



Legal Protection for Children Victims of Physical Bullying Reviewed from the Victimological Aspect

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Abstract

Physical bullying of children is a social problem that has a wide impact, both physically, psychologically, and socially. From a victimology perspective, children as victims of physical bullying have the right to receive protection and recovery to reduce the negative impacts experienced. This study examines the victimology component in order to assess legal protection for kids who are physically bullied. The study employs a normative legal approach, analyzing relevant laws and regulations and examining case studies of their application. The study's findings suggest that Law Number 35 of 2014 concerning Child Protection provides legal protection for kids who are physically bullied. However, in practice, there are still various obstacles, such as low public awareness of victims' rights, lack of psychological and social assistance, and obstacles in the law enforcement process. From a victimology perspective, recovery efforts for victims should not only focus on the legal aspect, but also include psychological rehabilitation, social assistance, and family support so that victims can recover optimally. This study recommends the need for synergy between law enforcement officers, child protection agencies, and the community in ensuring protection and recovery for victims of physical bullying. In addition, there needs to be strengthening of policies related to victim assistance and increasing public awareness to create a safer environment for children.

Introduction

Physical bullying of children is one of the social problems that still often occurs in various regions, including in Serdang Bedagai Regency. This action not only affects the physical condition of the victim, but can also cause prolonged psychological trauma. Therefore, legal protection for children who are victims of physical bullying is very important to be studied and implemented effectively (Farrington & Ttofi, 2009; Zych et al., 2017; Limber & Small, 2003).

Physical bullying of children is a social phenomenon that is still widespread and is a serious concern in various aspects, including law and victimology (Zinsu, 2022). Children as victims of physical bullying not only experience physical injuries, but can also experience prolonged psychological and social impacts (Arseneault et al., 2010; Wolke & Lereya, 2015; Louise Arseneault, 2018). From a victimology perspective, victims have the right to receive protection and recovery so that they can return to their social lives without prolonged trauma (Bharmal & Batthini, 2015; Yilmaz, 2021).

Physical bullying of children is not only limited to acts of violence that cause physical injuries, but also has profound psychological impacts, such as fear, low self-esteem, and even long-term mental disorders (Carlisle & Rofes, 2007; Scheffer Lindgren & Renck, 2008). This phenomenon is increasingly concerning because many cases of bullying are not reported or ignored, both by the surrounding environment and by law enforcement officers. In many cases,

victims actually experience revictimization, where they not only become victims of violence, but also face social pressure and lack of support from those who should protect them (Finkelhor et al., 2007; Choi et al., 2010).

From a victimology perspective, children who are victims of physical bullying have the right to receive comprehensive protection and recovery, both legally and psychosocially (Dula, 2022). Victimology as a discipline emphasizes that victims are not merely objects in the legal process, but also subjects who have the right to recover from the negative impacts they experience (Maglione, 2017). In this context, the role of the state and society is very important in ensuring that every child who is a victim receives justice and proper recovery.

Law Number 35 of 2014 concerning Child Protection, which highlights that every child has the right to be protected from all forms of violence, is one of the laws of Indonesia that regulate child protection (Wismayanti et al., 2019; Tutuko & Riany, 2024). However, there are still a number of barriers to the legal protection of children who are physically bullied, such as lack of public awareness, minimal supporting facilities for victims, and obstacles in the law enforcement process.

Indonesia has established legal provisions to safeguard children's rights, as outlined in Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection. This legislation serves as the primary legal framework for ensuring protection for children who experience violence, including physical bullying. However, despite its existence, the implementation of this law still faces numerous challenges that must be addressed to ensure that legal protection for child victims can be effectively enforced.

In Indonesia, the legal framework for protecting children from physical bullying is outlined in several regulations, including Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection (Alifiyah & Anshori, 2023; Mayasari et al., 2024). This law underscores every child's right to be safeguarded from all forms of violence, including physical bullying. Additionally, a victimological perspective within the criminal justice system highlights the necessity of supporting victims through psychological assistance, rehabilitation, and comprehensive legal protection to ensure their recovery and well-being.

Serdang Bedagai Police as one of the law enforcement institutions has a strategic role in handling cases of physical bullying against children. Various efforts have been made, such as counseling to the community, cooperation with child protection institutions, as well as preventive and repressive measures to reduce the number of bullying cases. However, in its implementation, there are still obstacles faced, both from the perpetrators, correctional institutions, and parents of victims.

