

Challenges in Protecting Victims of Bullying within the Juvenile Criminal Justice System and Efforts to Achieve Substantive Justice for Victims of School Bullying

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ABSTRACT

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Bullying within the school environment remains a serious issue that significantly affects a child's psychological and social development. Nevertheless, within the juvenile criminal justice system, legal protection tends to focus more heavily on child offenders than on victims, resulting in inadequate protection and recovery mechanisms for children who experience bullying. This study aims to examine the implementation of legal protection for child victims of bullying within the current juvenile criminal justice framework, as well as to formulate an ideal model of protection capable of achieving substantive justice and supporting victims' psychological recovery from trauma. The research adopts a normative juridical method through both statutory and conceptual approaches. Primary legal materials include Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 35 of 2014 concerning Child Protection, and Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. These are complemented by secondary legal materials derived from relevant academic literature and scholarly works. The findings demonstrate that the existing system has not yet fully accommodated the interests and recovery needs of victims, particularly due to an approach that remains largely offender-oriented within diversion mechanisms and restorative justice practices. This study therefore proposes a victim-centred protection model that integrates legal safeguards with psychological rehabilitation through trauma healing, strengthens the role of victims throughout judicial proceedings, and reinforces institutional mechanisms for victim protection. The academic contribution of this research lies in the development of a more comprehensive framework for victim protection within the juvenile criminal justice system, with particular emphasis on substantive justice and holistic recovery for victim



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Introduction

Bullying within the school environment can no longer be regarded merely as a form of individual misconduct; it has evolved into a complex and systemic social phenomenon. Its roots are multidimensional, involving individual factors, family environment, school culture, and patterns of interaction among students.¹ Bullying commonly manifests in three principal forms: physical, verbal, and relational. Physical

¹ Amirohana Mayasari, Syamsul Hadi, and Dedi Kuswandi, "Tindak Perundungan Di Sekolah Dasar Dan Upaya Mengatasinya," *Jurnal Pendidikan: Teori, Penelitian, Dan Pengembangan* 4, no. 3 (2019): 399–406.

acts such as hitting or pushing are perhaps the easiest to identify, yet verbal and relational bullying, including mockery, labelling, social exclusion, and psychological intimidation, are often far more damaging because their effects are not immediately visible and may remain deeply embedded in the victim's mind for years.²

Verbal bullying, such as ridiculing a child's physical appearance or family background, can gradually erode self-esteem. Children who are repeatedly subjected to mockery often begin to internalise the negative labels directed at them. Over time, this may lead to low self-confidence, social anxiety, and even depression. Relational bullying, meanwhile, such as exclusion or social isolation, directly affects a child's fundamental need to feel accepted within a group. When this need is not fulfilled, children may experience profound loneliness that can disrupt their emotional development and impair their ability to form healthy relationships in later life.³

Bullying does not emerge in isolation but rather results from the interaction of various contributing factors. One of the primary influences is an unhealthy home environment, where children may imitate aggressive behaviour they witness in their daily lives. In addition, power dynamics within the classroom, particularly where certain students are perceived as dominant or intimidating, can reinforce bullying practices. From a psychological perspective, social jealousy and a lack of empathy are also significant factors. Students who excel academically or possess particular talents may become targets of bullying because they provoke feelings of envy among their peers. Conversely, students with special needs or physical limitations are often victimised due to the low level of empathy shown by other students.⁴

Bullying not only affects a child's psychological wellbeing, but has also been proven to disrupt the learning process and academic achievement of students. Children who feel unsafe at school often struggle to concentrate, become reluctant to participate in classroom activities, and may even choose to avoid attending school altogether. In more extreme situations, the psychological pressure caused by bullying can lead victims to engage in self-harm or even take their own lives.⁵ Given the complexity of this issue, efforts to address bullying cannot be carried out in a fragmented manner, as bullying is not simply a matter involving perpetrators and victims, but also concerns the ways in which environments shape behaviour, how social norms are constructed, and how values of humanity are taught and maintained.

Given the complexity of this issue, efforts to address bullying cannot be carried out in a fragmented manner, as bullying is not simply a matter involving perpetrators and victims, but also concerns the ways in which environments shape behaviour, how social norms are constructed, and how values of humanity are taught and maintained..⁶ In many cases, victims do not receive adequate recovery or protection, whether psychologically, socially, or legally. In fact, bullying should not be viewed merely as a minor violation, but as an act that infringes upon a person's dignity, honour, and even personal safety. From the standpoint of positive criminal law, acts of bullying may be categorised as offences such as defamation, assault, or violations of decency, depending on the form and impact of the conduct involved.

