

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <http://dx.doi.org/10.30596%2Fnomoi.v3i2.12219>**LEGAL PROTECTION AGAINST VICTIMS OF BULLYING
IN THE COMMUNITY OF DENAI LAMA VILLAGE**

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ABSTRACT

Bullying is not a new crime in society, Bullying cannot be underestimated considering the most dangerous impact of Bullying, which can cause a person to have a desire to commit suicide. Therefore, the protection provided by law is needed so that the crime of bullying in the community can be reduced. Most of the bullying behavior is now carried out by small children, as I found at the KKN location at this time the victim was getting bullied from his peers, when I did the counseling, the victim had told me that he had often received bullying behavior (bullying), for example the victim told me that the victim received a blow to the head. And the victim said that the perpetrator also bullied again during the ceremony, the victim experienced vomiting due to encouragement from the perpetrator for the victim during the August 17, 2022 Ceremony at school. The method used in this paper is normative legal research. With me conducting counseling about bullying material, it is hoped that in the future it will greatly help the surrounding environment so that there are fewer bullies like what is happening at this location.

Keywords: Protection, Law, Victims, Bullying

Journal History

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| Received | : November 11, 2022; |
| Reviewed | : November 23, 2022; |
| Accepted | : November 28, 2022; |
| Published | : November 29, 2022. |

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INTRODUCTION

Bullying or better known as Bullying is a phenomenon that is already familiar in Indonesia and abroad. The parties involved are usually school-age children, until now the practice of bullying is still rampant in elementary to upper-level schools, it is even possible that the practice of bullying is still carried out at the university level, although in relatively small numbers, some of the perpetrators and victims came from people who were educated, so it can be ascertained that these perpetrators received sufficient education to be able to introduce that bullying is something that can affect the victim, of course this is a big question for all groups, child and adult perpetrators who given informal education through their parents, as

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well as taking formal education, they should be able to rethink whether the act of bullying is justifiable and think about the impact it will have on victims of bullying.¹

The worrying impact of bullying is that it can cause a person to have a suicidal desire, it is undeniable that bullying has a "terrible" impact, especially for those who are victims of repeated bullying or are victims of physical bullying. Physical bullying can usually be recognized by the presence of signs of violence such as bruises. In addition to physical bullying, there is also verbal bullying, this type of bullying is more difficult to identify because there are no visible signs to identify verbal bullying, even though it is not tangible, but that does not mean this bullying is not harmful to the victim, this type of bullying This verbal attack actually attacks psychologically, which if left untreated can also cause a person to have a strong desire to commit suicide, as reported by TribunJabar.Id which reported that "Eight out of ten Indonesian citizens, especially children, have been affected by this disease. the impact of bullying or bullying, both in real life and social media on the internet. The eradication of bullying in education is still a tough job for all parties in Indonesia. The bullying that has been experienced by most people has a serious impact on the psychology of even the physical victim, as well as the perpetrator. Bullying must be stopped in the world of education because it can result in death, said Jasra Putra as Commissioner of the Indonesian Child Protection Commission (KPAI).²

One of the real cases of bullying was experienced by Bintang (late), a student at SMA Negeri 1 Semarang, this was revealed by a press conference held by SMA N 1 Semarang. The press conference explained about a student named Bintang who died in the Jatidiri Semarang swimming pool, January 7, 2018. In the incident there were irregularities, including the discovery of video recordings and line conversations, there was also a photo of Bintang wearing a bra in the fitting room of a mall, a video containing scenes of Bintang being asked to take a nap in a mall and walking around wearing a mini skirt on Bintang's cellphone. At its peak, Bintang was found to have died after jumping into the swimming pool from a jumping board. From this incident, two people with the initials AN and MA were returned to their parents because they were considered violent. Meanwhile, the

¹ Indah, Maya. *Perlindungan Korban: Suatu Perrsepektif Viktimologi dan Kriminologi*. (Jakarta : Kencana Prenadamedia group, 2014), p. 21.

² Tribun News, "Korban Bullying:", <http://jabar.tribunnews.com/2018/07/27/8-dari-10-anak-indonesia-been-bullied-should-end-immediately-because-could-suicide>, accessed on Monday, October 17, 2022.

