

Legal Education and Restorative Justice in Addressing School Bullying: A Conceptual Framework for Child Protection

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Abstract

Bullying in educational settings remains a persistent challenge to child protection, while institutional responses continue to rely predominantly on punitive approaches that often overlook victim recovery, offender rehabilitation, and social reintegration. Although previous studies have examined bullying prevention, diversion, restorative justice, and child protection, limited attention has been devoted to the role of legal education as a mechanism for strengthening restorative responses to bullying involving children. This study aims to analyze how legal education can support the implementation of diversion and restorative justice in addressing school bullying involving child victims. The

research employs a normative legal method using statutory, conceptual, and literature-based approaches. The analysis demonstrates that legal education strengthens legal awareness by enhancing children's understanding of their rights and responsibilities, promoting respect for the rights of others, and encouraging meaningful participation in restorative conflict-resolution processes. Building on these findings, the study develops a conceptual framework that positions legal education as a bridging mechanism linking child protection objectives with the effective implementation of diversion and restorative justice in educational settings. This research contributes to the socio-legal literature by integrating legal education, restorative justice, and child protection into a coherent analytical framework, thereby extending existing discussions beyond conventional punitive approaches to bullying. As the proposed framework is derived from normative legal analysis, further empirical research is recommended to evaluate its implementation and effectiveness across diverse educational contexts.

KEYWORDS

Legal Education, Restorative Justice, Bullying, Schools, Child Protection.

Introduction

Education plays a crucial role in shaping character and upholding the law from childhood. This aligns with Article 31 of the 1945 Constitution, which obliges every citizen to receive an education. However, this article also places an obligation on the State to develop a national education system that fosters intelligence and noble character. From a constitutional perspective, education is viewed not only as a process of acquiring knowledge, but also as a means of instilling values, such as an understanding of the law, social ethics, and the ability to respect differences with an open attitude.¹

¹ Charliesta, "Implementasi Pendidikan Hukum Sebagai Upaya Pencegahan Tindak Kriminalitas Di Lingkungan Sekolah," *Jurnal Ilmu Pendidikan Pancasila, Kewarganegaraan, Dan Hukum* 2, no. 1 (April 2025): 13–18, <https://doi.org/10.70134/pakehum.v2i1.338>.

The phenomenon of bullying in school environments is a growing global problem and a serious concern in education, law, and child protection. The United Nations Children's Fund reports that more than a third of children worldwide have experienced bullying in school, whether physical, verbal, or cyber.² This condition shows that bullying is not just an individual problem, but a structural problem that requires a multidimensional approach, including legal and educational approaches.

In Indonesia, bullying cases also show a significant upward trend. Data from the Indonesian Child Protection Commission indicates that violence in educational settings remains one of the highest reported complaints in recent years.³ This shows that the child protection system in the school environment is not running optimally, especially in providing a sense of security for students.

Several previous studies have examined various aspects of protecting child victims of bullying. A study by Rabawati (2025) emphasized the importance of a victimology approach in understanding the victim's position and the need to implement restorative justice in victim recovery.⁴ Meanwhile, Musa (2025) emphasized that diversion in the juvenile criminal justice system is an important instrument to avoid the negative impacts of the formal justice process on children.⁵ Another study by Silalahi (2026) shows that the implementation of diversion and restorative justice in Indonesia still faces structural and cultural obstacles, especially regarding the understanding of officials and the community.⁶

² UNICEF, "An Everyday Lesson: #ENDviolence in Schools" (New York, 2020).

³ Komisi Perlindungan Anak Indonesia, "Laporan Tahunan KPAI 2023" (Jakarta, 2023).

⁴ Dwityas W. Rabawati et al., "Perlindungan Hukum Terhadap Anak Sebagai Korban Bullying: Kajian Viktimologi Dan Pendekatan Restorative Justice," *YUSTISI (Jurnal Hukum Dan Hukum Islam)* 12, no. 2 (2025): 567–72.

⁵ Musa Darwin Pane and Alvina Rahim, "Tinjauan Hukum Terhadap Kebijakan Diversi Dalam Sistem Peradilan Pidana Anak Di Indonesia," *USRAH: Jurnal Hukum Keluarga Islam* 6, no. 1 (January 2025): 1–13, <https://doi.org/10.46773/usrah.v6i1.1639>.

⁶ Johan Alfred Sarades Silalahi et al., "Penerapan Diversi Dan Restorative Justice Dalam Sistem Peradilan Anak Di Indonesia," *Al-Zayn: Jurnal Ilmu Sosial &*

From a global perspective, research by the United Nations Office on Drugs and Crime confirms that the restorative justice approach has proven effective in dealing with conflicts involving children because it is oriented towards recovery and social reintegration.⁷ In addition, a study by Morrison (2020) shows that the implementation of restorative justice in schools can reduce levels of violence and improve social relationships between students.⁸ Research by UNESCO (2021) also emphasizes the importance of values-based and law-based education as part of a strategy to prevent violence in schools.⁹

Nevertheless, several key limitations can be identified from these studies. First, most research focuses on the normative or implementative aspects of diversion and restorative justice without thoroughly examining the role of legal education as a supporting instrument. Second, existing research tends to separate legal and educational approaches, even though both are closely related in the context of bullying prevention and management. Third, there are still limited studies that specifically integrate legal education into the context of protecting child victims of bullying in the school environment.

