



BULLYING AND LEGAL ACCOUNTABILITY: VICTIMS' COMPENSATION IN INDONESIAN CRIMINAL, CIVIL, AND ADMINISTRATIVE LAW

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Abstract: Bullying committed by minors, both within and outside school environments, gives rise to complex legal consequences encompassing criminal, civil, and educational dimensions. From a criminal law perspective, Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) provides that children aged 12–18 may be held criminally liable through special mechanisms such as diversion, supervision, social service, and rehabilitative sanctions, with penalties limited to one-half of those imposed on adults. From a civil law perspective, bullying may constitute an unlawful act under Article 1365 of the Indonesian Civil Code, while liability for compensation may also extend to parents or guardians pursuant to Article 1367. Schools may likewise bear responsibility where negligence in supervision or handling of bullying incidents can be proven, as mandated under Law Number 20 of 2003 on the National Education System, Minister of Education and Culture Regulation Number 82 of 2015, and Minister of Education, Culture, Research, and Technology Regulation Number 46 of 2023 concerning the Prevention and Handling of Violence in Educational Units. Compensation for victims may include restitution in criminal proceedings as well as material and immaterial damages in civil actions. Accordingly, the resolution of bullying cases should balance the rehabilitation of child offenders, the protection and restoration of victims' rights, and the responsibility of educational institutions to ensure a safe learning environment.

Keywords: Bullying; Child Protection; Child Protection Act; Civil Liability; Criminal Liability; Compensation; Minors; Restorative Justice; Schools; Unlawful Acts

I. INTRODUCTION

Bullying cases in Indonesia have become increasingly alarming, as their consequences extend beyond psychological and social harm to significant legal implications. The 2022 National Assessment issued by the Ministry of Education, Culture, Research, and Technology reported that approximately 36.31% of students were at risk of experiencing bullying.¹ In addition, data from the Indonesian Education Monitoring Network (JPPI) indicates a substantial increase in reported bullying cases, rising from 91 cases in 2020 to 573 cases in 2024.² The following data illustrate this upward trend:

Table 1: Trend Bullying in Indonesia

Year	Case
2020	91
2021	142
2022	194
2023	285
2024	573
2025	>650

The Ministry of Women's Empowerment and Child Protection (KemenPPPA) further reported that 41% of violence against children, including bullying, occurs within educational settings. Similarly, the Federation of Indonesian Teachers' Unions (FSGI) recorded 23 bullying cases between January and July 2023, with the majority occurring at the junior high school level, followed by elementary, senior high, and vocational schools (Sekitar 41 Persen Kasus Bullying Terjadi Di Pendidikan, n.d.). Bullying not only causes psychological trauma and reputational harm but also results in tangible losses, including medical expenses and diminished educational opportunities that may adversely affect the victim's future. In response, the government enacted regulations on the Prevention and Handling of Violence in Educational Units through the Ministry of Education, Culture, Research, and

¹ Cicin Yulianti, 2023. *1 dari 3 Siswa Berisiko Alami Bullying, Nadiem Keluarkan Permendikbud Baru*. accessed September 24, 2025, <https://www.detik.com/edu/sekolah/d-6864751/1-dari-3-siswa-berisiko-alami-bullying-nadiem-keluarkan-permendikbud-baru>.

² Parlemmentaria Terkini - JDIH SETJEN DPR, 2025. *Siswa SMA Meninggal Usai Diduga Alami Bullying, Puan Tekankan Pentingnya Reformasi Perlindungan Psikososial*. accessed September 24, 2025, <https://jdih.dpr.go.id/berita/detail/id/57948/t/javascript%3B?>.

Technology. Nevertheless, the implementation of these policies remains ineffective in practice, leaving many cases inadequately resolved.