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victim's mother has forgiven the perpetrator, and the school stated that this incident should not reach the legal domain as much as possible.³

METHOD

This research uses socio-legal research methods by conducting research in the field with a direct interview method to the residents of Wadas village. Empirical studies are studies that view law as reality, covering social reality, cultural reality, etc., the empirical study of the world is *das sin* (what is reality). Empirical legal research focuses on behaviors that develop in society, or the workings of law in society. So the law is conceptualized as actual *behavior* which includes actions and their consequences in social life relationships. Therefore, the approaches and often used in empirical legal research include on The approach of sociology of law, The approach of legal anthropology, The approach of legal psychology.⁴

The method for implementing Real Work Lectures is carried out independently with the theme of Legal and Community Advocacy with the main program "Legal Protection Against Bullying Victims in the Community of Denai Lama Village" Judging from the Criminal Law Article 76c of Law No. 35 of 2014. The target of counseling These are minors. As we know, children who are affected by this bullying behavior prefer silence rather than report to their parents/teachers, so that they feel inner pressure every day, and they start to feel afraid to go to school or they don't want to make friends. Again to people they just met around them because of the trauma they got in the school environment. Based on this, As a law school student, the service program that I did in Denai Lama Village is an outreach program related to legal protection for victims of bullying in the neighborhood. community in Denai Lama Village, By continuing to provide education to children at school, so that there are no more new perpetrators of bullying in the environment of children at school or in the circle of friends of children who are near the house, The target target of my counseling is children in the village of Denai Lama, the counseling was carried out on August 13, 2022 at 11.00 WIB, counseling is carried out by educating children about how to defend themselves from bullying, and what the impact of bullying.

DISCUSSION

Child Protection in Positive Law

Nomoi as one of Plato's books states that good governance of the country is based on the institution of good law, Aristotle further adds that a good rule of

³ Detik News, "Kasus Bullying di Sekolah.", <https://news.detik.com/berita-jawa-tengah/d-3894976/sman-1-semarangblak-blakan-case-Bullying-berujung-2-siswa-dipecat>, accessed on Monday, October 17, 2022.

⁴ Eka NAM Sihombing, Cynthia Hadita, *Penelitian Hukum*, (Malang: Intrans Publishing, 2022), hlm. 48.

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thumb, if it is governed by the constitution and various degradation. Shahrani Law pointed out that civil protection is given when the administrative action affects the loss. The legal protection of the citizens is a universal concept adopted and diversified by different countries.⁵

C.F. Strong in *Modern Political Constitutions*, "Constitution is a collection of principles according to which the power of the government, the rights of the governed and the relations between the two are adjusted."⁶

Pancasila as the philosophy of life of the nation which is also the source of all legal sources has high-dimensional values and is in accordance with the values that live in society, because Pancasila is also a national character that can distinguish Indonesian people from other nations so that Pancasila also becomes a reference against various rules which are then followed by the constitution and various other organic regulations.⁷

The results obtained from this legal counseling are that in addition to being able to get to know more about some of the characteristics of the Old Denai village community, especially among the surrounding children, it is also expected to provide useful knowledge related to the counseling carried out. This counseling is not intended to be patronizing but aims to help each other in spreading knowledge between the author and the surrounding community. The implementation of legal counseling that is carried out and will be explained to the public is based on several main materials, namely how to provide an understanding of bullying, and the impact of bullying as well as the legal consequences caused by bullying, the following are more detailed from some of these materials.

Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and protection from violence and discrimination. (Article 1 point 2 of Law No. 23 of 2002 concerning Child Protection).⁸

The Constitutional Court's ruling also reflects the principle of Equality before the law as referred to in Article 28D paragraph (1) which reads: "Everyone has the right to recognition, guarantees, protection, and certainty of law that is fair

⁵ Eka N.A.M. Sihombing and Cynthia Hadita, "Administrative Measures Problems in Medan Mayor Regulation Number 11 of 2020 Concerning Health Quarantine in the Accelerated Handling of Covid-19," *Proceedings of the 1st International Conference on Law and Human Rights 2020 (ICLHR 2020)* 549, no. 11 (2021): 444–452.

⁶ Eka N.A.M Sihombing, Irwansyah, *Hukum Tata Negara*, (Medan: Enam Media, 2019), p. 18.

⁷ Cynthia Hadita, *Regional Autonomy Political Politics Of Regional Liability Reports To Regional Representatives In The Implementation Of Local Government*, *Nomoi Law Review*, Volume 1, Issue 1, May 2020, p. 91.