In fact, legal education plays a strategic role in building legal awareness and legal culture among students, teachers, and the school community. In this context, legal education serves not only as a means of transferring knowledge but also as an instrument for character development and behavior in accordance with legal norms.¹⁰ With a good understanding of the law, it is hoped that all parties can play an active role in preventing and handling bullying cases constructively.

Furthermore, strengthening legal education is becoming increasingly important in supporting the implementation of diversion and restorative justice. Diversion is defined in Article 1 point 7 of Law

Hukum 4, no. 2 (2026): 6546–51,
<https://doi.org/https://doi.org/10.61104/alz.v4i2.3526>.

⁷ United Nations Office on Drugs and Crime, “Handbook on Restorative Justice Programmes” (Vienna, 2020).

⁸ Brenda Morrison, “Restorative Justice in Schools,” *Youth Justice Journal* 20, no. 3 (2020): 210–25.

⁹ UNESCO, “Behind the Numbers: Ending School Violence and Bullying” (Paris, 2021).

¹⁰ Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2012).

Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) as the transfer of the settlement of children's cases from the criminal justice process to a process outside the criminal justice system. The primary objective of diversion is to avoid stigmatization, protect the best interests of the child, and encourage the resolution of conflicts through dialogue and agreement among the parties involved.

Restorative justice, as regulated in Article 1 point 6 of the SPPA Law, is an approach to resolving criminal cases that involves perpetrators, victims, their families, and other relevant parties in seeking a fair solution by emphasizing restoration to the original condition rather than retaliation. The main characteristics of restorative justice include victim participation, offender accountability, community involvement, and a focus on repairing harm caused by the offense.

In the context of school bullying, diversion and restorative justice are closely interconnected. Diversion serves as a procedural mechanism to redirect the case from formal legal proceedings, while restorative justice provides the substantive framework through which dialogue, accountability, victim recovery, and social reintegration are achieved. Without adequate legal understanding, both approaches have the potential to be suboptimal.¹¹

Civic education accompanied by strengthening legal awareness plays a significant role in preventing bullying practices in schools.¹² Many schools do not yet understand standard procedures for handling violence, inter-agency coordination is still less effective, and teachers' capacity in handling bullying cases is inadequate.

Previous studies indicate that legal education programs implemented through classroom instruction, extracurricular activities, and collaboration with legal institutions contribute to improving students' legal awareness and understanding of social norms. Charliesta (2025) reported that students who participated in legal education

¹¹ I Made Sugita, "Penerapan Diversi Dalam Sistem Peradilan Pidana Anak Dalam Mewujudkan Keadilan Restoratif (Restorative Justice) Ditinjau Dari Perspektif Sosiologi Hukum," *Satya Dharma: Jurnal Ilmu Hukum* 5, no. 2 (2022): 187–211, <https://doi.org/https://doi.org/10.33363/sd.v5i2.914>.

¹² Kristina Rendi Mete et al., "Studi Literatur: Pendidikan Kewarganegaraan Dan Kesadaran Hukum Dalam Mencegah Perundungan Di Lingkungan Sekolah," *Global Education Trend* 3, no. 1 (2025): 1–6.

activities demonstrated better comprehension of legal responsibilities and school regulations. However, the extent of behavioral change may vary depending on the consistency of program implementation, teacher competence, and institutional support. Through formal learning, extracurricular activities, and collaboration with the police, legal education has been shown to improve students' understanding of legal norms and strengthen compliance with regulations. The most significant impact is seen in the reduction of minor violations, particularly bullying and verbal abuse. The main obstacles are teachers' limited competence in delivering legal material and a lack of external support. Therefore, legal education needs to be systematically strengthened to foster legal awareness from an early age and effectively prevent bullying practices in schools.¹³

Previous studies have predominantly examined bullying from three separate perspectives. First, legal scholarship focuses on child protection and the implementation of diversion and restorative justice within juvenile justice systems. Second, educational studies emphasize anti-bullying programs, character education, and school climate interventions. Third, victimological research highlights the psychological and social impacts experienced by child victims of bullying. However, these strands of scholarship remain largely disconnected.

A critical gap exists in the literature regarding the role of legal education as a bridging mechanism that connects child protection frameworks with restorative justice practices in educational settings. Existing studies generally assume that legal awareness contributes positively to bullying prevention, yet they rarely explain the causal process through which legal education strengthens the implementation of diversion and restorative justice. Consequently, legal education is often treated merely as a complementary preventive tool rather than as an institutional mechanism capable of facilitating restorative responses to school bullying.

From an international perspective, restorative practices in schools have increasingly been recognized as an alternative to punitive

¹³ Charliesta, "Implementasi Pendidikan Hukum Sebagai Upaya Pencegahan Tindak Kriminalitas Di Lingkungan Sekolah."

disciplinary approaches because they emphasize accountability, dialogue, victim recovery, and relationship restoration. Nevertheless, most studies focus on restorative interventions themselves rather than examining how legal education may cultivate the legal consciousness, empathy, and procedural understanding necessary for restorative processes to function effectively. This theoretical gap remains particularly evident in developing countries, including Indonesia, where bullying prevention policies continue to rely heavily on disciplinary sanctions.

Drawing upon the concepts of legal consciousness, restorative justice theory, and child-centered justice, this article argues that legal education functions as a normative and behavioral mechanism that strengthens restorative responses to bullying. The novelty of this study lies not in proposing a new legal norm, but in developing an integrated conceptual framework that positions legal education as the connecting mechanism between child protection objectives and restorative justice implementation in school environments.

