

Optimizing the Role of Schools and Teachers in Preventing Children from Coming into Conflict with the Law

Hilda Hilda^{1*}
Asriyani Asriyani²
Fidyah Faramita Utami³
Andi Nurul Isnawidiawinarti Achmad⁴

Abstract:

The Law on Juvenile Justice System states that a child in conflict with the law is a child who is 12 (twelve) years old, but not yet 18 (eighteen) years old who is suspected of committing a criminal offense. Indonesia has a good set of rules but is still considered ineffective in resolving cases of children in conflict with the law. This is due to many factors such as the lack of socialization and counseling regarding the regulations governing this matter. Currently, the role of schools, especially teachers in preventing children (students) in conflict with the law is very important, given the number of cases where the perpetrators are children. The method used in this activity is the socialization method, which aims to provide understanding to schools and teachers as educational institutions and educators whose results can be seen from an increase in teachers' understanding of efforts to prevent children in conflict with the law.

Keywords: Child Protection; Children from coming into conflict with the Law; The Role of Schools and Teachers.

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Introduction

The state is obligated to ensure the welfare of children, as mandated by the 1945 Constitution. In the context of child protection, this issue is not only of national importance but also a major international concern. Internationally, the safeguarding and enforcement of child protection are regulated by instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the UN General Assembly Declaration on the Rights of the Child (1959), and the UN Convention on the Rights of the Child (1989). Nationally, child protection is governed by various laws and regulations, including Law No. 23 of 2002 on Child Protection (as amended by Law No. 35 of 2014) and Law No. 11 of 2012 on the Juvenile Justice System.

Delinquent behavior is generally characterized by a failure to control strong impulses, a challenge that is increasingly evident as children grow up in modern society.

¹ Tadulako University, Palu, Indonesia. *Correspondence E-mail: hildagreat80@gmail.com.

² Tadulako University, Palu, Indonesia. E-mail: anchinatsir88@gmail.com.

³ Tadulako University, Palu, Indonesia. E-mail: *fidexotic@hotmail.com*.

⁴ Tadulako University, Palu, Indonesia. E-mail: noeroelallang@gmail.com



can interfere with their future lives.

This complex environment fosters high material aspirations and is often accompanied by unhealthy social ambitions. (Indah Nur Shanty Saleh et al. 2024, 89) Children no longer hesitate to commit deviations and even crimes (Juvenile delinquency). Making noise, gambling, drinking, using illegal drugs that bring children into conflict with the law and

The increasing trend in the number of children in conflict with the law (ABH) is a serious concern. Annual data indicates that in both 2020 and 2021, the number of ABH was recorded at approximately 1,700 children, rising to 1,800 in 2022. By August 2023, this figure had nearly reached 2,000 children. ("Prihatin, Kasus Anak Berhadapan Dengan Hukum Meningkat," n.d., 2) Cases involving children in conflict with the law continue to increase. Children represent the golden generation the nation's future, entrusted with carrying forward its legacy and progress. (Huda and Khairina 2023, 352)

Today, children are constantly connected to technology, underscoring the need for parents to provide them with careful attention and protection. Additionally, teachers play a pivotal role in child protection and in shaping a generation that is both capable and virtuous, as they have the most frequent and direct contact with students whether during the teaching and learning process or through other school-related activities.(Riska Srinova 2024, 109) In addition to playing a protective role for students, teachers must also serve as behavioral role models. Their role is a vital pillar in the educational development of both children and their parents. Legal proceedings involving children must also take into account several factors, including psychological aspects, the promotion of legal socialization, the provision of psychological assistance, and ensuring a clear separation between detention facilities and legal assistance. (Riskayanti HR Riskayanti HR, Hambali Thalib, and Mohammad Arif 2024, 1625–39).

These measures must be implemented because addressing these issues without integrating balanced programs in education, health, psychological guidance, and community involvement may encourage children to repeatedly engage in unlawful behavior. To implement the aforementioned steps, the government must coordinate across various agencies particularly the education, social, and health.

