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## Balancing Child Protection and Human Rights in School Bullying Cases: Developing a Legal Balancing Model within the Indonesian Legal System

Agus Bambang Nugraha<sup>1</sup>, Eny Kusdarini<sup>2</sup>, Suharno<sup>3</sup>

<sup>1</sup>Universitas Negeri Yogyakarta, Yogyakarta, Indonesia, [agusbambang.2023@student.uny.ac.id](mailto:agusbambang.2023@student.uny.ac.id)

<sup>2</sup>Universitas Negeri Yogyakarta, Yogyakarta, Indonesia, [eny\\_kusdarini@uny.ac.id](mailto:eny_kusdarini@uny.ac.id)

<sup>3</sup>Universitas Negeri Yogyakarta, Yogyakarta, Indonesia, [suharno@uny.ac.id](mailto:suharno@uny.ac.id)

Corresponding Author: [agusbambang.2023@student.uny.ac.id](mailto:agusbambang.2023@student.uny.ac.id)<sup>1</sup>

**Abstract:** School bullying has become a significant legal and educational issue in Indonesia because it involves the constitutional rights of both child victims and child perpetrators. Although Indonesian law provides comprehensive legal protection for children, limited legal scholarship has examined how child protection obligations and human rights guarantees should be balanced within a single legal framework. This study aims to analyse the legal conflict between these competing interests and to develop an integrated framework for handling school bullying cases. The research employed a normative juridical approach supported by a socio-legal perspective through the analysis of constitutional provisions, statutory regulations, international legal instruments, judicial decisions, and scholarly literature. The findings indicate that the principal challenge lies not in the absence of legal regulation but in harmonising the protection of victims with the rights of child offenders to rehabilitation, education, and due process. This study proposes a Legal Balancing Model integrating constitutional child protection, proportionality, restorative justice, educational continuity, institutional accountability, and the best interests of the child. The proposed model represents the study's principal novelty and provides normative guidance for policymakers, educational institutions, and law enforcement agencies in resolving school bullying cases while ensuring justice, child protection, and respect for human rights.

**Keywords:** *Bullying, Child Protection, Human Rights, Restorative Justice, Constitutional Balancing*

**Abstrak:** Perundungan di lingkungan sekolah telah menjadi persoalan hukum dan pendidikan yang penting di Indonesia karena melibatkan hak konstitusional anak sebagai korban maupun pelaku. Meskipun sistem hukum Indonesia telah memberikan perlindungan hukum yang komprehensif bagi anak, kajian hukum yang mengintegrasikan kewajiban perlindungan anak dengan jaminan hak asasi manusia dalam satu kerangka hukum masih terbatas. Penelitian ini bertujuan untuk menganalisis konflik hukum antara kedua kepentingan tersebut serta mengembangkan kerangka hukum terpadu dalam penanganan kasus perundungan di sekolah. Penelitian menggunakan metode yuridis normatif dengan perspektif sosio-legal melalui

*analisis terhadap ketentuan konstitusi, peraturan perundang-undangan, instrumen hukum internasional, putusan pengadilan, dan literatur ilmiah. Hasil penelitian menunjukkan bahwa tantangan utama bukan terletak pada ketiadaan pengaturan hukum, melainkan pada harmonisasi antara perlindungan korban dan hak anak sebagai pelaku untuk memperoleh rehabilitasi, pendidikan, dan proses hukum yang adil. Penelitian ini menghasilkan Model Keseimbangan Hukum yang mengintegrasikan perlindungan konstitusional anak, asas proporsionalitas, keadilan restoratif, keberlanjutan pendidikan, akuntabilitas kelembagaan, serta prinsip kepentingan terbaik bagi anak. Model tersebut merupakan kebaruan penelitian dan diharapkan menjadi pedoman normatif bagi pembentuk kebijakan, lembaga pendidikan, dan aparat penegak hukum dalam menangani perundungan di sekolah secara adil dan berorientasi pada perlindungan anak.*

