
The Effectiveness of Criminal Law Application in an Endeavor to Suppress the Height of Bullying Violence in Indonesia as an Age Challenge

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ABSTRACT: Bullying is a negative action that is often aggressive and manipulative, carried out by one person even more towards others during a certain period of time that has physically and non-physically content. The relationship of the perpetrators and victims of bullying is usually a colleague or peer relationship, for example classmates, between seniors and juniors, between seniors and juniors. Bullying can be physical form such as punches, kicks, slaps, pushes, and other physical attacks. The form of non-physical bullying can be divided into 2 (two), namely verbal and nonverbal. Contempt, calls with certain titles, threats, spreading the victim's secret news, embarrassing words classified as verbal action. Penal countermeasures are carried out after bullying has occurred and entered into legal proceedings in the Court while non-penal efforts are carried out if bullying has not occurred. Efforts to prevent bullying by non-penal procedure, namely (1) providing information to students about bullying, (2) efforts to control students' emotions, (3) providing counseling services for students in school, (4) socialization, counseling concerning law, religious norms, good morals establishing by related parties such as teachers, religious teachers / counsellors, police, Ministry of Law and Human Rights and NGOs, (5) preparing students who are free from bullying, both as perpetrators and victims of bullying, foster empathy for students.

KEYWORDS -Bullying, Verbal Violence, Non-Verbal Violence, Effectiveness, Criminal Law, Suppressing Bullying

I. INTRODUCTION

1.1 Background

Bullying can occur in a variety of settings such as at school, at home, in Islamic boarding schools, in daycare centers, in places of study / tutoring, in the office, in the playground area, and so forth. In this paper, several methods are used to obtain sources of information, including reference books, psychology magazines and internet, as well as from sources of perpetrators (both victims and perpetrators) of bullying behavior. Field data collection to uncover bullying from perpetrators and victims used interview guidelines and observation guidelines.

One day when going to school, a student complained of headaches, nausea and stomach aches. He refused to go to school because of illness. At the time of being taken to the doctor there were no symptoms of the disease and after a few hours at home it looked fine, as if it did not hurt at all. Apparently this child is making an alibi for not going to school. The event that a child experiences above is a symptom that must be watched out together, let alone happen repeatedly. Identification is increasingly clear if there are very significant changes in children. For example, at first he loved school but then he didn't want to go to school. There is

something that is a frightening specter for children and this needs to be explored further. One common cause is violence between peers, or commonly known as bullying.

Students will hate and fear their teachers, juniors will hate and hold grudges against their seniors, his presentation says that competition and disputes have arisen between students, the formation of gangs among students which can result in children being unable to concentrate in learning due to pressure from teachers, seniors, and members of the ruling gang (trauma). Violence can be interpreted as an act that is unpleasant or detrimental to others, both physically and psychologically. Violence is not only in the form of physical exploitation, but also psychological violence that needs to be watched out because it will cause trauma to the victims. Violence in education is often known as bullying. Children who are domiciled or students have the right to get proper and quality education in accordance with the mandate of the legislation. The intended rights are not only limited to teaching, but also to legal protection while in the school environment. The intended legal protection is legal protection from all forms of violence both physical, sexual and psychological violence. Legal protection for students is needed to guarantee the ongoing teaching and learning process.

This journal seeks to produce a study of the protection of students from all kinds of acts of violence in general, as one of the aspects referred to in Law Number 23 of 2002 concerning Child Protection, Article 13 paragraph (1) states that "Every child is always in care parents, guardians, or any other party responsible for care, is entitled to protection from discrimination, both economic and sexual exploitation, neglect, cruelty, violence, and mistreatment, injustice and other mistreatment ". Furthermore Article 54 states that "Children within and within the school environment must be protected from acts of violence committed by teachers, school administrators or their peers in the school concerned or other educational institutions". From the description above, the writer discusses "The Effectiveness of the Application of Criminal Law in an Effort to Suppress the Level of Bullying Violence in Indonesia as an Age Challenge".