Offices in collaboration with the police, while also involving all relevant stakeholders and the community. (Kharisma Nurul Akmalisya and Tri Yuniningsih 2024, 149–67). However, all efforts will be futile if they are not founded on an open understanding of children and their rights. A compassionate and transparent approach toward children and their rights will foster more comprehensive attitudes, treatment, and policies for all children including

those in conflict with the law while avoiding stigmatizing labels such as "naughty" or "bad." This approach is essential for promoting positive values in children rather than discouraging them.

This public outreach initiative is designed to provide the community especially students and educators with clear insights into the meaning, benefits, and objectives of the Legal Protection Law, as well as an understanding of how the law applies to children in conflict with the law. To ensure that the outcomes of this initiative are both useful and impactful for the target community, the outreach will be conducted as a comprehensive information campaign.

Furthermore, legal proceedings involving children must take into account several factors, such as psychological aspects, the promotion of legal awareness, the provision of psychological support, and the separation of detention facilities from the areas where legal assistance is provided. These measures are necessary because addressing these issues without balanced, integrated programs in education, health, psychological guidance, and community involvement may inadvertently encourage a tendency among children to repeat unlawful behavior.

Based on the description above, the focus of this paper is on the role of schools and teachers in preventing children from coming into conflict with the law.

Methods

This community service activity is a form of seriousness to support the improvement of understanding and awareness of community law. The stages in this community service activity are as follows:

a) Observation

This community service activity begins with observing the partner location, namely Mamboro Elementary School. From the results of the observations

made by the team, it was found that Mamboro Elementary School teachers lacked understanding related to children in conflict with the law due to a lack of socialization about this matter.

b) Socialization / counseling

Community service activities are carried out by conducting direct counseling. The Devotion Team provided material using powerpoint slides.

c) Discussion

After the team gave a presentation on the material, the team gave participants the opportunity to ask questions in the question and answer session.

d) Evaluation



The team conducted a final evaluation of the previous stages. The evaluation conducted by the Team aims to assess the success of this counseling to participants.

Result and Discussion

1. Definition of Children and Protection of Children

From a sociological perspective, children are regarded as God's creatures who continuously interact within the communities of nations and countries. In this context, children are positioned as a social group with a lower social status compared to the broader community in which they engage.

In the Indonesian positive legal system, a child is defined as an immature individual, a person under age, a person who is underage or in a state of inferiority, or more commonly as an individual under the supervision of a guardian. When examined further in terms of age according to the law, the definition of a child can vary depending on the location, time, and specific purpose, thereby affecting the thresholds used to determine a child's age. These variations in understanding can be observed across different laws and regulations.

For instance, in civil law the definition of a child is constructed based on various civil aspects that render children as legally incapable subjects. One such aspect is their status as immature individuals as determined by age limits with regard to legal capacity. The Civil Code defines a child as an immature person who has not reached the age of legal majority, namely twenty one years, or who has not entered into marriage. Similarly, the Child Welfare Law stipulates that a child is anyone who has not reached the age of twenty one and has never been married.

Furthermore, human rights law clarifies that a child is any human being under eighteen years of age and unmarried, including those still in the womb, provided that it is in their best interest.(*Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia*, n.d., Pasal 1 Angka 5:2)

The child protection law states that a child someone who is not yet 18 (eighteen) years old, including children who are still in the womb.(*Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia*, n.d., Pasal 1 Angka 5:3). Parents, family, community, state and government are responsible for ensuring the optimal and directed growth and development of children directed at the development and protection of children.(Hisar Siregar et al. 2024, 45) Child protection is all efforts intended to prevent, rehabilitate and empower children who experience mistreatment, exploitation and neglect in order to

ensure the survival and growth of children naturally, both physically, mentally and socially.

Child protection comprises all activities aimed at ensuring and safeguarding children and their rights so that they can live, grow, develop, and participate optimally in accordance with the dignity of humanity while receiving protection from violence and discrimination. The scope of legal protection for children includes protecting their freedom and safeguarding their human rights as well as all interests related to their welfare. Consequently, all policies concerning children must lead to the enforcement of their rights to freedom, the safeguarding of their human rights, and the promotion of their welfare.

The purpose of child protection is to ensure that children enjoy the right to live, grow, develop, and participate fully in accordance with the dignity of humanity while being shielded from violence and discrimination for the benefit of quality, noble, and prosperous Indonesian children.