**Kata Kunci:** *Perundungan, Perlindungan Anak, Hak Asasi Manusia, Keadilan Restoratif, Keseimbangan Konstitusional*

## INTRODUCTION

Bullying in schools has become one of the most pressing legal and educational challenges in Indonesia. Beyond being a disciplinary issue, bullying constitutes a violation of children's rights that threatens physical, psychological, emotional, and social development. The consequences of bullying extend beyond immediate harm, contributing to depression, anxiety disorders, decreased academic achievement, school absenteeism, self-harm, and even suicide. Consequently, bullying is increasingly recognized not merely as misconduct among students but as a human rights issue requiring comprehensive legal protection and effective institutional responses (Olweus, 1993; Volk et al., 2014; UNESCO, 2019). Recent studies further indicate that bullying has evolved into a multidimensional legal issue requiring integrated responses involving schools, child protection institutions, and justice systems rather than relying solely on disciplinary sanctions (Şenel & Çetin, 2026; Akbar, 2026).

Globally, school bullying remains a serious concern. UNESCO reported that approximately one in three students worldwide has experienced bullying at school, while violence among peers continues to undermine children's right to education in a safe and inclusive environment (UNESCO, 2019). Likewise, UNICEF emphasizes that peer violence represents one of the most common forms of violence experienced by adolescents aged 13–15 years and has long-term impacts on children's mental health, educational attainment, and social development (UNICEF, 2021). These findings demonstrate that bullying is no longer an isolated educational problem but has become a global child protection issue requiring coordinated legal, educational, and social interventions (WHO, 2020; UNESCO, 2019).

The Indonesian situation reflects similar concerns. During the period 2023–2026, incidents of bullying repeatedly attracted national attention due to several cases involving severe physical violence, psychological abuse, and fatalities among students. Reports from the Indonesian Child Protection Commission (KPAI) indicate that violence and bullying remain among the most frequently reported cases involving children in educational settings (KPAI, 2024). Furthermore, UNICEF Indonesia identifies violence against children as one of the country's priority child protection issues (UNICEF Indonesia, 2024).

The Indonesian Government has likewise acknowledged bullying as an important indicator of education quality. Through the National Education Report Card (*Rapor Pendidikan*), school safety, student well-being, and violence prevention have become important indicators for evaluating schools (Kemendikdasmen, 2025). These developments indicate that bullying has shifted from an individual behavioral issue to an institutional governance concern directly affecting educational quality. This institutional perspective is

consistent with recent legal scholarship emphasizing that effective child protection depends not only on statutory regulation but also on institutional governance, coordinated intervention, and implementation mechanisms within schools (Akbar, 2026).

From the perspective of child protection, the Indonesian legal framework provides substantial guarantees for protecting children from violence. Article 28B paragraph (2) of the 1945 Constitution guarantees children's right to survival, growth, development, and protection from violence and discrimination. These constitutional guarantees are further elaborated in Law Number 35 of 2014 concerning Child Protection, while Indonesia's ratification of the Convention on the Rights of the Child (CRC) reinforces the principle of the *best interests of the child* as a primary consideration in all actions concerning children (United Nations, 1989; Tobin, 2019).

However, legal complexity emerges because bullying cases frequently involve both victims and perpetrators who are legally classified as children. Consequently, legal responses require balancing two constitutionally protected interests: the protection of child victims and the protection of the human rights of child offenders. Such constitutional balancing reflects the principle that fundamental rights are not absolute but must be harmonized through proportionality and reasonableness (Alexy, 2002; Barak, 2012). Similar arguments have recently been advanced in Indonesian juvenile justice scholarship, which emphasizes that constitutional balancing should simultaneously protect victims while ensuring rehabilitation and due process for child offenders (Ismail et al., 2025).

Excessively punitive approaches may undermine children's rights to rehabilitation, education, and reintegration into society, whereas responses that focus solely on offenders may neglect victims' right to protection and recovery. Accordingly, restorative justice has increasingly been recommended as a mechanism capable of balancing accountability, victim recovery, and child rehabilitation (Zehr, 2002; Braithwaite, 1989; Morrison, 2007; Mahaputra, 2022; Adriani & Layang, 2021; Aji et al., 2026).