1.2 Formulation of the Problem

Based on the background that has been described above, the problem that will be captured at this time in the journal is, What Is the Effectiveness of the Implementation of Criminal Law in an Effort to Suppress the Level of Bullying Violence in Indonesia which is an Age Challenge?

II. MATERIAL AND METHODS

2.1 Problem Approach.

The process of collecting and presenting data for this study used a normative and empirical juridical approach. Normative Juridical Approach is an approach that is carried out in which the collection and presentation of data is done by studying and studying concepts and theories as well as library regulations relating to the subject matter of writing this thesis. While the Empirical Jurisdiction Approach is carried out to study the law and the reality that exists in the field, both in the form of opinions, attitudes and legal behavior based on legal identification and effectiveness of law enforcement in Indonesia (Soerjono Soekanto, 2007: p. 41)

2.2 Data Sources and Types.

Data source is the place from which the data was obtained. The types and sources of data that will be used in writing this thesis are divided into two, Primary Data, namely Primary data is the main data obtained directly from the research field by conducting interviews with informants to get the data needed in research.

Secondary data which is additional data obtained from various legal sources related to research. Secondary data used in this study are: a. Primary Legal Material Primary legal material sourced from: 1) Law Number 1 of 1946 jo. Law Number 73 of 1958 concerning the Imposition of the Criminal Law Act; 2) Law Number 23 Year 2002 jo. Law Number 35 of 2014 concerning Child Protection; 3) Law Number 11 of 2012 concerning the Juvenile Criminal System. b. Secondary legal materials in which legal materials that are providing an explanation of primary legal materials and can help analyze and understand primary legal

materials, in the form of, journals, books, papers relating to the issues discussed in the writing of this thesis. c. Tertiary Legal Materials Tertiary Legal Materials are legal materials that provide instructions or explanations for primary legal materials and secondary legal materials, consisting of literature, mass media and others.

2.3 Research Data Analysis

Data analysis is to describe the data in the form of sentences that are arranged systematically, clearly and in detail which is then interpreted to obtain a conclusion. Data analysis in this study was carried out qualitatively, meaning that it described the data qualitatively in the form of regular, concise, logical, non-overlapping and effective sentences (Abdulkadir Muhammad, 2004: p.127).

III. RESULTS

3.1 Bullying and a Criminal Act.

Bullying is intentional behavior to hurt or injure its victims both physically and spiritually. According to the Sejiwa Foundation (as quoted from Muhammad), forms of bullying can be grouped into three categories, namely:

- a. Physical bullying includes actions: slapping, stepping on feet, tackling, spitting, yelling, throwing with things, and punishing by running around the field or push ups.
- b. Verbal bullying, detected because it is caught by the sense of hearing, such as cursing, insulting, calling out, shouting, publicly embarrassing, accusing, spreading rumors and spreading slander.
- c. Mental or psychological bullying, is the most dangerous type of bullying because this form of bullying directly attacks the mental or psychological victim, is not caught in the eye or hearing, such as looking cynically, terrorizing through messages or sms, humiliating, and sneering (Muhammad, 2009: p. 232).

Meanwhile, according to Bauman (as quoted from Fitriani Saifullah), the types of bullying are as follows:

- a. Overt Bullying or open intimidation which includes bullying physically and verbally, for example by pushing to the point of falling, pushing roughly, threatening and taunting with the aim to hurt.
- b. Indirect Bullying or indirect intimidation that includes relational aggression, where the perpetrators intend to destroy the relationship that the victim has with others, including attempts at isolation, spreading rumors and asking for praise for certain acts in friendship competencies.
- c. Cyberbullying or cyber bullying. Cyberbullying involves the use of e-mail, telephone or peger, sms, personal website, or social media to destroy a person's reputation. (Fitriani Saifullah, 2016: p. 205).

There are several causes for people to commit a criminal offense. To find out why someone commits an evil deed, one must learn criminology. Criminology is the study of crime. The name criminology discovered by P. Topinard (1830-1911) a French anthropologist, literally comes from the word "crimen" which means crime or a criminal and "logos" which means science, so criminology can mean the science of crime or a criminal (Topo dan Eva, 2001: p. 9).