Based on this description, this research is highly urgent because it attempts to fill a research gap in previous studies by integrating legal education as a supporting instrument for diversion and restorative justice in addressing bullying in schools. This research also possesses novelty because it comprehensively examines the relationship between legal education, child protection, and recovery-based conflict resolution mechanisms within a single conceptual framework.

Thus, the aim of this study is to analyze the role of strengthening legal education in supporting the implementation of diversion and restorative justice for children who are victims of bullying at school, as well as to formulate a model that can be applied in the education system in Indonesia by taking into account a global perspective.

This research uses a qualitative methodology. Qualitative methods seek data that includes explanations of various processes occurring within a specific environment or context, using comprehensive and well-founded descriptions as sources. An event can be understood chronologically and coherently thanks to this data. Qualitative descriptive techniques aim to provide data in a manner consistent with the actual conditions at the research site. This approach allows researchers to analyze the phenomenon of bullying in school

environments and its relationship to legal education, diversion, and restorative justice contextually and in-depth.

The type of research used is normative research (legal normative). Normative research is often known as doctrinal research, which examines applicable legal norms.¹⁴ There are two sources and types of data used in this study primary and secondary data. This study uses a qualitative approach to analyze regulations related to child protection. The data sources used include secondary data, consisting of primary and secondary legal materials. These legal norms are analyzed to understand their meaning in legislation. Primary data sources are obtained from laws, regulations, and other legal provisions. Secondary data are obtained from references such as books, journals, literature reviews, and documentary sources (literature reviews).¹⁵ Regarding the research subject in detail.

A. Implementation of Diversion and Restorative Justice in Bullying Casess

The research results show that the implementation of diversion and restorative justice in handling bullying cases in schools has not been optimal, despite having a strong legal basis in the Indonesian juvenile criminal justice system. In practice, the resolution of bullying cases is still dominated by disciplinary and administrative approaches, such as imposing sanctions on perpetrators without involving the victim's recovery process or social reconciliation.¹⁶

¹⁴ Roni Hantijo Soemitro, *Metodologi Penelitian Hukum Dan Jurimetri* (Jakarta: Ghalia Indonesia, 2018).

¹⁵ Tri Andika, "Biodiplomacy : Efforts to Achieve Fairness in Cross-Border Genome Data Transfers," *The Indonesian Journal of International Clinical Legal Education* 7, no. 2 (2025): 283–312, <https://doi.org/https://doi.org/10.15294/iccle.v7i2.25771>.

¹⁶ Endy Sulistya Hudi Prayoga, "Implementasi Diversi Sebagai Bentuk Penyelesaian Perkara Pidana Anak Melalui Pendekatan Restorative Justice Oleh Penyidik Berdasarkan Hak Asasi Manusia" (Undaris, 2025).

Diversion aims to divert the resolution of children's cases from the formal judicial process to a more humane non-litigation mechanism, while restorative justice emphasizes restoring relationships between perpetrators, victims, and the community.¹⁷ However, the findings of this study indicate that these two approaches have not been effectively integrated into the case handling system in the school environment.

Although diversion redirects cases away from formal judicial proceedings, it does not eliminate accountability. Within a restorative justice framework, accountability is demonstrated through acknowledgment of wrongdoing, active participation in mediation, apologies, restitution, behavioral commitments, and ongoing supervision by parents, schools, and relevant authorities. Therefore, diversion should not be understood as an absence of consequences but rather as a different form of responsibility aimed at behavioral change and victim recovery. Several studies suggest that restorative processes may produce stronger long-term accountability because offenders directly confront the consequences of their actions on victims and the wider community.

The implementation of diversion and restorative justice in handling bullying cases in the school environment is not only related to formal legal aspects, but also includes interrelated social, psychological, and institutional dimensions. Normatively, the obligation to implement diversion is regulated in Article 7 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which states that at every level of examination of a child's case, diversion must be attempted.¹⁸ This provision emphasizes that the resolution of children's cases, including in the context of bullying which has the potential to

¹⁷ Indra Naposo Harahap and Fauziah Lubis, "Diversi Pidana Anak Dalam Perspektif Hukum Pidana Islam: Implementasi Dan Faktor Efektivitas," *Legalite: Jurnal Perundang Undangan Dan Hukum Pidana Islam* 10, no. 2 (2025): 55–73.

¹⁸ Wahab Aznul Hidayat and Muharuddin Muharuddin, "Penerapan Diversi Undang-Undang No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak (Studi Kasus Polres Sorong Kota)," *Justisi* 6, no. 2 (2020): 52–63.

become a criminal act, should prioritize a non-litigation approach that is oriented towards the best interests of the child.

The restorative justice program is based on the assumption that every crime must minimize the losses and suffering experienced by the victim as much as possible, the perpetrator must be given a clear and real understanding that his actions were very cruel and had a very bad impact on the victim and society, the perpetrator must be able to account for his actions, the victim must have the opportunity to express his feelings and needs and to participate in determining the best way for the perpetrator to be able to fulfill the victim's compensation and society is responsible for contributing to the process.¹⁹

One of the main problems is the dominance of a repressive approach to handling bullying in schools. Schools tend to use disciplinary mechanisms such as administrative sanctions without engaging in dialogue between the perpetrator and the victim. This approach not only ignores the victim's need for recovery but also has the potential to reinforce stigma against child perpetrators.²⁰ In fact, restorative justice emphasizes the importance of restoring social relations through the active participation of all parties involved, including victims, perpetrators, families and the community.²¹

It is important to note that restorative justice does not always require direct face-to-face meetings between victims and perpetrators. In cases where victims experience severe trauma or psychological vulnerability, direct interaction may risk retraumatization. Therefore,

¹⁹ Siti Aminah and Ony Rafsanjani, "Implementasi Restorative Justice Untuk Menanggulangi Kekerasan Dalam Rumah Tangga: Antara Konsep Dan Praktik," *Restorative: Journal of Indonesian Probation and Parole System* 1, no. 1 (October 2023): 55–73, <https://doi.org/10.61682/restorative.v1i1.7>.