⁸ Arief, Barda Nawawi. *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan*. (Bandung: PT Citra Aditya Bakti, 2010), p. 41.

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and equal treatment before the law . " Scheltema, formulating his views on the elements and principles of the rule of law in a new way that includes 5 (five) things, one of which is the principle of equality before the law, the enactment of equality (Similia Similius or Equality before the Law) in the rule of law means that The government must not privilege certain people or groups of people, or discriminate against certain people or groups of people. This principle contains (a) the guarantee of equality for all before the law and government, and (b) the availability of mechanisms to demand equal treatment for all citizens. Thus the law must provide fair legal protection and certainty for the status of every child.⁹

Protection is all efforts aimed at providing a sense of security to victims carried out by families, advocates, social institutions, police, prosecutors, courts, or other parties both temporarily and based on court decisions (Article 1 point 4 of Law Number 23 of 2004 on the Elimination of Domestic Violence).

Protection is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims that must be carried out by LPSK or other institutions in accordance with the provisions of this Law. (Article 2 of Law Number 13 of 2006 concerning Protection of Witnesses and Victims).¹⁰

According to Hadjon, as quoted by states that in the theory of legal protection there are two things in legal protection, namely preventive protection and repressive protection.

Preventive legal protection, This legal protection provides an opportunity for the people to file objections (*inspraak*) on their opinions before a government decision gets a definitive form. Repressive legal protection is the final protection in the form of sanctions such as imprisonment, and additional penalties given if a dispute has occurred or a violation has been committed.

Bullying Victim: A Solution From Law Perspective

The definition of a victim according to the Crime Dictionary, quoted by an expert Abdusalam that the victim is "a person who has suffered physical or mental suffering, lost property, or resulted in death for an act or effort of a minor offense committed by the perpetrator. crime and others". Here it is clear what is meant by "people who suffer physical suffering and so on" are victims of violations or criminal acts. The definition of victim according to Law Number 23 of 2004 concerning the Elimination of Domestic Violence, in general provisions, Article 1

⁹ Eka N.A.M. Sihombing, Kedudukan Anak Luar Nikah Pasca Putusan MK Nomor 46/PUU-VIII/2010, *accessed on* sumut.kemenkumham.go.id (10 June 2020).

¹⁰ Harris, Sandra, and Garth F. Petrie. *Bullying (The Bullies, The Victims, The Bystanders)*. (United States of Amerika: The Scarecrow Press, 2003), p. 22.

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number 4 states that "victims are people who experience violence and/or threats of violence within the scope of the household".¹¹

Victims are individuals or groups of people who experience suffering as a result of violations serious human rights that require physical and mental protection from threats, harassment, terror, and violence from any party. Bullying is an act or intentional aggressive behavior, which is carried out by a group of people or a person repeatedly and from time to time against a victim who cannot defend himself easily or as an abuse of power/force. systematically

The definition of victim according to Government Regulation Number 2 of 2002 concerning Procedures for Protection of Victims and Witnesses in Serious Human Rights Violations, in general provisions, Article 1 number 2 states that "Victims are individuals or groups of people who experience suffering as a result of violations of human rights. human rights that require physical and mental protection from threats, disturbances, terror, and violence from any party".¹²

The policy will also give implications for the local government that does not have the legitimacy to implement that rule. Therefore, that can contain sanctions to ensure the Laws and Regulations of the Area. Moreover, contrary to some laws and regulations and in the name of human rights. It will injure the joints of the existing law. The form of limitation of human rights only by act, without any rules on it and which should not be in the form of a local regulation but is contrary to human rights.¹³

The definition of victim according to Law Number 27 of 2004 concerning the Truth and Reconciliation Commission, in the general provisions of Article 1 number 5 states that "Victim is an individual or group of people who suffer physical, mental, or emotional suffering, economic loss, or experience neglect, reduction, or deprivation of basic rights as a direct result of gross human rights violations: including victims are also their heirs".

The form of the victim is included in the content of the criminal-function relationship theory from Stephen Schaffer, namely a theory that tries to examine the functional responsibility in the relationship between the victim and the crime maker. In this case, the opinions of Benjamin Mendelsohn and Stephen Scaffer regarding the qualifications of the victim include the form of involvement of the victim in the occurrence of a crime. Mendelshon stated that the involvement of the

¹¹ Muladi, dan Barda Nawawi Arief. *Teori-Teori dan Kebijakan Hukum Pidana*. (Bandung: PT Alumni, 2005), p. 40.