As quoted by Topo Santoso and Eva Achjani Zulfa, Bonger provides a definition of criminology as science that aims to investigate the symptoms of crime as widely as possible (p. 47). According to Bonger, a crime is part of the actions that are contrary to decency.

According to Jack D. Douglas and Frances Chalut Waksler, the term violence is used to describe actions or behaviors, both overt and covert and both offensive and defensive, which are followed by using physical force against others (p. 55). Abuse is the equivalent of words in foreign languages that can be interpreted as acts of violence.

In The Social Work Dictionary by Barker, as quoted by Abu Huraerah, violence is improper behavior that results in physical, psychological, or financial loss or danger, both experienced by individuals and groups

(Huraerah, 2007: p.47). The term child abuse is sometimes called child maltreatment which then develops and is used to refer to violence against children.

Violence, including "bullying" can be categorized as a crime. In the criminal law literature the term criminal act is a term used as a translation of the Dutch term strafbaarfeit. (Koeswadi, 1983: p. 1) In addition, there are various languages with different terms such as delict (German) and delit (French).

Strafbaarfeit is also translated with the term criminal events, offenses, criminal offenses, acts that may be punished, actions that can be punished, and criminal acts. (Chazawi, 2007: p. 67) In the Criminal Code (KUHP / WvS) the term strafbaar feit is known, but in the criminal law literature often uses the term delict. Whereas lawmakers in formulating laws use the term criminal events, criminal acts or criminal acts (Poernomo, 1994: p. 90).

According to Simons, a crime is an unlawful act related to the mistakes of someone who is able to take responsibility (Abidin Farid, 1982: p. 244). Simons blends the elements of a criminal offense (an act, its unlawful nature of an act) and criminal liability (intentional, negligence or negligence and ability to be responsible). So it is clear that Simons holds a monistic view of crime.

Whereas the dualistic view emphasizes the separation between the elements of criminal acts and criminal liability. According to Moeljatno, as quoted by Bambang Poernomo, that a criminal act is an act that is prohibited and threatened with crime, whoever violates the ban (Bambang Poernomo, 1994: p. 90). Violence according to the Indonesian Criminal Code (KUHP) can be categorized as a crime against the human body (misdrijven tegen het lift).

Acts of violence, including bullying, are categorized as criminal acts, so the efforts to deal with them are no different from handling crime in general. Efforts to tackle bullying can use a penal policy (criminal law) and a non-penal policy (outside of criminal law). The penalties policy is used when a criminal act has occurred and through a legal process in the Court. The penalties policy in dealing with criminal acts, especially the crime of bullying, can use existing legislation such as Article 170 paragraph (1), (2) of the Criminal Code Article 351 to Article 355 of the Criminal Code, Article 80 of the Law Law Number 23 of 2002.

This penal effort can be carried out if the bullying case that occurs in a school falls into the realm of law. However, not all cases of bullying are resolved through means of penal (criminal law), academic sanctions or academic processes are also used as a means to combat bullying when bullying has occurred in the school environment. Family peace is the best way to overcome this bullying violence before it comes to the legal process in the court as well as counseling by guidance counseling teachers, teachers, families or psychiatrists for victims of bullying who experience psychological violence.

Meanwhile, efforts to tackle bullying in a non-criminal manner are efforts to prevent crime from happening in the school environment. Efforts to prevent this crime can be carried out when the bullying has not yet occurred. Prior to bullying, prevention efforts can be done by socializing the consequences of bullying to students and the rights of students when bullying occurs in themselves, as well as efforts to provide awareness to students as perpetrators of bullying by instilling in students the thinking that bullying is an act despicable and hated by everyone. This can be done through a personal approach to the perpetrators of bullying.

Along with the times, bullying has entered the modern society's habit of utilizing social media networks or we are familiar with the term cyberbullying. In cases where bullying acts that utilize social media, bullying can be taken into account the burden of responsibility for perpetrators of bullying in criminal law with look for the existence of acts against the law (criminal acts) The element of error is inseparable from the subject or perpetrator who commits a crime.

