

Protection of Victims of Bullying Crimes in Traditional Criminal Law

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Abstract: In the customary law system, there is a pattern of punishment and prosecution which is more or less similar to the Islamic legal system, where the role of the victim's family is very important in determining whether or not the perpetrator will be prosecuted and punished. In customary law, legal settlements are carried out with an emphasis on togetherness or harmony. Settlement of criminal cases, especially bullying through customary law, is a process of resolving cases outside of court which consists of first, a mediation system with a consensus approach through deliberation. Second, the restorative justice system is a case resolution system with the aim of restoring the situation that arose for the victim so that a sense of brotherhood between each party is re-established. This system produces an agreement that is a win-win solution, guarantees the confidentiality of the parties' disputes, avoids delays caused by procedural and administrative matters, and resolves problems comprehensively together and while maintaining good relations. Thus, these customary sanctions do not provide

legal protection and fulfillment of children's rights for children who are victims of sexual violence. In sexual crimes against children, children are positioned as victims who experience detrimental impacts, namely physical and psychological harm. Therefore, it is mandatory to be protected, not judged.

Keywords: Bullying; Customary Criminal Law; Victim Protection

1. Introduction

Every year crime continues to develop, starting out simple, but over time it develops and becomes more complex. In Indonesia, one of the crimes that occurs among children is the crime of bullying or what is often known as bullying. Bullying itself can be carried out by single perpetrators and groups. The perpetrators bully or intimidate another person or group whose position is weaker or smaller, either in intellectual ability, physical form, economic ability, and other factors or it could be because of ethnicity, belief and culture.

In a book written by Antonius PS Wibowo entitled Application of Criminal Law in Handling Bullying in schools: according to Riauskona, Djuwita, and Soesetio quoted by PPH-BPHN, the definition of bullying is as follows, bullying is aggressive behavior carried out repeatedly by a person/group students who have power, against other students who are weaker, with the aim of hurting that person.

In this case, bullying can cover several categories, namely physical bullying, hitting, kicking, locking someone in a room, as well as blackmail and destroying other people's belongings. Apart from physical bullying, there is also verbal bullying which the perpetrator carries out without physical contact, such as threatening, humiliating, intimidating and also spreading gossip about the victim. Bullying also occurs through direct non-verbal behavior and indirect non-verbal behavior. Examples of non-verbal behavior directly show condescending expressions. Meanwhile, non-verbal is not direct, such as manipulating a friendship so that it cracks.

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Among the 4 categories, there is also bullying in the form of sexual harassment, which is included in the category of physical or verbal aggressive behavior. Along with the development of technology and the internet, a new category of bullying was born, namely cyberbullying. Cyberbullying is defined as bullying carried out via social media, this action can range from insults to sexual harassment. The consequences of bullying can have an impact on the physical and mental health of the victim of bullying.

In concrete cases, serious bullying can trigger the victim to attempt suicide or seek revenge which results in committing a criminal act. According to Moeljatno, a criminal act is an act that is prohibited by a prohibitive legal rule accompanied by threats (sanctions) in the form of certain penalties, for anyone who violates it. the prohibition.

In living in society and in a state, legal rules are needed to protect society. This is in line with the preamble to the 1945 Constitution of the Republic of Indonesia which states, "To protect the entire Indonesian nation and all of Indonesia's blood and to promote general welfare, educate the life of the nation, and participate in implementing world order based on independence, eternal peace and social justice". The rule of law can work well if the community and law enforcement officials are willing to obey and enforce the applicable regulations. In law, it is known as equality before the law, namely equality in the law, meaning the equal position of everyone in law and government which is recognized normatively and implemented empirically. This means that children also have the same rights and position before the law.

In law, children's rights are specifically regulated in law as regulated in Article 76A of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection which states, "every person is prohibited from: 1) Treating children in a discriminatory manner which results in the child experiencing losses, both material and moral, thereby hampering their social function; or 2) Treating children with disabilities in a discriminatory manner."

In this article it is emphasized that children have the right to special protection from discriminatory attitudes which result in children suffering losses in material and immaterial forms which have the potential to prevent children from carrying out social functions. Children are specially protected, so if in the future there is a case related to the law, the resolution process will be handled specifically. In the juvenile criminal justice system, it is mandatory to prioritize a restorative approach which in resolving cases involves the perpetrator, victim, family of the perpetrator/victim and other parties to seek a fair resolution.

In resolving children in conflict with the law using a restorative justice approach for the victim and the victim's family, it sometimes does not provide justice and a deterrent effect for the perpetrator. It is true that restorative justice is not for punishment for a deterrent effect, but for the improvement/restoration of both parties, therefore it requires other alternatives in handling bullying cases.

In law, it is known as *Das Sollen* or referred to as what should be done and *Das Sein* concrete events/facts. The facts that occur in the field in terms of resolving bullying cases usually prioritize the use of a restorative justice approach whose aim is to restore the parties (*Das Sollen*). However, in reality the victim does not receive a sense of justice and the perpetrator does not receive a deterrent effect from his actions. Apart from that, the public will judge that criminal acts committed by minors will receive leniency in punishment.