Article 2 of the Child Protection Law states that the implementation of child protection, based on Pancasila, the 1945 Constitution of the Republic of Indonesia, and the fundamental principles of the Convention on the Rights of the Child, includes the principle of non-discrimination. This means that every child is entitled to equal rights without any form of difference or discrimination, as stipulated in Article 2 of the Convention on the Rights of the Child 1989.

- The principle of the best interests of the child, that all efforts made are based on the best interests of the child in the future, as stated in Article 3 of the 1989 Convention on the Rights of the Child. Any policy-making related to children must involve children.
- The principle of the right to life, survival and development, that all potential harm to children must be minimized in every home, school and community environment.
- c. The principle of respecting children's opinions, meaning that children have personal autonomy, so they should not be seen in a weak position.
- d. This principle emphasizes that children have experiences, desires, imaginations, obsessions and aspirations that need to be listened to.

Efforts to protect children are the responsibility of multiple parties, including the state, local governments, family communities, and parents, as mandated by Article 20 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection.

a. State, government and local government



The state as the highest and strongest organization, has a very large share in terms of child protection, which is manifested through laws and regulations concerning the provision of protection to children, so that there is legal guarantee for the implementation of child protection and prevents fraud in its implementation. This is certainly not separated from the purpose of the state, which is to protect the nation and state and the realization of general welfare.

The state and government have the obligation and responsibility to respect and guarantee the human rights of every child without discriminating against ethnicity, religion, race, class, gender, ethnic culture and language, legal status of the child, birth order of the child, and physical and/or mental conditions, as well as providing facilities and infrastructure for the implementation of child protection, as mandated in Article 21 to Article 24 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

a. The implementation of child protection is not only the responsibility of the state, government and local government, but also the responsibility of the community. The obligations and responsibilities of the community towards child protection are carried out through community role activities in child protection. The role of the community in providing protection to children is carried out both by

individuals, child protection institutions, social community institutions, non-governmental organizations, educational institutions, religious institutions, business entities and the mass media. Community obligations in child protection include community role activities in the implementation of child protection, such as caring for, maintaining, educating and protecting children.

b. Family and parents

The surrounding environment where the child grows and develops is one of the factors that affect the behavior and character of the child. Therefore, guidance, coaching and protection from parents, teachers, and other adults are needed by children during their development. Article 26 of the Child Protection Law states that parents are obliged and responsible for: nurture, maintain, educate and protect children; develop children in accordance with the child's abilities, talents and interests; prevent marriage at the age of children; and provide character education and cultivation of ethics to children.

1. Children from Coming into Conflict with the Law

Deviant behavior resulting in unlawful acts committed by children is usually influenced by external factors (environment and association of children). Every year, the number of children in conflict with the law continues to increase, and if we look at the

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development of criminal acts committed by children, both the quality and modus operandi have raised concerns for all parties, especially parents and teachers.

Article 1 paragraph (2) of Law No. 11/2012 on the Criminal Justice System (hereinafter referred to as the Juvenile Criminal Justice System Law) emphasizes that "children in conflict with the law are children in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts". Furthermore, paragraph (3) explains "children in conflict with the law are children who have reached the age of 12 (twelve) years, but not yet 18 (eighteen) years old who are suspected of committing a criminal offense." The United Nations Children's Fund defines a child in conflict with the law as someone under the age of 18 (eighteen) years who is facing legal proceedings because they are accused of committing or suspected of being involved in a criminal offense.

Previously in Law No. 3/1997 on Juvenile Justice, children involved or who committed criminal offenses were referred to as delinquent children. However, after the enactment of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, there was a change in terms related to children who commit criminal offenses. The term conflict is used in the Juvenile Criminal Justice System Law, to describe events that are incompatible or have contradictions that can cause problems in a situation. Therefore, children in conflict with the law can be interpreted as children who face problems due to behavior that is contrary to the law.