²⁰ Sari Damayanti, Okta Nofia Sari, and Kesuma Bagaskara, "Perlindungan Hukum Terhadap Anak Korban Bullying Di Lingkungan Sekolah," *JURNAL RECHTENS* 9, no. 2 (December 2020): 153–68, <https://doi.org/10.36835/rechtens.v9i2.791>.

²¹ Aminah and Rafsanjani, "Implementasi Restorative Justice Untuk Menanggulangi Kekerasan Dalam Rumah Tangga: Antara Konsep Dan Praktik."

restorative justice processes must prioritize the best interests of the child and be preceded by psychological assessments conducted by qualified professionals. Alternative mechanisms, such as indirect mediation, facilitated communication through counselors, or separate dialogue sessions, may be used when direct meetings are considered inappropriate. Victim participation should always be voluntary, informed, and supported by adequate psychological assistance throughout the process.

The reason for the suboptimal implementation is the low level of legal understanding among educators and students.²² Teachers and schools in general do not have sufficient capacity to implement diversion mechanisms or restorative justice approaches, so conflict resolution is still oriented towards punishment.

From a psychological perspective, victims of bullying often experience long-term impacts such as trauma, reduced self-confidence, and mental health problems. Therefore, a restorative approach is relevant because it provides a space for victims to directly express their experiences and needs.²³ On the other hand, perpetrators are also given the opportunity to understand the impact of their actions and take constructive responsibility, thus encouraging behavioral change without having to go through a formal punishment process that has the potential to damage the child's future.

In an institutional context, limited human resource capacity is a significant obstacle. Many teachers and education personnel lack an adequate understanding of the concepts of diversion and restorative justice, including mediation techniques and dialogue facilitation.²⁴ This

²² Prima Angkupi and Afri Nurmi Sari, "Perundungan Di Sekolah," *Jurnal Renvoi: Jurnal Hukum Dan Syariah* 4, no. 1 (2026): 15–27.

²³ M. Waseem and A. Ahmed, "Impact of Bullying on Students' Academic Performance and Mental Health," *Journal of Educational Psychology Research* 5, no. 2 (2022): 115–28.

²⁴ Silalahi et al., "Penerapan Diversi Dan Restorative Justice Dalam Sistem Peradilan Anak Di Indonesia."

condition is exacerbated by the absence of operational technical guidelines at the school level, so that implementation is often sporadic and not standardized.

Furthermore, coordination between institutions, such as schools, the police, education departments, and child protection agencies, remains suboptimal. The success of diversion depends heavily on synergy between stakeholders to ensure that the conflict resolution process is fair, transparent, and oriented toward the best interests of the child.

The involvement of law enforcement agencies, particularly the police, should be proportional and adjusted to the severity of the bullying incident. Not all bullying cases require immediate police intervention. In minor cases that can be resolved through educational and restorative mechanisms, schools, counselors, parents, and child protection units should serve as the primary actors. Police involvement becomes necessary only when the conduct fulfills the legal elements of a criminal offense, involves serious physical or psychological harm, or requires formal legal protection measures. Thus, police participation should be viewed as a complementary mechanism within a child protection framework rather than a repressive response to all forms of bullying.

Furthermore, the implementation of diversion and restorative justice in bullying cases needs to be supported by the integration of legal education as a primary foundation. Without adequate legal understanding, both perpetrators and victims tend to be unaware of their rights, obligations, and available resolution mechanisms.²⁵ Therefore, legal education plays a strategic role in building collective awareness and encouraging active participation in the conflict resolution process.

²⁵ R. Pradana and B. Setiyono, "Pendidikan Hukum Dan Kesadaran Siswa Terhadap Pencegahan Perilaku Bullying," *Jurnal Pendidikan Kewarganegaraan* 11, no. 2 (2021): 155–64.

This finding is in line with Endy Sulistya Hudi Prayoga's research in his study entitled *"Implementasi Diversi sebagai Bentuk Penyelesaian Perkara Pidana Anak melalui Pendekatan Restorative Justice oleh Penyidik Berdasarkan Hak Asasi Manusia"*, which states that the implementation of diversion still faces obstacles in terms of the understanding of law enforcement officers and the less than optimal application of human rights principles in the process of resolving child cases.

In addition, research by Sari Damayanti et al. in the article *"Perlindungan Hukum terhadap Anak Korban Bullying di Lingkungan Sekolah"* shows that protection for child victims of bullying is not yet fully effective because the approach used still tends to be repressive and is not based on victim recovery (victim-oriented approach).²⁶

In line with this, research by Johan Alfred Sarades Silalahi et al. entitled *"Penerapan Diversi dan Restorative Justice dalam Sistem Peradilan Anak di Indonesia"* also emphasized that the implementation of diversion and restorative justice has not been running optimally due to limited human resources, minimal training, and low understanding of the concept of restorative justice.²⁷

However, this study emphasizes that the educational aspect, particularly legal education in schools, is a determinant factor that has received little attention. Unlike previous studies that focused more on institutional aspects, law enforcement, and normative protection, this study found that strengthening legal education is a strategic key to optimizing the implementation of diversion and restorative justice, particularly in handling bullying cases in educational institutions.