The data above demonstrate that bullying can no longer be regarded merely as ordinary juvenile delinquency. The increasing number of cases indicates that bullying is still frequently underestimated despite its serious short-term and long-term psychological consequences for victims.³ This situation highlights the need for a more comprehensive legal approach, particularly through civil law mechanisms aimed at restoring victims' rights. Such mechanisms include claims for material and immaterial damages, as well as the determination of liability of relevant parties, including perpetrators, parents, and educational institutions.

From a civil law perspective, bullying may be classified as an unlawful act under Article 1365 of the Indonesian Civil Code (KUHPerdata), which provides that any person who commits an unlawful act causing harm to another is obligated to compensate for the resulting damages. The losses arising from bullying may be categorized into material and immaterial damages. Material damages include medical expenses for physical injuries, psychological or psychiatric treatment costs, loss of educational opportunities affecting academic performance, and potential limitations on future educational or employment prospects. Immaterial damages, meanwhile, encompass mental suffering, psychological trauma, fear, reputational harm, and diminished self-confidence that may adversely affect the victim's long-term social development.⁴ Legally, both forms of damages may serve as the basis for victims or their families to seek compensation through civil litigation.

The elements of an unlawful act that must be established include the existence of an act, its unlawful nature, the occurrence of actual harm, a causal relationship between the act and the harm, and fault in the form of intent or negligence. In school bullying cases, liability may extend beyond the direct perpetrator to include the perpetrator's parents, pursuant to Article 1367 of the Indonesian Civil Code, which

³ Heng Choon (Oliver) Chan & Dennis S.W. Wong, 2015. *Traditional School Bullying and Cyberbullying in Chinese Societies: Prevalence and a Review of the Whole-School Intervention Approach*. *Aggression and Violent Behavior* 23, p. 98 – 108, <https://doi.org/10.1016/j.avb.2015.05.010>.

⁴ Miia Sainio et al., 2010. *Victims and Their Defenders: A Dyadic Approach*. *International Journal of Behavioral Development* 35, no. 2, p. 144 - 151, <https://doi.org/10.1177/0165025410378068>.

holds parents responsible for damages caused by their minor children.⁵ Educational institutions may also be held liable if they are proven negligent in supervising students or preventing bullying within the school environment.⁶ This principle is consistent with the doctrine of liability for failure to supervise recognized in civil law practice.

Compensation claimed through civil litigation may include material damages that can be clearly quantified, such as medical expenses, counseling fees, and other recovery-related costs. Victims may also seek immaterial damages to compensate for emotional suffering and psychological harm.⁷ Although the determination of immaterial damages in Indonesia remains largely dependent on judicial discretion and lacks standardized guidelines, courts have increasingly recognized such claims, particularly in cases involving serious impacts on the victim's personal and psychological development.⁸

The civil law approach to addressing bullying cases holds significant strategic value because it focuses on restoring the rights and interests of victims.⁹ This approach is consistent with the principles of restorative justice, which emphasize recovery, accountability, and reconciliation rather than mere punishment. Through civil litigation, victims may obtain compensation without having to wait for the completion of criminal proceedings, thereby facilitating a more immediate recovery process. Moreover, judicial decisions imposing compensation may also function as a deterrent, encouraging perpetrators, parents, and educational institutions to adopt more effective measures to prevent future incidents of bullying.

⁵ Albert Reijntjes et al., 2010. *Peer Victimization and Internalizing Problems in Children: A Meta-Analysis of Longitudinal Studies*. Child Abuse and Neglect 34, no. 4, p. 244 - 252, <https://doi.org/10.1016/j.chiabu.2009.07.009>.

⁶ David Finkelhor et al., 2009. *Violence, Abuse, and Crime Exposure in a National Sample of Children and Youth*. Pediatrics 124, no. 5, p. 1411 - 1423, <https://doi.org/10.1542/PEDS.2009-0467>.

⁷ Giuseppe Maglione, 2017. *Imaging Victims, Offenders and Communities. An Investigation into the Representations of the Crime Stakeholders within Restorative Justice and Their Cultural Context*. International Journal of Law, Crime and Justice 50, p. 22 - 33, <https://doi.org/10.1016/j.ijlci.2017.02.004>.

