

## Analysis of Legal Policy Enforcement Against Child Bullying Perpetrators

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*Journal of Creativity Student*

2022, Vol. 7(1) 67-86

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DOI: [10.15294/jcs.v7i1.36208](https://doi.org/10.15294/jcs.v7i1.36208)

This journal has been accredited by  
Ministry of Education, Culture,  
Research & Technology of Republic  
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Published biannually by:



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### History of Manuscript

Submitted : February 11, 2021

Revised 1 : April 21, 2021

Revised 2 : June 20, 2021

Accepted : October 22, 2021

Online since : January 30, 2022

### Abstract

The State of Indonesia is a legal state where this is regulated in the 1945 Constitution of the Republic of Indonesia, especially in Article 1 paragraph (3). The consequence of this rule of law is that all aspects of state life are regulated in existing legal policies. This applicable law has a function as a regulator of all community actions including children. Children need special protection and enforcement within the protection of the law itself. The influence of all existing developments, including the development of science, technology, and culture, is not only felt by adults, but also by children. Along with these developments, it also does not cover the emergence of deviant behavior from minors, and one form of deviation is bullying. In Indonesia itself, cases of bullying are often found by underage children which have even been categorized as violence and

bullying. Then often the perpetrator is not punished according to his actions just because he is underage, so this makes it difficult for the victim to heal the trauma because they still see the victim roaming around without proper law enforcement. For this reason, in this paper, the author will analyze how this can happen, and also how to enforce the law for the perpetrators of these minors.

## **KEYWORDS**

Bullying ▪ Minors ▪ Child Crime

## **Abstrak**

Negara Indonesia merupakan negara hukum dimana hal ini diatur dalam Undang-Undang Dasar Negara Republik Indonesia tahun 1945 khususnya di dalam Pasal 1 ayat (3). Akibat dari negara hukum ini adalah bahwa seluruh aspek kehidupan negara diatur di dalam kebijakan-kebijakan hukum yang ada. Hukum yang berlaku inilah mempunyai fungsi sebagai pengatur segala Tindakan masyarakat termasuk Anak-anak. Anak memerlukan perlindungan dan penegakan yang khusus di dalam perlindungan hukum itu sendiri. Pengaruh dari segala perkembangan yang ada termasuk perkembangan ilmu pengetahuan, teknologi, dan budaya, selain dirasakan oleh orang-orang dewasa, ternyata hal tersebut juga dirasakan oleh Anak-anak. Seiring perkembangan tersebut maka juga tidak menutupi munculnya perilaku menyimpang dari anak-anak dibawah umur, dan salah satu bentuk penyimpangan itu adalah Tindak Bullying. Di Indonesia sendiri seringkali ditemukan kasus-kasus bullying yang dilakukan oleh anak-anak dibawah umur yang bahkan sudah dikategorikan sebagai kekerasan dan pelanggaran. Kemudian seringkali Pelaku tidak dihukum sesuai dengan perbuatannya hanya karena dia dibawah umur, sehingga hal ini menyebabkan Korban sulit untuk menyembuhkan trauma tersebut karena masih melihat korban berkeliaraan tanpa penegakan hukum yang sesuai. Untuk itu dalam tulisan ini,

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penulis akan menganalisis bagaimana hal tersebut bisa terjadi, dan juga bagaimana penegakan hukum bagi pelaku anak dibawah umur tersebut.

## **KATA KUNCI**

Perundungan ▪ Anak Dibawah Umur ▪ Pidana Anak

## **A. Introduction**

Children are part of the nation's successors in the future who will later realize the ideals of the Indonesian nation. Thus, it takes children with good quality in order to achieve a good future. Children have a strategic role and have special characteristics and characteristics, so that guidance and protection are needed in order to ensure balanced physical, mental and social growth and development.

The process of growth and development of children certainly affects the formation of the character and qualifications of children in the future. If in the process of growth and development, children often get rough treatment or even get violence, then the formation of their personality will be disrupted.<sup>1</sup>

There needs to be full attention, especially from the government regarding the protection of children, this is because children are the movers of this nation and leaders for the future of the nation. It is stated in the 1945 Constitution Article 28B paragraph (2) which states that: "Every child has the right to survive and develop, and has the right to protection from violence and discrimination".

The influence of advances in science, technology, culture and development developments in general has an impact on all aspects of human life (society) including children.<sup>2</sup> In addition to the emergence of positive

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<sup>1</sup> Anita and Meidy Triasavira, "Legal Protection Of Victims And Criminal Acts Of Bullying In The School Environment," no. 1 (nd).