According to Harry E. Allen and Clifford E. Simmonsesn, there are 2 (two) categories of child behavior that cause children to have to deal with the law, namely:

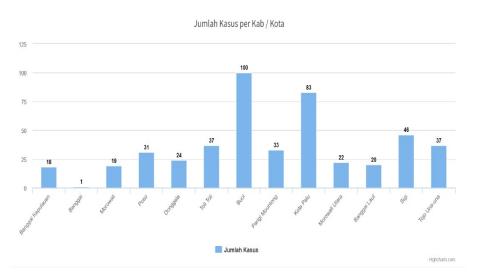
- a. Status offence, delinquent behavior that would not be considered a crime if committed by adults, such as skipping school or leaving home without parental permission.
- b. Juvenile Delinquency, is the delinquent behavior of children when committed by adults is considered a crime or offense. Juvenile delinquency comes from the word 'juvenile' which means adolescent or young person, pointing to the characteristics of the adolescent period, while the word 'deliquency' means wrong doing, neglect / neglect which then means expanded to be evil, asocial, criminal, rule breakers and noisemakers.(Mayasari 2018, 23).(Chandra 2023, 61–78)

The following is data on children in conflict with the law in Central Sulawesi Province: ("Data Anak Yang Berkonflik Dengan Hukum Pada Tahun 2023" 2023)



Figure 1.

Data on Cases of Children in Conflict with the Law



Based on the data in the graph above, it shows that cases of children in conflict with the law, especially in Palu City, are high compared to other regions in Central Sulawesi. Seen from the table above, the number of children in conflict with the law is 83 (eighty-three) cases, only 17 (seventeen) cases different from Buol District with 100 (one hundred) cases. So it can be concluded that children in conflict with the law are children who commit delinquency that causes them to become suspects, suspects, defendants, or are found guilty of violating applicable laws and regulations.

2. The Role of Schools in Handling Children in Conflict with the Law

The role of schools in preventing children in conflict with the law has a very significant impact in shaping positive behavior and values in children as students. Schools are not only a place to carry out the learning process, but schools are also a place to develop social, moral and leadership skills. Teachers and education staff can play an important role in providing guidance, motivation and mentoring to children.

There are several previous studies that can be compared with the discussion in this paper, including the following:

1. Research entitled The Role of Teachers in Preventing High School Student Delinquency, written by Fadhilah Paramitha and Muhammad Fuad Zaini Siregar. This study concludes that synergy between government, schools, teachers, parents, and society is needed to realize the vision of education. In the era of globalization, education must be adaptive and responsive to cultural and technological changes.(Paramitha and Siregar 2024)

- 2. Research with the title Legal Action for Bullying Actors against Minors, written by Iwan Setiawan and Trias Saputra. This study concludes that although there are regulations such as Law Number 35 of 2014 which regulates child protection in the educational environment, implementation and law enforcement are still ineffective. More decisive and comprehensive measures are needed to deal with bullying, including the active role of schools, parents and communities in creating a safe and supportive environment for children. (Setiawan and Saputra 2024, 15)
- 3. Research entitled The Role of Teachers in Guiding Elementary School Students in the Formation of Ethics and Morals to Prevent Bullying Violence, written by Saskia Syalsa Zabillah JR, Syafruddin Muhdar, and Nanang Rahman. This study concluded that therefore, to overcome and prevent acts of bullying, synergistic collaboration between parents, teachers, and schools is needed so that efforts to prevent and handle bullying in elementary schools must be carried out comprehensively by involving various related parties. (Zabillah JR, Muhdar, and Rahman 2024, 114)

Base on several studies above, it can be compared with the conclusion in the article that the effort that can be made by the school are to carry out preventive and repressive effort. In this article, more emphasis is placed on the efforts made by schools and teachers, both preventively and repressively, to provide good examples to students, so that the conclusion of this articles is there are differences with previous research.

The implementation of socialization activities as seen in the picture shows that the school and the participants, namely teachers, are very enthusiastic. The enthusiasm of schools and teachers towards the object of discussion relating to the role of schools and teachers in preventing children in conflict with the law considering that from year to year the increase in cases of children in conflict with the law is very significant.

School programs that include education on juvenile delinquency, social skills training, and promotion of positive values can shape healthy character and behavior in children.(Chairiyah, RA, and Gustina 2024, 1645)

- 1. According to Havighurs, schools have an important role or responsibility in helping students achieve their developmental tasks. Schools should strive to create a conducive climate or conditions that can facilitate students to achieve their development.(Psikologi Perkembangan Anak Dan Remaja 2010, 95)
- 2. In schools, children demand futuristic, inspiring and motivational educational programs to hone their hidden interests and talents. In addition to educational programs, discipline is also needed in detecting, identifying, finding solutions and giving sanctions to students who violate. Schools must act firmly, but must also

3.



nurture students who commit violations. This effort certainly requires consistent foresight, accuracy and perseverance from the teacher.