This condition highlights a clear gap between the normative legal framework and its implementation in practice. Normatively, various regulations already provide protection for child victims of bullying, including the Child Protection Law, the Criminal Code (KUHP), and regulations concerning information technology in cases of cyberbullying. However, in practice, such protections are often not fully realised. Victims frequently remain in a vulnerable position, both in terms of evidentiary processes, access to recovery services, and the attainment of substantive justice.⁷

² Yuliana and Muslikah, "Hubungan Antara Empati Dan Konformitas Teman Sebaya Dengan Perundungan Verbal Siswa," *Enlighten: Jurnal Bimbingan Konseling Islam* 4, no. 1 (2021): 14–19.

³ Mayasari, Hadi, and Kuswandi, "Tindak Perundungan Di Sekolah Dasar Dan Upaya Mengatasinya."

⁴ Selahattin Akpınar, Öznur Akpınar, and Recep Mehmet Görünü, "Bullying Plays a Moderated Mediation Role in the Association between Emotional Intelligence and School Engagement Through," *Scientific Reports* 16, no. 6761 (2026): 1–11.

⁵ Ching Kwan et al., "Youth Bullying and Suicide : Risk and Protective Factor Profiles for Bullies , Victims , Bully-Victims and the Uninvolved," *International Journal of Environmental Research and Public Health* 19, no. 2828 (2022): 1–20.

⁶ Meida Adita Rahma and Surastini Fitriasih, "Selisik Tindak Pidana Kenakalan ' Perundungan Fisik ' Anak Di Lingkungan Sekolah Berdasarkan Aspek Hukum Pidana Examining the Criminal Act of ' Physical Bullying ' Among Children in School Environment Based on Criminal Law Aspects Moral , Spriritual Dan I," *Jurnal Usm Law Review* 7, no. 2 (2024): 1094–1110.

⁷ I Wayan Kandia, "Perundungan Dalam Perspektif Hukum Indonesia," *IJOLARES: Indonesian Journal of Law Research* 2, no. 1 (2024): 20–24.

Conceptually, restorative justice is not intended to focus solely on offenders, but also places victims at the centre of efforts to restore their rights and wellbeing. In practice, however, restorative processes often place greater emphasis on resolving cases quickly and peacefully, without ensuring that the needs of victims are genuinely addressed. The harm suffered by victims is not always visible or easily measurable. Psychological trauma, loss of a sense of security, and disruption to social development are forms of harm that cannot easily be quantified through legal mechanisms alone.⁸ Consequently, legal approaches that focus merely on formal dispute resolution, without providing concrete mechanisms for recovery, risk neglecting the very substance of justice itself. In this regard, restorative justice should not end with a peace agreement, but should also encompass psychological recovery, social rehabilitation, and guarantees that similar incidents will not recur.

Accordingly, there is a need for a reorientation of legal policy that more carefully balances the protection of offenders with the fulfilment of victims' rights. Strengthening the role of child protection institutions, optimising schools as safe spaces, and improving public legal awareness are all essential steps towards creating a system that is more responsive to bullying cases. Moreover, restorative justice must be integrated comprehensively by ensuring that every dispute resolution process genuinely prioritises the recovery of all parties involved, particularly the victims.⁹

In addition, research conducted by Gunawan demonstrates that the implementation of diversion, which is subject to certain limitations such as offences carrying a sentence of less than seven years and cases that do not involve repeat offending, also creates legal uncertainty. In several bullying cases with severe consequences, including those resulting in the victim's death, the diversion approach becomes less relevant if it is not accompanied by serious consideration of the harm caused. The primary focus of diversion still tends to centre on achieving peaceful settlement of disputes, without adequately addressing the victim's recovery. This situation illustrates a gap between the normative objectives of child protection and the realities of legal practice in the field.¹⁰

Ultimately, addressing bullying from a legal perspective should not focus solely on resolving cases, but must also be capable of responding to broader demands for justice. Justice does not merely mean avoiding excessive punishment for child offenders; it also requires ensuring that victims receive protection, recovery, and recognition of the suffering they have endured.

Based on these conditions, this research offers a novel perspective by focusing on efforts to achieve substantive justice for child victims of bullying. It therefore proposes the reconstruction of an approach that is not merely oriented towards dispute settlement, but also towards the complete recovery of victims, encompassing emotional, social, and personality development aspects of the child. In this way, the concept of justice advanced in this study is no longer purely procedural, but instead directed towards substantive justice capable of addressing the real needs of victims.

