



DOI: <https://doi.org/10.38035/gijlss.v2i4>
<https://creativecommons.org/licenses/by/4.0/>

Criminology of Cases of Children as Perpetrators of Bullying That Lead to Criminalization

Wiwik Aswanti¹, Laksanto Utomo², Joko Sriwidodo³

¹Universitas Bhayangkara Jakarta Raya, Indonesia, wiwikaswanti18@gmail.com.

²Universitas Bhayangkara Jakarta Raya, Indonesia, laksanto.utomo@dsn.ubharajaya.ac.id.

³Universitas Bhayangkara Jakarta Raya, Indonesia, joko.sriwidodo@dsn.ubharajaya.ac.id.

Corresponding Author: wiwikaswanti18@gmail.com¹

Abstract: Acts of bullying committed by children often lead to criminal acts, if the bullying is not immediately known and controlled by other parties. The bullying that is often carried out by children against their friends is triggered by various things. Criminal acts committed by children certainly cannot be equated with criminal acts committed by adults. The role of criminology is very important to find out the cause of a person committing a crime and criminology can also find out how to overcome the problem of these crimes. Behind it all, of course, the role of family, peers, teachers and the environment is very influential.

Keyword: children, crime, bullying, criminology.

INTRODUCTION

Crime involving children has increased every year, data from the Indonesian Child Protection Commission (KPAI) stated, from 2016 to 2020 there were 24,974 cases involving children. While there are 6,500 cases of children involved in crime as perpetrators in Indonesia, the high number of children who commit criminal acts from 2016 to 2020 reaches more than 1000 cases per year, while the data from 2021 to 2024 is not much different from each year. From the data, it can be seen that there are many crimes involving children in criminal cases, not only as victims, but also many children as perpetrators of criminal acts.

Criminal acts involving children in this case are more sadistic because children as perpetrators of criminal acts are of course caused by various factors, such as the lack of attention and affection of parents towards children, social factors in the social environment both in the residential environment, school environment, social media and the internet, and the lack of religious norms embedded in children as well as pressure factors due to low economy.

With these various factors and it is appropriate that children need protection from negative impacts due to the development of development, the influence of globalization in the field of communication, information, scientific and technological advances that greatly affect changes in people's lifestyles and automatically affect children's values and behaviors due to these social changes.

One of the impacts of the various factors above, and which is still a shared responsibility, is the rampant cases of bullying committed by children, in bullying usually the perpetrator will intimidate or ridicule his friend so that it causes irritation towards his friend or even worse than that, the perpetrator makes the victim lose his life, there are also victims who are depressed can result in suicidal thoughts because of continuous bullying and excessive.

Bullying is often carried out in groups so that victims feel oppressed and unable to resist because the number of groups is more than the victims. Victims of oppressed acts of bullying tend to give up and do not resist, victims who surrender usually experience fear and even trauma. In addition, the victims can also suffer severe physical injuries due to the bad actions of the perpetrators who feel stronger than the helpless victims.

Around the world, the phenomenon of bullying is common in primary and secondary schools, even though according to the UN Charter on the Human Rights of the Child, students have the right to feel safe and to obtain an education. This phenomenon appears in social interactions among peers. Children (especially in late childhood) and adolescents spend at least 6 hours a day at school so interaction with peers and teachers becomes an integral part of them.

Research on bullying in five Asian countries by the International *Center for Research on Women* (ICRW) states that Indonesia ranks first in the incidence of bullying in schools with a percentage of 83%. A survey also reported that the number of reported acts of bullying in schools reached 40% and 32% and they said that they experienced physical violence. The high rate of bullying in schools makes students vulnerable to acts of violence, intimidation, harassment, exclusion and oppression. When bullied, victims usually show resistance to their actors. The resistance can be manifested verbally, physically, or both.

METHOD

The type of research used in this study is normative juridical, meaning that the approach is carried out by examining the approach of theories, concepts, examining the laws and regulations related to this research or with a legislative approach. Normative juridical research is legal research that lays down law as a building of a norm system. The norm system in question is about the principles, norms, rules of laws and regulations, agreements and doctrines (teachings). This normative research is a study of legal systematics, which is research whose main purpose is to identify the meanings or foundations in law. This type of research is used because the researcher wants to examine everything related to this research.