Previous studies have primarily examined bullying from psychological, educational, criminological, and public health perspectives (Espelage & Swearer, 2011; Cipriano et al., 2023; UNESCO, 2019). Recent studies also examine legal protection for victims, restorative justice, and comparative juvenile justice; however, these studies remain fragmented because they analyse each issue separately without integrating constitutional child protection and human rights within a single legal framework (Rabawati et al., 2025; Fitria & Rasdi, 2026; Şenel & Çetin, 2026).

Legal scholarship has generally discussed child protection law, juvenile justice, and human rights separately. Few studies have analysed how Indonesian legal instruments interact when child victims' constitutional rights conflict with those of child perpetrators. Consequently, there remains no integrated legal framework capable of reconciling these competing constitutional interests within school bullying cases (Tobin, 2019; Alexy, 2002). Comparative legal studies similarly demonstrate that although restorative justice has increasingly become the preferred approach in juvenile cases, comprehensive constitutional balancing between child victims and child offenders remains insufficiently developed in existing legal scholarship (Ismail et al., 2025; Fitria & Rasdi, 2026).

The research gap therefore lies in the absence of a comprehensive legal analysis integrating constitutional rights, child protection law, juvenile justice, and human rights principles into a unified legal framework for handling school bullying. Existing studies predominantly focus either on punishment or restorative justice, without developing a normative balancing model suitable for Indonesian legal practice. Existing Indonesian legal studies generally examine victim protection (Akbar, 2026), restorative justice (Mahaputra, 2022; Adriani & Layang, 2021), or comparative juvenile justice (Fitria & Rasdi, 2026).

independently, leaving limited discussion regarding how these legal principles should be integrated within constitutional decision-making.

Accordingly, the novelty (*state of the art*) of this study lies in proposing a Legal Balancing Model that integrates constitutional child protection, proportionality, restorative justice, educational continuity, and the principle of the *best interests of the child*. Unlike previous studies, this research develops a normative framework intended to guide policymakers, schools, and law enforcement authorities in balancing victim protection and offender rights simultaneously. Unlike previous studies that primarily focus on legal protection for victims (Akbar, 2026; Rabawati et al., 2025), restorative justice (Mahaputra, 2022; Aji et al., 2026), or comparative child protection (Fitria & Rasdi, 2026; Ismail et al., 2025), the present study develops an integrated Legal Balancing Model grounded in constitutional law, child protection law, juvenile justice, and international human rights standards.

Based on the foregoing discussion, this study addresses the following research questions: (1) How does Indonesian law regulate the protection of child victims and the human rights of child perpetrators in school bullying cases? (2) What normative conflicts arise between child protection obligations and constitutional human rights guarantees? (3) How can these competing legal interests be balanced through an integrated Legal Balancing Model applicable to school bullying cases in Indonesia?

## METHODS

This study employed a normative juridical research design supported by a socio-legal perspective to examine the legal conflict between the protection of child victims and the human rights of child perpetrators in school bullying cases. Normative juridical research was selected because the primary object of analysis comprised legal norms, constitutional provisions, statutory regulations, legal doctrines, judicial interpretations, and international human rights instruments governing child protection and juvenile justice in Indonesia. The socio-legal perspective complemented the doctrinal analysis by examining how these legal norms interact with educational institutions and influence the practical handling of bullying cases within schools (Banakar & Travers, 2005; Hutchinson & Duncan, 2012; Mahmud Marzuki, 2021).

The object of this research was the Indonesian legal framework governing school bullying, particularly the interaction between child protection law, human rights law, juvenile justice, and educational law. The study focused on analysing normative consistency, constitutional tensions, and legal implications arising when both the victim and the perpetrator of bullying are legally recognized as children. The research was conducted between January and June 2026 through a comprehensive review of statutory regulations, international legal instruments, judicial decisions, and scholarly literature.

