



ANALYSIS OF LEGAL PROTECTION FOR CHILDREN VICTIMS OF BULLYING BASED ON LAW NO. 35 OF 2014 CONCERNING CHILD PROTECTION: A CASE STUDY AT JAYA PANCUR BATU PRIVATE ELEMENTARY SCHOOL

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Abstract

This study analyzes the legal protection of child victims of bullying based on Law No. 35 of 2014 concerning Child Protection, with a case study at Jaya Pancur Batu Private Elementary School. Data were collected through interviews, observations, and document studies, then analyzed in a qualitative descriptive manner. The results of the study showed that bullying in the school occurred in verbal, physical, and social forms. Although Law No. 35 of 2014 already exists, its implementation is still not optimal. Teachers and school staff do not fully understand the applicable legal provisions, and the anti-bullying policy at the school is not yet effective. In addition, psychological support for victims is minimal, and the involvement of law enforcement and child protection institutions is very limited. This study recommends increasing training for teachers, strengthening anti-bullying policies, providing better psychological services, and increasing the involvement of law enforcement and child protection agencies. In conclusion, the legal protection of children who are victims of bullying in schools needs to be strengthened through a more comprehensive and collaborative approach.

Key words: *Legal Protection; Bullying; Child Protection*

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INTRODUCTION

The state of Indonesia is a state of law (*rechtsstaat*), not a country based solely on power (*machtsstaat*) (Qamar et al. 2018). The state of law is a state that aims to establish public order, namely an order that is generally based on law (Ridwan and Sudrajat 2020). The concept in the state of law means that the state gives the right to legal protection to every citizen without partiality, regardless of a person's status and guarantees human rights (Zaini 2020).

The position of children in society is very vulnerable considering the physical and mental conditions that are not strong and mature (Salamor, Salamor, and Ubwarin 2020). The number of cases of moral crimes lately actually places children most often involved in these crimes, as perpetrators or victims. An accurate understanding of children's rights is clearly very important and main to be done considering that children have all the hopes of the Indonesian nation (Sari 2016).

Talking about children and their protection will never stop throughout the history of life, because children are the next generation to come (Arliman 2018). The good or bad future of the nation also depends on the good or bad condition of the current children. In this regard, treating children in a good way is our collective obligation, so that they can grow and develop well and can become the bearers of the treatise of this nation's civilization (Sahetapy 2019).

Protection of children is not a new thing, in fact the protection has become part of the child. Since birth, humans have had essential rights, namely human rights, with these human rights they can get protection and determine their own life (Arliman 2016). If a child becomes a victim of crime, of course for legal protection, more attention must be paid to it because children are the next generation of the nation. For criminal acts experienced by child victims, of course, it has a deep traumatic effect or bad memory on the child, this affects the behavior, lifestyle and behavior of the child in the future (Yuniar and Firmanillah 2019).

In recent years, the issue of bullying has become one of the main concerns in the world of education in Indonesia. Bullying is not only physically detrimental, but also has a serious impact on the psychological condition of children, both in the short and long term.

Cases of bullying in elementary schools are increasingly coming to the surface, reflecting the existence of problems that must be dealt with immediately, both from the education side and from the legal side. This bullying, especially when it occurs in children, can lead to deep trauma that affects their mental and emotional development.

One of the legal instruments that serves as a reference in child protection in Indonesia is Law Number 35 of 2014 concerning Child Protection. This law is a revision of Law No. 23 of 2002, which aims to strengthen legal protection for children, especially those who are victims of crime, including bullying (Ihklas 2023). This law affirms that children have the right to be protected from violence, discrimination, and other harmful acts. In the context of bullying, Law No. 35 of 2014 plays an important role in providing a legal umbrella for children who are victims of bullying (Mahadewi, Sugiarta, and Pritayanti 2023).

However, even though there are clear regulations, the implementation of the law often encounters obstacles in the field. Lack of understanding of children's rights, uncertainty in case handling procedures, and lack of psychological support for victims, are some of the main challenges faced. This study tries to explore how Law No. 35 of 2014 is applied in cases of bullying in elementary schools, especially at Jaya Pancur Batu Private Elementary School.