Crime or strafbaar felt different from criminal acts. According to Moeljatno, namely, can we equate the term "criminal act" with the Dutch term strafbaar feit? To answer this we need to know in advance what it means to strafbaar feit. Simons explained, that strafbaar feit is behavior (handling) which is threatened with crime, which is against the law, which is associated with mistakes and those committed by those who are capable of responsibility (Moeljatno, 2000: p.24).

The conclusion from the statement above is that every act carried out by a legal subject who is a person and a legal entity as a supporter of rights and obligations must be determined whether it violates the law or not

and must also be determined on how the criminal procedure. Van Hamel formulated as follows: Strafbbaar feit is the behavior of people (menselijke gedraging) formulated on the web, which is against the law, which deserves to be convicted (Strafwaardig) and carried out with errors (p.33). So that every act that contains elements of a criminal offense that is contrary to the law must be convicted or sanctioned in accordance with the provisions of the legislation.

Furthermore, efforts to calculate the burden of criminal liability of perpetrators of bullying in Indonesia by taking into account the relationship of the offender with the action is determined by the ability to be responsible of the offender. In essence, the perpetrators must realize the nature of the actions carried out this is closely related to deliberate or negligence.

According to Moeljatno, "in explaining the meaning of error, the ability to be responsible is briefly applied as a normal and healthy mental state." Moeljatno added:

- a. The ability to distinguish between good and bad deeds; according to the law and who is against the law; and
- b. The ability to determine his will according to the conviction of the good and bad actions of the earlier (p. 174).

This should provide logical legal consequences, namely the perpetrators of bullying in this case with the best possible conditions must be able to distinguish whether things are contrary to the law or not. Or at least in general view, this is appropriate or inappropriate.

The first part is the reason factors (intellectual factors) that can distinguish between the actions that are allowed and those that are not. The second is the feeling factor or will (volitional factor), which is able to adjust his behavior with conviction in the name of what is permissible and which is not (p. 178).

Seeing from the description above it should be in ensuring legal certainty in a country must be able to provide continuing education to the public so that it can minimize acts that contain criminal elements.

In the Indonesian Criminal Code, the boundary between the ability to take responsibility is determined as follows:

- a. Whoever commits an act which cannot be accounted for by him, is caused by a defective soul in his body (gebrekkige ontwikkeling) or disturbed due to illness (ziekelijke storing), not convicted;
- b. If it turns out that the act cannot be accounted for because of a mental disability in the body or disturbed due to illness, the judge can order that the person be admitted to a mental hospital, a maximum of one year as a trial period; and
- c. The provisions in paragraph 2 only apply to the Supreme Court, the High Court and the District Court.

The next condition that must be met is an error. A person's basis for being convicted is that there is a mistake. Even if someone has committed a criminal act or prohibited and disgraceful act against a person that person cannot be convicted if the person has no errors. The mistake is divided into intentions called dolus or negligence which is also called culpa. Andy Hamzah explains that traditionally there are three types of intentionality, namely:

- a. Deliberately intended (opzet als oogmerk);
- b. Deliberately aware of certainty (opzet met bewustheid van zekerheid of noodzakelijkheid);
- c. Deliberately with awareness it is very likely to occur (opzet met waarschijnlijkheidsbewustzijn). Traditionally, criminal law writers such as Noyon-Lanemeijer, Jonkers and others have deliberately equated this form with "deliberate awareness of the possibility of occurring" (opzet met mogelijkheidsbewustzijn) or also called conditional (voorwaardelijk opzet) or dolus eventualis (p. 20).

So that it can be said that the deliberate certainty occurs that the maker believes that the intended effect will not be achieved without the occurrence of unintended consequences. According to the theory of the will, if the maker also wishes to have an effect or things that contribute to the effect of the effect which previously could have been described as an inevitable consequence then that person commits intentionally with certainty to

occur (opzet bij noodzakelijkheids- of zekerheidsbewustzijn) Meanwhile, what is called intentionally possible (opzet met mogelijkheidsbewustzijn) or deliberately conditional (voorwaardelijk opzet) according to hazewinkel-suringa (**Hamzah, 2008: p. 166**). happens if the creator continues to do what he wants even though there are other possible consequences that the same undesired result.