⁸ Muhammad Junaidi, 2015. *Keadilan Pemulihan Bagi Subjek Hukum dalam Perspektif Hukum Progresif: Kajian Putusan Nomor 1262 K/Pid/2012*. Jurnal Yudisial 8, no. 3, p. 307 - 318.

⁹ Nanang Nurcahyo et al., 2023. *Why Have Indonesian Murderers Not Paid Victims' Heirs? Murder Victims By Gender 2019-*. Journal of Law, Environmental and Justice 1, no. 2, p. 155 - 169, <https://doi.org/10.62264/jlej.v1i2.13>.

Accordingly, examining bullying from a civil law perspective is essential not only to complement criminal law analysis but also to strengthen the protection of victims' rights. This study is expected to contribute to the development of legal policies in Indonesia, particularly those aimed at victim recovery and protection. In addition, the research may provide academic guidance for judges and policymakers in formulating more proportionate standards of compensation and in encouraging educational institutions to implement more effective bullying prevention mechanisms.

II. RESEARCH METHODS

This research employs a normative juridical method, focusing on positive legal norms as the primary object of analysis. The study adopts both a statutory approach and a conceptual approach.¹⁰

The statutory approach is conducted by examining provisions within the Indonesian Civil Code (KUHPerdata), particularly Article 1365 concerning unlawful acts and Articles 1366–1367 regarding liability for damages caused by others, as well as other relevant legislation, including Law Number 35 of 2014 on Child Protection.

The conceptual approach is employed to analyze the concept of civil liability arising from bullying committed by individuals or institutions, including schools, as well as the concepts of material and immaterial compensation.¹¹

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include the Indonesian Civil Code, the Child Protection Law, the Human Rights Law, and relevant court decisions concerning bullying cases. Secondary legal materials comprise legal literature, academic journals, and expert opinions relating to bullying and unlawful acts. Meanwhile, tertiary legal materials include legal dictionaries, legal encyclopedias, and other supporting references.

¹⁰ Esther F.J.C. van Ginneken & John Wooldredge, 2024. *Offending and Victimization in Prisons: New Theoretical and Empirical Approaches*. International Journal of Law, Crime and Justice 77, p. 1 - 11, <https://doi.org/10.1016/j.ijlcrj.2024.100667>.

¹¹ Jae Young Chung & Sunbok Lee, 2020. *Are Bully-Victims Homogeneous? Latent Class Analysis on School Bullying*. Children and Youth Services Review 112, <https://doi.org/10.1016/j.chilyouth.2020.104922>.

The data were analyzed qualitatively through the processes of description, interpretation, and systematic linkage between existing legal provisions and the phenomenon of bullying in order to obtain a comprehensive understanding of civil liability.

III. ANALYSIS AND DISCUSSION

a. Bullying as an Unlawful Act

Bullying, whether physical, verbal, or psychological in nature, fulfills the elements of an unlawful act (*perbuatan melawan hukum* / PMH) as stipulated in Article 1365 of the Indonesian Civil Code. The provision states that any unlawful act causing harm to another person obligates the perpetrator to compensate for the resulting damages. The essential elements of an unlawful act include the existence of an act, the unlawful nature of the act, actual harm, a causal relationship between the act and the harm, and fault on the part of the perpetrator.

In the context of bullying, these elements are generally satisfied because the perpetrator intentionally engages in conduct that causes physical and psychological suffering to the victim, resulting in both material losses, such as medical and counseling expenses, and immaterial losses, including trauma and psychological distress. The following sections further explain each element of the unlawful act doctrine in relation to bullying cases.