Drawing upon this background, the research questions addressed in this study are: (1) how is legal protection for child victims of bullying currently implemented within the juvenile criminal justice system; and (2) how should an ideal protection model be formulated in order to achieve substantive justice and trauma recovery for victims?

In line with these research questions, this study aims to critically analyse the existing legal framework while identifying weaknesses in its implementation. Furthermore, the research seeks to formulate a more comprehensive, integrative, and victim-oriented model of protection by emphasising synergy between legal and psychosocial approaches. Through this approach, the study is expected to provide both conceptual and practical contributions to the development of legal policies that are more responsive to the needs of child victims of bullying, particularly in establishing a justice system that is fair, humane, and sustainable.

⁸ Rahma and Fitriasih, "Selisik Tindak Pidana Kenakalan ' Perundungan Fisik ' Anak Di Lingkungan Sekolah Berdasarkan Aspek Hukum Pidana Examining the Criminal Act of ' Physical Bullying ' Among Children in School Environment Based on Criminal Law Aspects Moral , Spiritual Dan I."

⁹ Arifin Faqih Gunawan, "Reoptimalisasi Kebijakan Hukum Perlindungan Anak Dalam Penanganan Kasus Perundungan (Bullying) Di Indonesia," *Jurnal Fakta Hukum* 2, no. 1 (2023): 1–7.

¹⁰ Gunawan.

Method

This study employs a normative juridical method, focusing on the analysis of legal norms governing child protection within the juvenile criminal justice system. The approaches adopted include both a statutory approach and a conceptual approach. The statutory approach is carried out through an examination of relevant legislation, including Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 35 of 2014 concerning Child Protection, and Law Number 31 of 2014 concerning the Protection of Witnesses and Victims.

Meanwhile, the conceptual approach is used to analyse various concepts and theories relating to victim protection, restorative justice, and the psychological recovery of children. The legal materials utilised consist of primary legal materials in the form of legislation, as well as secondary legal materials including books, journal articles, and previous research relevant to the issues of bullying and child protection.

The collection of legal materials was conducted through library research, while the analysis was undertaken qualitatively by interpreting legal norms and evaluating their implementation in practice, with the aim of obtaining a comprehensive understanding of the protection afforded to child victims of bullying.

Results and Discussion

Implementation of Legal Protection for Child Victims of Bullying within the Juvenile Criminal Justice System

Protection for child victims of bullying has, in principle, been accommodated within various legal instruments in Indonesia. Law Number 35 of 2014 concerning Child Protection, particularly Article 54 paragraph (1), states that: “*Children within and around educational institutions are entitled to protection from acts of physical violence, psychological violence, sexual offences, and other crimes committed by educators, educational staff, fellow students, and/or other parties.*” This provision affirms that every child has the right to protection from physical and psychological violence, as well as other forms of abuse, including bullying, which frequently occurs within school environments. In addition, Article 5 of Law Number 31 of 2014 concerning the Protection of Witnesses and Victims guarantees victims a number of rights, including the right to protection, restitution, and assistance.

These normative provisions demonstrate that, from a juridical perspective, the state has established a sufficiently strong legal foundation for ensuring protection for child victims of bullying. The right to protection extends beyond merely preventing acts of violence; it also includes the fulfilment of victims’ rights to security, recognition, and recovery from the harm they have suffered. In this context, the rights to restitution and assistance serve as important instruments to ensure that victims are not treated merely as objects within legal proceedings, but rather as subjects entitled to comprehensive recovery.¹¹

Furthermore, these regulations implicitly affirm that bullying constitutes a form of violence against children that carries legal consequences. Consequently, every act of bullying should be addressed within a legal protection framework that guarantees the best interests of the child, which remains the fundamental principle of child protection.¹² Nevertheless, despite the existence of clear legal provisions, the effectiveness of their implementation largely depends on the consistency of law enforcement and the awareness of relevant stakeholders in prioritising the rights of child victims. For this reason, a more substantive interpretation of the existing legal provisions is required so that they do not remain merely normative rules, but are genuinely translated into effective protection for child victims of bullying.¹³

On the other hand, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System places greater emphasis on the protection of children in conflict with the law as offenders, primarily through diversion mechanisms and restorative justice approaches as regulated under Articles 6, 7, and 8. Although these provisions mention the need to act “with due regard to the interests of victims”, the position of victims within this framework has not yet been regulated comprehensively, particularly with regard to psychological recovery and the fulfilment of substantive justice.