²⁶ Damayanti, Nofia Sari, and Bagaskara, "Perlindungan Hukum Terhadap Anak Korban Bullying Di Lingkungan Sekolah."

²⁷ Silalahi et al., "Penerapan Diversi Dan Restorative Justice Dalam Sistem Peradilan Anak Di Indonesia."

B. The Role of Legal Education in Preventing and Handling Bullying

Legal education plays a crucial role in preventing bullying in schools. Through legal education, students can gain a comprehensive understanding of their rights and obligations as school members, as well as the legal consequences of actions that violate social norms and positive law. This understanding not only fosters legal awareness but also instills values of responsibility and empathy for others.²⁸ Thus, legal education becomes an integral part in the formation of character and morals of students based on the values of justice and respect for the rights of others.²⁹ In addition, various studies show that effective bullying prevention programs in schools are oriented towards developing students' social skills, self-awareness, and emotional regulation abilities.³⁰ This legal and social values-based program also plays a role in building positive interpersonal relationships and creating an inclusive and violence-free school climate.³¹ Through the implementation of legal education in schools, students will understand that bullying is not only morally and religiously wrong but also a legal violation that can be punished. This awareness is expected to foster accountability and compliance with regulations, thereby reducing the potential for bullying in the school environment.³²

²⁸ Pradana and Setiyono, "Pendidikan Hukum Dan Kesadaran Siswa Terhadap Pencegahan Perilaku Bullying."

²⁹ A Aminudin and B. S Panjaitan, "Perlindungan Hukum Pencegahan Perundungan (Bullying) Di Lembaga Pendidikan Perspektif Maslahat," *Jurnal Hukum Kaidah* 23, no. 2 (2024): 145–60.

³⁰ K. Ulfadhilah and S. D. Nurkhafifah, "The Role of Education in Preventing Bullying: A Psychological Approach in Elementary Schools," *International Journal of Elementary School* 2, no. 1 (2025): 26–35, <https://doi.org/https://doi.org/10.69637/ijes.v2i1.476>.

³¹ W. Subroto, "Prevention Acts Towards Bullying in Indonesian Schools: A Systematic Review," *Al-Ishlah: Jurnal Pendidikan* 16, no. 1 (2024): 312–26, <https://doi.org/https://doi.org/10.35445/alishlah.v13i3.1444>.

³² Waseem and Ahmed, "Impact of Bullying on Students' Academic Performance and Mental Health."

The understanding gained through legal education can give students the confidence to report any form of bullying, seek help from adults, and actively participate in creating a safe, inclusive, and respectful school environment. Knowledge of legal rights and obligations helps students understand that they have protection from all forms of violence, whether physical, verbal, or digital.³³ In addition to its role for students, legal education is also important for teachers and education personnel. Through training and capacity building, teachers can develop the ability to identify early signs of bullying, intervene appropriately, and provide psychosocial support to victims. Previous research has shown that active teacher involvement in implementing legal education policies and antibullying values can reduce bullying rates and strengthen a culture of discipline and empathy in schools.³⁴ Implementing legal education as a preventive measure has the potential to create a school culture based on the values of respect, tolerance, and justice. Such an environment will foster a sense of security for all members of the school community and encourage the creation of a learning community with high character and integrity. This effort aligns with the view that bullying prevention is not only achieved through discipline enforcement but also through ongoing values and legal education in elementary schools, where student character formation begins.³⁵

By educating students about their legal rights and responsibilities, they can be empowered to fight bullying and create a culture of mutual respect and inclusivity. At the same time, considering that bullying is a worldwide social problem with significant impacts on students' well-being, academic performance, and mental health, many countries have introduced anti-bullying policies and preventive educational strategies.

³³ K. Hasibuan and R. Rizana, "The Role of Schools, Parental Responsibilities, and Legal Implications for Bullying in Indonesia," *Easta Journal of Law and Human Rights* 2, no. 1 (2023): 1–8.

³⁴ Subroto, "Prevention Acts Towards Bullying in Indonesian Schools: A Systematic Review."

³⁵ Waseem and Ahmed, "Impact of Bullying on Students' Academic Performance and Mental Health."

According to Raynor and Wylie, educational institutions in the UK are required by law to develop anti-bullying policies in schools.³⁶ However, they also stated that there is no requirement for schools to record bullying incidents, although there is a consultation document that would eventually make it a legal requirement for schools to document bullying incidents in the future.

From the perspective of strengthening legal education, a social values-based approach and restorative justice are not limited to the classroom but are also closely related to the formation of legal awareness in the community. This aligns with the findings of Widyawati et al., who emphasized that community empowerment based on equality and balance (equilibrium theory) can improve the quality of social relations and family well-being through a more equitable division of roles between men and women.³⁷

When contextualized within legal education in schools, this principle of balance is relevant to the implementation of diversion and restorative justice in handling bullying cases. Legal education serves not only as a transfer of normative knowledge about rules, but also as a means of internalizing the values of justice, empathy, and social responsibility for students. Thus, schools can become social spaces that not only enforce discipline but also build collective awareness to resolve conflicts peacefully and fairly in accordance with restorative justice principles.