1. Existence of an Act

Bullying consists of a series of actions committed by the perpetrator against the victim. Such conduct may take various forms, including physical bullying (hitting, kicking, pushing, or damaging property), verbal bullying (insulting, mocking, or using derogatory language), psychological bullying (intimidation, exclusion, or spreading rumors), and cyberbullying through social media or digital communication platforms.¹²

From a civil law perspective, bullying generally constitutes a positive act (act of commission). However, in certain circumstances, it may also take the form of an omission where a party with a legal duty to act fails to intervene, such as

¹² Diane Felmlee & Robert Faris, 2016. *Toxic Ties: Networks of Friendship, Dating, and Cyber Victimization*. *Social Psychology Quarterly* 79, no. 3, p. 243 – 262, <https://doi.org/10.1177/0190272516656585>.

a teacher who knowingly allows bullying to continue without taking preventive measures.

2. Unlawful Nature of the Act

The concept of an unlawful act in Indonesian law has evolved through jurisprudence, particularly Supreme Court Decision No. 31 K/Sip/1969, which broadened the meaning of unlawfulness beyond mere violations of written law. An act may also be considered unlawful if it violates the rights of others, contradicts legal obligations, breaches morality, or conflicts with principles of propriety, caution, and social decency.

Bullying clearly infringes upon the victim's rights to safety, dignity, and personal integrity, while also violating prevailing moral and social norms. Consequently, bullying may qualify as an unlawful act even in the absence of specific criminal provisions governing the conduct.

3. Fault

Fault in unlawful acts may arise from intent (*dolus*) or negligence (*culpa*). In bullying cases, perpetrators commonly act intentionally by deliberately humiliating, threatening, or attacking victims. Negligence, however, may also arise when another party fails to prevent or properly address bullying, such as when a school is aware of repeated incidents but takes no adequate action.¹³

This creates the possibility of dual liability, whereby the direct perpetrator may be held responsible for intentional misconduct, while negligent parties may be liable for failing to fulfill their supervisory obligations.

4. Loss

The harm caused by bullying may consist of both material and immaterial damages. Material damages include medical expenses, psychological treatment costs, property losses, and expenses arising from school transfers. Immaterial damages may include trauma, fear, emotional distress, psychological disorders, and diminished self-esteem. Indonesian civil law recognizes compensation for immaterial damages, as reflected in Supreme Court Decision No. 2591 K/Pdt/2008.

¹³ Martin A. Andresen, 2006. *Crime Measures and the Spatial Analysis of Criminal Activity*. British Journal of Criminology 46, no. 2, p. 258 – 285, <https://doi.org/10.1093/BJC/AZI054>.

5. Causal Relationship

A causal relationship must be established between the bullying and the harm suffered by the victim. For instance, where a victim develops severe depression diagnosed by a psychologist following prolonged bullying, the psychological harm may be legally connected to the perpetrator's conduct.

6. Legal Implications

When bullying is classified as an unlawful act, the perpetrator may be sued through civil proceedings for compensation. Liability may also extend to the perpetrator's parents under Article 1367 of the Indonesian Civil Code, as well as to schools or institutions that negligently failed to supervise or prevent the misconduct. Civil remedies may include financial compensation, rehabilitation of the victim's reputation, and preventive measures intended to avoid future incidents.¹⁴

b. Individual and Institutional Accountability

In addition to the direct perpetrator, liability may also be imposed on parties who have supervisory obligations, including parents under Article 1367 of the Indonesian Civil Code and educational institutions such as schools. Article 1367 provides that a person may be held responsible for losses caused by individuals under their supervision. Accordingly, schools may incur civil liability if they are proven negligent in preventing, supervising, or properly handling bullying incidents within the educational environment.

Civil liability is fundamentally based on the principle of fault-based liability, as reflected in Article 1365 of the Indonesian Civil Code, which requires any person committing an unlawful act that causes harm to compensate the injured party. In the context of bullying, liability may therefore extend beyond the individual perpetrator to third parties who bear legal duties of supervision and protection, including parents, guardians, teachers, and school institutions.