<sup>2</sup> etty Wahyuningsih, "Criminal Law Enforcement Against Children Official Offenses In The Police Of Purworejo Resort Jurisdiction" (2021): 6.

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influences, of course there are also negative influences from current developments. Deviant behavior in children is one of the cases that is in the spotlight and anxiety for many people. One of the deviant behavior that is often done by children today is bullying.

Bullying is a phenomenon that is familiar in Indonesia as well as abroad. Bullying or commonly known as Bullying is an action taken to intimidate someone or more where the perpetrator considers the victim worthy to be judged because he has a deficiency. Bullying can be done by insulting / ridiculing the victim, telling the victim to do something that can harm or have a negative impact on the victim, both physically and psychologically from the victim.

The parties involved are usually school-age children, and at this time the practice of bullying still occurs in elementary schools to high school levels, even though the practice of bullying still occurs in universities, although in relatively small numbers. Some of the perpetrators and victims come from people who are educated, so it can be ascertained that the perpetrators of bullying receive sufficient education to be able to know that bullying is something that has fatal consequences for its victims.

There are several things that most influence the emergence of children doing bullying, namely the lack of moral education or character in children to respect each other. Then several factors that generally cause a child to be bullied by their friends are differences in race, religion, economic/social factors and psychological factors<sup>3</sup>. From the bullying treatment carried out by the perpetrator, of course it will have a bad impact on the victim. The bad impact received by the victim can be in the form of physical or psychological or mental.

It is undeniable that the crime of bullying or bullying has an impact that can be said to be "terrible" especially for those who have been victims of continuous bullying or who are also victims of physical bullying. Signs of physical bullying can usually be seen by the presence of signs of violence such

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<sup>3</sup> Evita Monica Chrysan, Yiska Marva Rohi, and Dini Saputri Fredyandani Apituley, "Implementation of Sanctions for Acts of Children Who Do Bullying in the Perspective of the Juvenile Criminal Justice System," *Jurnal Hukum Magnum Opus* 1, no. 2 (2020): 162–172.

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as bruising (stab marks, slaps, and/or pushes that hit an object). But apart from physical bullying, there is also verbal bullying. Types of verbal bullying in general are indeed difficult to recognize and identify because there are no imprinting signs that can be seen by our eyes to identify them.

*Bullying* verbally means to say something that aims to hurt, laugh and ridicule someone, for example making someone a joke by calling/greeting with hurtful calls, or telling lies by spreading untrue rumors about someone. Although the impact of verbal bullying is not tangible, it does not mean that verbal bullying is not harmful to the victim, because the result of this verbal bullying directly attacks the victim psychologically. If this continues and there is no further treatment, it can cause the victim to become depressed and even feel suicidal.

The results of the KPAI survey in nine provinces of more than 1000 students. From the Elementary/MI, SMP/MTs, and SMA/MA levels, it was shown that 87.6% of students admitted to having experienced acts of violence. Both physical and psychological violence, such as being ripped off, beaten, yelled at, insulted, given a negative stigma to being injured with sharp objects. And conversely 78.3% of children also admitted to having committed acts of violence ranging from mild to severe forms such as insults, ridicule, either directly or verbally or through social media.<sup>4</sup>

Regarding the protection of children in Indonesia, the Government of the Republic of Indonesia confirmed the principle of legal protection of children in Presidential Decree No. 36 concerning the ratification of the Convention on the Rights of the Child (CRC) in 1990. The Convention on the Rights of the Child outlines children's rights as a form of universal protection. The recognition of the rights and best interests of children contained in the Convention on the Rights of the Child can be divided into four parts. The first is the right to survive, the second is the right to develop, the third is the right to protection, and the fourth is the right to participate<sup>5</sup>.

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<sup>4</sup> Siti Iba Iga Farida and Rochmani Rochmani, "Criminal Law Policy Against Child Bullying Actors," *Scientific Journal of Legal Dynamics* 21, no. 2 (2020): 44–51.

<sup>5</sup> rhami Rezki Yulianti, "Settlement Of The Crime Of Bullying With Diversion (Case Study At Palembang Polrestabes)," Faculty of Law, Sriwijaya University, 2016.