¹¹ Ahmad Tang, “Hak-Hak Anak Dalam Pasal 54 UU No. 35 Tahun 2014 Tentang Perlindungan Anak,” *Jurnal Pendidikan Islam* 2, no. 2 (2019): 98–111.

¹² Tri Rizky Analiya and Ridwan Arifin, “PERLINDUNGAN HUKUM BAGI ANAK DALAM KASUS BULLYING MENURUT UNDANG-UNDANG NOMOR 35 TAHUN 2014 TENTANG PERLINDUNGAN ANAK DI INDONESIA,” *Journal of Gender And Social Inclusion In Muslim Societies* 3, no. 1 (2022): 37–54.

¹³ Ayaturrohman Fijihadi, “Tantangan Dan Kontroversi Terhadap Dampak Serta Implikasi Dalam Implementasi PP No. 35 Tahun 2023,” *Devantara: Jurnal Pendidikan Sosial Humaniora* 3, no. 1 (2024).

Data on Violence and Bullying Cases within Educational Environments.

Table 1. Data from JPPI and KPAI

Year	Number of Cases	Source	Description
2020	91 cases	Indonesian Education Monitoring Network (JPPI)	Incidents of violence occurring within educational institutions during the COVID-19 pandemic
2021	142 cases	JPPI & the Indonesian Child Protection Commission (KPAI)	Most recorded cases occurred at primary to senior secondary school levels
2022	194 cases	JPPI	Cases began to increase following the resumption of face-to-face learning
2023	285 cases	JPPI & KPAI	Bullying became the highest category of complaints within the education sector
2024	573 cases	JPPI	An increase of more than 100% compared to the previous year, particularly across Java Island

The data presented above demonstrate that cases of violence and bullying within school environments have increased significantly from year to year. The Indonesian Education Monitoring Network (JPPI) recorded 573 cases of violence in schools and educational institutions in 2024, representing an increase of more than double compared to 2023.¹⁴ Meanwhile, the Indonesian Child Protection Commission (KPAI) also confirmed that the education sector remains one of the highest categories of complaints relating to violations of children's rights. In 2023, KPAI received 329 complaints in the field of education, with bullying emerging as one of the most dominant forms of reported misconduct within educational institutions.¹⁵

This rise in cases indicates that bullying can no longer be viewed as an incidental problem, but rather as a systemic issue within the education sector. Beyond physical violence, bullying has increasingly evolved into verbal, social, psychological, and cyber forms of abuse that are often difficult to detect directly. From a legal perspective, the weak implementation of victim protection mechanisms has further aggravated the situation. Many bullying cases go unreported because victims feel afraid, ashamed, or concerned about social stigma. Even when cases are formally processed, their resolution frequently focuses only on reconciliation without ensuring the psychological recovery of the victim.

These conditions reveal an imbalance in the orientation of the juvenile criminal justice system, where greater attention is devoted to the rehabilitation and guidance of offenders, while the needs of victims have not yet become a primary concern within the dispute resolution process. This imbalance is reflected in the regulation of diversion, which emphasises settlement outside the formal court process and the avoidance of criminal punishment for child offenders, without providing detailed mechanisms to ensure proper and structured recovery for victims.¹⁶

Furthermore, in practice, restorative justice is often interpreted merely as an attempt to achieve peace between the offender and the victim, without being followed by concrete measures aimed at restoring the victim's psychological condition. In bullying cases, however, the harm experienced by victims is not limited to physical

¹⁴ New Indonesia, "JPPI 2024: Kekerasan di Lingkungan Pendidikan Melonjak Lebih dari 100 Persen," *New Indonesia*, dipublikasikan 2024, diakses 3 Mei 2026, <https://www.new-indonesia.org/2024/12/6430/jppi-2024-kekerasan-di-lingkungan-pendidikan-melonjak-lebih-dari-100-persen/>

¹⁵ Komisi Perlindungan Anak Indonesia (KPAI), "Pemerintah Bersama Tri Pusat Pendidikan Harus Lebih Optimal Turun Tangan Atasi Bullying/Perundungan pada Satuan Pendidikan," KPAI, dipublikasikan 2023, diakses 3 Mei 2026, <https://www.kpai.go.id/publikasi/pemerintah-bersama-tri-pusat-pendidikan-harus-lebih-optimal-turun-tangan-atasi-bullying-perundungan-pada-satuan-pendidikan>