Jaya Pancur Batu Private Elementary School is in the spotlight in this study because of several cases of bullying that have occurred at the school in recent years. These cases have attracted attention not only from parents of students, but also from the wider community who are concerned about the safety and well-being of children in the school environment. Therefore, an analysis of legal protection for children victims of bullying in schools is very important to be carried out.

In Law No. 35 of 2014, there are several articles that specifically regulate the protection of children from violence, including bullying. These articles include the right of children to be protected from all forms of violence, including verbal and physical violence that often occurs in cases of bullying. In addition, this law also emphasizes the importance of the participation of parents, teachers, and the community in protecting children from various threats that can damage their future.

This study aims to identify the extent to which Law No. 35 of 2014 has been applied in

the case of bullying at Jaya Pancur Batu Private Elementary School. Are these regulations strong enough to provide effective protection for children who are victims of bullying? What is the role of the school, parents, and law enforcement in handling these bullying cases? These questions are the basis for the analysis that will be carried out in this study.

In addition, this study will also look at how prevention efforts are made by schools in tackling bullying. School as a second environment for children after family, has an important role in creating a safe and comfortable atmosphere for all students. School policies, educational approaches, and the involvement of teachers and school staff in detecting and preventing bullying will be the focus of the analysis.

No less important, this study will also discuss the psychological support provided to children who are victims of bullying. The trauma experienced by victims of bullying often leaves deep wounds and affects their mental development. Therefore, it is important to examine whether there is an effective mechanism in providing psychological support for these children, both from schools and other related institutions.

This study will also examine the role of parents in bullying cases. Parents have a great responsibility in educating and protecting their children from all forms of violence. However, in many cases, parents often do not realize that their child is a victim of bullying or do not know how to properly help their child. Therefore, the analysis of parental involvement in dealing with bullying is very relevant.

In addition to parents, this study will also look at how the community, including peers and the surrounding environment, plays a role in preventing and tackling bullying. The culture of mutual cooperation and social concern that is still strong in Indonesia can be an important asset in collective efforts to protect children from bullying. This research will delve deeper into how these social values can be integrated into bullying prevention strategies.

The research method used in this analysis is a case study, which allows researchers to see in depth how Law No. 35 of 2014 is applied in a real context. The data was collected through interviews with various related parties, including teachers, parents,

law enforcement officers, and victims of bullying themselves. In addition, researchers will also conduct direct observations in the school environment to get a more comprehensive picture of the situation in the field.

This research is expected to make a significant contribution to improving legal protection for child victims of bullying in Indonesia. By understanding the strengths and weaknesses of the implementation of Law No. 35 of 2014, it is hoped that more effective solutions can be found in dealing with bullying in schools, especially in elementary schools. The findings of this study can also be considered for policymakers in formulating more comprehensive and responsive regulations to children's needs.

The conclusion of this study is expected to provide concrete recommendations for schools, parents, and the government in improving the protection of children who are victims of bullying. Effective legal protection is not only about law enforcement itself, but also about how to create a safe and supportive environment for children to grow and develop. Thus, the biggest hope of this research is the realization of schools that are free from bullying, where every child can feel safe and protected.

Hopefully, with this research, awareness of the importance of protecting children who are victims of bullying can increase, and concrete actions can be taken immediately to create a better and safer school environment for all children.

METHODOLOGY

Research methods are an important part of a research because they determine how data is collected, analyzed, and interpreted. In this study, the method used is designed to identify (Setyosari 2016) and analyze the legal protection of children victims of bullying based on Law Number 35 of 2014 concerning Child Protection, with a special focus on case studies at Jaya Pancur Batu Private Elementary School. Here are the details of the research methods used:

1. Type of Research

This research uses an empirical juridical approach. The juridical approach aims to analyze the applicable laws and regulations (Rifa'i 2023), in this case Law No. 35 of 2014

concerning Child Protection, as well as its relation to legal protection for children victims of bullying. An empirical approach is used to observe how the rule of law is applied in reality in the field, especially in the elementary school environment.