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Provisions in Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Law 35/2014) were then amended a second time with a Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection (Perppu 1/2016) as has been stipulated as law through Law Number 17 of 2016 concerning Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection, states that a child even since in the womb of his mother has the right to live and develop, Then also a child must also be protected from violence both verbally and physically, which is also in accordance with the main state rules, namely the 1945 Constitution of the Republic of Indonesia.

Even so, the thing that is still a polemic among the community is how to handle criminal cases in this case bullying committed by minors. The application of criminal penalties for criminal cases of minors raises many pros and cons in its application. On the one hand, children are the future of the nation, so many people think that rather than punishing them fairly, it is better to be given guidance or direction so that they can live a better life. But of course on the other hand, this creates a side of injustice for the victim because the perpetrator is not given a proper punishment for what the victim has felt while being bullied by the bullies.

The current Juvenile Criminal Justice System refers to Law Number 11 of 2012, in the mechanism of the process, it still has to go through a formal process like an adult by going through the process of investigation and investigation by the police, the prosecution process by the prosecutor's office and trial in court. This long formal process gave birth to several thoughts from both scientists and law enforcement officials to find the best alternative treatment for children by keeping children away from the formal justice system as much as possible.<sup>6</sup> But

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<sup>6</sup> Azwad Rachmat Hambali, "The Application of Diversion to Children in Conflict with the Law in the Criminal Justice System (Diversion for Children in Conflict with The Laws in The Criminal Justice System)," *Jurnal Ilmu Hukum* 13 (2019): 15–30.

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of course the protection for children should have the same degree or level as the protection obtained by adults, because everyone has the same position before the law (equality before law).

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System which has been effective since July 31, 2014 aims to maintain the dignity of children with a restorative justice approach, a child has the right to special protection, especially legal protection in the criminal justice system. Therefore, the Juvenile Criminal Justice System does not only emphasize the imposition of criminal sanctions for children who commit crimes, but also focuses on the idea that the imposition of sanctions is intended as a means of realizing the welfare of children who are perpetrators of these crimes. This is in line with the objectives of the implementation of the Juvenile Criminal Justice System which is desired by the international community.

The special criminal justice system for children certainly has a special purpose for the future interests of children and the community which contains the principles of restorative justice. Article 1 point (6) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System states, restorative justice is the settlement of criminal cases involving the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a solution that is justice by emphasizing restoration to its original state, and not retaliation.

## **B. Method**

This study analyze the juvenile delinquency and juvenile criminal law in the context of Indonesian law. For this reason, this article will discuss more deeply what bullying is in more depth where there are differences in types of bullying and also the factors that cause bullying by minors and the impact felt by the victim. Then it will also discuss how the juvenile justice system is for the perpetrators of bullying and also its relation to bullying cases that occur in Indonesia.



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## C. Result and Discussion

### 1. Bullying as a Form of Crime

According to the National Human Rights Commission (KOMNAS HAM), bullying or commonly called bullying is a form of long-term physical and psychological violence perpetrated by a person or group against someone who is unable to defend themselves from situations where there is a desire to injure or frighten people or make depressed, traumatized, depressed and helpless people.

There are various types of bullying, such as verbal bullying, relational bullying, electronic bullying, and physical bullying. The following are the types of bullying or bullying:

- a. Verbal bullying is a form of bullying by humiliating others, verbal bullying can be in the form of ridicule/reproach, nicknames of parents' names, or a statement that should not be said. Verbal bullying has similarities with the criminal offense of humiliation regulated in Article 310 of the Criminal Code.
- b. Relational bullying is almost the same as verbal bullying, only the impact of relational bullying is more dangerous, because a victim who gets this treatment tends to stay away from his social life.
- c. Electronic bullying is bullying whose purpose is to bring down someone who is considered to have popularity.
- d. Physical bullying Violence is a form of bullying that involves physical contact from the perpetrator to the victim by a person or group of people against someone who is weaker with the intention of making that person feel afraid and later helpless and can cause injuries to death. Bullying or bullying has similarities with the criminal act of persecution regulated in Article 351 of the Criminal Code.

Regarding bullying or bullying itself, actually there are no special regulations or laws that regulate it. However, this bullying or bullying has a broad scope in its meaning. So that in this case bullying itself can be categorized as persecution, extortion, humiliation, into a case of bullying or bullying and this has also been regulated in the Criminal Code.