¹⁶ Evita Monica Chrysan, Yiska Marva Rohi, and Dini Saputri Fredyandani Apituley, "Penerapan Sanksi Tindakan Anak Yang Melakukan Bullying Dalam Perspektif Sistem Peradilan Pidana Anak," *Jurnal Hukum Magnum Opus* 3, no. 4 (2020): 162–72.

injuries, but also includes psychological consequences such as trauma, fear, and diminished self-confidence, all of which require specialised and continuous support.¹⁷

For this reason, although the rights of child victims have been recognised normatively, there remains a pressing need to strengthen legal regulations capable of integrating victim protection more firmly into the juvenile criminal justice system. Such integration is essential to ensure that restorative justice does not solely prioritise the interests of offenders, but also guarantees the fulfilment of victims' rights, particularly with regard to recovery and substantive justice.

This condition cannot be separated from the normative construction of diversion within Indonesia's juvenile criminal justice system, which is indeed more heavily oriented towards the interests of offenders. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System explicitly states that the principal aims of diversion are to achieve reconciliation between victims and child offenders, prevent children from being deprived of their liberty, and instil a sense of responsibility in the child. In addition, the mandatory application of diversion at every stage of judicial proceedings for offences punishable by less than seven years' imprisonment further reinforces the system's preference for resolving cases outside the formal court process.¹⁸

Although diversion is conceptually part of a restorative justice approach, in practice it is frequently misunderstood. Law enforcement officials often treat diversion as a procedural obligation aimed merely at securing a peace agreement, without substantively examining the needs of victims, particularly in relation to psychological recovery and the fulfilment of justice. Another factor weakening victim protection is the limited understanding of restorative justice principles among law enforcement authorities and society more broadly. Diversion is more commonly perceived as a mechanism to shield offenders from punishment rather than as a means of restoring all affected parties. This problem is compounded by weak inter-agency coordination and the absence of a structured evaluation system, which results in diversion being implemented inconsistently and ineffectively.¹⁹

Accordingly, although diversion is founded upon ideal objectives within the juvenile criminal justice framework, its implementation, which tends to be offender-oriented and procedural in nature, risks neglecting the interests of victims. This further reinforces the argument that protection for child victims of bullying remains inadequate in practice, particularly in ensuring the fulfilment of victims' rights to recovery and substantive justice. As a result, victims are frequently placed in a passive position throughout the resolution process. In many instances, they are pressured into accepting reconciliation despite not having received proper recovery for the harm they have endured. In this context, restorative justice, which should ideally restore the wellbeing of all parties, often becomes little more than an administrative mechanism for conflict resolution.²⁰

Indeed, several factors illustrate why this imbalance persists. First, the orientation of the system towards offenders continues to dominate the juvenile criminal justice system in Indonesia. This is reflected in the emphasis placed on restorative justice through diversion mechanisms under Law Number 11 of 2012. Although diversion is conceptually intended to restore relationships between offenders and victims, in practice it often benefits offenders more significantly by shielding them from formal judicial proceedings, while the recovery needs of victims remain secondary.²¹

Second, the implementation of victims' rights, particularly regarding restitution, compensation, and recovery, remains far from optimal. Normatively, Indonesia's legal framework already recognises the right of victims to protection and recovery. However, weak understanding among law enforcement officials and the absence of effective implementation mechanisms have meant that these rights frequently remain unrealised. Existing studies

¹⁷ Anwar Fadilah, Dijan Widijowati, and Sugeng, "Perlindungan Hukum Terhadap Anak Pelaku Tindak Pidana Bullying Berdasarkan Undang-Undang Nomor 11 Tahun 2012," *AKADEMIK: Jurnal Mahasiswa Humanis* 5, no. 2 (2025): 774–88.

¹⁸ Iwan Rasiwan, Abdul Haris, and Yusup Maulana Suwanta, "EFEKTIFITAS PENERAPAN DIVERSI DALAM SISTEM PERADILAN PIDANA ANAK," *Case Law: Journal of Law* 6, no. 1 (2025): 79–89.

¹⁹ Ariyanti Panu, Roy Marthen Moonti, and Ibrahim Ahmad, "Reformasi Sistem Peradilan Pidana Anak Di Indonesia Antara Diversi, Restoratif, Dan Perlindungan Hak Anak," *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 2, no. 2 (2025): 276–93.

²⁰ Fauzan Sugama et al., "Efektivitas Penerapan Restorative Justice Dalam Penyelesaian Tindak Pidana Anak Di Indonesia," *JIMMI: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 3 (2024): 306–16.