¹⁴ Luke A. Egan & Natasha Todorov, 2009. *Forgiveness as a Coping Strategy to Allow School Students to Deal with the Effects of Being Bullied: Theoretical and Empirical Discussion*. Journal of Social and Clinical Psychology 28, no. 2, p. 198 – 222, <https://doi.org/10.1521/JSCP.2009.28.2.198>.

1. Personal Liability

Individual liability applies directly to perpetrators of bullying, whether committed by minors or adults. The legal basis for such liability is primarily Article 1365 of the Indonesian Civil Code, which establishes the obligation to compensate for losses arising from unlawful acts, and Article 1366, which extends liability to harm caused by negligence.

In bullying cases, liability may arise where the perpetrator is proven to have committed acts that cause physical or psychological harm, such as assault, humiliation, intimidation, social exclusion, or other degrading conduct. The element of fault generally takes the form of intent (*dolus*), although negligence (*culpa*) may also be established in certain circumstances.¹⁵ In addition, the victim must suffer actual harm, including physical injuries, psychological trauma, or economic losses such as medical expenses. A causal relationship between the perpetrator's conduct and the resulting harm must also be demonstrated.

Where these elements are fulfilled, the victim is entitled to file a civil claim for compensation against the perpetrator. Such compensation may include material damages, such as medical and counseling expenses or other financial losses, as well as immaterial damages for emotional suffering, loss of security, and reputational harm. However, where the perpetrator is a minor, Article 1330 of the Indonesian Civil Code considers the child legally incompetent, thereby transferring civil responsibility to the parents or guardians.

2. Responsibility of Parents / Guardians

Article 1367 of the Indonesian Civil Code provides that a person is responsible not only for losses caused by their own actions, but also for losses caused by individuals under their supervision or responsibility. In the context of bullying committed by minors, parents or guardians may therefore be held liable for damages caused by children under their care.

¹⁵ Heng Choon (Oliver) Chan & Dennis S.W. Wong, 2019. *Traditional School Bullying and Cyberbullying Perpetration: Examining the Psychosocial Characteristics of Hong Kong Male and Female Adolescents*. Youth and Society 51, no. 1, p. 3 – 29, <https://doi.org/10.1177/0044118X16658053>.

This principle reflects the doctrine of vicarious liability, under which responsibility arises from a legal relationship of supervision. Parents may avoid liability only if they can demonstrate that they exercised proper supervision and fulfilled their duty of care with due diligence. Accordingly, parental liability for bullying may be excluded where adequate supervision and guidance have been provided.

However, where the child is considered legally incompetent, including in circumstances involving special needs or limited legal capacity, responsibility may remain with the guardian or person legally entrusted with the child's care and supervision.¹⁶

Within the Indonesian legal system, the accountability of minors who commit criminal acts constitutes an important legal issue, particularly because children in conflict with the law are regarded as individuals requiring special protection and rehabilitation. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) provides that children aged between 12 and 18 may be held criminally responsible for criminal conduct. Nevertheless, the juvenile justice system is founded upon the principle of *ultimum remedium*, meaning that criminal punishment should serve only as a last resort. Consequently, diversion mechanisms, which emphasize settlement outside formal judicial proceedings through deliberation and reconciliation, are prioritized to protect the best interests of the child and restore relationships between the offender, the victim, and the community.

Where diversion is unsuccessful, minors may still be subjected to criminal sanctions distinct from those imposed on adults. Article 81 of the SPPA Law limits penalties for children to a maximum of one-half of the punishment applicable to adults. The sanctions imposed are generally educational and rehabilitative in nature, including institutional guidance, supervision, community service, or vocational training. The objective is not merely punitive, but also corrective, aiming to facilitate the child's reintegration into society while supporting psychological and social development. Accordingly,

¹⁶ Anna Johnson & Myrna Dawson, 2023. *Child Homicide in Ontario, Canada: Comparing Criminal Justice Outcomes*. International Journal of Law, Crime and Justice 75, <https://doi.org/10.1016/j.ijlcrj.2023.100625>.

juvenile criminal law in Indonesia reflects a repressive-educational approach that balances public protection with the developmental needs of the child.

