into practice. Furthermore, legal protection must pay special attention to groups of children who are more vulnerable to bullying, such as children with disabilities and other vulnerable groups.⁶⁴

Multidimensional Barriers to the Implementation of Legal Protection for Child Victims of School Bullying

Research findings indicate that the implementation of legal protection for child bullying victims in schools not only faces normative barriers, but is also influenced by various interacting factors that form multidimensional barriers. These barriers do not exist in isolation but emerge through complex interrelationships among institutional capacity, social culture, law enforcement, and regulatory governance. This situation means that various legal instruments already in place in Indonesia—such as the Child Protection Act, Juvenile Criminal Justice System Act, and Ministry of Education, Culture, Research, and Technology Regulation No. 46 of 2023 on the Prevention and Handling of Violence in Educational Institutions—have not yet been fully translated into effective protection for victims. Legal protection for victims of bullying is not solely determined by the existence

⁶³ Yunan Prasetyo Kurniawan et al., *Indecisiveness of Educational Institutions in Providing Legal Protection Against Bullying Cases in School Environment*, vol. 12, no. 35 (Atlantis Press SARL, 2024), <https://doi.org/10.2991/978-2-38476-325-2>.

⁶⁴ R. M. Puhl and J. Luedicke, "Parental Support for Policy Measures and School-Based Efforts to Address Weight-Based Victimization of Overweight Youth," *International Journal of Obesity* 38, no. 4 (2014): 531–38, Scopus, <https://doi.org/10.1038/ijo.2013.207>.

of regulations, but is significantly influenced by the quality of policy implementation, institutional capacity, resource support, and collaboration among stakeholders.⁶⁵

Human Resource and Institutional Barriers

The most dominant barrier is limited human resources and institutional capacity to handle bullying cases. Although national policy has mandated the formation of the Violence Prevention and Response Team (TPPK), its implementation still faces various obstacles, particularly a shortage of professionals with specialized expertise in addressing violence against children. As a result, many schools are still unable to detect bullying behaviors early, provide adequate psychosocial support, or carry out appropriate interventions for both victims and perpetrators. Furthermore, most teachers have not received adequate training on the forms of bullying, its psychological impacts, or handling procedures consistent with child-protection principles.

These findings reinforce the results of research by Hall and Chapman, which showed that the effectiveness of anti-bullying policy implementation is greatly influenced by the school's institutional context, including organizational capacity, leadership, and the number of available educators.⁶⁶ Furthermore, research by Bruening et al. also revealed that limited funding, lack of training for educators, and difficulties in understanding the legal definition of bullying are major barriers to the implementation of anti-bullying policies in schools.⁶⁷ Haller and Knauf found that many schools still develop prevention programs independently without using evidence-based approaches, making it difficult to measure the effectiveness of these interventions.⁶⁸

Sociocultural Barriers: Perceptions of Misbehavior and Character Building

In addition to institutional issues, social culture is a critical factor in determining the success or failure of implementing legal protection. In many educational settings, bullying is still perceived as part of children's social dynamics or even viewed as a process of character building. This normalization leads many victims to choose not to

⁶⁵ Hall and Chapman, "The Role of School Context in Implementing a Statewide Anti-Bullying Policy and Protecting Students."

⁶⁶ Hall and Chapman.

⁶⁷ R. A. Bruening et al., "Implementation of Antibullying Legislation in Iowa Schools: A Qualitative Examination of School Administrators' Perceived Barriers and Facilitators," *Journal of School Violence* 17, no. 3 (2018): 284–97, Scopus, <https://doi.org/10.1080/15388220.2017.1322517>.

⁶⁸ J. A. Haller and R. K. Knauf, "Evidence-based or self-created?: Dissemination and implementation of prevention programs against bullying at schools in the Rems–Murr district," *Pravention und Gesundheitsforderung* 21, no. 1 (2026): 77–85, Scopus, <https://doi.org/10.1007/s11553-024-01185-1>.

report incidents out of fear of being seen as weak, facing stigma from peers, or even experiencing more severe bullying. Parents also often opt to resolve issues through informal family mediation out of concern that their child will face discriminatory treatment if the case proceeds through legal proceedings. Mizuno's research found that public perceptions of justice significantly influence bystanders' behavior in responding to bullying.⁶⁹

A culture that tends to blame the victim discourages people from intervening, and allows bullying to continue. In the Indonesian context, Saleh et al. found that the success of a whole-school approach depends heavily on the support of parents, teachers, and the community surrounding the school. Without an inclusive school culture, all anti-bullying policies will remain administrative documents.⁷⁰ This situation becomes even more complex when bullying occurs in the digital realm (cyberbullying), which is difficult for schools and families to monitor, as explained by Tsatsanashvili.⁷¹ Therefore, sociocultural barriers are not only related to low legal awareness but also involve values, perceptions, and a permissive culture that allows bullying to continue to be reproduced in educational settings.