In addition to the above, in this case, the concept of forgiveness is also taken into account with several Indonesian criminal law standards, namely:

- a. Not being able to take responsibility because his soul is disabled in growth or disrupted due to illness (Article 44 paragraph (1) of the Criminal Code);
- b. Forced power (Article 48 of the Indonesian Criminal Code); and,
- c. Forced defense that exceeds the limit (Article 49 paragraph (2) of the Criminal Code).

Defamation crimes through electronic media are formulated in Article 27 paragraph (3) of the Electronic Information and Transaction Law which determines: "anyone intentionally and without the right to distribute and / or transmit and / or can make access to electronic information and / or electronic documents which have content of defamation and / or defamation".

The concept of the element is explained in detail as follows:

- a. Each person; according to Article 1 point 21 of the ITE Law, "a person is an individual, whether an Indonesian citizen, a foreign national or a legal entity." in the application of this Article and other Articles to be discussed, Article 2 of the Information and Electronic Transaction Law must be observed which confirms that the law applies to every person who commits legal actions as regulated in the said law both in the jurisdiction of Indonesia and outside the jurisdiction of Indonesia which has legal consequences in the territory of Indonesia and harms the interests of Indonesia.
- b. Deliberately and without rights; the intentional element includes the subjective element, the element covered by intentionally is the element of an offensive act, the object is in the form of honor or good name, the element of doing a certain act. Leden Marpaung gives a deliberate understanding in this matter, namely "if the perpetrator is aware of or knows the words spoken and if the perpetrators know the words are menista words (Marpaung, 1997: p. 14). It has a meaning that is the perpetrators in doing an action is in the best condition and in a conscious state or in a state that is capable of being responsible.
- c. Distributing and / or transmitting and / or making it accessible: The complete Indonesian dictionary means that "distributing is channeling something to" (**Fajri and Senja, 2004: p. 260**). Joshua Sitompul explained that what was meant by distributing was sending information or electronic documents to several parties or places through or with electronic systems. This action can be done by sending email, SMS or MMS to many recipients (**Sitompul, 2005: p. 154**). Other elements in the form of the act of transmitting intended are sending or forwarding information or electronic documents from one party or place to one person or to another place. In distributing means transmitting, but the difference is the essence of distributing is to disseminate information or electronic documents, while transmitting is limited from one sender to one recipient. This can be done by sending a message (such as email, SMS or MMS) to a recipient, or forwarding the message to another recipient (**p. 154**).
- d. Has a charge of insult and / or defamation: According to the complete Indonesian dictionary, the word loading is interpreted as "loading; containing; containing; carrying with containers or places (**p. 576**).

It can be said that defamation and / or defamation in the formulation of Article 27 paragraph (3) of the Information and Electronic Transaction Law is an accompanying circumstance attached to elements of an object of criminal offense, which is electronic information and / or documents. The unlawful nature of the act of transmitting, distributing and / or making the object accessible is contained in the accompanying state element. And convicted with Article 45 paragraph (1) in accordance with the criminal provisions in Chapter IX which reads every person who fulfills the elements referred to in Article 27 paragraph (1), paragraph (2), paragraph

(3), or paragraph (4) is convicted with a criminal maximum imprisonment of 6 (six) years and / or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

3.3 Bullying Growth Factors.

According to Andrew Mellor, Ratna Djuwita, and Komarudin Hidayat in the seminar "Bullying: Hidden Problems in the World of Education in Indonesia" in Jakarta in 2009, said bullying occurred due to environmental factors in the family, school, mass media, culture and peer groups. Bullying also arises from the influence of corrupt political and economic situations.