The research adopted four complementary legal approaches. First, the **statute approach** examined constitutional provisions, statutory regulations, and implementing legislation governing child protection, human rights, juvenile justice, and education. Second, the **conceptual approach** analysed legal doctrines concerning constitutional balancing, proportionality, restorative justice, the best interests of the child, and children's human rights as developed in constitutional and international legal scholarship (Alexy, 2002; Barak, 2012; Tobin, 2019). Third, the **case approach** analysed selected Indonesian court decisions concerning violence against children and school-related bullying to identify judicial reasoning, legal interpretation, and the application of child protection principles. Fourth, the **comparative approach** examined selected legal frameworks and policy practices in Australia, Finland, and Japan to identify comparative legal perspectives and best practices that may inform the development of Indonesian law (Mahmud Marzuki, 2021).

The legal materials consisted of three categories. **Primary legal materials** included the 1945 Constitution of the Republic of Indonesia, Law Number 39 of 1999 concerning Human

Rights, Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 20 of 2003 concerning the National Education System, the Convention on the Rights of the Child (CRC), and selected Indonesian court decisions relevant to child violence and school bullying. These legal sources constituted the principal normative basis for analysing constitutional rights, statutory obligations, and judicial interpretation.

**Secondary legal materials** comprised peer-reviewed journal articles, scholarly books, legal commentaries, and official reports published by UNESCO, UNICEF, the Indonesian Child Protection Commission (KPAI), and the Ministry of Primary and Secondary Education (Kemendikdasmen). Priority was given to publications indexed in Scopus, Web of Science, HeinOnline, and nationally accredited journals published between 2020 and 2026 to ensure the relevance, credibility, and currency of the legal analysis (Snyder, 2019). **Tertiary legal materials**, including legal dictionaries, encyclopaedias, and authoritative legal reference works, were consulted to clarify legal terminology and doctrinal concepts where necessary.

Data collection was conducted through systematic document analysis. Legal documents and academic publications were identified through searches of Scopus, Web of Science, HeinOnline, Google Scholar, Garuda, and official institutional databases using combinations of the keywords *bullying*, *school violence*, *child protection*, *human rights*, *juvenile justice*, *restorative justice*, and *Indonesia*. Relevant legislation, judicial decisions, international legal instruments, and scholarly publications were selected based on their direct relevance to the research questions. The literature identification and screening process followed the principles of transparency, relevance, eligibility, and inclusion recommended in the PRISMA 2020 Statement for systematic literature reviews, where applicable (Page et al., 2021).

The collected legal materials were analysed using qualitative legal analysis incorporating statutory interpretation, doctrinal analysis, comparative legal analysis, and qualitative content analysis. Statutory interpretation was employed to examine the relationship between constitutional guarantees and statutory obligations. Doctrinal analysis assessed the coherence of legal principles governing child protection, human rights, restorative justice, and juvenile justice. Comparative legal analysis was used to identify best practices from selected foreign jurisdictions, whereas qualitative content analysis facilitated the identification of recurring legal themes, constitutional tensions, institutional responsibilities, and normative conflicts reflected in legislation, judicial decisions, and academic literature (Bowen, 2009).

To enhance the credibility and trustworthiness of the findings, this study applied triangulation of legal sources by comparing constitutional provisions, statutory regulations, judicial decisions, international legal instruments, and scholarly opinions. The consistency of legal arguments was further evaluated through cross-referencing among primary, secondary, and tertiary legal materials. This analytical process enabled the identification of normative inconsistencies, competing constitutional interests, and practical implications concerning the simultaneous obligation to protect child victims while respecting the constitutional and human rights of child perpetrators. Based on this synthesis, the study developed a **Legal Balancing Model** as a normative framework for harmonising child protection, human rights, restorative justice, educational continuity, and the principle of the *best interests of the child* in handling school bullying cases in Indonesia.

## RESULTS AND DISCUSSION

### The Legal Framework for Protecting Child Victims of Bullying in Indonesia

The Indonesian legal system provides comprehensive protection for children against all forms of violence, including bullying occurring within educational settings. The constitutional foundation is established in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which guarantees every child's right to survival, growth, development, and

protection from violence and discrimination. This constitutional guarantee imposes a positive obligation upon the State to create a legal environment capable of ensuring children's physical and psychological well-being.