Barriers to Law Enforcement: A Focus on Internal Resolution Rather Than Legal Proceedings

The second barrier relates to the weakness of the law enforcement system in addressing bullying cases. Many cases are resolved at the school level without involving law enforcement or child protection agencies. Limited access to information, the cost of legal representation, and lack of psychological rehabilitation facilities further restrict victims' access to justice. As a result, most cases are never fully processed, failing to serve as deterrents to perpetrators or provide learning opportunities for the school community.

⁶⁹ K. Mizuno, "Bystander Behavior in School Bullying and Multidimensional Belief in a Just World," *Frontiers in Education* 10 (2025), Scopus, <https://doi.org/10.3389/feduc.2025.1586967>.

⁷⁰ M. N. I. Saleh and F. Hanum, "Stakeholders' Perspectives on Whole-School Approaches to Prevent and Address Bullying and Cyberbullying in Indonesian High Schools," *Social Sciences and Humanities Open* 12 (2025), Scopus, <https://doi.org/10.1016/j.ssaho.2025.102336>.

⁷¹ M. Tsatsanashvili, "Juveniles Safety on the Internet in Georgia (Problems and Methods of Solution)," *Bulletin of the Georgian National Academy of Sciences* 12, no. 1 (2018): 188–96, Scopus.

Research by Mayasari et al. indicates that the weak implementation of sanctions under child protection laws results in a low deterrent effect against bullies.⁷² On the other hand, Cornell and Limber pointed out that the lack of clarity in legal definitions of bullying across various jurisdictions also affects the consistency of law enforcement.⁷³ In the Indonesian context, Arifulloh et al. emphasized that the restorative justice approach holds great potential for addressing bullying cases, but its implementation remains hindered by a lack of understanding among law enforcement officials, the absence of uniform operational guidelines, and limited interagency coordination.⁷⁴ Thus, obstacles to law enforcement are not solely related to the existence of legal rules, but also concern the capacity of institutions to translate norms into effective protective practices.

Regulatory Barriers: The Dynamics of Regulation and Policy Governance

The final barrier relates to regulatory aspects and policy governance. Although Indonesia has various regulations regarding child protection and the prevention of violence in educational settings, provisions on bullying remain scattered across various legal instruments, leading to fragmented norms, overlapping jurisdictions, and weak interagency coordination. To date, there have been no comprehensive regulations addressing the definition of bullying, prevention mechanisms, response procedures, service standards for victims, or the form of accountability that schools face if they fail to provide protection to students.

Weak oversight systems have also led many schools to either fail to establish a School-Based Anti-Bullying Task Force (TPPK) or to establish it merely as an administrative formality without clear evaluation mechanisms. Research by Bruening et al. indicates that the implementation of anti-bullying policies will face significant challenges if not supported by clear coordination among the government, schools, and community.⁷⁵ Therefore, regulatory reform is not sufficient if it merely involves adding criminal provisions; rather, it must be directed toward establishing an integrated protection system.

⁷² Mayasari, Atjengbharata, and Monteiro, "Legal Protection for Child Victims of Bullying from the Perspective of Child Protection Law."

⁷³ Cornell and Limber, "Law and Policy on the Concept of Bullying at School."

⁷⁴ A. Arifulloh et al., "Legal Protection for Child Offenders in Bullying Cases: Challenges and Deviations in Restorative Justice Practice," *Jurnal Ilmiah Mizani* 12, no. 2 (2025): 727–38, Scopus, <https://doi.org/10.29300/mzn.v12i2.9425>.

⁷⁵ Bruening et al., "Implementation of Antibullying Legislation in Iowa Schools: A Qualitative Examination of School Administrators' Perceived Barriers and Facilitators."

Overall, these four clusters of obstacles demonstrate that the implementation of legal protection for child bullying victims is a multidimensional and systemic issue. Institutional barriers weaken implementation capacity, a permissive social culture hinders reporting and intervention, weak law enforcement reduces victims' access to justice, and regulatory fragmentation renders interagency coordination ineffective. Protecting children from bullying requires a comprehensive evidence-based approach that simultaneously involves schools, families, the community, and the state.⁷⁶ Thus, the multidimensional barriers identified in this study explain why the existence of relatively comprehensive regulations has not yet been able to provide optimal legal protection for child victims of bullying in educational settings while underscoring a major problem that has long been recognized but has not yet been addressed through systemic reforms that simultaneously address institutional, cultural, legal, and governance aspects.

