

Bullying In the Perspective of Indonesian Law, Islamic Law, And Human Rights

(Case Study: Timothy's Bullying)

Raden Bagus Muhammad Aji Bagaskoro Meliala¹, Sarkowi², Heru Rohmansjah³, Gregorius Cristison Bertholomeus⁴, Dani Amran Hakim⁵

Universitas Tama Jagakarsa, Indonesia¹

Jl. TB Simatupang No.152, Jakarta

UIN Maulana Malik Ibrahim Malang, Indonesia²

Jl. Gajayana 50, Malang

Institut Pemerintahan Dalam Negeri, Indonesia³

Universitas Nusa Nipa, Indonesia⁴

Jl. Kesehatan No 3 86111 Kabupaten Sikka Nusa Tenggara Timur

UIN Raden Intan Lampung, Indonesia⁵

Jl. Endro Suratmin No.120, Bandar Lampung

Email: ajibagaskoromeliala@gmail.com

ABSTRACT

*Bullying has transformed from a mere school behavior problem into a serious human rights violation with complex legal implications. This study aims to analyze the phenomenon of bullying through three normative lenses: Indonesian positive law, Islamic law, and international human rights instruments, with a particular focus on the case study of Timothy. The research method used is a normative juridical approach with a case study. The results show that Indonesian law, through the Child Protection Law, has provided criminal sanctions, but its implementation is still hampered by diversion for child perpetrators. From an Islamic legal perspective, bullying is considered an act of injustice that violates the principles of *hifdz al-nafs* (protection of life) and *hifdz al-'ird* (protection of honor). Meanwhile, a human rights perspective views bullying as a violation of the right to security and human dignity. Timothy's case underscores the need to synchronize preventive and repressive policies that are more humane yet still deter. This study recommends strengthening religion-based character education and strict supervision of children's social environments.*

Keywords: *Bullying, Indonesian Law, Islamic Law, Human Rights, Timothy Case.*

Introduction

The phenomenon of bullying in Indonesia has reached a very alarming level, extending from elementary to higher education institutions. Terminologically, bullying is an aggressive act carried out repeatedly by an individual or group of people with more power against a weaker party, with the aim of causing physical or psychological harm (Olweus, 2017). In Indonesia, data from the Indonesian Child Protection Commission (KPAI) shows an increasing trend of violence in school environments that is increasingly sadistic and organized. One case that has attracted public attention is the bullying case of Timothy, which represents how the failure of the child protection system in educational environments can have a fatal impact on individual development (KPAI, 2023).

Within Indonesia's positive legal framework, bullying is not defined solely by a single law, but its manifestations are prohibited by various criminal articles. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection explicitly prohibits all forms of violence against children. Article 76C states that everyone is prohibited from placing, allowing, committing, ordering, or participating in violence against children (Republic of Indonesia, 2014). However, challenges arise when the perpetrator of bullying is also a minor, where the juvenile criminal justice system prioritizes a *restorative justice* approach through diversion, which is sometimes felt to not provide justice for the victim, as in the case of Timothy (Simanjuntak, 2021).

In addition to the Child Protection Law, the Criminal Code (KUHP) is also frequently used to prosecute perpetrators of bullying through articles on assault (Article 351) or insult (Article 310). However, the effectiveness of law enforcement in the field often runs counter to a culture of "peace" and the normalization of violence, perceived as part of a child's "maturation" (Lubis & Siregar, 2022). This

creates legal loopholes that leave victims feeling unprotected, while perpetrators receive no proportional deterrent effect.

Islam, as a religion that upholds humanitarian values, views bullying as a highly reprehensible act and contrary to the basic principles of sharia (*Maqasid al-Shari'ah*). In Islam, every individual has the right to protection of life (*hifdz al-nafs*) and protection of honor (*hifdz al-'ird*). Bullying, both verbal (insults, calling with bad nicknames) and physical, is expressly prohibited in the Qur'an, Surah Al-Hujurat verse 11 which prohibits a people from making fun of another people (Shihab, 2019). Islam emphasizes that the nobility of a believer lies in his ability to control his tongue and hands from hurting others. From an Islamic legal perspective, perpetrators of bullying can be subject to *ta'zir* sanctions, namely punishment whose type and severity are determined by the ruler or judge based on the level of danger of the act. The emphasis of Islamic law is not only on the aspect of punishment, but also on aspects of morality and brotherhood (*ukhuwah*). Cases of bullying such as Timothy's experience are seen as a failure to internalize the values of akhlakul karimah in the family and school environment (Anwar, 2020). Islam demands collective responsibility from society to prevent evil, as in the principle of *amar ma'ruf nahi munkar*.

