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## Legal Analysis of Bullying as a Crime of Psychological Violence

**Gevan Naufal Wala<sup>1</sup>**

<sup>1</sup>Fakultas Hukum, Universitas Tarumanagara, Indonesia, [gevannaufall@gmail.com](mailto:gevannaufall@gmail.com)

Corresponding Author: [kurniadiwahyu1511@gmail.com](mailto:kurniadiwahyu1511@gmail.com)<sup>1</sup>

**Abstract:** This study analyzes bullying as a form of psychological violence from a legal perspective in Indonesia. Bullying, often overlooked compared to physical violence, poses serious threats to the mental and emotional well-being of victims. The research focuses on the legal definitions, types, and impacts of psychological bullying, particularly on children and adolescents. By reviewing relevant laws, such as the Child Protection Act and provisions in the Indonesian Penal Code (KUHP), the study highlights the legal frameworks that address bullying as a crime. The findings show that while existing regulations recognize psychological violence, there is still a need for stronger enforcement and awareness to prevent and mitigate bullying effectively. The study also emphasizes the importance of socialization, legal education, and psychological support for victims to build a safer environment for all, especially vulnerable groups.

**Keyword:** Bullying, Psychological Violence, Child Protection, Legal Analysis, Indonesian Law, Victim Protection, KUHP.

### INTRODUCTION

In social life, interaction between humans is inevitable. However, in the process of interaction, friction often occurs which leads to actions that harm other parties, one of which is bullying or better known as bullying. This phenomenon does not only occur in the environment of children or adolescents, but also spreads to the world of adults and various sectors of life, including in the educational environment, workplace, and even on social media. Bullying is an action that is carried out repeatedly with the aim of hurting or harming others, either physically, verbally, or psychologically. In the context of psychological violence, bullying has a very serious impact. Psychological violence includes actions that demean, insult, intimidate, or humiliate someone, which in the long term can cause deep trauma, prolonged stress, and even severe depression. This is in line with the opinion of Sarwono (2011), who stated that psychological violence is a form of violence that attacks a person's mental state, the impact of which is often more difficult to cure than physical wounds. In Indonesia, attention to the issue of psychological violence has begun to increase along with the many cases that have been revealed to the public. One form of psychological violence that receives special attention is bullying. Bullying is not only seen as a social problem, but also as a criminal act that must be handled seriously by law enforcement officers. This is reinforced by the birth of various regulations governing the protection of victims of violence, such as Law Number 35 of 2014

concerning Child Protection, Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT), and the latest is Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS), which also contains provisions related to psychological violence.

From a criminal law perspective, bullying that results in psychological violence can be categorized as a criminal act. Article 335 of the Criminal Code, for example, mentions the act of forcing another person with violence or threats of violence to do or not do something. Although it does not explicitly regulate bullying in modern terminology, several articles in the Criminal Code can be applied to ensnare perpetrators of bullying. According to Sudarto (1986), criminal law functions to provide protection for the legal interests of society by imposing sanctions for violations of the law. In this context, criminal law functions to protect individuals from psychologically detrimental bullying. Furthermore, Muladi (2002) stated that criminal law also acts as a social control tool that can be used to prevent and handle crimes that occur in society, including crimes in the form of psychological violence. Various studies have shown that victims of bullying experience very serious negative impacts. According to Olweus (1993), an expert in the field of bullying studies, victims of bullying often experience anxiety, feelings of inferiority, and even the desire to end their lives. In Indonesia itself, many suicide cases start from bullying, both in the school environment and in cyberspace (cyberbullying). This shows that bullying is not a trivial matter that can be ignored, but is a serious problem that must be followed up legally. The enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS) provides a breath of fresh air in handling cases of violence, including psychological violence. This law contains provisions regarding gender-based violence which also includes psychological violence. Article 5 of the TPKS Law states that psychological violence is included in the scope of criminal acts that must be followed up with a firm legal process.

However, the application of the law to bullying as a crime of psychological violence still faces various challenges. One of the main challenges is proving the elements of psychological violence which are often abstract and invisible. Unlike physical violence which leaves real evidence such as wounds or bruises, psychological violence is more difficult to prove because it concerns the mental and emotional condition of the victim. This was acknowledged by Andi Hamzah (2008) who stated that providing evidence in psychological crimes requires a more comprehensive approach, including the use of psychological evidence such as the results of medical examinations and statements from psychological experts. In addition, the culture of society that tends to consider bullying as something normal or part of the process of maturing is also an obstacle in law enforcement. This culture causes many victims to be reluctant to report cases of bullying they experience because they are afraid of being labeled as weak or being considered to be making the problem bigger. In fact, according to Bandura (1977), the normalization of violence in the social environment can strengthen the culture of violence itself and cause a recurring cycle of violence. In this context, the role of the state becomes very vital. The state is obliged to be present to protect its citizens from all forms of violence, including psychological violence due to bullying. This is in accordance with the mandate of the 1945 Constitution Article 28G paragraph (1) which states that everyone has the right to protection of themselves, their families, honor, dignity, and property under their control, and has the right to a sense of security and protection from the threat of fear to do or not do something that is a basic human right.