From a civil law perspective, unlawful acts committed by minors may still give rise to an obligation to compensate victims for the harm caused. Article 1365 of the Indonesian Civil Code establishes that any unlawful act causing damage obligates the perpetrator to provide compensation. However, because minors are considered legally incompetent, civil liability is generally transferred to parents or guardians pursuant to Article 1367 of the Civil Code, which holds parents responsible for losses caused by children under their supervision. Thus, although the child may be the direct perpetrator, the legal obligation to compensate may rest with the party responsible for the child's care and supervision.

The relationship between criminal and civil law in this context is complementary in nature. Criminal law primarily seeks to maintain public order and rehabilitate offenders, whereas civil law focuses on restoring the victim's losses. A criminal judgment finding a child guilty may serve as supporting evidence in subsequent civil proceedings for compensation. Conversely, amicable settlement or compensation achieved through civil mechanisms may be considered by judges as a mitigating factor in criminal proceedings or as a basis for diversion.

For example, where a 16-year-old child commits assault resulting in injury, the matter may proceed through the juvenile justice system with diversion prioritized. At the same time, the victim or the victim's family retains the right to pursue civil remedies for medical expenses and immaterial damages. Therefore, the resolution of cases involving minors must extend beyond criminal punishment to include restoration of the victim's rights through civil mechanisms. This approach is consistent with the principles of restorative justice, which seek to balance the interests of offenders, victims, and society.

3. School or Institutional Accountability

In a civil law context, schools bear a supervisory duty toward students during school hours and within school-related activities. This responsibility is grounded in Article 1367 of the Indonesian Civil Code, which provides that persons responsible for supervising others may be held liable for losses caused by those under their supervision. Under the legal doctrine of *in loco parentis*,

schools and teachers are regarded as temporary substitutes for parents while students are under their care. Consequently, schools have a legal obligation to ensure the safety, security, and protection of students within the educational environment.

Where bullying occurs as a result of negligent supervision, such as repeated incidents that are ignored or inadequately addressed, schools may be subject to civil liability under Article 1365 of the Indonesian Civil Code concerning unlawful acts. Civil claims are generally brought by the victim or the victim's parents seeking material damages, including medical and psychological treatment costs, as well as immaterial damages for emotional suffering and psychological trauma.

Institutional responsibility in bullying cases may therefore take several forms, particularly in relation to the school's obligations to supervise, prevent, and appropriately respond to incidents of violence within the educational environment.

4. School Accountability from an Administrative & Ethical Perspective

In addition to civil liability, schools are also subject to legal obligations under Minister of Education and Culture Regulation Number 82 of 2015 concerning the Prevention and Handling of Violence in Educational Units, as well as Minister of Education, Culture, Research, and Technology Regulation Number 46 of 2023, which provides a more comprehensive framework for the prevention and handling of violence within educational institutions. Both regulations require schools to establish a Violence Prevention and Handling Team (*Tim Pencegahan dan Penanganan Kekerasan / TPPK*).

The TPPK is responsible for responding to reports of bullying promptly, fairly, and in a manner that prioritizes the interests and protection of victims, as well as reporting serious incidents to the relevant authorities. Failure to fulfill these obligations may result in administrative sanctions against school officials, including warnings, demotion, or dismissal of principals and teachers. Beyond legal responsibility, schools may also face moral and social accountability from the wider community for failing to provide a safe educational environment.

a) Criminal Liability of Institutions

In criminal law, liability may be imposed not only on individuals but also on corporations or legal entities, including educational institutions.