Despite the existence of legal regulations, the enforcement of protection for children who experience physical bullying continues to encounter various obstacles. Challenges such as low public awareness, inadequate parental supervision, and limited access to victim recovery institutions often hinder efforts to uphold children's rights (Krismawati et al., 2023; Suseno et al., 2025). Therefore, this study examines the legal protection of child victims of physical bullying from a victimological perspective, aiming to provide a more comprehensive understanding of their rights and the measures needed to ensure optimal protection.

It is important to know the effectiveness of legal protection for children who are victims of physical bullying, as well as formulating policy recommendations that can strengthen the victim protection system. Thus, children who are victims not only get justice, but also optimal support in their recovery process. Based on this reality, this study aims to examine the form of legal protection for children who are victims of physical bullying, analyze the efforts that have been made by the Serdang Bedagai Police in dealing with the case, and identify the obstacles

faced in its implementation. The results of this study are expected to provide recommendations for various parties, especially parents, to be more proactive in supervising and educating children in order to prevent their involvement in physical bullying.

Therefore, it is important to review the legal protection of child victims of physical bullying from a victimology perspective in order to understand the extent to which victims' rights are accommodated in the existing legal system. This study aims to analyze the effectiveness of the legal protection provided, identify obstacles faced in its implementation, and formulate recommendations so that the protection system for victims of physical bullying can run more optimally. With a more comprehensive approach, it is hoped that children who are victims can obtain justice as well as maximum recovery to continue their lives better.

Methods

This study employs a normative juridical research approach, which is based on legal norms found within statutory regulations. Normative juridical research examines legal doctrines and principles within the field of legal science (Noor, 2023; Atmadja & Wirawan, 2023). The research was conducted at the Serdang Bedagai Police Station, located on Jalan Firdaus, Sei Rampah District, Serdang Bedagai Regency, North Sumatra Province. As a descriptive analytical study, this research aims to provide a detailed and systematic understanding of the issues being examined (Vaismoradi et al., 2013; Kim et al., 2017). The analysis is carried out by carefully assessing the facts obtained, describing them thoroughly, and drawing conclusions to address the identified problems.

Respondents or informants in this study are individuals who serve as key sources of information, helping to explain the core aspects of the research and providing insights based on observations. The primary focus of this research is the victimological study of children who have experienced physical bullying, with a specific case study at the Serdang Bedagai Police Station. Informants selected for this study must meet specific criteria to ensure the relevance and accuracy of the data collected (Kraemer et al., 2003; Homburg et al., 2012; Pahwa et al., 2023). The quality of the information obtained is largely influenced by the credibility and expertise of the informants. To gather the necessary data, the researcher will conduct interviews with the Head of the Criminal Investigation Unit at the Serdang Bedagai Police Station, seeking insights into law enforcement measures and problem-solving strategies related to physical bullying cases in the region.

The data collection method used in this study is a literature or document study (Documentary Study) that relies on secondary data sources (Sweeney, 2005; Karppinen & Moe, 2019). Secondary data refers to information obtained from existing literature and documents, which have been researched and processed by others. These sources are typically available in books, official documents, library archives, or private collections.

Data analysis is the final stage in the research process, conducted using a qualitative approach (Akinyode & Khan, 2018). This involves descriptive analysis, emphasizing processes, interpretations, and meanings rather than numerical data. In qualitative research, theoretical frameworks serve as a guide to ensure that the research focus aligns with real-world findings. The collected secondary data is compiled and analyzed qualitatively to provide a clear understanding of the issues being studied. Once gathered, all data is edited, systematically processed, and structured before drawing conclusions. The deductive reasoning method, which moves from general principles to specific conclusions, is applied to derive meaningful insights from the analysis.

Results and Discussion

General Study of Victimology

Victimology is a study or knowledge that actually comes from criminology. Victimology can be said to be a child or derivative of criminology (Walklate, 2013; Heimann, 2022). The main knowledge is related to crime, namely the consequences of the crime itself which causes victims. Victims of a crime certainly have the status of victims because they experience losses, which are also the impact of the crime and the things discussed in victimology.