RESULT AND DISCUSSION

Age limit for children in criminal law

The definition of a child according to the old Criminal Code (KUHP) is contained in article 45 which states that those who are designated as children or immature persons in committing an act are before the age of sixteen. Meanwhile, according to article 150 of Law No. 1 of 2023 concerning the Criminal Code, a child is someone who is not yet 18 (eighteen) years old.

The laws and regulations that regulate the definition of a child cannot be separated from the child's ability to account for the acts he has committed, and his accountability can be measured from the level of suitability, namely the moral maturity and psychological condition of the child who commits it, coupled with his physical, mental and social condition.

Children who are in conflict with the law are explained in Article 1 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Justice System which reads "children who are in conflict with the law are children who are in conflict with the law, children who are victims of criminal acts and children who are witnesses to criminal acts"

Meanwhile, in Article 1 paragraph (Law Number 11 of 2012 concerning the Juvenile Justice System) states that the age limit for children who are said to be children in conflict with the law, hereinafter referred to as children, is a child who has been 12 (twelve) years old, but has not yet reached the age of 18 (eighteen) years old who is suspected of committing a criminal act

Harmful acts of bullying

Bullying is an unpleasant behavior or action that hurts a person both verbally, physically and socially that can occur both in the real world and in cyberspace, which makes a person feel uncomfortable, hurt and depressed. Another definition of bullying states that bullying is an insulting and degrading act that is carried out repeatedly, so that it can have a negative impact on the victim. So bullying is an aggressive and repetitive act that is carried out to hurt the victim. Bullying is an act that is carried out on a basis and deliberately and has a reason to commit the act. Some of the definitions of bullying according to experts are as follows :

- 1) According to Olweus, bullying is a repetitive negative behavior that intends to cause displeasure or hurt others, either one or several people directly towards someone who is unable to fight them.
- 2) According to Coloroso, bullying is an act of intimidation carried out repeatedly by a stronger party against a weaker person, carried out deliberately and aimed at injuring the victim physically and emotionally.
- 3) Bullying, according to Rigby, is aggressive behavior that is carried out repeatedly and continuously, there is an imbalance of power between the perpetrator and the victim and aims to hurt and cause pressure for the victim.

The word "aggressive" itself in bullying behavior is an attack, invasion or hostile act directed at a person or thing, while aggressiveness is a habitual tendency to exhibit hostility, social domination, and social power to the extreme.

From the understanding and some of the theories above, it can be concluded that bullying is a negative behavior carried out by a stronger party against a weaker party, either using tools (weapons or other objects) or not with the aim of making the victim feel depressed both physically and emotionally.

Bullying can occur in various places, namely in the neighborhood/community, school environment and can also be online (cyber). Bullying consists of several types, namely verbal, physical, and non-verbal and is carried out either directly or indirectly.

The science of crime

Criminology is the science or study of crime that specifically studies crime from various aspects. The word criminology was first invented by a French anthropologist, namely P. Topinard (1830 – 1911), according to him criminology consists of two syllables "crime" which means crime and "logos" which means science, so the word criminology is interpreted as the science of crime.

The definition of criminology according to P. Topinard is a science that aims to investigate the symptoms of crime as widely as possible (theoretical criminology or pure criminology). Theoretical criminology itself is a science based on experience like other similar sciences, theoretical criminologists also pay attention to symptoms and try to investigate the causes of these symptoms in an existing way.

According to Paul Moedigdo Moeliono, criminology is a science that studies crime as a human problem, which means that there is a crime because of the encouragement of the perpetrator to commit a crime.

Edwin H. Sutherland defines criminology as a collection of knowledge that discusses juvenile delinquency and crime as social *phenomena* "*Criminology is the body of knowledge regarding delinquency and crime as social phenomena*" Sutherland describes that the occurrence of crime due to acts that are opposed by society or the whole of science related to celebration is a social phenomenon

The definition of criminology according to Soedjono D, (1976:24) as a science that studies cause and effect, crime prevention and improvement is a human phenomenon that gathers various sciences, which means that criminology is not only a science that studies crime in a narrow sense, but also as a means to find out the causes and consequences and learn how to improve and prevent crimes.

J. Constant defines criminology as a science that aims to determine the various factors that cause crimes and criminals.

According to **W.A Bonger**, criminology can be defined as a science that aims to investigate the symptoms of crime as widely as possible.

WME. Noach defines criminology as the science that investigates the symptoms of crime and indecent behavior, its causes and consequences.