2. Research Approach

This study uses a case study approach. Case studies were chosen because they allow researchers to delve deeply into one particular phenomenon (Iswadi et al. 2023), namely the application of Law No. 35 of 2014 at Jaya Pancur Batu Private Elementary School in a child abuse case. Through this approach, the research can explore more detailed and contextual information about the dynamics of bullying in the school and the legal protection efforts carried out.

3. Research Location

This research was conducted at Jaya Pancur Batu Private Elementary School, a private elementary school located in the Pancur Batu area. This school was chosen as the location for the research because there have been several cases of bullying that have become a concern of the public and the media. These locations provide specific contexts that are relevant to the research objectives.

4. Research Subject

The subjects of this study include:

- a) Children who are victims of bullying: Children who are victims of bullying at Jaya Pancur Batu Private Elementary School.
- b) Parents or guardians of victims: Parents or guardians of children who have experienced bullying.
- c) School teachers and staff: Teachers, principals, and administrative staff who have involvement in handling bullying cases in schools.
- d) Law enforcement or child protection agencies: Police, lawyers, or officers from child protection agencies handling this bullying case.
- e) Classmate or witness: Another student who witnessed or knew of the bullying event.

5. Data Collection Techniques

Data were collected through several techniques as follows (Jogiyanto Hartono

2018):

- a) In-Depth Interview: Conducted on child victims of bullying, parents, teachers, school staff, and law enforcement or child protection agencies. This interview aims to gain a deep understanding of the victim's experience, efforts to handle cases by schools, and the views of law enforcement officers on the implementation of Law No. 35 of 2014.
- b) Observation: The researcher conducted direct observation at Jaya Pancur Batu Private Elementary School to see the situation and conditions of the school environment, interaction between students, and how the school handles bullying cases.
- c) Document Study: The researcher collects and analyzes relevant documents such as case reports, school records, school policy documents related to bullying, and legal literature related to Law No. 35 of 2014.

6. Data Analysis Techniques

The data obtained were analyzed using a qualitative descriptive analysis method. The steps of data analysis include (Miles and Huberman, 1992):

- a) Data Reduction: Simplify and sort relevant data from the results of interviews, observations, and document studies.
- b) Categorization: Grouping data into categories according to research themes, such as forms of bullying, law enforcement, the role of schools, and psychological support.
- c) Data Presentation: The data that has been grouped is presented in the form of a narrative that describes how the implementation of Law No. 35 of 2014 is carried out at Jaya Pancur Batu Private Elementary School.
- d) Drawing conclusions: Drawing conclusions based on data analysis to answer research questions related to the effectiveness of legal protection for child victims of bullying.

7. Data Validity and Reliability

To ensure the validity and reliability of the data, this study uses the triangulation method. Triangulation was carried out by comparing data obtained from various sources (interviews, observations, and documents), as well as by comparing the results of interviews from various research subjects. With

triangulation, researchers can minimize bias and get a more accurate picture of the phenomenon being studied.

RESULT AND DISCUSSION

1. Forms and Characteristics of Bullying at Jaya Pancur Batu Private Elementary School

Based on the results of interviews and observations, it was found that bullying at Jaya Pancur Batu Private Elementary School occurred in various forms, including:

- a) **Verbal bullying:** This is the most common form of bullying in the school. Victim students often receive ridicule, insults, or derogatory comments from their peers. Some victims confessed that they were often called by inappropriate names, which significantly damaged their self-esteem.
- b) **Physical Bullying:** Although less common compared to verbal bullying, some cases of physical bullying are also found. This physical bullying includes beatings, kicks, or other physical actions taken by the perpetrator against the victim.
- c) **Social Bullying:** Some of the victim's children also experience bullying in the form of social exclusion. They are shunned or isolated from peer groups, so they feel isolated and not accepted in the school environment.

This bullying case generally lasts for a long time before it is finally revealed. Victims' children are often reluctant to report because they are afraid of social consequences or are not sure that the perpetrator will get the appropriate sanctions.

The findings of the study show that bullying at Jaya Pancur Batu Private Elementary School occurs in various forms, namely verbal, physical, and social bullying. These findings are consistent with the theory of "Typology of Bullying" put forward by Dan Olweus, a Norway psychologist known as a pioneer of research on bullying (Hutchinson et al. 2010). Olweus divides bullying into several main categories: physical, verbal, social, and cyberbullying (although this latter type was not found in the case at Jaya Pancur Batu Private Elementary School).