Victimology was initially focused on studying victims of crime (special victimology) (Sebba & Berenblum, 2014). This happened due to the dissatisfaction of several criminologists who studied crime by focusing on the perpetrator's point of view. Studying the perspective of victims of crime certainly cannot be separated from studying the crime itself. This is in accordance with predictions and recommendations in several UN congresses regarding the prevention of crimes and how to deal with perpetrators of these crimes. Over time, crimes are not only conventional crimes or crimes regulated in the Criminal Code (KUHP) but also crimes that are outside the Criminal Code or are also called non-conventional. Automatically, the scope of materials studied in special victimology is victims of conventional crimes as well as victims of non-conventional crimes.

Victimology should not provide limitations regarding its scope, namely that which is contained in criminal law or the scope contained in criminology (Siregar, 2022). Victimology focuses its scope on the party that is the victim. A person can become a victim because of the victim's own mistake; the role of the victim directly or indirectly; and without any role from the victim. The existence of victims without the role of the victim can occur due to circumstances, namely nature, existence, place or because of time factors. From these explanations, victimology can be said to have a scope that includes how someone becomes a victim. In other words, the limits or scope of victimology are determined by what is called victimity or also called "victimity".

Victimology is a branch of criminology that specifically studies victims of crime, including the factors that cause someone to become a victim, the impacts experienced, and efforts to protect and restore them. In the context of law, victimology plays an important role in understanding the rights of victims and ensuring that the justice system does not only focus on the perpetrators of the crime, but also pays attention to the condition of the victim.

In cases of physical bullying of children, the victimological approach helps identify the extent to which the child as a victim experiences psychological, social, and physical impacts. Physical bullying not only causes visible injuries, but can also cause long-term trauma that has an impact on the child's social life and mental development. Therefore, victimology emphasizes the need for a recovery mechanism that is not only legal, but also includes psychological and social rehabilitation for victims. In addition, in the criminal justice system in Indonesia, the concept of victimology is the basis for the implementation of restorative justice, where the resolution of cases is not only aimed at punishing the perpetrators, but also at restoring the condition of the victim. Through this approach, victims have the right to receive protection, assistance, and compensation for the losses suffered.

By understanding victimology in the legal protection of children who are victims of physical bullying, the policies implemented can be more in favor of the victims and provide assurance that they receive justice and proper recovery. This is in line with the principles of child protection contained in various regulations, both in national and international law.

Meanwhile, according to Arif Gosita (in Adiningsih & Arifin, 2023), the benefits of victimology studies for criminal law (especially criminal law enforcement) are: 1) Victimology

studies the nature of victims, victimization, and the victimization process. By studying victimization, an understanding of criminal etiology will be obtained, especially those related to the emergence of victims. This will be very helpful in efforts to take preventive and repressive actions against crimes that are more proportional and comprehensive; 2) Victimology studies can also help clarify the role and position of victims in a crime. This is important to prevent the emergence of further victims; 3) Victimology can provide confidence and understanding that everyone has the right and obligation to know about the dangers of victimization. This is not intended to scare, but rather to provide understanding to everyone to be more vigilant; 4) By examining the suffering and losses experienced by victims, victimology can provide a basis for thinking about finding a way out for providing compensation to victims.

Definition of Children According to Statutory Regulations

The crime of physical bullying (bullying) is not a new crime in society, abroad this crime of Bullying has been known for a long time, even Bullying does not recognize age, education, or gender limits. Bullying is also often considered a joke when someone tries to make a joke, but the joke is usually hurtful because it often involves someone who looks "different" from others.

In the Indonesian legal system, children have a special status regulated in various laws and regulations. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection defines a child as a person who is under 18 years of age, including a child who is still in the womb (Sari, 2020). This definition provides a legal basis for various child protection policies, both in social, educational, and legal aspects.

In addition, in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), children in conflict with the law are categorized as children in conflict with the law, children who are victims, and children who are witnesses (Riyadi, 2024). This provision emphasizes that children should not be treated as adults in the justice system, but must receive special treatment that takes into account their growth and development.

Other laws and regulations also pay attention to children's rights, such as the Convention on the Rights of the Child which has been ratified through Presidential Decree Number 36 of 1990. This convention emphasizes the basic principle that every child has the right to protection from all forms of violence, exploitation, and discrimination.

In the context of research on legal protection for children who are victims of physical bullying, understanding the definition of children in laws and regulations is very important. This is because the status of children as individuals who are not yet adults makes them more vulnerable to acts of violence, including physical bullying. Therefore, various regulations have been designed to ensure that children's rights remain protected and that they can grow in a safe environment and support their optimal development.