Nevertheless, criminal sanctions against public schools or government institutions are rarely applied in practice.¹⁷ More commonly, criminal liability is directed toward individuals within the institution, such as teachers, principals, or school staff, particularly where negligence results in serious injury or death. Such conduct may fall within the scope of Article 359 of the Indonesian Criminal Code concerning negligence causing injury or death. In addition to criminal liability, administrative accountability may also arise through supervision, disciplinary measures, or sanctions imposed by the relevant educational authorities.

b) Correlation with the Liability of Child Perpetrators

In cases involving bullying committed by minors, the child perpetrator may still be subject to proceedings under the juvenile justice system, while parents or guardians may be held civilly liable for damages. Schools may likewise face civil claims if they are proven negligent in supervising students or responding appropriately to reports of bullying.¹⁸ Accordingly, victims may pursue claims against multiple parties simultaneously, including the perpetrator, the perpetrator's parents, and the educational institution, provided that a causal relationship (causal verband) between the negligent conduct and the resulting harm can be established.

c) Illustrative Cases and Institutional Responsibility

Several judicial decisions in Indonesia have recognized the joint liability of schools in bullying cases. For example, in Purwokerto District Court Decision No. 23/Pdt.G/2019/PN Pwt, a bullying victim who suffered physical injuries successfully obtained compensation from the school on the basis of negligent supervision. In other cases, the Indonesian Child Protection Commission (Komisi Perlindungan Anak Indonesia / KPAI) facilitated settlements requiring schools to provide compensation and psychological rehabilitation for victims.

As educational institutions, schools occupy a central role in bullying prevention because many incidents occur within the school environment. A school may be considered negligent where it fails to establish effective anti-bullying mechanisms, does not respond adequately to reports, or neglects to

¹⁷ Martín Hernán Di Marco & Dabney P. Evans, 2025. *Flying under and through the Radar: Tactics Used by Intimate Partner Femicide Perpetrators to Evade Interventions*. International Journal of Law, Crime and Justice 82, p. 1 - 14, <https://doi.org/10.1016/j.ijlcrj.2025.100767>.

¹⁸ Martín Hernán Di Marco & Dabney P. Evans, 2025. *Ibid.*

impose disciplinary or corrective measures against perpetrators. Such negligence may constitute culpa in vigilando, or liability arising from failure to supervise. Institutional liability may include compensation for medical treatment, counseling, and other losses, as well as restorative measures aimed at rehabilitating the victim's reputation and well-being. Consequently, schools should implement preventive policies, including anti-bullying standard operating procedures (SOPs), violence prevention teams, and educational outreach programs.

5. Joint Liability

In practice, liability in bullying cases may be cumulative in nature. The perpetrator may be held liable for committing the direct unlawful act, parents may bear responsibility for negligent supervision of their child, and schools may be liable for failing to prevent or properly handle bullying incidents.¹⁹ Under Articles 1365 and 1367 of the Indonesian Civil Code, victims may therefore pursue claims against one or multiple parties simultaneously based on the principle of joint and several liability.

Judicial practice in Indonesia has recognized such cumulative responsibility. For example, in Surabaya District Court Decision No. 52/Pdt.G/2019/PN.Sby, the court partially granted a compensation claim against a school after finding that the institution had negligently supervised its students, resulting in bullying with serious consequences. This decision reinforces the principle that educational institutions function not merely as providers of educational services, but also as entities responsible for ensuring a safe and secure environment for students.

6. Forms of Civil Compensation

Compensation in cases of bullying in Indonesia ideally consists of both material and immaterial losses. Material losses can include medical expenses, rehabilitation, and psychological therapy.²⁰ Meanwhile, immaterial losses can include compensation for mental suffering, loss of security, and damage to reputation. Indonesian jurisprudence has recognized immaterial

¹⁹ Nazzal Kisswani & Ahmad Farah, 2022. *Personal and Joint Liability of Partner in Limited Liability Company in UAE Federal Corporate Law No. 32 of 2021*. Heliyon 8, no. 8, <https://doi.org/10.1016/j.heliyon.2022.e10322>.