²¹ Bevina Pramestia Anjani et al., "Perbandingan Perlindungan Hukum Dan Penyelesaian Kasus Bullying Anak Dalam Sistem Peradilan Indonesia Dan Korea Selatan," *Jurnal Kompilasi Hukum* 10, no. 1 (2025): 44–57.

highlight a gap between regulation and practice, where victim protection often remains a mere formality and fails to address substantive aspects, especially long-term recovery for victims.²²

Third, the absence of strong integration between the criminal justice system and psychological recovery services constitutes a crucial problem. Victims of bullying have been shown to suffer serious psychological consequences, including trauma, anxiety, and depression that may continue into adulthood. Nevertheless, psychological rehabilitation services have not yet been systematically institutionalised within Indonesia's justice system. In contrast to South Korea, which has developed a multi-sectoral approach involving schools, counsellors, and related institutions,²³ Indonesia still faces significant limitations in providing sustainable psychological support for victims.

Fourth, cultural and social environmental factors further contribute to the weakness of victim protection. Within the Indonesian context, traditions of deliberation and familial approaches often encourage cases to be resolved through informal mediation. On the one hand, this may help preserve social harmony, but on the other, it can place pressure on victims to forgive offenders without obtaining adequate justice.²⁴

Moreover, the need to establish a protection model that balances the interests of both parties cannot be separated from the urgency of strengthening institutional capacity and the professionalism of actors involved in handling bullying cases. Studies concerning the autonomous committee mechanism in South Korea indicate that effective case management depends not only on the existence of formal institutions, but also on the quality of human resources and expertise possessed by those involved. The participation of professionals such as counsellors, social workers, and legal experts is essential in ensuring that responses to bullying cases are not merely administrative, but genuinely responsive to the psychological needs of victims.²⁵

Nevertheless, these findings also reveal that even where institutional systems have been established relatively comprehensively, weaknesses in implementation still persist. Several studies indicate that victim protection functions have not operated effectively due to the dominance of influential parental representation.²⁶ In this regard, an important lesson for Indonesia is the need to develop a victim protection system that is not only normative in nature, but also operational and expertise-based. Strengthening the capacity of law enforcement officials, educators, and social service providers is therefore a fundamental prerequisite to ensuring comprehensive protection for victims. In addition, integration between judicial institutions, educational institutions, and social services must be formalised within a clear and sustainable coordination mechanism.

It may therefore be concluded that although protection for victims of bullying has been regulated normatively through various legal instruments, its implementation has not yet succeeded in delivering substantive justice. The gap between regulation and practice, the weakness of victim recovery mechanisms, and the influence of cultural factors remain the principal obstacles that must be addressed through more comprehensive and victim-oriented policy reform.

Formulation of an Ideal Protection Model for Victims of Bullying

An ideal protection model should prioritise a victim-oriented restorative justice approach. Within this framework, victims are no longer positioned as passive parties, but rather as the central subjects whose rights and conditions must be restored. This approach is consistent with the fundamental concept of restorative justice, which is not merely intended to resolve disputes, but also to repair relationships and remedy the harm caused by wrongful acts. In this context, victims should be given equal space within the resolution process, including the opportunity to express the impact they have experienced and to determine the form of recovery they expect.²⁷

In practice, however, the implementation of restorative justice still tends to focus predominantly on the interests of offenders, particularly through diversion mechanisms that emphasise peaceful settlement of disputes.

²² Sari Damayanti, Okta Nofia Sari, and Kesuma Bagaskara, "PERLINDUNGAN HUKUM TERHADAP ANAK KORBAN BULLYING DI LINGKUNGAN SEKOLAH," *JURNAL RECHTENS* 9, no. 2 (2020): 153–68.

²³ Aely Park, "The Roles of Anxiety and Depressive Symptoms in the Relationship Between School Bullying Victimization and Suicidal Ideation Among South Korean College Students: A Serial Multiple Mediation Model," *International Journal of Environmental Research and Public Health* 22, no. 256 (2025): 1–10.

²⁴ M Tri Bagas Romadhoni et al., "PENGARUH PERILAKU BULLYING TERHADAP INTERAKSI SOSIAL PADA REMAJA," *Jurnal Keperawatan Profesional* 11, no. 1 (2023).

²⁵ Kim Hak-bum, "A Study on an Autonomous Committee for Countermeasures against School Violence for CRIME Prevention," *International Journal of Criminal Study* 4, no. 1 (2019): 7–13.

²⁶ Hak-bum.