- a. **Family factors.** Some research results show that parents' attitudes that are too excessive in protecting their children, make them vulnerable to bullying (**Masdin, 2013: p .79**). The pattern of parental life is a mess, the parents divorce, parents are unstable feelings and thoughts, parents who berate each other, insult, fight in front of their children, hostile and never get along, triggering depression and stress for children. A teenager who grows up in a family that adopts negative communication patterns such as sarcas (sharp Sindirian) will tend to imitate these habits in their daily lives (**Irvan Usman, 2013: p.51**).
- b. **School Factors** in this case According to Setiawati (as quoted from Usman), the tendency of schools who often ignore the existence of bullying becomes students who become perpetrators of bullying increasingly getting reinforcement of the behavior (p. 52). In addition, bullying can occur in schools if supervision and ethical guidance from teachers is low, schools with very rigid discipline, inappropriate guidance and inconsistent regulations. (Levianti, 2008: p. 6) In a study by Adair, 79% of cases of bullying in schools were not reported to teachers or parents. Students tend to cover up this and finish it with their peers at school to reflect independence..
- c. **The Mass Media factor**, Saripah, cited a survey by Kompas (as quoted from Masdin) which showed that 56.9% of children imitated the scenes of the films they watched, generally they mimicked their movements (64%) and their words (43%) (Masdin, 2013: p. 80). This can create violent and abusive child behavior which then triggers bullying by children against their friends at school.
- d. **Cultural Factors** in this case Cultural criminal factors become one of the causes of bullying behavior (p. 80). A chaotic political atmosphere, an uncertain economy, prejudice and discrimination, conflict in society, and ethnocentrism, can encourage children and adolescents to become depressed, stressed, arrogant and rude..
- e. **Environmental Factors of Friendship** namely According to Benites and Justicia in 2006 (as quoted from Usman), peer groups (genk) who have problems at school will have a negative impact on other friends such as behaving and saying rude to teachers or fellow friends and ditching (**Irvan Usman, 2013: p. 51**). Children when interacting in school and with friends around the house, sometimes are encouraged to carry out bullying. Some children do bullying just to prove to their peers to be accepted into the group, even though they are actually uncomfortable doing that.

Need to be developed. It can also be said that students are educational subjects and objects that require other people (educators) to help direct them to develop their potential, and guide them towards maturity (**Samsul Rizal, 2002: p. 40**). According to the National Education System Law No. 20 of 2003 article 1 paragraph 4, "students are defined as members of the community who are trying to develop themselves through the educational process at the level of certain levels and types of education (**Desmita, 2011: p.39**).

According to Abudin Nata, students in Islamic education are individuals who are growing and developing, both physically, psychologically, socially, and religiously in navigating life in the world and the hereafter(**Abduin Nata, 2010: p. 173**).

3.4 Emphasizing Bullying Action in Education

In dealing with bullying by related parties after bullying can use a means of punishment through a trial in the Court, while efforts to prevent criminal acts can use non-penal means. But not all bullying that occurs can be resolved through the means of punishment, academic processes or academic sanctions can be used in efforts to combat bullying that occur in the school environment.

Efforts to prevent bullying by non-penal means (outside criminal law), namely a) providing information to students about bullying, efforts to control students' emotions, b) providing counseling services for students in school, c) socialization, counseling concerning law, religious norms, the cultivation of good *ahklak* by related parties such as teachers, religious teachers / mentors, police, the Ministry of Law and Human Rights and NGOs, d) preparing students who are free from bullying, both as perpetrators and victims of bullying, e) foster empathy for students.

In this case, students who are perpetrators of bullying need to be explored in more depth what their background is doing bullying so that the BK / Counselor teacher can take appropriate actions to overcome the problem of bullying. To that end, BK / Counselor teachers need to provide optimal and comprehensive counseling services according to students' needs by providing BK programs that are suitable for bullying prevention such as organizing orientation services, information services, channeling placement services, content mastery services, individual counseling services, group counseling services , group counseling services, consulting services, mediation services and advocacy services (**Prayitno, 2009: p. 45**).