The resolution of a criminal act does not always only use national law, it can also use customary law or laws that exist in society. This is in accordance with the mandate of Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power which states "Judges and constitutional justices are obliged to explore, follow and understand the legal values and sense of justice that exist in society."

So in resolving bullying cases you can use customary criminal law or customary law. Customary criminal law is written or unwritten regulations that regulate all behavior in society which contains prohibitions and sanctions. In Customary Criminal Law/Customary Violation Law, there is no known age limit for perpetrators and victims.

From these provisions, it can be seen that there is no distinction between adult perpetrators and child perpetrators. In other words, the weight of the sanctions imposed is the same. However, in the Law on Customary Offenses, it is known as collective responsibility, which means that if the perpetrator of a customary crime cannot be held accountable for his actions then his family, relatives or community are responsible.

In resolving cases in customary criminal law with national law, especially in handling criminal acts committed by children, it is the same as in national law in resolving cases using restorative justice or restorative justice, the resolution of which involves the perpetrator, victim, family of the perpetrator/victim and other parties. related parties to jointly seek a just solution.

In Customary Criminal Law, a similar approach is taken by traditional leaders who involve the perpetrator, victim, family of the perpetrator/victim and other related parties to find a solution based on the *Awig-awig* that has been agreed and also using the norms that apply in the traditional community. Apart from that, the thing that is different apart from the rules used by the facilitator is also different.

According to Article 9 number 2 of Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, it is the public prosecutor who is the facilitator, whereas in customary criminal law the facilitator is the Traditional *Prajuru* led by the Traditional *Banddesa*. The process in customary criminal law is carried out before the case in question is submitted to court, while resolution through restorative justice is carried out in the trial process.

Another difference between the handling process in national law and customary criminal law in bullying cases is that there are differences in the guidance and sanctions process. Sanctions in customary criminal law will be imposed if the person concerned repeats the same mistake.

Based on the description above, the problem formulation is: 1) How Customary Criminal Law Regulates Concerning Crime Victim? 2) How Protection of Victims of Criminal Acts of Bullying in Customary Criminal Law?

2. Preliminaries or Related Work or Literature Review

Theories about Bullying

The etymology of the word bullying comes from English, namely bull, which means a bull who likes to butt heads here and there. In other languages from Norway, Finland and Denmark, bullying is called mobbing or mobning. The word mob itself is a group of anonymous people who are large in number and participate in acts of violence.

In Indonesian, the word bully means bully, someone who picks on someone who is weak. The word bullying in Indonesian can be interpreted to mean hurt (the origin of the word *sakat*) and the suspect (bully) is called *penyakat*. To bully means to annoy or bully other people.

In general, bullying also means hazing, oppression, exclusion, bullying, and others. In conclusion, bullying is an act, while the "bully" is the suspect.

Based on the KBBI Bullying or what is usually called bullying is disturbing; constant teasing; make it difficult; hurting other people, whether physically or psychologically, in the form of verbal, social and physical violence continuously and from time to time, such as calling individuals names with nicknames, beating them, pushing them, spreading rumors, threatening them or undermining them.

Meanwhile, in terms of epistemology or terminology, the definition of bullying based on the KPAI is the action of a person or group who has the urge to injure someone which is carried out repeatedly and over a long period of time against someone who cannot defend himself.

According to Tattum bullying is "...the willful, conscious desire to hurt another and put him/her under stress". Similar to Olweus's opinion, bullying is negative behavior carried out repeatedly which causes individuals to feel uncomfortable or injured, repeated during successive encounters. In contrast to Roland, he defines bullying as: Long standing violence, physical or physical, perpetrated by an individual or group directed against an individual who cannot defend himself or herself."

Olweus in 1993 explained that bullying contains three general elements as follows: 1) It is offensive (aggressive) and negative in nature, 2) Implemented continuously, 3) Unbalanced power between participating parties.

Olweus also defines two subtypes of bullying, namely: 1) Can be done directly, such as physically attacking someone, and 2) Behavior that is not carried out directly (Indirect bullying, for example walking away from someone.

The American Psychological Association (2013) states that bullying is "a form of aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort. Bullying can take the form of physical contact, words or more subtle actions."

The definition of bullying is a form of violent action carried out by someone repeatedly which results in feelings of discomfort for other people. In general, it means annoying and violent behavior. Many experts include several components to define bullying behavior.

Among them, Quistgaard, Craig and Pepler said; 1) In bullying behavior there is an imbalance of power. Where someone who carries out bullying or bullies has more power. With various differences in aspects such as age, body posture, encouragement from peers, or higher status, 2) Bullying behavior is usually carried out repeatedly. A person who is ostracized experiences bullying more than once, leaving behind chronic experiences or trauma, 3) Bullying is carried out with the aim of harming the victim, 4) Bullying includes physical aggressiveness, can take the form of verbal insults, spreading slander or gossip, and threats of exclusion from one's peer group.