²⁰ Phillip M. Dowzicky et al., 2025. *Crime Victim Compensation: We Can Do Better for Our Children*. Journal of Pediatric Surgery 60, no. 5, <https://doi.org/10.1016/j.jpedsurg.2025.162173>.

compensation as part of civil damages, allowing victims of bullying to seek restitution not only for financial gain but also for their honor and dignity.

IV. CONCLUSION

Accountability for bullying committed by children in Indonesia, whether occurring within or outside the school environment, must be examined through the integrated perspectives of criminal, civil, and educational law. From a criminal law perspective, children aged 12–18 may still be held criminally responsible under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). However, the juvenile justice system adopts a restorative approach that prioritizes diversion, rehabilitation, and guidance rather than purely punitive measures. Criminal sanctions imposed on minors may include institutional guidance, community service, or educational training, with penalties limited to a maximum of one-half of those imposed on adults.

From a civil law perspective, bullying that causes harm to victims may constitute an unlawful act under Article 1365 of the Indonesian Civil Code. Because minors are considered legally incompetent, liability for compensation is generally transferred to parents or guardians pursuant to Article 1367 of the Civil Code. Moreover, where bullying occurs within the school environment and negligence in supervision or case handling can be established, schools may also be held civilly liable for the resulting damages suffered by victims.

From the perspective of educational law, schools are legally obligated to provide a safe and violence-free learning environment. This obligation is reflected in Article 3 of Law Number 20 of 2003 concerning the National Education System, which emphasizes that education must develop students into individuals possessing morality, responsibility, and good character. More specifically, Minister of Education and Culture Regulation Number 82 of 2015 and Minister of Education, Culture, Research, and Technology Regulation Number 46 of 2023 require educational institutions to establish Violence Prevention and Handling Teams (Tim Pencegahan dan Penanganan Kekerasan / TPPK) and to address bullying cases promptly, fairly, and in a manner that prioritizes victim protection. Failure to fulfill these obligations may give rise to administrative, civil, and even criminal liability where serious harm results.

With regard to victim recovery, criminal law recognizes restitution or compensation that may be ordered by the court against perpetrators or their families as part of restorative justice mechanisms. In civil law, compensation may include both material damages, such as medical expenses, treatment, and therapy costs, and immaterial damages, including psychological suffering and trauma. Civil claims may be pursued independently or concurrently with criminal proceedings. Accordingly, the resolution of bullying cases should balance punitive measures, the developmental interests of child offenders, institutional responsibilities of schools, and the restoration of victims' rights and dignity in accordance with the principles of child protection and educational responsibility.

Table 2: Child Protection and Educational Responsibility

Legal Domain	Legal Basis	Main Setting
Crime	– Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law)	– Children aged 12–18 years can be processed legally using special mechanisms (diversion, guidance, social work). – The maximum criminal threat is only ½ of the adult criminal penalty (Article 81).
	– Criminal Code Articles 351, 352, 335, and related articles	– Regulates criminal acts of abuse, unpleasant acts, and other forms of violence that can be the basis for criminal prosecution for bullying.
	– Law No. 35 of 2014 concerning Child Protection	– Article 54: Children have the right to protection from violence at school.
Civil	– Article 1365 of the Civil Code	– Every unlawful act that causes loss requires the perpetrator to compensate for the loss.
	– Article 1367 of the Civil Code	– Parents / guardians are responsible for losses resulting from the actions of children under their supervision.
Education	– Law No. 20 of 2003 concerning the National Education System	– Article 3: Education aims to develop the potential of students to become human beings who are

	faithful, have noble morals, are healthy, knowledgeable and responsible.
– Minister of Education and Culture Regulation No. 82 of 2015	– Prevention and Handling of Violent Acts in Educational Units; schools are required to create a prevention and handling system.
– Minister of Education and Culture Regulation No. 46 of 2023	– Establishment of the Violence Prevention and Handling Team (TPPK). – Procedures for reporting, handling, rehabilitation of victims, and sanctions for perpetrators and schools that are negligent.

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