These constitutional principles are further elaborated through Law Number 35 of 2014 concerning Child Protection. Article 9 guarantees children's right to education free from violence and discrimination, while Article 54 specifically requires educational institutions to protect children from physical, psychological, sexual, and other forms of violence committed by teachers, school personnel, fellow students, or any other parties. These provisions demonstrate that the Indonesian legislature regards educational institutions not merely as learning environments but also as legal spaces where children's constitutional rights must be actively safeguarded.

The obligation to provide safe educational environments is further reinforced by Law Number 20 of 2003 concerning the National Education System, which emphasizes that education must develop learners into dignified human beings while ensuring their safety and welfare. Consequently, schools bear not only educational responsibilities but also legal obligations to prevent violence through institutional policies, supervision, and effective complaint mechanisms.

At the international level, Indonesia's ratification of the Convention on the Rights of the Child (CRC) through Presidential Decree Number 36 of 1990 further strengthens these obligations. Article 19 of the CRC requires States Parties to protect children from all forms of physical or mental violence, whereas Article 28 recognizes every child's right to education within a safe and supportive environment. Moreover, Article 3 establishes the principle of the *best interests of the child* as a primary consideration in all actions concerning children. Collectively, these provisions indicate that preventing bullying is not solely an educational policy objective but also a constitutional and international human rights obligation.

The analysis demonstrates considerable normative consistency between constitutional provisions, statutory regulations, and international legal instruments concerning the protection of child victims. Nevertheless, these legal instruments primarily focus on establishing protective obligations without providing detailed normative guidance for resolving situations where both the victim and the perpetrator are children.

### **Human Rights Protection for Child Offenders**

Although child victims require immediate protection, Indonesian law simultaneously recognizes that child perpetrators remain rights holders. Article 28D paragraph (1) of the Constitution guarantees equality before the law and due process, while Law Number 39 of 1999 concerning Human Rights affirms that every person enjoys fundamental rights without discrimination.

These constitutional guarantees are operationalized through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). The SPPA introduces restorative justice and diversion as the primary mechanisms for resolving juvenile cases outside formal criminal proceedings whenever legally permissible. Articles 6–8 emphasize rehabilitation, education, and reintegration rather than punishment, reflecting the understanding that children possess greater potential for behavioural change than adults.

The CRC similarly recognizes that children alleged or found to have infringed criminal law must be treated in a manner consistent with their dignity and worth (Article 40). The Committee on the Rights of the Child further emphasizes that detention should be used only as a measure of last resort and for the shortest appropriate period.

Accordingly, Indonesian law does not perceive child offenders solely as perpetrators but also as children requiring protection, education, and rehabilitation. This dual status creates

a legal dilemma whenever punitive measures intended to protect victims may simultaneously restrict the constitutional rights of child offenders.

### **Normative Conflict between Child Protection and Human Rights**

The analysis identifies that the principal legal challenge does not arise from contradictory legislation but from competing constitutional obligations. On one hand, the State must guarantee effective protection, recovery, and justice for child victims. On the other hand, the State must preserve the dignity, education, rehabilitation, and future development of child offenders.

This conflict illustrates what constitutional scholars describe as competing fundamental rights. Robert Alexy's theory of constitutional balancing explains that constitutional rights rarely operate as absolute rules; instead, they function as optimization principles requiring proportional reconciliation. Similarly, Barak's proportionality doctrine requires public authorities to adopt measures that are suitable, necessary, and proportionate when balancing competing constitutional interests.

Applying these principles to bullying cases suggests that purely punitive responses may satisfy victims' expectations but undermine rehabilitation, whereas responses focusing exclusively on rehabilitation may insufficiently protect victims. Therefore, proportionality requires legal responses that simultaneously protect victims while facilitating the offender's behavioural reform.

The SPPA's restorative justice mechanism provides an important legal basis for achieving this balance. Nevertheless, restorative justice should not be interpreted as eliminating legal accountability. Rather, it should integrate victim participation, offender responsibility, psychological recovery, educational continuity, and institutional accountability.