Then the BK / Counselor teacher can create modules for bullying prevention at school, create a counseling model for bullying victims, make peer counseling activities, and so forth. Counseling service strategies that can be considered by counselors in overcoming bullying problems in schools based on research conducted by Olweus et al, namely: (1) *make sure an adult known what is happening to their children*, (2) *make it clear that bullying is never acceptable*, (3) *recognize that bullying can occur at all levels within the hierarchy of the school*, (4) *hold a school conference day or forum devoted to bully/victim problems*, (5) *increase adult supervision in the yard, halls and washrooms, more vigilant*, (6) *emphasize caring, respect and safety*, (7) *emphasize consequences for aggressive behaviors*, (8) *improve communication among school administrator, teachers, parents, and students*, (9) *have a school problem box where kids can report problems, concerns and offer suggestion*, (10) *teach cooperative learning activities*, (11) *help bullies with anger control and the development of empathy*, (12) *encourage positive peer relation*, (13) *offer a variety of extracurricular active which appeal to a range of interests*, (14) *teach your child to defend himself verbally and physically, if necessary*, (15) *keep and mind the range of possible causes: ex. Medical. Psychiatric, Psychological, development, family problem, etc* (**Amirah Diniaty, 2012:p. 149**) .

Guidance Counselors / Counselors in the context of carrying out their roles in schools must provide good and optimal services for all students in accordance with their responsibilities and plan services according to the needs of students in the school, so that the services provided to students can be right on target and have an effect on changes in student behavior. to a better way. The BK / Counselor teacher also needs to collaborate, which is to take approaches to making policies in preventing bullying behavior so that bullying behavior does not occur again at school.

Bullying needs to be given attention and empathy in addition to controlling and minimizing opportunities for oppression. In addition, BK / Counselor teachers need to collaborate with various parties such as school principals, vice principals and subject teachers and parents. This is important, so that the coordination and supervision of the prevention and eradication of bullying are truly intertwined so that bullying is not entrenched and is not considered normal anymore by students at school.

Some things that can be done to prevent include: 1) parents get used to providing positive feed back for children so that they learn to behave properly and socially well and get the right interaction model, not like bullying and aggression behavior Using alternative punishment to children with does not involve physical or psychological violence. In addition, parents want to establish relationships and consultations with the school if their children become perpetrators of bullying or victims. 2) the school creates a positive and conducive environment, for example by conducting disciplinary practices without the use of punishment of violence. No

less important is increasing the awareness of the school not to ignore bullying behavior in the school environment.

III. CONCLUSION

Bullying is categorized as a criminal offense, so the mitigation efforts are also no different from dealing with criminal offenses in general. Efforts to tackle bullying can use a penal policy (criminal law) and a non-penal policy (outside of criminal law). The penalties policy is used when a criminal act has occurred and through a legal process in the Court. The penalties policy in dealing with criminal acts, especially the crime of bullying, can use existing legislation such as Article 170 paragraph (1), (2) of the Criminal Code.

Article 351 to Article 355 of the Indonesian Criminal Code, Article 80 of Law Number 23 of 2002. These penalties can be carried out if cases of bullying that occur in schools fall into the realm of law. However, not all cases of bullying are resolved through means of penal (criminal law), academic sanctions or academic processes are also used as a means to combat bullying when bullying has occurred in the school environment.

The phenomenon of Cyber Bullying is a traditional crime committed by computer aids or information technology that attacks a person's good name. In Indonesian law this can be included in the offense of defamation and / or defamation. Criminal responsibility towards the perpetrators of Cyber Bullying must meet the elements, namely: The existence of acts against the law (criminal acts); Able to be responsible; Has one form of error, namely deliberately (*dolus*) and *alpa* (negligent); There must be no forgiving reason. In Indonesian law this phenomenon can be included in the offense of defamation and / or defamation. If they meet these elements, then the perpetrators can be given criminal sanctions according to Article 45 paragraph (1) jo Article 27 paragraph (3) ITE Law

Using settlement by family means or non-penal settlement is the best way to overcome this bullying violence before reaching the legal process in the court and counseling by guidance counseling teachers, teachers, family or psychiatrists for bullying victims who experience psychological violence.

While efforts to tackle bullying in a non-criminal manner are efforts to prevent crime from happening in the school environment, such as: a) providing information to students about bullying, emotional control efforts for students, b) providing counseling services for students in school, c) the existence of socialization, counseling about law, religious norms, planting good practices by related parties such as teachers, religious teachers, police, Ministry of Law and Human Rights and NGOs, d) preparing students who are free from bullying, both as perpetrators and as perpetrators victims of bullying, e) foster empathy for students.

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