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The act of bullying or bullying if the perpetrator or victim is classified as a child, then as regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Article 76C of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection reads: "Everyone is prohibited from placing, allowing, committing, ordering to commit, or participating in violence against children"

Then, sanctions are also regulated in Article 80 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection which reads:

- 1) Anyone who violates the provisions as referred to in Article 76C, shall be sentenced to a maximum imprisonment of 3 (three) years and 6 (six) months and/or a maximum fine of Rp. 72,000,000.00 (seventy-two million rupiah)
- 2) In the event that the child as referred to in paragraph (1) is seriously injured, the perpetrator shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah)
- 3) In the event that the child as referred to in paragraph (2) dies, the perpetrator shall be sentenced to a maximum imprisonment of 15 (fifteen) years and/or a maximum fine of Rp. 3,000,000,000.00 (three billion rupiah)
- 4) The punishment is added one-third of the provisions as referred to in paragraph (1), paragraph (2), and paragraph (3) if it is the parents who perpetrate the abuse.

Article 59 paragraph (2) letter i Special Protection for Children as referred to in paragraph (1) is given to:

- i. Child victims of physical and/or psychological violence; Or in general, you can also file a civil lawsuit to claim compensation for the perpetrators of violence on the basis of having committed an unlawful act using Article 1365 of the Civil Code.

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Article 1365 of the Civil Code

*"Every act that violates the law and causes harm to others, obliges the person who caused the loss because of his fault to compensate for the loss."*

Based on the description above, it can be concluded that from the perspective of the child protection law, violence (bullying) against children has two aspects, both criminal and civil.

According to criminal law, it is stated that bullying is an act of violence against children, therefore according to the Child Protection Act, bullying is categorized as a crime. Perpetrators of the crime of bullying or bullying themselves may be subject to criminal sanctions in the form of imprisonment for a maximum of 3 (three) years and 6 (six) months and/or a fine of a maximum of Rp.72,000,000.00 (seventy-two million rupiah). Child Protection, Violence is any act against a child that results in physical, psychological, sexual misery or suffering, and/or neglect, including threats to commit acts, coercion, or unlawful deprivation of liberty.<sup>7</sup>.

## **2. Factors That Cause Bullying of Minors**

### ***a. Family Factor***

The family can be said to be the first environment owned by a child. One of the factors that cause deviant behavior from a child (in this case bullying or bullying) is because the child grows up and develops in a less harmonious family, where their parents are too emotional in dealing with their children, and the lack of parental attention to their children causes problems. emergence of deviant behavior in their children.

Not everyone is able to carry out their role as an attitude maker for their own children because they are too busy with their work, so they don't pay attention to their own children. This then causes imperfect socialization in children. Children who experience imperfect socialization are likely to have deviant behavior. Deviant behavior is all human behavior that is carried out

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<sup>7</sup> Susan Kezia Valerrie Siahaya, Harly Stanly Muaja, and Cevonie M. Nuntung, "Law Enforcement Against Perpetrators of Bullying or Bullying in Schools," *Lex Crimen* 10, no. 3 (2021): 236–246.

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individually or in groups that are not in accordance with the values and norms that apply in society.

A child can become a bully, including due to poor adaptability, lack of self-existence, low self-esteem, fulfillment of unmet needs in other aspects of life, less harmonious family relationships, and it is even possible that the perpetrator used to be a bully. are also victims of bullying.

### ***b. Friend Factor***

The influence of peers has a considerable impact on the formation of inner character, this is because on average these children spend more time at school with their friends. Therefore, one of the major influences that causes bullying behavior in children is caused by peers who have a negative influence by giving the idea both actively and passively that bullying will not have any impact and is a natural thing. conducted.

This is one phase in the search for their identity. If the child meets a friend who has a positive impact, then the things he receives will be positive too, whereas if his friendship has a negative impact, then the negative things he will receive. Peer groups (genders) who have problems at school will have a bad impact on other friends such as behaving and saying rude things to teachers or fellow friends and truant. Sometimes, some children bully just to prove to their peers to be accepted into the group, even though they are not comfortable doing so.

The forms of bullying that are most often carried out by perpetrators are verbal or verbal and non-verbal bullying (via social media such as fuel, line, or whatsapp). Usually, the victim is intimidated with dirty and harsh words or words that cause the victim to feel hurt and even tend to be afraid.

### ***c. Mass Media Factor***

In today's developments, of course, many people use mass media. Mass media is not only used by adults, but also by children. One of the most common mass media and often used by children is television. Television programs that are not educational are usually easier to leave an imprint on the minds of

viewers, especially children. Therefore, it is very dangerous if shows containing elements of violence are then watched by school children by actors who are on average late teens to adults. This is because children are easier to imitate through what they see, so this can be a trigger for the emergence of bullying behavior in underage children.