Verbal bullying, such as taunts and insults, is often considered a "mild" form of bullying, but the impact on the child's psychology can be significant. Research by (Al Adawiah and Masri

2022) It also asserts that verbal bullying can lead to lower self-esteem and an increased risk of mental problems such as depression and anxiety in children. This is in line with findings at this school, where victims show signs of stress and declining academic performance.

2. Implementation of Law No. 35 of 2014 at Jaya Pancur Batu Private Elementary School

This study found that the implementation of Law Number 35 of 2014 concerning Child Protection at Jaya Pancur Batu Private Elementary School is still not optimal. Some of the key findings related to this are:

- a) **Lack of Knowledge about the Child Protection Law:** Many teachers and school staff do not fully understand the provisions of Law No. 35 of 2014, especially those related to the protection of children from bullying. They know that bullying is a serious problem, but do not have clear guidance on how to apply the law in a school context.
- b) **Indecisiveness in Law Enforcement:** Bullying cases are often not followed up firmly in accordance with the provisions of the law. Some cases are only resolved through informal mediation between the school, the victim, and the perpetrator, without involving law enforcement officials or child protection agencies. This makes sanctions against perpetrators inadequate and does not provide a deterrent effect.
- c) **Lack of Protection for Victims:** The protection of victims of bullying in this school is also less than optimal. Although schools have tried to place victims in safer environments, the psychological support provided is still very limited. Only a few victims get counseling from professionals, and most are only given advice from teachers or parents.

The implementation of Law No. 35 of 2014 at Jaya Pancur Batu Private Elementary School which is still not optimal reflects the gap between regulation and implementation. According to the theory of "Legal Realism", the law is not only seen from the text of the law, but also how the law is applied in social reality. This theory emphasizes the importance of the social context and behavior of law enforcement officers in the application of the law. In this

case, although Law No. 35 of 2014 has provided a clear legal framework, its application in the field still depends on the knowledge, attitude, and actions of teachers, school staff, and law enforcement officers.

Research by Bunga & Mahendra (2018) in schools in Jakarta also found that a lack of understanding of child protection regulations is often a barrier to effective implementation (Faturohman and Julianah 2024). This is in line with the findings of this study, where many teachers at Jaya Pancur Batu Private Elementary School do not understand the provisions in Law No. 35 of 2014 in depth.

3. The Role of Schools in Handling Bullying Cases

Schools have tried to deal with bullying cases, but there are still some weaknesses in these efforts:

- a) **Ineffective Anti-Bullying Policy:** Schools have anti-bullying policies, but their implementation is less effective. Teachers often do not receive adequate training on how to detect and deal with bullying. Some teachers admitted that it was difficult to identify cases of bullying, especially if it occurred outside of class hours or outside of direct supervision.
- b) **Lack of Parent Participation:** This study also found that parental involvement in handling bullying cases at Jaya Pancur Batu Private Elementary School is still lacking. Many parents are not fully aware that their child is a victim, or do not know how to properly support their child. Despite efforts from schools to get parents to participate, responses from parents are often passive.
- c) **Lack of Support Facilities:** Schools also lack support facilities to handle bullying cases comprehensively. The absence of a permanent counselor at school causes victims of bullying not to receive adequate psychological treatment. Facilities for activities that can reduce aggressive behavior, such as sports programs or supportive extracurricular activities, are also limited.

The role of schools as educational institutions should be at the forefront of preventing and dealing with bullying. However, the results of the study show that the anti-bullying policy at Jaya Pancur Batu Private Elementary School is still not effective,

both in implementation and in creating a safe environment for students. This is in line with the "School Climate" theory put forward by (Wang and Degol 2016), stating that a positive school climate—including strong anti-bullying policies, teacher support, and student engagement—plays an important role in bullying prevention. Schools with a supportive climate tend to have lower rates of bullying.