Furthermore, from a human rights perspective, acts of bullying that cause psychological violence can be categorized as a violation of human rights. Komnas HAM (2015) stated that psychological violence is a form of human rights violation that must be handled seriously by the state through existing legal instruments. Therefore, strengthening regulations, increasing the capacity of law enforcement officers, and educating the public are absolutely necessary steps to break the chain of psychological violence due to bullying. This introduction is expected to provide a general overview of the importance of legal analysis of bullying as a crime of

psychological violence. This study aims to identify the legal bases that can be used to ensnare perpetrators of bullying, analyze obstacles in the implementation of the law, and provide recommendations to strengthen legal protection for victims. Thus, it is hoped that a safer, healthier social environment can be created, free from all forms of violence, both physical and psychological.

## **METHOD**

This study uses a normative legal method that focuses on the study of literature and written legal materials. This method was chosen to analyze the applicable legal provisions related to bullying as a crime of psychological violence. This normative research aims to examine legal norms, principles, and concepts regulated in laws and regulations as well as the opinions of legal experts. The data used are secondary, including primary legal materials (regulations and decisions), secondary (books, journals, and articles), and tertiary (legal dictionaries). Data were collected through literature studies and analyzed qualitatively using descriptive-analytical methods to describe and analyze applicable legal norms.

## **RESULTS AND DISCUSSION**

### **I. Bullying as a Crime of Psychological Violence**

Bullying is often understood as an act of violence committed by an individual or group against a weaker victim. This form of violence can be physical or psychological. In the legal context in Indonesia, bullying is often not only seen as physical violence, but also involves psychological violence that can have a very large psychological impact on the victim. Therefore, acts of bullying, especially those involving psychological violence, need serious legal attention. Psychological violence itself can be in the form of insults, ridicule, exclusion, and repeated bullying that can damage the victim's mental or emotional state. Often, psychological bullying is not easily recognized, especially when compared to physical violence. Therefore, many people ignore the serious impact of this psychological bullying, even though the impact can be longer and more damaging than physical violence.

### **2. Definition of Bullying**

Bullying as psychological violence can be defined in several forms. According to Law No. 23 of 2002, bullying is any form of violence committed against children that can cause physical or psychological damage. Although the term "bullying" is not explicitly mentioned, bullying can be seen as a form of psychological violence that is prohibited in this law. Bullying that occurs in children or adolescents often involves acts of insults, ridicule, or even threats intended to demean or oppress the victim. Not only in the form of harsh words, bullying can also involve exclusion or actions that damage the victim's mental state, such as avoiding interaction or not giving the victim the opportunity to participate in social activities. These forms of psychological violence can cause ongoing trauma and are very detrimental to the victim's mental development.

### **3. Types of Psychological Bullying**

Bullying as psychological violence can occur in various forms, which can generally be divided into the following types:

#### **a. Verbal Bullying (Insults and Taunts)**

This form of bullying is often done with hurtful words, such as insults to a person's physical appearance, intelligence, or identity. These words that degrade the victim's dignity can cause feelings of humiliation, low self-esteem, and worthlessness, and can lead to long-term mental disorders such as depression or anxiety.

#### **b. Emotional Bullying (Psychological Manipulation and Exclusion)**

Emotional bullying involves actions that are deliberately carried out to damage a person's self-esteem or emotional well-being. This form of bullying can include

excluding the victim from groups or social interactions, leaving the victim feeling lonely, or making him or her feel unaccepted in the community. This emotional manipulation and exclusion can cause the victim to feel isolated and reduce his or her self-confidence.

c. Social Bullying

Social bullying involves excluding the victim from a social group, often by creating conflict or doubt between the victim and his or her peers. Victims are often shunned or excluded from social activities or even bullied within the context of the social group, which in turn can lead to long-term psychological problems.

4. Impact of Bullying as a Crime of Psychological Violence

The impact of psychological bullying can be very damaging and lasts for a long time.

In general, the impact of psychological bullying can be divided into the following categories:

a. Psychological Impact

Psychological bullying can cause victims to experience serious psychological disorders. The impacts can vary, from stress, anxiety, to severe depression. Some victims may feel worthless, experience feelings of hopelessness, and in extreme cases may think about suicide. These psychological effects can last long after the bullying ends, even into adulthood.

b. Social Impact

Victims of psychological bullying often feel isolated from their social environment. They may feel unwelcome at school, work, or in other social relationships. As a result, victims may have difficulty in building healthy social relationships, which further exacerbates feelings of low self-esteem and loneliness.

c. Educational Impact

In the context of children and adolescents, bullying can affect their academic performance. Children who are victims of bullying tend to have fear or discomfort at school, which ultimately interferes with their concentration and learning outcomes. As a result, these children may experience a decline in grades or even drop out of school.

d. Long-Term Impacts

The impact of psychological bullying is not only limited to childhood or adolescence. Victims of bullying who experience psychological trauma can carry these negative impacts into adulthood. They may develop anxiety disorders, depression, or even post-traumatic stress disorder that require long-term medical and psychological treatment.