In addition, other mass media that are being widely used by the community and also include children to teenagers are the internet and social media. Social media removes boundaries in socializing. In social media there are no limitations of space and time, they can communicate whenever and wherever they are. It is undeniable that social media has a great influence in one's life.

The perpetrators and victims of bullying, they all have sophisticated communication tools such as cellphones, and more sophisticated they have smartphones. From these smartphones, they can freely surf in cyberspace and interact with family, relatives, and friends easily without any time limit. From this, of course, there will be positive and negative sides. On the positive side, they like to interact through social media because they can relate to many people at one time and one medium. But from the negative side, they will become individualistic, anti-social, and selfish people. Moreover, the misuse of social media by them. One of the bullies who uses WA to intimidate his victims. In the WA, the perpetrator did not hesitate to say dirty and rude words to the victim. This is a form of misuse of social media among students.

### **3. Criminal Liability for Bullying Minors**

Bullying behavior as a form of aggression is a worldwide problem, including in Indonesia. Bullying behavior is very vulnerable to occur in young men and women in various places ranging from the education or school environment, workplace, home, surrounding environment, playground and others. The prevalence of bullying behavior (bullying) is increasing and has an impact on victims or perpetrators of bullying<sup>8</sup>.

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<sup>8</sup> Raodathul Jannah, "Criminal Liability By Children Of Bullying," *Lex Crimen* 151, no. 2 (2018): 10–17.

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In general, there are no regulations or policies that specifically address bullying as a whole. The only reference that can be used is Law Number 23 of 2002 in conjunction with Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. In article 54 in conjunction with article 9 paragraph (1a) it is written that:

*"Children within and within the education unit are required to receive protection from acts of physical, psychological, sexual violence, and other crimes committed by educators, education staff, fellow students, and/or other parties."*

Article 9 paragraph (1a):

*"Every child has the right to get protection in the Education Unit from sexual crimes and violence committed by educators, education staff, fellow students, and/or other parties"*

If it is reviewed further, the articles state that a child can be categorized as a criminal if he commits violence in any form to other people. The violence referred to in this case is physical violence, psychological violence, sexual crimes, and other crimes. For a child who is a bully, of course, this article can apply it if he is bullying through violence as mentioned earlier.

Within the school environment, the protection of children is the responsibility of teachers, teaching staff, government, and the community, in accordance with Law 35 of 2014 article 54 paragraph 2, namely "the protection as referred to in paragraph (1) is carried out by educators, education personnel, government officials, and/or the public"

Cases of bullying committed by minors can be brought before the court based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and can be sentenced on condition that they must be 12 years old and not yet 21 years old and not married. Then for children who are not yet 12 years old, investigators can make a decision to return them to their parents/guardians, or can include them in education, coaching and mentoring programs at government agencies or LPKS in agencies dealing with social welfare, both at the central and local levels. area, a maximum of 6 (six) months.

## 4. The Judicial System Against Child Bullying

### a. Juvenile Justice Process

Children in the Juvenile Justice Process The existence of the criminal justice system is inseparable from the discussion of crime prevention efforts. Crime prevention efforts can be carried out by means of penal or non-penal means. Combating crime by means of a penal is an effort to overcome crime by means of criminal law. The use of criminal law facilities for crime prevention, in its operation (implementation) it works through the criminal justice system (criminal justice system).<sup>9</sup>

The means of criminal law through the criminal justice system, including juvenile justice, can also be referred to as the Children's Court, which has the duty and authority to examine, decide and resolve cases of children as specified in the laws and regulations.

In article 1 number 1 of the Juvenile Criminal Justice System Act (SPPA), it is stated that: "The Juvenile Criminal Justice System is the entire process of resolving cases of children who are in conflict with the law, starting from the investigation stage to the guidance stage after serving a crime"

In order to bring a child to court, there is an age limit for whether or not the child should be brought before the court. It can be explicitly seen in Law No. 3 of 1997 Article 1 point 1 which is in line with the formulation of Article 4 paragraph (1).