Research by (Espelage and Swearer 2003) It also found that schools that successfully reduce bullying are those that actively engage all stakeholders, including teachers, students, and parents, in prevention efforts. This indicates that Jaya Pancur Batu Private Elementary School needs to strengthen the participation of all parties in anti-bullying policies.

4. Psychological Support for Children Victims of Bullying

One of the important findings of this study is that psychological support for children who are victims of bullying at Jaya Pancur Batu Private Elementary School is very minimal. Although some children receive emotional support from parents or teachers, most victims feel they are not getting the help they need to cope with the trauma of bullying. Some children show signs of stress, anxiety, and declining academic performance as a result of the bullying they experience.

The lack of adequate psychological support for children who are victims of bullying at SD Swasta Jaya Pancur Batu is a serious problem. According to the "Ecological Systems Theory" theory developed by Urie Bronfenbrenner, children's development is influenced by various environmental systems that interact with each other, ranging from family, school, to society (Darling 2007). In this context, adequate psychological support from school and family is part of a "microsystem" that is very important in helping children cope with the trauma of bullying.

Research by (Rigby 2003) suggesting that appropriate psychological interventions can help reduce the negative impact of bullying on victims. This includes individual, group counseling, as well as programs designed to strengthen children's social skills and mental resilience. The lack of professional counseling at Jaya Pancur Batu Private Elementary School shows that the school has not fully adopted a comprehensive approach in dealing with the

psychological impact of bullying.

The involvement of parents in handling bullying cases at Jaya Pancur Batu Private Elementary School is still lacking, which shows that awareness and knowledge about the importance of child protection in the family environment need to be increased. This is in accordance with the theory of "Parental Involvement" which states that parental involvement is directly correlated with children's emotional and academic well-being. (Epstein and Epstein 2009) emphasizing the importance of good communication between schools and parents to create a conducive environment for children.

In addition, the "Social Support Theory" theory is also relevant in this context, where social support from the surrounding environment, including peers and the community, is essential in protecting children from bullying (Sarason 2013). Social support can serve as a buffer against the psychological impact of bullying, as stated by (Cohen and Wills 1985).

5. The Role of Law Enforcement and Child Protection Institutions

This study found that the involvement of law enforcement officers and child protection institutions in bullying cases at Jaya Pancur Batu Private Elementary School was very limited. Schools often choose to resolve issues internally, without involving the authorities. This is due to several factors, including the fear of social stigma and the desire to maintain the school's reputation. However, this also means that the implementation of laws that are supposed to protect children from bullying is hampered.

The findings that law enforcement and child protection institutions are rarely involved in handling bullying cases at Jaya Pancur Batu Private Elementary School show that there are structural obstacles in the application of the law. The theory of "Law in Action" introduced by (Pound 1910) highlighting the importance of looking at how the law works in practice, not just in text. In these cases, despite clear legislation, its implementation at the school level is still hampered by a variety of factors, including social stigma and the unwillingness of schools to engage outside parties

Research by (Nurdina 2018) It was also found that in many cases, schools prefer

to resolve bullying cases internally to maintain the school's image, which results in weak law enforcement and suboptimal child protection.

CONCLUSION

The results of this study show that the implementation of Law No. 35 of 2014 concerning Child Protection at Jaya Pancur Batu Private Elementary School still faces various obstacles. Although there is awareness about the importance of protecting children from bullying, its implementation has not been effective. Schools need to take more proactive steps and involve all stakeholders in efforts to prevent and deal with bullying, as well as ensure that children's rights regulated in Law No. 35 of 2014 can be properly protected.

This discussion shows that although Law Number 35 of 2014 has provided a strong legal framework for the protection of children from bullying, its implementation at Jaya Pancur Batu Private Elementary School still encounters various obstacles. These include a lack of understanding of the law, ineffective implementation of anti-bullying policies, and a lack of psychological support for victims.

From a theoretical perspective, these findings underscore the importance of a comprehensive approach to dealing with bullying, involving a wide range of stakeholders from schools, parents, to law enforcement. Social support, parent involvement, and a positive school climate have also proven to be important factors in bullying prevention and handling. By strengthening these areas, it is hoped that the protection of children who are victims of bullying in schools can be improved.

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