5. Psychological Bullying in a Legal Perspective

From an Indonesian legal perspective, psychological bullying as an act of violence can be seen as a form of violation of human rights, especially the right to live with dignity and free from degrading treatment. The following are some relevant regulations to deal with psychological bullying in Indonesian law:

a. Law Number 23 of 2002 concerning Child Protection

This law regulates the rights of children to be protected from all forms of violence, including psychological violence. Article 3 of this law states that the state, government, society, and family are required to provide protection for children from all forms of abuse and violence, both physical and psychological.

b. Law Number 35 of 2014 concerning Child Protection

This law further clarifies the definition of violence against children, including psychological violence. It also emphasizes that every child has the right to receive protection from bullying, whether it is carried out by peers, family, or the community.

c. Criminal Code (KUHP)

In the Criminal Code, bullying involving insults or threats against someone can be subject to the insult article (Article 310 of the Criminal Code) or threats (Article 335 of the Criminal Code). If the bullying is carried out with the aim of degrading the dignity or causing fear in the victim, the perpetrator can be subject to criminal sanctions.

d. Government Regulation on Prevention of Bullying in Schools

The government has also issued regulations governing the prevention of bullying in schools, which require every educational institution to have an anti-bullying policy and provide space for victims of bullying to report.

6. Legal Efforts and Policies to Overcome Psychological Bullying

To overcome bullying as an act of psychological violence, the following steps need to be taken:

a. Education and Socialization to the Community

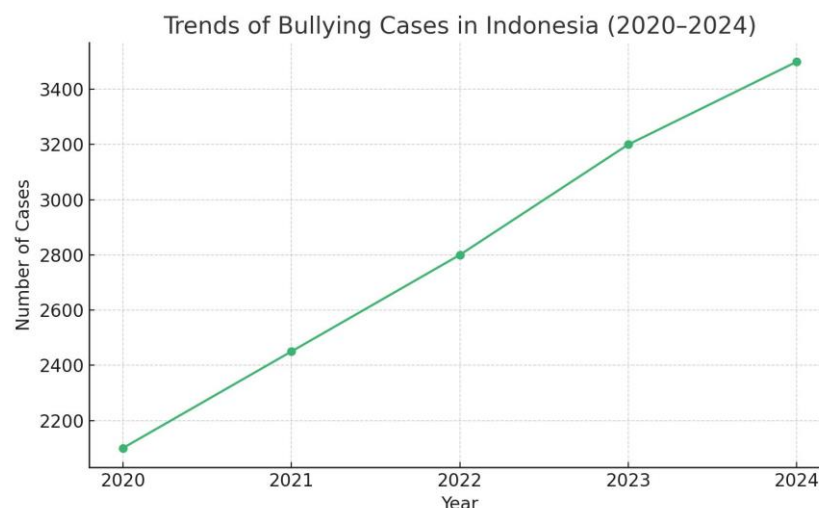
Socialization regarding the dangers of psychological bullying and its impacts needs to be carried out continuously, especially among children and adolescents. Education about empathy, tolerance, and the importance of maintaining healthy social relationships is very important to prevent bullying.

b. Strengthening Regulation and Law Enforcement

The government and law enforcement must be more assertive in handling cases of psychological bullying, by providing appropriate sanctions and protecting victims from further bullying. A clear legal process can provide a deterrent effect for perpetrators and a sense of justice for victims.

c. Psychological Assistance for Victims

In addition to law enforcement, victims of psychological bullying need psychological support to help them recover from the impact of the trauma caused. Psychological assistance services must be available to victims so that they can recover and return to living a normal life.



The line chart illustrates the trend of bullying cases reported in Indonesia from 2020 to 2024. The data shows a steady increase in reported cases over the five-year period. In 2020, there were 2,100 cases, which gradually rose to 2,450 in 2021 and 2,800 in 2022. The upward trend continued in 2023 with 3,200 cases, reaching a peak of 3,500 cases in 2024. This consistent rise highlights the growing awareness and reporting of bullying incidents, but it also reflects persistent challenges in effectively preventing and addressing bullying, particularly psychological violence. The data underscores the urgent need for stronger legal frameworks, preventive measures, and support systems to combat bullying in Indonesia.



## CONCLUSION

Bullying as psychological violence is a very serious problem, which can damage the victim's mental and emotional well-being in the long term. Psychological bullying can occur in various forms, from verbal insults to social exclusion. Therefore, there needs to be greater attention from various parties, including the government, society, and educational institutions, to address this problem comprehensively. By strengthening regulations, education, and support for victims, it is hoped that psychological bullying can be minimized and victims can receive proper protection in accordance with human rights.

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