²⁷ Indra Ardiansyah et al., "Taking Restitution Seriously? Victim-Oriented Gaps in the Criminal Justice System," *Indonesian Journal of Criminal Law Studies* 10, no. 1 (2025): 1–44.

As a consequence, the needs of victims, especially in relation to psychological recovery and the fulfilment of justice, are often not fully addressed. Yet within an ideal restorative justice framework, the recovery of victims should constitute the primary objective.²⁸ For this reason, strengthening a victim-oriented restorative justice approach is essential in correcting the practices that have developed thus far. By placing victims at the centre of attention, the dispute resolution process would no longer revolve solely around the interests of offenders, but would also ensure that victims obtain genuine recovery, both legally and psychologically. In this way, restorative justice can function fully as a mechanism that not only resolves conflicts, but also comprehensively restores the condition of victims.²⁹

Accordingly, the author argues that the diversion process should be reformulated so that it does not merely focus on reconciliation, but also ensures acknowledgement of wrongdoing by the offender, recovery of the victim's losses, and guarantees against the recurrence of similar conduct. Through such reformulation, the justice achieved would no longer be merely procedural, but genuinely substantive. Existing diversion practices have too often been interpreted simply as a rapid mechanism for resolving disputes through peaceful agreements, without careful consideration of victims' actual needs.³⁰

In this regard, acknowledgement of wrongdoing by the offender should be positioned as a central element within the diversion process. Such acknowledgement is important not only as a form of accountability, but also as the foundation for meaningful recovery for the victim. Without sincere recognition of wrongdoing, any peace agreement risks failing to provide a genuine sense of justice and may become merely symbolic.³¹

Furthermore, guarantees against repetition of the offence should form part of the outcome of diversion if the mechanism is to be maintained. The resolution achieved should not end with a single settlement process, but should also create the expectation that the offender genuinely regrets the conduct and commits not to repeat such harmful behaviour. This may be realised through mandatory guidance or rehabilitation programmes for offenders, thereby transforming diversion into a system that not only resolves disputes, but also functions as a preventive mechanism for the future. In this way, a reformulated diversion process oriented towards victim recovery would shift current practices away from purely procedural approaches towards one that genuinely balances the interests of both parties, as restorative justice should provide equal attention to offenders and victims alike.

Protection for victims of bullying must also encompass comprehensive psychological recovery. Therefore, integration between the juvenile criminal justice system and psychological services, such as counselling and trauma therapy, is urgently required. The need for such integration arises from the reality that the effects of bullying often extend far beyond visible physical injuries or social conflicts. Victims frequently experience long-term psychological consequences, including fear, anxiety, loss of self-confidence, and withdrawal from social environments.³² If left unaddressed, these impacts may significantly affect a child's personality development and emotional wellbeing.

Every bullying case should therefore be accompanied by a psychological assessment of the victim, which would then serve as the basis for determining the form of recovery required. Such assessments should not merely function as additional procedures, but as essential instruments for understanding the victim's condition after experiencing bullying. The level of trauma experienced by each child may differ depending on factors such as the intensity of the bullying, the victim's relationship with the offender, and the level of social support available. Consequently, uniform approaches cannot effectively address victims' varying needs. Through systematic assessments, case handling can be directed more accurately, whether in determining the appropriate type of therapy, the duration of assistance, or the most suitable recovery strategy based on the victim's psychological condition.³³

²⁸ Husnul Hamdi Yonas and Asep Suherman, "Upaya Meningkatkan Efektivitas Perlindungan Hukum Anak Korban Bullying Di Lingkungan Sekolah," *Jurnal Kajian Hukum Dan Kebijakan Publik* 2, no. 1 (2024): 323–28.

²⁹ Yusian E R I Fitria, "REKONSTRUKSI REGULASI PERLINDUNGAN HUKUM TERHADAP ANAK KORBAN BULLYING DENGAN REHABILITASI MEDIS PSIKOSOSIAL RELIGIUS BERDASARKAN NILAI KEADILAN" (2024).

³⁰ Rasiwan, Haris, and Suwanta, "EFEKTIFITAS PENERAPAN DIVERSI DALAM SISTEM PERADILAN PIDANA ANAK."

³¹ Zumrotul Mukaaffah, Joni Alizon, and Basir, "Efektivitas Diversi Terhadap Anak Yang Berkonflik Dengan Hukum," *Journal of Sharia and Law* 1, no. 2 (2022): 82–96.

³² Dessy Rakhmawati et al., "Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Bullying," *PAMPAS : Journal of Criminal Law* 6, no. 1 (2025): 46–56.