### **Integration of Indonesian Legal Instruments**

A comparative analysis of Indonesian legal instruments reveals a complementary relationship among the Constitution, the Child Protection Law, the Human Rights Law, the Juvenile Criminal Justice System Law, and the CRC.

**Table 1. Integration of Indonesian Legal Instruments**

| <b>Legal Instrument</b> | <b>Primary Objective</b>   | <b>Contribution to Bullying Cases</b>       |
|-------------------------|----------------------------|---------------------------------------------|
| UUD NRI 1945            | Constitutional protection  | Guarantees children's constitutional rights |
| Law No. 35/2014         | Child protection           | Protects victims from violence              |
| Law No. 39/1999         | Human rights               | Protects fundamental rights of all children |
| Law No. 11/2012         | Juvenile justice           | Promotes diversion and restorative justice  |
| CRC                     | International child rights | Reinforces the best interests of the child  |

Rather than creating normative inconsistency, these legal instruments establish complementary obligations. The principal challenge therefore lies in implementation rather than legislative deficiency.

### **Research Novelty: The Legal Balancing Model**

The principal finding of this study is that Indonesian law lacks an operational framework capable of integrating child protection obligations with constitutional human rights guarantees in school bullying cases. Existing regulations regulate these issues separately but provide limited practical guidance for balancing competing constitutional interests during decision-making. Accordingly, this study proposes a Legal Balancing Model consisting of six sequential stages:

1. Case Assessment – identification of the nature and severity of bullying.

2. Victim Protection Assessment – ensuring immediate physical, psychological, and educational protection for victims.
3. Human Rights Assessment – evaluating the constitutional rights and developmental needs of child offenders.
4. Restorative Justice Screening – determining the appropriateness of diversion and restorative mechanisms under the SPPA.
5. Integrated Educational Intervention – implementing coordinated measures involving schools, parents, psychologists, and child protection institutions.
6. Monitoring and Recovery – evaluating long-term victim recovery, offender rehabilitation, and school safety.

Unlike previous studies that primarily emphasize either punishment or restorative justice, the proposed model integrates constitutional rights, child protection, proportionality, restorative justice, educational continuity, and the principle of the *best interests of the child* into a single legal framework. This integration represents the principal novelty of the present study and provides a normative reference for legislators, educational institutions, law enforcement agencies, and policymakers in addressing school bullying cases in Indonesia.

## CONCLUSIONS AND RECOMMENDATIONS

### Conclusions

This study examined the legal conflict between the protection of child victims and the human rights of child perpetrators in handling school bullying cases within the Indonesian legal system. The findings demonstrate that Indonesia has established a comprehensive normative framework through the 1945 Constitution of the Republic of Indonesia, Law Number 35 of 2014 concerning Child Protection, Law Number 39 of 1999 concerning Human Rights, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and the Convention on the Rights of the Child (CRC). Collectively, these legal instruments provide strong guarantees for protecting children from violence while simultaneously safeguarding the constitutional and human rights of child offenders.

The analysis further reveals that the principal challenge does not lie in the absence of legal regulation but rather in the implementation and harmonization of competing constitutional obligations. Child victims are entitled to protection, recovery, and access to justice, whereas child perpetrators remain rights holders entitled to education, rehabilitation, dignity, and due process of law. Consequently, bullying cases involving children require legal responses that balance these competing interests instead of prioritizing one set of rights at the expense of the other. The principles of the *best interests of the child*, proportionality, restorative justice, and constitutional balancing therefore become essential normative foundations for resolving such conflicts.

The principal contribution of this research is the development of a Legal Balancing Model for handling school bullying cases in Indonesia. Unlike existing legal approaches that predominantly emphasize either victim protection or offender rehabilitation, the proposed model integrates constitutional child protection, human rights, restorative justice, educational continuity, institutional accountability, and long-term recovery into a unified legal framework. This model contributes to the advancement of Indonesian child protection law by providing normative guidance for legislators, educational institutions, law enforcement agencies, and policymakers in formulating balanced and child-centred legal responses to bullying in schools.