Efforts that schools can make in terms of overcoming children in conflict with the law can be divided into 2 (two) things, namely preventive efforts (prevention) and repressive efforts (sanctions). (Maya Sri Novita 2024, 33–46)

- a. Preventive efforts can be made by:
 - 1) Setting an example: a good example from the principal, teachers and all school personnel is an effort in building good morals. Children are imitators so that what they see and witness directly will have a great effect on their behavior.
 - 2) Approach to religious education and optimization of moral and ethical education: religious education focuses on appreciation, awareness, and movement that can generate changes for the better.
 - 3) Moral and ethical education is also the goal of religious education. However, morals and ethics involve broader aspects, such as laws and regulations as well as customary laws that apply in a particular place.
 - 4) Humanistic and persuasive psychological approach: when a child commits an offense, it should be handled using a psychological approach, not a militaristic approach. A humanist and persuasive psychological approach aims to provide the best solution to the actual problems faced by children today.
 - 5) Provision of legal aspects: providing socialization or providing legal education is needed to protect children from committing any acts that violate the law, so that when the child wants to do something the child will think twice about committing a violation.
 - 6) Creating a pleasant classroom and school environment: considering that children will spend more time in the school environment, the classroom and school environment should be designed creatively and dynamically, so that it will make students feel at home in class and at school.
 - 7) Cooperation between school and parents: schools will never be able to carry out the learning process well without the help of other parties, especially the parents of students.
 - 8) Cooperation between schools and parents is key in preventing children from offending. Coordination between schools and parents can create a consistent and supportive environment for children.
 - 9) Regular discussions about the child's development and challenges allow parents and teachers/schools to work together to provide consistent guidance.



b. Repressive action (sanctioning).

In connection with the repressive actions take by schools in dealing with children who commit violations, students will be summoned first to be given verbal and written warnings, giving a warning is usually accompanied by summons from the parents, suspension for a period time, and expulsion from school.

After the socialization activity took place, the service team again gave a list of questions to the participants to assess the level of understanding of the participants of the material that had been delivered related to Optimizing the Role of Schools and Teachers in Preventing Children in Conflict with the Law. The number of respondents used was the same as before the socialization activity took place, 25 people, in this case the teacher of SD Inpres 8 Mamboro. The list of questions asked in the questionnaire includes what you know about children in conflict with the law, how to prevent children (students) from conflict with the law, what you know about the rights and obligations of children, have you ever found or faced children in conflict with the law, why it is necessary to prevent children in conflict with the law, what are the obstacles faced at school in minimizing children (students) in conflict with the law, do you know that there are regulations relating to Child Protection, is there any socialization from the government related agencies regarding children in conflict with the law. The results obtained regarding the level of understanding of participants about optimizing the Role of Schools and Teachers in Preventing Children in Conflict with the Law through socialization can be seen as in the following graph.

Based on the graph above, after being given material on the importance of optimizing the role of schools and teachers in preventing children in conflict with the law, it shows that of the 25 respondents, there was an increase in public understanding 15 respondents or 54.5 % had high understanding, 6 respondents or 27.3% had medium understanding, and 4 respondents or 18.2% had low understanding.

Conclusion

Based on community service activities carried out through legal outreach at SD Inpres 8 Mamboro, Palu City, it shows that the increasing number of children in conflict with the law is causing concern for all groups. To overcome this, it is necessary to involve all parties, especially the school, in implementing prevention efforts. Efforts that can be made by the school are to carry out preventive and repressive efforts. Preventive efforts carried out by the school include providing good examples to students, implementing a religious education approach and optimizing moral and character education, taking a humanist and persuasive psychological approach, and establishing cooperation between the school and the students' parents. Meanwhile, repressive efforts are carried out if



students have committed violations, for example by giving verbal warnings, giving warning letters, summoning parents, suspension and expulsion from school.

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