³³ Muthanna Samara et al., "Bullying and Cyberbullying : Their Legal Status and Use in Psychological Assessment," *International Journal of Environmental Research and Public Health* 14, no. 1449 (2017): 1–17, <https://doi.org/10.3390/ijerph14121449>.

In addition, throughout legal proceedings, victims should be provided with adequate assistance to ensure that the process itself does not further burden them psychologically or trigger the re-emergence of trauma. Without proper support, victims may experience renewed distress when required to recount their experiences during examinations and legal proceedings. For this reason, the involvement of professional personnel cannot be separated from broader efforts to ensure comprehensive victim protection. Such assistance also functions as a bridge between victims and law enforcement authorities, enabling communication processes to become more sensitive to the psychological condition of children.³⁴

Accordingly, the author emphasises that integration between the juvenile criminal justice system and psychological support services is not merely desirable, but essential. This approach would ensure that the handling of bullying cases does not stop at formal dispute resolution alone, but also includes a proper and systematic recovery process. Within this framework, the effectiveness of victim protection should not be measured solely by the successful resolution of disputes, but also by the extent to which the victim's psychological condition can be restored and stabilised.

Policy reform is also required to strengthen the position of victims within the juvenile criminal justice system through the establishment of clearer and more operational legal norms. Provisions concerning victims' rights within the diversion process should be clarified, particularly regarding the right to participate actively, the right to be heard, and the right to reject agreements that do not reflect their interests. In practice, diversion processes frequently proceed without any meaningful exploration of victims' needs, making the strengthening of these norms crucial in preventing the marginalisation of victims within dispute resolution mechanisms.³⁵

Moreover, the obligation to provide restitution in bullying cases should be explicitly reinforced and should no longer remain optional.³⁶ Restitution must be regarded as a direct consequence of the wrongful act, encompassing not only material losses but also consideration of the psychological harm suffered by victims. Without a clear obligation, dispute resolution processes tend to conclude merely with peace agreements, without any concrete form of accountability on the part of offenders. Consequently, harmonisation among existing legislative instruments becomes a structural necessity in order to avoid regulatory inconsistency and legal uncertainty. At present, provisions concerning victim protection are dispersed across various regulations without systematic integration, resulting in inconsistent implementation. Normative integration is therefore essential to ensure that all legal instruments operate within a coherent framework that is genuinely oriented towards victim protection.

Conclusion

This study demonstrates that, although protection for child victims of bullying within Indonesia's juvenile criminal justice system has been normatively regulated through various legal instruments, its implementation has not yet provided optimal protection for victims. In practice, diversion mechanisms, which are intended to form part of a restorative justice approach, remain more heavily oriented towards dispute resolution and the protection of child offenders. As a result, the needs of victims, particularly in relation to psychological recovery and substantive justice, have not been adequately fulfilled. This condition reflects the fact that restorative justice continues to be interpreted largely in procedural terms and has not yet fully positioned victims as the principal subjects whose rights and conditions must be restored. Accordingly, this study proposes a victim-oriented restorative justice model that emphasises the reformulation of diversion through acknowledgement of wrongdoing by offenders, recovery of victims' losses, the provision of restitution, psychological assessment, and the availability of counselling and assistance services throughout the case-handling process.

The contribution of this research lies in the development of a protection framework for victims of bullying that extends beyond formal legal aspects by integrating psychological recovery as an essential component of the juvenile criminal justice system. The ideas advanced in this study are expected to provide a foundation for strengthening policies on the handling of bullying cases, making them more responsive to victims' needs and more capable of achieving substantive justice in a balanced manner for all parties involved. Nevertheless, this research remains limited to a normative approach and therefore has not empirically measured the effectiveness of the

³⁴ Rakhmawati et al., "Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Bullying."

³⁵ Panu, Moonti, and Ahmad, "Reformasi Sistem Peradilan Pidana Anak Di Indonesia Antara Diversi, Restoratif, Dan Perlindungan Hak Anak."

³⁶ Tofik Yanuar Chandra, "Penerapan Restorative Justice Dalam Sistem Peradilan Pidana Anak Di Indonesia," *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial Islam* 11, no. 1 (2012): 61–78, <https://doi.org/10.30868/am.v11i01.3827>.

proposed protection model in practice. Future research is therefore expected to examine the implementation of this model empirically, including the effectiveness of integrating psychological support services and restitution mechanisms in supporting the recovery process of child victims of bullying across different regions of Indonesia.

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Conflict of Interest

This section is a statement from the author that this article has a conflict of interest or not.

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