### Limitations

This study has several limitations. First, the research adopted a normative juridical approach supported by socio-legal analysis; therefore, the findings are based primarily on statutory regulations, legal doctrines, international legal instruments, and scholarly literature

rather than empirical observations of bullying cases in schools. Consequently, the proposed Legal Balancing Model has not yet been empirically tested in educational institutions or judicial practice.

Second, this study focused exclusively on the Indonesian legal framework and selected international human rights instruments, particularly the Convention on the Rights of the Child. Although comparative legal perspectives were incorporated to enrich the discussion, the analysis did not comprehensively examine legal systems from other jurisdictions that may provide alternative regulatory approaches to school bullying.

Third, the research relied predominantly on doctrinal legal analysis without incorporating extensive empirical evidence from judges, law enforcement officers, teachers, school administrators, child psychologists, or children directly involved in bullying cases. Accordingly, the findings should be interpreted within the context of normative legal research and should not be generalized to represent all practical experiences in handling bullying cases throughout Indonesia.

### **Recommendations**

Future research should expand the scope of analysis by integrating normative legal research with empirical socio-legal methods involving educational institutions, law enforcement agencies, child protection organizations, and judicial actors. Such interdisciplinary research would enable a more comprehensive evaluation of the effectiveness of existing legal mechanisms and the practical implementation of restorative justice in school bullying cases.

Further studies are also encouraged to examine Indonesian court decisions concerning bullying, child violence, and juvenile justice in greater depth to identify judicial trends and best practices in balancing child protection and human rights. Comparative legal studies involving jurisdictions with well-established anti-bullying legislation, such as Finland, Australia, Japan, and other countries, may further contribute to the refinement of Indonesian legal policies.

Finally, policymakers should consider developing implementing regulations or national guidelines that operationalize the proposed Legal Balancing Model. Such guidelines should establish clear procedures for schools, child protection institutions, law enforcement agencies, and local governments to ensure that bullying cases are handled consistently through the integration of child protection, constitutional rights, restorative justice, psychological recovery, and educational continuity. The implementation of this integrated framework is expected to strengthen legal certainty while promoting safer, more inclusive, and child-friendly educational environments in Indonesia.

### **Author Contributions**

All authors made substantial intellectual contributions to this study and fulfilled the authorship criteria. The first author was primarily responsible for conceptualizing the research problem, developing the theoretical and legal framework, conducting the literature review, analysing statutory regulations and legal doctrines, interpreting the research findings, and preparing the initial manuscript draft. The co-authors contributed to the refinement of the research design, critical analysis of legal materials, evaluation of relevant literature, validation of the legal arguments, revision of the manuscript for important intellectual content, and improvement of the discussion and conclusions. All authors participated in reviewing the final version of the manuscript, approved its submission for publication, and agreed to be accountable for all aspects of the work, ensuring the accuracy and integrity of the research.