The urgency of legal education for students cannot be underestimated, as it not only instills an understanding of legal rights and obligations but also equips students with the skills to appropriately confront and report acts of bullying. Schools play a central role in students' social lives and are responsible for creating a safe, comfortable, and supportive climate for character development. Numerous studies

³⁶ N. Hidayati and L. Siregar, "Kebijakan Anti-Bullying Di Sekolah Inggris Dan Implementasinya Di Indonesia," *Jurnal Hukum Dan Pendidikan* 8, no. 1 (2022): 22–35.

³⁷ Anis Widyawati et al., "Empowering Boja Village through Equilibrium Theory Based Gender Equality for the Enhancement of Family Welfare," *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement) JPHI* 7, no. 2 (November 2024): 171–90, <https://doi.org/10.15294/jphi.v7i2.2937>.

have shown that anti-bullying interventions, legal education programs, and school-based prevention strategies contribute to reducing bullying behavior and improving school safety (Subroto, 2024). These interventions are most effective when implemented comprehensively through collaboration among students, teachers, parents, and the wider community. Rather than functioning solely as disciplinary measures, such programs help establish a school culture that promotes empathy, legal awareness, and respect for the rights of others.³⁸

In addition, legal education provides students with a comprehensive understanding of the legal consequences of bullying, both in traditional and cyberbullying contexts. Students are taught about their legal rights, legal protection mechanisms, and steps they can take if they become victims.³⁹ This knowledge empowers students to stand up against bullying, report incidents, and seek help from trusted adults, while fostering an inclusive and empathetic school culture.

Implementing legal education also requires the involvement of teachers, staff, parents, and the community. Teachers and school administrators need to receive training in bullying intervention to effectively handle incidents, while parents and the community support the creation of a safe environment for students.⁴⁰

Furthermore, as emphasized in the study by Widyawati et al., strengthening the values of equality and balance in social relations can improve the overall well-being of the community. In the context of legal education, this can be adapted by strengthening the roles of teachers, students, and parents in restorative justice mechanisms, where all parties are equally involved in the process of resolving bullying conflicts. This approach reinforces the principle of diversion as an alternative resolution of juvenile cases that is more humane, educational, and

³⁸ Subroto, "Prevention Acts Towards Bullying in Indonesian Schools: A Systematic Review."

³⁹ Muhamad Miftahul Munjiat, Fitriyah Fitriyah, and Jalaludin Jalaludin, "Pentingnya Kebijakan Pendidikan Hukum Untuk Mencegah Bullying Di Lingkungan Di Madrasah Ibtidaiyah Mathlaul Huda Cicalengka," *AKADEMIK: Jurnal Mahasiswa Ekonomi & Bisnis* 6, no. 1 (January 2026): 458–72, <https://doi.org/10.37481/jmeh.v6i1.1718>.

⁴⁰ Hasibuan and Rizana, "The Role of Schools, Parental Responsibilities, and Legal Implications for Bullying in Indonesia."

oriented towards restoring social relationships rather than mere punishment.⁴¹

Thus, the integration of social balance values provides a conceptual foundation for strengthening legal education in schools. This also supports the effective implementation of diversion and restorative justice in creating a safe, inclusive, and equitable educational environment for children.

I. Diversion and Restorative Justice in School Bullying Cases: Opportunities and Limitations

The application of diversion and restorative justice in school bullying cases requires careful consideration of the unique characteristics of bullying itself. Unlike ordinary juvenile misconduct, bullying often involves repeated victimization, power imbalances between perpetrators and victims, social exclusion, and long-term psychological harm. Empirical studies indicate that victims of bullying face a significantly higher risk of anxiety, depression, emotional distress, and long-term mental health problems. Therefore, responses to bullying should focus not only on legal accountability but also on victim recovery and social reintegration.⁴²

From a legal perspective, not all bullying incidents qualify for diversion. Under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, diversion is applicable only when a case has entered the juvenile criminal justice process and fulfills specific legal requirements. Consequently, school-based restorative practices should be distinguished from formal diversion procedures. Many bullying cases can be addressed through educational interventions, mediation, and restorative dialogue without involving criminal proceedings. Diversion becomes relevant only when bullying constitutes a criminal offence and enters the formal justice system.

⁴¹ Widyawati et al., "Empowering Boja Village through Equilibrium Theory Based Gender Equality for the Enhancement of Family Welfare."

⁴² Na Zhao et al., "School Bullying Results in Poor Psychological Conditions: Evidence from a Survey of 95,545 Subjects," June 2023.