The definition of criminology, according to **Romli Atmsasmita**, is divided into two, namely: (1) Narrow definition, chronology specifically studies crime; (2) Broad definition, criminology studies penology and methods related to crime, as well as the problem of crime prevention with non-punitive actions.

Criminological theories

Based on empirical studies on criminological theories which are generally included in the classical category. The explanation of criminological theories is as follows:

- 1) According to classical theory, criminal behavior is as a conscious choice by the individual.
- 2) Biological theories state that criminology is determined by certain inherited biological traits.
- 3) Psychological theories explain criminal behavior as a consequence of various factors such as education and childhood experiences.
- 4) Meanwhile, in terms of sociological theory, it is said that crime is mostly influenced by various factors in a community, such as systemic oppression and informal social control.

Looking at the various theories put forward from various aspects above, it can be said that the field of criminology can lead to improvements in the entire criminal justice system, including responses to crimes and the treatment of victims and criminals. This has led to advances in community-oriented policing tactics and practices.

Scope of Criminology

In detail, W.A. Bonger broadly divides the scope of criminology into two, namely pure criminology and applied criminology, with the following explanation:

- 1) Pure Criminology with studies that include:
 - a. Criminal anthropology, which is the science that studies the signs of evil humans
 - b. Criminal sociology, which is the science of knowledge that studies the causes of crime in society
 - c. Criminal psychology, which is the science that studies criminals from a psychological point of view
 - d. Psychopathology and Neuropathology, which is the science of mentally ill criminals

- e. Penology, which is the science that studies the growth and development of punishment
- 2) Applied Criminology, with the following objects of study :
 - a. Criminal hygiene, which is a branch of applied criminology that aims to prevent crime by applying the law consistently, implementing a life and welfare guarantee system.
 - b. Criminal politics, which is the branch of applied criminology that seeks to tackle the crime in which the crime occurs
 - c. Criminology, which is a branch of criminology that examines the implementation of criminal engineering investigations and crime investigations.

As a science that studies crime, criminology certainly also studies the causes of a crime. Crime cannot occur by itself without causal factors that affect or encourage the occurrence of a crime. Edwin Sutherland proposed a criminological theory that not only pays attention to its sociological but also psychological aspects as follows :

- a. Evil is learned and not inherited
- b. Crimes are learned in an intimate social environment
- c. The crime is learned through a communication process
- d. What is learned from crime is the drive/motivation, as well as the technique in committing crime.

In addition to some of the theories above, Shuterland proposed several factors that cause people to commit crimes, namely, :

- a. Frequency, how often individuals associate with certain groups
- b. Duration, the length of time an individual has been in the group
- c. Priority, one's past
- d. Intensity, what kind of attitude a person adheres to the norms in his group.

Children as perpetrators of bullying that lead to crimes

However, a child still does not have emotional and mental stability, which is the cause of bullying cases coupled with a lack of ability to control behavior that causes a desire for revenge. There are many factors that cause *bullying* by children, namely:

- 1) Internal factors, this factor uses more emotions from within themselves such as low empathy, tolerance, not being able to control overflowing emotions, not being able to control emotions so that they are easily provoked. This factor can cause children to bully if not corrected. From this internal factor is caused by several factors
 - a) First, family factors such as lack of attention and affection, lack of family harmony and lack of parental supervision of children.
 - b) Second, personal problems, this can trigger bullying, such as a child who cannot accept the situation/distress he is experiencing and then the child vents to others even though the person is innocent, but it is still done because the child hopes to feel better at the same time, or for others to feel what he feels.
- 2) External factors such as the influence of the environment and peers, so that supervision from schools, parents and the government is needed more strictly considering that children do need supervision and guidance because the age of the most vulnerable children is when the child grows up, in the case of bullying the most occurs when the child grows up. External influences from peers at school are the most influential because adolescents spend the most time with their peers.

Bullying has a psychological impact that is quite concerning, not only for the victim but also for the perpetrator. The psychological impact of bullying perpetrators is: Children as perpetrators become accustomed to impulsive activities which are behaviors that are not

followed by thinking about consequences and future impacts because perpetrators prioritize their emotions and desires. Children as perpetrators will have increasingly dull empathy, increased aggressive behavior, increasingly severe antisocial behavior, and negative labels.