## REFERENCES

- Adriani, L. P. A. C., & Layang, I. W. B. S. (2021). *Penerapan restoratif justice dalam penyelesaian tindak pidana bullying pada pelaku anak di bawah umur*. *Kertha Wicara: Journal Ilmu Hukum*, 10(10), 844–854. <https://doi.org/10.24843/KW.2021.v10.i10.p07>
- Aji, W. S., Wahyudi, S., Retnaningrum, D. H., & Akbar, M. I. (2026). The implementation of restorative justice for juvenile crimes oriented toward the best interests of the child. *Jurnal IUS Kajian Hukum dan Keadilan*, 14(1), 74–89. <https://doi.org/10.29303/ius.v14i1.1830>
- Akbar, F. J. R. (2026). Legal protection for child victims of school bullying: Unraveling multidimensional barriers in the implementation of child protection. *Istinbath: Jurnal Hukum*, 23(1), 211–242. <https://doi.org/10.32332/istinbath.v23i01.14262>
- Alexy, R. (2002). *A theory of constitutional rights*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780198258216.001.0001>
- Banakar, R., & Travers, M. (Eds.). (2005). *Theory and method in socio-legal research*. Hart Publishing.
- Barak, A. (2012). *Proportionality: Constitutional rights and their limitations*. Cambridge University Press. <https://doi.org/10.1017/CBO9781139035293>
- Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, 9(2), 27–40. <https://doi.org/10.3316/QRJ0902027>
- Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511804618>
- Fitria, I. A. F., & Rasdi. (2026). The implementation of legal protection for child perpetrators of bullying (A comparative study of Indonesia and Finland). *Law Research Review Quarterly*, 12(3), 1199–1229. <https://doi.org/10.15294/lrrq.v12i3.43986>
- Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do: Doctrinal legal research. *Deakin Law Review*, 17(1), 83–119.
- Ismail, D. E., Ahmad, N., Mantali, A. R. Y., Moha, M. R., & Machmud, A. W. (2025). The comparative study: Protecting children's rights through law reform of restorative justice in juvenile cases. *Journal of Law and Legal Reform*, 6(2), 909–950. <https://doi.org/10.15294/jllr.v6i2.13724>
- Jeumpa, I. K., Mukhlis, Faradiz, N. A., Fitri, R. A., & Farid, M. (2026). The qualitative socio-legal case study using a restorative justice framework to explore child sexual abuse case settlements in Aceh, Indonesia. *Juvenile & Family Court Journal*. <https://doi.org/10.1111/jfcj.70028>
- Komisi Perlindungan Anak Indonesia. (2024). *Laporan tahunan Komisi Perlindungan Anak Indonesia tahun 2024*. Komisi Perlindungan Anak Indonesia.
- Mahaputra, I. G. N. R. (2022). Penerapan restorative justice dalam penyelesaian tindak pidana bullying yang dilakukan oleh anak. *Jurnal Aktual Justice*, 7(2). <https://doi.org/10.70358/aktualjustice.v7i2.946>
- Mahmud Marzuki, P. (2021). *Penelitian hukum* (Edisi revisi). Kencana.
- Ministry of Primary and Secondary Education. (2025). *Indonesia education report card 2025*. Ministry of Primary and Secondary Education.
- Morrison, B. (2007). *Restoring safe school communities: A whole school response to bullying, violence and alienation*. Federation Press.
- Olweus, D. (1993). *Bullying at school: What we know and what we can do*. Blackwell Publishing.
- Page, M. J., McKenzie, J. E., Bossuyt, P., Boutron, I., Hoffmann, T. C., Mulrow, C. D., ... Moher, D. (2021). The PRISMA 2020 statement: An updated guideline for reporting systematic reviews. *The BMJ*, 372, n71. <https://doi.org/10.1136/bmj.n71>

- Rabawati, D. W., Atamuking, F. R. S. S., Ulumando, Z. J., & Ratu, J. M. (2025). Perlindungan hukum terhadap anak sebagai korban bullying: Kajian viktimologi dan pendekatan restorative justice. *YUSTISI*, 12(2), 567–572. <https://doi.org/10.32832/yustisi.v12i2.19950>
- Şenel, S. S. D., & Çetin, A. (2026). The effect of the restorative justice program implemented in schools on adolescents' peer bullying behaviors. *BMC Psychology*, 14, 1093. <https://doi.org/10.1186/s40359-026-04861-3>
- Snyder, H. (2019). Literature review as a research methodology: An overview and guidelines. *Journal of Business Research*, 104, 333–339. <https://doi.org/10.1016/j.jbusres.2019.07.039>
- Tobin, J. (Ed.). (2019). *The UN Convention on the Rights of the Child: A commentary*. Oxford University Press. <https://doi.org/10.1093/law/9780190097608.001.0001>
- UNESCO. (2019). *Behind the numbers: Ending school violence and bullying*. UNESCO.
- UNICEF. (2021). *The state of the world's children 2021: On my mind—Promoting, protecting and caring for children's mental health*. UNICEF.
- United Nations. (1989). *Convention on the Rights of the Child*. United Nations.
- Volk, A. A., Dane, A. V., & Marini, Z. A. (2014). What is bullying? A theoretical redefinition. *Aggression and Violent Behavior*, 19(6), 701–711. <https://doi.org/10.1016/j.avb.2014.09.001>
- Zehr, H. (2002). *The little book of restorative justice*. Good Books.