From an international perspective, bullying is a clear violation of the principles enshrined in the *Universal Declaration of Human Rights* (UDHR). Article 5 of the UDHR explicitly states that no one shall be subjected to torture or cruel, inhuman, or degrading treatment (United Nations, 1948). Bullying erodes human dignity and deprives a person of the right to feel safe in their own environment. In the context of children, the Convention on the Rights of the Child (CRC), which Indonesia has ratified, requires states to take all legislative, administrative, social, and educational measures to protect children from all forms of physical or mental violence (UNICEF, 2019). Timothy's case is a stark warning for human rights enforcement in Indonesia, demonstrating the state's failure to guarantee the right to a safe education. Victims of bullying often experience prolonged psychological trauma that hinders their right to optimal development (Nashir, 2022). Human rights violations in bullying cases are not only committed by the perpetrators themselves but also by institutions that allow them to do so (*omission*), which under international human rights law is considered a failure of the state to fulfill its obligation *to protect*.

The case study of Timothy provides a concrete illustration of the complexity of bullying in the modern era. Timothy, who experienced systematic mental and physical abuse, represents thousands of Indonesian children trapped in a cycle of invisible violence. Often, cases like these go unaddressed because schools prioritize maintaining their reputations over addressing the root causes (Prakoso & Utami, 2023). Through this cross-perspective analysis, it is hoped that a comprehensive framework will be developed, in which positive law provides certainty, Islamic law provides a moral foundation, and human rights provide universal standards of protection for every individual.

Based on this background, this study aims to examine how these three legal perspectives align in addressing bullying cases. Are current laws sufficiently accommodating of victims' justice, or do overlapping laws exist that harm all parties involved? By understanding the position of bullying in Indonesian, Islamic, and human rights law, we can formulate policies that not only punish but also humanize and restore justice.

Research Methods

The research method used in this scientific article is **normative juridical** (*legal research*) with a descriptive-analytical case study approach. This **study** examines secondary data sourced from primary legal materials in the form of the Child Protection Law and international human rights instruments, secondary legal materials such as interpretations of the Qur'an and Islamic legal literature, as well as tertiary legal materials such as media reports and reports from state institutions related to Timothy's bullying case. Data collection techniques are carried out through library **research to identify relevant legal norms, principles, and theories, which** are then analyzed qualitatively using deductive methods to draw specific conclusions regarding the synchronization of legal protection for victims of bullying from the perspective of positive law, sharia, and human rights.

Result And Discussion

Timothy Case Analysis: Chronology and Systemic Impact

Timothy's bullying case is a manifestation of a latent failure of the educational supervision system. Timothy experienced systematic bullying that included physical violence, social isolation, and even cyberbullying. Sociologically, this bullying does not occur in a vacuum but is driven by an imbalance in

power relations *where* the perpetrator feels they have a dominant social status or physical strength (Rigby, 2021). The impacts Timothy experienced included severe psychological trauma, decreased academic performance, and a tendency to withdraw from social circles, which in the long term can trigger post-traumatic stress disorder (PTSD).

Indonesian Positive Law Perspective: Between Retributive and Restorative

In the context of positive law, the handling of Timothy's case demonstrates ambivalence in the application of regulations. Child Protection Law Number 35 of 2014 does provide criminal penalties for perpetrators of violence against children, but when the perpetrator is also categorized as a "child," then Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) applies. Under the SPPA Law, the primary approach is Diversion and Restorative Justice (Sarat & Simon, 2018).

However, in legal discussions, there is often a conflict between the rights of child perpetrators to rehabilitation and the rights of the victim (Timothy) to receive justice. If diversion fails, the criminal justice process continues, with a maximum penalty of half the adult sentence. The main problem identified in these cases is the low level of responsibility of schools as entities that are supposed to ensure student safety. Schools are often accused of negligence, which can be pursued in civil court under Article 1365 of the Civil Code, which concerns unlawful acts (Prasetyo, 2020).