Article 1 point 1, namely:

*A child is a person who in the case of a naughty child has reached the age of 8 (eight) years but has not yet reached 18 (eighteen) years and has never been married.*

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<sup>9</sup> Setya Wahyudi, 2011, Implementation of the Idea of Diversion in Renewing the Juvenile Criminal Justice System in Indonesia, Yogyakarta: Genta Publishing, p.37

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Article 4 paragraph (1), namely:

*The age limit for naughty children who can be submitted to the juvenile court is at least 8 (eight) years but has not yet reached 18 (eighteen) years and has never been married.*

Then from the two articles above, it can be concluded that the so-called children who can be brought to court or brought to the children's court are only children aged between 8 years and 18 years and have never been married. For children who, although not yet 18 years old, are married, based on a contrario, they cannot be submitted to the child court, but to the adult court where this is based on the Criminal Code and the Criminal Procedure Code.

### ***b. Parties in the juvenile justice process***

In the process of investigating children's cases, against child victims or child witnesses, it is carried out by child investigators who have experience as investigators and have attended technical training on the juvenile justice system. However, if there are no investigators who have attended training on juvenile justice techniques, ordinary investigators can be appointed to handle child cases.

In the investigation, the investigator is obliged to seek the opinion of the community advisor and, if necessary, may seek advice from educational experts, psychologists and other experts. Investigators are required to seek diversion within a maximum of 7 days after the investigation begins. If the diversion is successfully carried out, the investigator must notify the head of the court in writing and if it fails, the investigator will resume investigators and delegate the case to the public prosecutor. This is regulated in Article 26 and Article 27 as well as Article 29 of Law Number 11 Year 2012 concerning the Juvenile Criminal Justice System<sup>10</sup>.

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<sup>10</sup> Raodathul Jannah, "Criminal Liability By Children Of Bullying."



### *c. Sanctions in juvenile justice process*

Regarding sanctions in juvenile justice, broadly speaking, there are two types of sanctions that can be imposed on children who commit delinquency, namely: criminal sanctions and action sanctions. Based on their objectives, criminal sanctions and action sanctions have different and contradictory basic ideas.

Criminal sanctions aim to provide special suffering (*bijzonder leed*) to violators so that they feel the consequences of their actions. Besides being aimed at the imposition of suffering on the form of a statement of reproach to the actions of the perpetrator. Sanctions for naughty children in the form of criminal sanctions, consisting of the main criminal and additional penalties. For the main punishment, there are 4 (four) kinds as stipulated in Article 23 paragraph (2), namely:

- 1) Imprisonment
- 2) Criminal Cage: V
- 3) Criminal fine
- 4) Criminal surveillance

Then the second type of sanctions for naughty children is action sanctions. Based on Article 24 paragraph (1) of the Juvenile Court Law, there are three kinds of sanctions, namely:

- 1) Return to parent, guardian, or foster parent.
- 2) Submit to the state to take part in coaching education, and job training.
- 3) Submit to the Ministry of Social Affairs or Social Organizations engaged in the field of education, coaching, and job training.

The imposition of legal sanctions in the form of such actions can be accompanied by a warning and additional conditions set by the judge (Article 24 paragraph (2) of Law 3/1997), what is meant by a warning is a warning from the judge either directly to the child who is sentenced to action or indirectly through parents, guardians, or foster parents, so that the child does not repeat the act that resulted in him being sentenced to action. While additional requirements, such as the obligation to report periodically, namely to the existing community supervisor

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## **D. Conclusion**

Bullying or commonly called bullying is a form of long-term physical and psychological violence carried out by a person or group against someone who is unable to defend themselves from situations where there is a desire to hurt or scare people or make people depressed, traumatized, depressed and helpless. There are various types of bullying, such as verbal bullying, relational bullying, electronic bullying, and physical bullying.

Then regarding the policy on criminalizing underage bullying perpetrators, cases of bullying committed by minors can be filed before the court based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and can be sentenced on condition that they must be 12 years old and not yet 21 years old. and unmarried. For children who are not yet 12 years old, investigators can make a decision to return them to their parents/guardians, or can include them in education, coaching and mentoring programs at government agencies or LPKS in agencies dealing with social welfare, both at the central and regional levels. , a maximum of 6 (six) months. Against bad boys, if a criminal sanction is imposed, the sanction is less than of the maximum adult criminal threat and if it is threatened with a cumulative penalty in the form of imprisonment and a fine, the fine can be replaced with job training. The juvenile criminal justice system prioritizes a restorative approach, if the victim and perpetrator have reached an agreement, the ongoing legal process can be stopped, and the settlement can be pursued based on a non-penal route.

## **E. Acknowledgment**

None

## **F. Declaration of Conflicting Interests**

Authors state there is no conflict of interest in this research and or publication of his work.

## G. Funding Information

None

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