International scholarship suggests that restorative practices can positively influence school climate, conflict management, student accountability, and relationship restoration. Through structured dialogue and active participation, restorative processes encourage perpetrators to understand the consequences of their actions while providing victims with opportunities to express harm and seek meaningful remedies. A systematic review by Lodi et al. (2022) found that restorative justice programs contribute to improved interpersonal relationships, reduced exclusionary discipline, and enhanced student responsibility within educational environments.⁴³

However, restorative justice should not be regarded as a universal solution for all bullying cases. Several scholars have identified potential limitations, particularly in situations involving severe psychological trauma, prolonged victimization, or significant power imbalances between victims and perpetrators. In such circumstances, restorative meetings may unintentionally re-victimize children, especially when victims feel pressured to participate in reconciliation processes or when facilitators lack adequate training and expertise. Existing evidence also indicates that the effectiveness of restorative practices varies considerably depending on implementation quality, institutional support, and participant readiness.⁴⁴

Experiences from Australia, New Zealand, Canada, and the United Kingdom demonstrate that restorative justice is generally most effective when integrated with broader anti-bullying strategies, counselling services, victim-support mechanisms, and teacher capacity-building programs. These findings suggest that restorative approaches should complement, rather than replace, comprehensive child protection policies. Therefore, in the Indonesian context, legal education can serve as a supporting mechanism by strengthening legal consciousness, promoting awareness of rights and responsibilities, and creating conditions that facilitate meaningful

⁴³ Ernesto Lodi et al., "Use of Restorative Justice and Restorative Practices at School: A Systematic Literature Review," *International Journal of Environmental Research and Public Health* (MDPI, January 2022), <https://doi.org/10.3390/ijerph19010096>.

⁴⁴ Ibid.

restorative participation while safeguarding the best interests of child victims.⁴⁵

C. Model for Strengthening Legal Education Based on Diversion and Restorative Justice

The model for strengthening legal education based on diversion and restorative justice in Indonesia essentially emphasizes a paradigm shift from a punitive approach (retributive justice) to a restorative approach. In this context, resolving juvenile cases is no longer solely oriented toward imposing sanctions, but rather efforts to restore balance in the relationship between the perpetrator, the victim, and the social environment through dialogue and deliberation.

I. Capacity Building of Law Enforcement Officers

In this study, legal education is understood in two complementary dimensions. The first dimension refers to school-based legal education directed toward students, teachers, and school communities to strengthen legal awareness and bullying prevention. The second dimension concerns professional legal training for law enforcement officials responsible for implementing diversion and restorative justice mechanisms. These dimensions are interconnected because effective child protection requires both legal awareness within educational institutions and competent implementation by justice system actors.

Research conducted by the United Nations Office on Drugs and Crime (2020) and Morrison (2020) indicates that restorative justice and diversion programs may reduce stigmatization and

⁴⁵ Constanze Weber and Leen Vereenoghe, "Reducing Conflicts in School Environments Using Restorative Practices: A Systematic Review," *International Journal of Educational Research Open* (Elsevier Ltd, January 2020), <https://doi.org/10.1016/j.ijedro.2020.100009>.

contribute to lower rates of reoffending by promoting accountability, rehabilitation, and social reintegration. Consequently, strengthening technical guidelines for diversion implementation should involve the Ministry of Education, Ministry of Women's Empowerment and Child Protection, law enforcement agencies, child protection institutions, and schools to ensure consistent implementation and supervision.

Strengthening legal education is inseparable from increasing the capacity of law enforcement officials, such as the police, prosecutors, and courts. Continuous training is needed to ensure that officers have a comprehensive understanding of the concepts of diversion and restorative justice.

This is crucial, given that the success of diversion implementation depends heavily on the perspective and competence of officers in handling juvenile cases. Without adequate understanding, officers tend to continue using a formal, punishment-oriented approach.⁴⁶ Therefore, legal education for officers must be directed at strengthening the values of child protection and restorative justice.

II. Optimizing Diversion Mechanism

The second component is optimizing the implementation of diversion mechanisms at every stage of the juvenile criminal justice process. Diversion is viewed not only as a normative obligation but also as a key strategy for avoiding the negative impacts of the formal justice process on a child's psychological development.

The effective implementation of diversion can prevent stigmatization, reduce the rate of recidivism, and provide opportunities for children to improve themselves in their social environment. Therefore, it is necessary to strengthen technical regulations and guidelines for implementing diversion that are more operational at the practical level.

⁴⁶ Prayoga, "Implementasi Diversi Sebagai Bentuk Penyelesaian Perkara Pidana Anak Melalui Pendekatan Restorative Justice Oleh Penyidik Berdasarkan Hak Asasi Manusia."

III. Community Participation

This model also emphasizes the importance of community involvement in the child case resolution process. Traditional, religious, and community leaders play a strategic role in facilitating deliberations and ensuring a fair and balanced agreement is reached for all parties.

Community involvement not only strengthens the legitimacy of the diversion process but also supports the child's social reintegration. From a sociological perspective, the success of restorative justice is largely determined by the social environment's support for the recovery process.⁴⁷

The involvement of traditional and community leaders should remain consistent with child protection principles and restorative justice standards. Their role is limited to facilitating dialogue, supporting reconciliation, and encouraging community acceptance rather than imposing sanctions that may conflict with children's rights. Therefore, the participation of community leaders must always be supervised and guided by applicable child protection regulations to ensure that the best interests of the child remain the primary consideration.

IV. Restorative-Based Curriculum

Strengthening legal education also needs to be realized through the integration of restorative justice values into educational curricula, both formal and informal. Restorative-based legal education aims to instill the paradigm that conflict resolution must be carried out through dialogue, responsibility, and restoration, not retaliation.

This aligns with the findings of Widyawati et al. (2025), who emphasized that peer-based education strategies and youth-led approaches are effective tools for increasing legal awareness and preventing violence in social settings. This model demonstrates that peer empowerment has significant potential for building a more participatory, communicative, and preventative legal culture

⁴⁷ United Nations Office on Drugs and Crime, "Handbook on Restorative Justice Programmes."

against various forms of violence, including relational violence in educational settings.⁴⁸

When contextualized within the application of diversion and restorative justice in schools, the peer education approach can be adapted as a mechanism to strengthen a culture of peaceful conflict resolution among students. Students are not only objects of disciplinary supervision but also active actors capable of participating in the initial mediation process, dialogue, and social restoration when bullying occurs. Thus, legal education serves as a means of legal empowerment that fosters collective awareness to prioritize non-punitive resolution.