From the case that the author took at the Serdang Bedagai Police, there were many cases of physical bullying (bullying) against children that occurred in the Serdang Bedagai Regency area. From the available data, cases of physical bullying violence against children that occurred were as follows:

Table 1. Number of Physical Bullying Cases

No	Year	Number of Physical Bullying Cases
1	2022	17 Cases
2	2023	17 Cases

Source: Serdang Bedagai Police

The protection of children's rights is legally established in Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection. The 1945 Constitution of the Republic of Indonesia affirms that every citizen has the right to security and protection from all forms of threats. This constitutional guarantee ensures that individuals receive protection for themselves, their families, their dignity, honor, and possessions. Moreover, every person has the right to be safeguarded from any threats that may induce fear, whether to take or refrain from an action, as part of their fundamental human rights.

Table 2. Physical bullying at Serdang Police Station

No	Reporter	Victim	Reported	Criminal act	Information
1	Cut Patmawati, (Woman) 45 years old, Hamlet II, Mangga Dua Village, Tanjung Beringin District, Sergai Regency	M. Reza Ramadan Hasibuan, Male, 17 Years Old, Mangga Dua Village, Tanjung Beringin District, Sergai Regency	M. Ridho, 18-year-old male, Dusun (hamlet) III, Sentang Village, Teluk Mengkudu District, Sergai Regency	Violence Against Children	Crime scene (TKP/ Tempat Kejadian Perkara) : Lubuk Cengal Village, Teluk Mengkudu District, Sergai Regency Time of Incident: Thursday, February 10, 2022, 23.30 WIB
2	Emi Jumanti, (Woman), 38 years old, Hamlet III, Sei Sijenggi Village, Perbaungan District, Sergai Regency	M. Rangga Syahputra, Male, 11 Years Old, Hamlet III, Sei Sijenggi Village, Perbaungan District, Sergai Regency	Jaya alias Iye, male, 28 years old, Hamlet III, Sei Sijenggi Village, Perbaungan District, Sergai Regency	Child Abuse / Violence Against Children	Crime scene: Patience Waiting restaurant, precisely in Hamlet III, Sei Sijenggi Village, Perbaungan District, Sergai Regency.
3	Irwan Efendi, Male, 41 Years Old, Hamlet III, Matapao Village, Teluk Mengkudu District, Sergai Regency	Dian Surya, Male, 16 Years Old, Hamlet III, Matapao Village, Teluk Mengkudu District, Sergai Regency	Angga, et al., male, 18 years old, Pematang Setrak Village, Teluk Mengkudu District, Sergai Regency	Child Abuse / Violence Against Children	Crime Scene: Pasar Baru Village, Teluk Mengkudu District, Sergai Regency Time of Incident: Thursday, April 28, 2022 Skp. 23.30 WIB
4	Rismauli Br Manullang, Female, 41 Years Old, Hamlet VIII, Pelintahan Village, Sei Rampah District, Sei Rampah Regency, Sergai Regency	Yahezkiel Bakti Simanjuntak, Male, 16 Years Old, Hamlet VIII, Pelintahan Village, Sei Rampah District, Sei Rampah Regency, Sergai Regency	Ari Samuel Tampubolon, male, 17 years old, Hamlet X, Pekan Village, Tanjung Beringin Regency, Sergai Regency	Collective Abuse	Crime scene: State Senior High School 1 Tanjung Beringin, Pahlawan Street, Youth III Group, Pekan Village, Tanjung Beringin, Sergai Regency
5	Irma Fransiska, 31-year-old woman, Hamlet	Yoga Pradana Putra, Male, 12 Years Old,	Hendri Santoso, Male, 39 Years Old, Hamlet IV,	Child Abuse	Crime Scene: Field of State Elementary School 104305,

IV, Pergulaan Village, Sei Rampah District, Sergai Regency	Hamlet IV, Pergulaan Village, Sei Rampah District, Sergai Regency	Sugar Village, Sei Rampah District, Sergai Regency		Hamlet IV, Pergulaan Village, Sei Rampah District, Sergai Regency
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Source: Serdang Bedagai Police

In this context, child protection includes prevention of all forms of criminal acts, including physical bullying. Physical bullying not only causes fear, but also has negative physical and psychological impacts on the victim. In Indonesia, regulations regarding physical bullying have been regulated in Law Number 35 of 2014. Article 76C of the law firmly states that "Everyone is prohibited from placing, allowing, doing, ordering, or participating in violence against children." With this provision, the state is committed to providing maximum protection for children to avoid acts of violence, including physical bullying, and ensuring that their rights are legally protected.