Conclusion

This study showed that legal protection for child victims of bullying in schools still faces multidimensional barriers that prevent the optimal implementation of various child protection instruments. Although Indonesia has a relatively comprehensive legal framework through Law No. 35 of 2014 on Child Protection; Law No. 11 of 2012 on the Juvenile Criminal Justice System; and the Ministry of Education, Culture, Research, and Technology Regulation No. 46 of 2023 on the Prevention and Handling of Violence in Educational Institutions, this study found a significant gap between legal norms and their implementation in practice.

These obstacles are concentrated in four main, interrelated clusters: (1) human resource and institutional obstacles, in the form of a shortage of professional staff, the low capacity of the Violence Prevention and Handling Team (TPPK), and a lack of training for educators; (2) sociocultural barriers, characterized by the continued normalization of bullying, a permissive culture, low willingness to report incidents, and a tendency for schools to prioritize institutional reputation over the best interests of the child; (3) law enforcement barriers, reflected in slow, bureaucratic case resolution

⁷⁶ A. B. Nickerson, "Preventing and Intervening with Bullying in Schools: A Framework for Evidence-Based Practice," *School Mental Health* 11, no. 1 (2019): 15–28, Scopus, <https://doi.org/10.1007/s12310-017-9221-8>; S. Jadav and V. Chakrapani, "Learning Without Fear: Supporting Inclusive Education for Sexual and Gender Minorities," in *Sustain. Dev. Goals Ser.*, Part F2792 (Springer, 2023), 305–14, Scopus, https://doi.org/10.1007/978-981-99-4086-8_19.

processes that are not yet fully child-friendly, as well as limited access to justice for victims; and (4) regulatory barriers, in the form of fragmented regulations, weak inter-agency coordination, and the absence of effective oversight and evaluation mechanisms for the implementation of child protection policies in educational settings.

An analysis using Legal Protection, the Best Interests of the Child Principle, Restorative Justice, and Progressive Law indicates that the main issue does not lie in the absence of legal norms, but rather in weak implementation and the failure to establish an integrated child protection ecosystem. From this perspective, this study reinforces the metaphor of “the elephant in the classroom” a major issue that has long been recognized by all stakeholders but is yet to receive a comprehensive policy response. Therefore, strengthening legal protection cannot be achieved merely by adding regulations; it requires reforms that address institutional aspects, legal culture, cross-sectoral coordination, human resource capacity building, and strengthening of prevention, response, and recovery mechanisms oriented toward the best interests of the child. Theoretically, this study contributes by developing a multidimensional barrier perspective as an analytical framework to explain the gap between legal norms and the implementation of protection for child victims of bullying in schools. From a practical standpoint, the findings of this study can serve as a reference for governments, policymakers, educational institutions, and child protection agencies to design a legal protection system that is more integrated, collaborative, and responsive to children’s needs.

This study has limitations because it employs a normative legal approach involving the analysis of regulations, literature, and policy developments; thus, it has neither empirically tested the implementation of legal protection in schools across various regions nor incorporated the direct experiences of victims, teachers, parents, and law enforcement officials. Furthermore, this study did not conduct a more in-depth comparative analysis of anti-bullying legal protection models in other countries that already have specific regulations. Given these limitations, future research should use a socio-legal or mixed-methods approach to empirically examine the implementation of legal protection across various levels of education and different regions, evaluate the effectiveness of the Violence Prevention and Handling Team (TPPK), develop indicators for the implementation of legal protection based on the best interests of the child, and

conduct a comparative study of anti-bullying legislation in various countries as a basis for formulating a more comprehensive and adaptive child protection regulatory model for the Indonesian context.

Declarations

Author contribution statement

F.J.R.A. conceived and designed the study, conducted the legal research, collected and analyzed the relevant legal materials, interpreted the findings, and wrote, reviewed, and finalized the manuscript. F.J.R.A. is solely responsible for the overall content and integrity of this work.

Declaration of interests statement

The authora declares that there are no known competing financial interests, personal relationships, or other conflicts of interest that could have appeared to influence the work reported in this paper.

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The authors declares that Artificial Intelligence (AI) tools were used solely for language-related assistance, including grammar checking, language editing, and improving the clarity and readability of the manuscript. AI was not used to generate the research ideas, formulate arguments, conduct legal analysis, interpret findings, or draw scholarly conclusions. The authors retains full responsibility for the originality, accuracy, and academic integrity of the manuscript, and no AI tool is recognized as an author or contributor to this work.

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