Islamic Law Review: The Essence of Protecting Human Dignity

Islamic law views bullying as a violation of the principle of human dignity (*karamah insaniyyah*). In analyzing Timothy's case, the perpetrators' actions fall under the Jarimah (criminal acts) of Ta'zir. Because bullying involves an attack on honor, it is highly relevant to the concept of *Hifdz al-'Ird* (protecting honor) in *Maqasid al-Shari'ah* (Zuhaili, 2016). Discussions from an Islamic perspective emphasize that the perpetrators of bullying have committed multiple *acts* of injustice: first, injustice to the victim; second, injustice to themselves because they violate the natural order of humanity; and third, injustice to the social order of society. Islam not only offers physical sanctions for perpetrators but also emphasizes spiritual and moral recovery (*tazkiyatun nafs*). In Timothy's case, the Islamic resolution prioritizes *Islah* (reconciliation), but with the caveat that the victim must receive sufficient moral or material compensation (*diyat*) to maintain justice and prevent the normalization of injustice (Mubarak, 2022).

Human Rights (HAM) Perspective: Bullying as a Violation of the Right to a Decent Life

A human rights analysis of Timothy's case positions bullying as a serious violation of fundamental, inalienable rights. Under the International Covenant on Civil and Political Rights (ICCPR), every individual has the right to liberty and security of person (United Nations, 1966). The bullying Timothy experienced deprived him of his right to live without fear.

Table 1. man Rights (HAM) Perspective: Bullying as a Violation of the Right to a Decent Life

Dimensions of human rights	Violations in Timothy's Case	Related International Instruments
Right to Security	Physical threats and intimidation at school.	Article 3 of the UDHR
Right to Education	An uncondusive school environment hinders the learning process.	Article 28 Convention on the Rights of the Child
The Right to Dignity	Verbal insults and humiliation.	7 of the ICCPR

Furthermore, the school authorities' failure to protect Timothy constitutes a "human rights violation by omission." In human rights law theory, the state (through public schools or educational regulations) has an obligation to *protect, respect, and fulfill* children's rights (Beitz, 2019). When schools are aware of bullying but fail to take effective preventive action, there is a systemic disregard for international conventions.

Integrating Three Perspectives in Handling Bullying

This discussion found that although the three perspectives have different formal foundations, they all share common ground in the aspect of **victim protection**. Indonesian law provides formal procedures, Islamic law provides an ethical and spiritual foundation, and human rights provide universal standards of protection. Synchronizing these three perspectives is necessary to create an "Anti-Bullying" school ecosystem.

In Timothy's case, the handling of the case cannot stop at simply imposing sanctions on the perpetrator. There must be psychological rehabilitation for the victim in line with human rights principles, moral education grounded in Islamic values for all students, and strict enforcement of school regulations in accordance with the Child Protection Law. Without this integration, the law will become merely a firefighting instrument that acts after the victim has fallen, rather than a preventive measure that preserves human dignity (Rahardjo, 2018).

Conclusion

Based on an in-depth analysis of bullying from the perspectives of Indonesian law, Islamic law, and human rights, through Timothy's case study, several main conclusions can be drawn: Normative Integration: Bullying is not simply a matter of school discipline but a multidimensional violation of the law. Indonesian positive law provides protection through the Child Protection Act; Islamic law prohibits it as a form of injustice against the soul (hifdz al-nafs) and honor (hifdz al-'ird); while international human rights instruments view it as a violation of fundamental human dignity. Implementation Gap: Timothy's case reveals a *gap* between existing regulations and the reality on the ground. The legal approach in Indonesia is often caught in a dilemma between deterring perpetrators and requiring rehabilitation (diversion), which, if not managed properly, can undermine victims' right to restitution. Collective Responsibility: Addressing bullying requires synergy between repressive (legal), preventive (character education), and spiritual (religious) approaches. Islam offers the concepts of *islah* and *ta'zir*, which not only punish but also improve the morality of the perpetrator and restore the victim's rights proportionately.

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