The impact of bullying for the perpetrator of bullying if it occurs in the school environment, the perpetrator is called a child who is facing the law. The impact according to Article 80 of the Child Protection Law, the perpetrator of bullying is threatened with imprisonment for 3 years and 6 months or a fine of Rp. 72,000,000,- but considering that children have the right to be treated humanely and separated from adults. Minors benefit from a three-quarter reduction in the sentence to 2 years and 6 months and a fine of 54,000,000,-

Bullying that is carried out physically, especially using assistive devices (weapons or other objects), will be very detrimental to the victim. Children or adolescents who are bullies usually have characteristics that are hyperactive, aggressive, destructive, like to dominate other children or adolescents, tend to be grumpy, irritable and have a low tolerance for frustration. With such characteristics plus if the perpetrator commits bullying using tools, of course it will get worse, bullying that is usually carried out repeatedly will make the perpetrator feel that his actions are ordinary. Even the perpetrator may not understand that what he is doing is dangerous for his victim.

So that it has another impact on the perpetrators of bullying because the perpetrators will be trapped in their role as bullies, they are also unable to develop healthy relationships, are less capable of looking at things from another perspective, cannot have empathy and consider themselves strong and their behavior is liked even though it is the opposite.

Bullying carried out by children is not a few that lead to criminal acts, because bullying starts from intimidating or mocking their friends which then causes irritation towards their friends or even worse than that, if not immediately known and controlled, the perpetrator will continue to bully because he feels that his actions are harmless, and can continue if the bullying continues to be carried out and is not controlled, It is not uncommon for these actions to reach acts of violence, and there are even several cases that cause serious injuries to death.

Bullying that caused the victim to die occurred several times, one example occurred in September in Mononutu, in the news that the author obtained from detiknews on (16/11/2024) stated that the victim of bullying died after experiencing bullying by his schoolmates, the victim experienced fever accompanied by vomiting and headache in the back of the head, after undergoing treatment at the health center but did not improve Then the victim was rushed to the hospital but did not improve and the victim died. There are still many other cases of bullying that caused the victim to die, there are even cases of bullying until the victim was burned alive which happened in Semarang in 2023.

Bullying cases are indeed cases that have been happening for a long time, but they are not decreasing but are occurring more and more, the rise of bullying cases should be a common concern.

Bullying perpetrators need to be a concern and a deterrent effect is needed, and even regulations are needed that make prospective perpetrators not dare to commit other bullying.

CONCLUSION

From what the author described, it can be concluded that there are 2 types of factors that affect the occurrence of criminology carried out by children in committing bullying, namely internal and external factors, stricter supervision efforts are needed not only at school but also in the surrounding environment, parents are given awareness of the importance of giving attention and guidance to children by instilling a positive basic character and a strong religious foundation plus meeting needs The basis of the child so that once the child leaves the house, he already has a strong foundation to deal with friends and others.

Bullying is a case that is quite concerning because it occurs in adolescents, the factors that cause it and how to reduce it need to be done more intensively.

The need to increase the vigilance of schools, communities, the government and the police and the prosecutor's office to provide a deterrent effect on the perpetrators, so that it will indirectly eliminate the intention of the community or other potential perpetrators to commit crimes such as bullying that causes casualties. Perpetrators of bullying that cause casualties need to be given a deterrent effect

REFERENCES

- Artikel: <https://itjen.kemdikbud.go.id/web/perlindungan-anak-dari-perundungan-kebijakan-sanksi-dan-dampaknya-dalam-berbagai-lingkungan/>, 11 Apr 2024
- Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2016) h. 93
- Bankdata.kpai.go.id
- Barda Nawawi Arief, *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan* (Jakarta : Kencana Prenada Media Group), 2014 h.77
- Et al. Fujikawa S, Ando S, Shimodera S, Koike S, Usami S, Toriyama R, 'The Association of Current Violence from Adult Family Mem-Bers with Adolescent *Bullying*'.
- Giannakopoulou D, Bibou-Nakou I, Tsiantis J, Assimopoulos H, Chatzilambou P, 'School Factors Related to *Bullying*: A Qualitative Study of Early Adolescent Students. *Social Psychology of Education*. 2012'.
- <https://news.detik.com/berita/d-7543343/polisi-selidiki-kasus-siswa-sd-di-ternate-diduga-di-bully-hingga-meninggal>
- Jurnal Interpretasi Hukum* Vol. 3, No. 2 – Juni 2022, Hal. 269-274
- Pengertian- Kriminologi - dosensosiologi.com
- Pengertian kriminologi - NegaraHukum.com
- Unicef Indonesia, 'Laporan Tahunan Indonesia 2015'.