This legal provision primarily highlights the prohibition of all forms of violence against children. This aligns with Law Number 23 of 2002 on Child Protection, particularly Article 16, paragraph (1), which asserts that every child is entitled to protection from mistreatment, torture, or cruel and degrading punishment (Boothby & Stark, 2011). Beyond legal regulations, from both moral and social perspectives, any act of violence against children is unacceptable and cannot be justified under any circumstances.

In the process of educating children, parents should avoid methods that are based on violence. This is because children have a tendency to absorb and remember every experience they have had since early childhood. Parenting patterns that rely on violence not only have a negative impact on children's psychological development, but also have the potential to instill a cycle of violence that continues in their social life. Children who grow up in an environment full of violence are more vulnerable to reproducing similar behavior later in life. Therefore, a more humanistic approach to parenting and education is an important step in building a child's character that is emotionally and socially healthy.

This article is the main basis for protecting children from the crime of physical bullying, considering that one form of bullying that often occurs is physical violence. If the provisions in this article do not clearly describe the form of violence in question, then there may be a narrowing of the meaning that only refers to physical violence. Physical bullying that occurs repeatedly can generally be recognized by the presence of wounds or injuries to the victim. However, the impacts caused are not always solely physical. Physical bullying can also cause deep psychological trauma, such as excessive fear, anxiety, or even reluctance to be active in their social environment. If violence occurs in a school environment, the victim can experience severe mental stress to the point of deciding not to go to school. Therefore, comprehensive legal protection is needed to prevent and handle the impacts of physical bullying on children more effectively.

The protection of children involved in acts of physical bullying is governed by Law Number 11 of 2012 on the Juvenile Criminal Justice System. This law replaces Law Number 3 of 1997 on Juvenile Courts, which is deemed outdated and no longer aligned with evolving legal and societal needs (Coupet, 2000). The updated regulation aims to offer more comprehensive safeguards for children in conflict with the law, including those who have committed physical bullying, ensuring a more rehabilitative and restorative approach, while still considering the principles of restorative justice and recovery for all parties involved.

In cases of bullying, the main focus of this study is Article 76C of Law Number 35 of 2014 concerning Child Protection, which expressly prohibits all forms of violence against children. Violations of this article have legal consequences as regulated in Article 80 of the same law. Article 80 paragraph (1) and paragraph (2) stipulate that perpetrators of violence against children can be sentenced to imprisonment of up to 7 years. Therefore, in cases involving children as perpetrators, diversion efforts are a step that needs to be prioritized.

In the Juvenile Criminal Justice System, diversion serves as a method of resolving cases outside the formal judicial process. This mechanism is intended to promote restorative justice by engaging the perpetrator, victim, families, and other relevant parties to reach a fair resolution. Rather than solely focusing on punishment, restorative justice prioritizes restoring conditions to what they were before the offense occurred. Through diversion, perpetrators are given the opportunity to take responsibility for their actions in a constructive and rehabilitative manner, while the victim can obtain recovery in accordance with his demands, thus creating a more humane solution that is oriented towards child welfare.

Conclusion

Legal protection for children who experience physical bullying is governed by Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection, as well as Law Number 11 of 2012 on the Juvenile Criminal Justice System. In handling cases involving child victims of physical bullying, the Serdang Bedagai Police have undertaken various efforts, including: 1) Providing counseling to school children and parents to protect their children from participating in committing physical bullying crimes; 2) Cooperating with child protection institutions, this cooperation can make children forged and taught to do good and not commit a crime; 3) Making prevention efforts, prevention efforts made by the Serdang Bedagai Police include patrolling, supervision by the Babinsa assisted by the community in terms of conducting night patrols looking for school children who like to commit physical bullying crimes such as on highways, in crowded places or night events such as orchestras or in open fields where they agree to fight; 4) Carrying out repressive efforts, these efforts are carried out to minimize perpetrators of physical bullying crimes. In the results of this study, the author provides several suggestions that can be given as follows: 1) Especially to parents to supervise their children in socializing in order to anticipate children from participating in committing physical bullying crimes; 2) Especially to the police so that they can provide legal counseling to the community to increase public insight into cases of physical bullying; 3) Especially to children so that they do not follow their friends who want to commit violent crimes, because the sanctions that will be received are very severe.

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