¹² Bambang Waluyo, *Viktimologi Perlindungan Korban dan Saksi*, (Jakarta: Sinar Grafika, 2014), p. 17.

¹³ Eka N.A.M. Sihombing and Cynthia Hadita, "Administrative Measures Problems in Medan Mayor Regulation Number 11 of 2020 Concerning Health Quarantine in the Accelerated Handling of Covid-19," *Proceedings of the 1st International Conference on Law and Human Rights 2020 (ICLHR 2020)* 549, no. 11 (2021): 444–452.

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victim in the occurrence of a crime can be divided into 6 (six) categories based on the degree of guilt, that is :

1. The victim is totally innocent
2. A person becomes a victim because of his own negligence
3. The victim is as wrong as the perpetrator
4. The victim is more guilty than the culprit
5. The victim is the only one at fault
6. Victims of pretending and victims of imagination

CONCLUSION

Legal protection in all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims which must be carried out by LPSK or other institutions in accordance with the provisions of this Law, Article 2 of Law Number 13 of 2006 concerning Protection of Witnesses and Victims. Victims According to Government Regulation Number 2 of 2002 concerning Procedures for the Protection of Victims and Witnesses in Serious Human Rights Violations, in general provisions.

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- Arief, Barda Nawawi. 2010. *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan*. Bandung: PT Citra Aditya Bakti
- Bambang Waluyo, *Viktimolohi Perlindungan Korban dan Saksi*, Jakarta: Sinar Grafika, 2014.
- Cynthia Hadita, Regional Autonomy Political Politics Of Regional Liability Reports To Regional Representatives In The Implementation Of Local Government, *Nomoi Law Review*, Volume 1, Issue 1, May 2020.
- Detik News, “Kasus Bullying di Sekolah:”, <https://news.detik.com/berita-jawa-tengah/d-3894976/sman-1-semarangblak-blakan-case-Bullying-berujung-2-siswa-dipecat>, accessed on Monday, October 17, 2022.
- Eka N.A.M Sihombing, Irwansyah, *Hukum Tata Negara*, Medan: Enam Media, 2019.
- Eka N.A.M. Sihombing and Cynthia Hadita, “Administrative Measures Problems in Medan Mayor Regulation Number 11 of 2020 Concerning Health Quarantine in the Accelerated Handling of Covid-19,” *Proceedings of the 1st International Conference on Law and Human Rights 2020 (ICLHR 2020)* 549, no. 11 (2021): 444–452.
- Eka N.A.M. Sihombing, Kedudukan Anak Luar Nikah Pasca Putusan MK Nomor 46/PUU-VIII/2010, *accessed onsumut.kemenkumham.go.id* (10 June 2020).
- Eka NAM Sihombing, Cynthia Hadita, *Penelitian Hukum*, Malang: Intrans Publishing, 2022.
- Harris, Sandra, and Garth F. Petrie. 2003. *Bullying (The Bullies, The Victims, The Bystanders)*. United States of Amerika: The Scarecrow Press.
- Harris, Sandra, and Garth F. Petrie. *Bullying (The Bullies, The Victims, The Bystanders)*. United States of Amerika: The Scarecrow Press, 2003.
- Indah, Maya. 2014. *Perlindungan Korban: Suatu Perrsepektif Viktimologi dan Kriminologi*. Jakarta : Kencana Prenadamedia group
- Muladi, dan Barda Nawawi Arief. 2005. *Teori-Teori dan Kebijakan Hukum Pidana*. Bandung: PT Alumni.
- Muladi, dan Barda Nawawi Arief. *Teori-Teori dan Kebijakan Hukum Pidana*. Bandung: PT Alumni, 2005.
- Tribun News, “Korban Bullying:”, <http://jabar.tribunnews.com/2018/07/27/8-dari-10-anak-indonesia- been bullied-should-end-immediately-because-could-suicide>, accessed on Monday, October 17, 2022.
- Waluyo, Bambang. 2014. *Viktimologi Perlindungan Korban dan Saksi*. Jakarta: Sinar Grafika.