Involving young people in violence prevention strategies can strengthen the effectiveness of community-based legal interventions. In the school context, this can be achieved through the formation of peer groups trained in the basic principles of restorative justice, such as empathy, responsibility, and relationship restoration. This model strengthens the implementation of diversion as a more educational alternative for resolving child conflict and oriented toward social recovery, rather than retaliation.

By incorporating material on diversion and restorative justice into the curriculum, students can understand the legal consequences of deviant behavior from an early age and have the skills to resolve conflicts peacefully.

Several countries have successfully incorporated restorative justice principles into educational settings. New Zealand is widely recognized for implementing restorative conferencing in schools, where students, teachers, families, and community representatives participate in structured dialogue to address harmful behavior. Australia has also adopted restorative practices within school discipline systems to encourage accountability and conflict resolution through communication rather than punishment. Similarly, schools in the United Kingdom have implemented

⁴⁸ Anis Widyawati et al., "From Peer Education to Legal Empowerment: Youth-Led Strategies for Preventing Sexual Violence in Indonesia," *The Indonesian Journal of International Clinical Legal Education* 7, no. 2 (2025), <https://doi.org/10.15294/iccle.v7i2.28329>.

restorative approaches and anti-bullying educational programs aimed at fostering empathy, social responsibility, and positive school climates. These international experiences demonstrate that integrating restorative justice values into educational environments is both feasible and effective in supporting child protection and violence prevention.

V. Conceptual Framework

This study proposes a conceptual framework derived from legal consciousness theory (Ewick & Silbey, 1998), restorative justice theory (Zehr, 2015), and contemporary scholarship on restorative practices in educational settings.⁴⁹ Rather than claiming to produce a new validated model, this framework explains the causal relationship through which legal education may support diversion and restorative justice in school bullying cases.

The framework identifies legal education as the primary driver of change. Through curriculum-based legal literacy, rights education, anti-bullying instruction, and teacher capacity-building programs, schools can strengthen legal consciousness among students, teachers, and parents. Legal consciousness refers to the ability of individuals to recognize harmful conduct as a violation of rights and to understand appropriate legal and social responses to such conduct (Ewick & Silbey, 1998).

Strengthened legal consciousness contributes to the development of restorative competencies, including empathy, accountability, dialogue, conflict-resolution skills, and awareness of the consequences of harmful behaviour. According to restorative justice theory, these competencies are essential prerequisites for meaningful restorative participation because restorative processes depend on voluntary engagement, acknowledgement of harm, and commitment to repairing relationships.⁵⁰

The development of restorative competencies creates conditions that support school-based restorative practices, including mediation, restorative dialogue, conferencing, and collaborative

⁴⁹ Lodi et al., "Use of Restorative Justice and Restorative Practices at School: A Systematic Literature Review."

⁵⁰ Howard Zehr, *The Little Book of Restorative Justice* (New York: Good Books, 2002).

problem-solving. These practices enable schools to address bullying in ways that prioritize harm repair, victim recovery, relationship restoration, and behavioural accountability rather than relying exclusively on punitive disciplinary measures.

Ultimately, the framework suggests that legal education indirectly contributes to child protection outcomes through its influence on legal consciousness and restorative participation. Expected outcomes include increased awareness of rights and responsibilities, reduced bullying incidents, improved school climate, enhanced victim protection, and stronger community engagement in bullying prevention and resolution.⁵¹

Conclusion

This study examined the relationship between legal education, diversion, and restorative justice in addressing school bullying involving child victims. The analysis demonstrates that legal education occupies an important position within child protection efforts because it contributes to the development of legal consciousness, awareness of rights and responsibilities, and understanding of non-punitive conflict resolution mechanisms. From a normative perspective, these elements create conditions that may support the implementation of restorative approaches in educational settings.

Based on the integration of legal consciousness theory, restorative justice theory, and child protection principles, this study proposes a conceptual framework that explains how legal education may function as a connecting mechanism between legal awareness and restorative participation. Unlike previous studies that generally discuss bullying prevention, restorative justice, and legal education separately, the framework offers an integrated analytical perspective for understanding

⁵¹ Lotem Perry-Hazan, "Students' Perceptions of Their Rights in School: A Systematic Review of the International Literature," *Review of Educational Research* 91, no. 6 (December 2021): 919–57, <https://doi.org/10.3102/00346543211031642>.

their interrelationship in school environments (Ewick & Silbey, 1998; Zehr, 2015; Morrison, 2006).

The principal contribution of this study is therefore theoretical rather than empirical. It contributes to the literature by conceptualizing legal education not only as a preventive instrument but also as a mechanism that may facilitate restorative responses to bullying through the development of legal consciousness and restorative competencies. This perspective extends existing discussions on child protection and restorative justice within educational contexts.

Nevertheless, the study is limited by its normative legal approach and reliance on secondary sources. The proposed framework has not been empirically tested, validated, or implemented in school settings. Consequently, future research should examine the applicability of the framework through case studies, stakeholder perspectives, and school-based empirical investigations in order to assess its practical effectiveness and contextual relevance.

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