So from these various opinions it can be concluded that bullying is negative behavior carried out by an individual or group of people by abusing ongoing power in a relationship that can harm other people, through verbal actions, physical actions and psychological attacks that are carried out continuously.

Bullying Parties

In the context of bullying incidents, there are five parties or five perpetrators of bullying as follows: 1) Bullies are perpetrators who are classified as leaders, who have the desire and actively play a role in carrying out bullying actions, 2) The Bully Assistant is the perpetrator who takes part in the bullying action, however, it depends on waiting for instructions from the bullying leader, 3) Rincifer are the perpetrators who saw and were present when the bullying occurred, they took part in provoking or were provoked, laughed at the victim, provoked the bullying, invited other students to witness and so on, 4) Defenders are perpetrators who try to defend and help victims, often later becoming victims themselves, 5) Outsiders are perpetrators who know but act as if they don't care about what happens.

Meanwhile, in the school environment, various parties who take part in bullying are divided into four types, namely: 1) Bullies (suspects of bullying) are students who physically injure other students continuously, 2) Victims (victims of bullying), namely students who are targets for aggressive actions, 3) Bully-victim, namely the party who participates in aggressive actions, and is also the aggressive perpetrator, 4) Neutral, namely the party who does not participate in aggressive or bullying actions.

So it can be concluded that there are only three main perpetrators in student bullying behavior at school, namely Bullies (perpetrators of bullying), victims (victims of bullying), neutral (bystanders to bullying).

Legal Protection

Legal protection provides protection for human rights that are harmed by other people and legal protection is provided to the community so that they obtain all the rights granted by law. Thus, legal protection is a variety of legal efforts that must be provided by law enforcement officials to provide a sense of security. both mentally and physically from interference and various threats from any party.

According to Setiono, legal protection is an action or effort to protect society from arbitrary actions by authorities that are not in accordance with the rules of law, to create order and tranquility so as to enable humans to enjoy their dignity as human beings.

Legal Protection recognizes several things such as restitution and compensation as a process of compensation for victims which the author will explain further below: (a) Restitution; Restitution is compensation given to victims or their families by the perpetrator of a crime or a third party. Article 4 of Perma No.1 of 2022 regulates as follows: "Victims have the right to receive restitution in the form of: (1) Compensate for loss of wealth and/or income, (2) Compensation for losses, both material and immaterial, resulting from suffering directly related to the crime, (3) Reimbursement of medical and/or psychological treatment costs, (4) Other losses suffered by the victim as a result of the act criminal charges, including basic transportation costs, attorney fees, or other costs associated with the legal process."; (b) Restitution Procedures; The administrative requirements for regulated applications are regulated in article 5 of Perma No.1 of 2022. Requests for restitution must be made in writing in

Indonesian and submitted to the Chairman/Head of the Court either directly or through the Witness and Victim Protection Agency (LPSK), investigator or prosecutor. General According to Article 9 of Perma, a request for restitution does not eliminate the right of the victim, family, heirs and guardians to file a civil lawsuit, in the case of: 1) The application for restitution was rejected because the defendant was acquitted or released from legal charges; And 2) The request for restitution was granted and the defendant was sentenced, however there were losses suffered by the victim that had not yet been requested for restitution from the court or had been requested but not considered by the court.

The courts that have the authority to hear requests for restitution are the courts that try perpetrators of criminal acts, namely district courts, human rights courts, military courts, high military courts and sharia courts; (c) Compensation; Compensation is compensation for losses provided by the state because the perpetrator of a crime is unable to provide full compensation for the losses for which he is responsible. Compensation for victims of serious human rights violations can be provided in non-monetary forms/regulations implemented in stages in the form of providing educational scholarships, job opportunities, or other forms.

In article 17 paragraph 1 Perma no. 1 of 2022 regulates as follows: "Victims of criminal acts of serious human rights violations and criminal acts of terrorism are entitled to compensation in the form of: (1) Compensation for loss of wealth and/or income; (2) Compensation for losses incurred as a result of suffering directly related to criminal acts, including injury or death; (3) Reimbursement of care and/or medication costs; And (4) Compensate for material and other immaterial losses suffered by victims as a result of criminal acts."; (d) Compensation Procedures; The procedure for applying for compensation is the same as applying for restitution except for several things that are regulated except for several things that are regulated in article 18 of Perma No.1 of 2022, including that the application does not need to contain the identity of the perpetrator of the crime in the event that the identity of the defendant is not yet known or unknown.

Customary Criminal Law

By paying attention to the meaning of criminal law on the one hand and customary law on the other, if the construction of thinking is like that, then it is not what we call customary criminal law. To assess what is meant by criminal law, three central issues in criminal law must be looked at, namely what actions are prohibited, criminal liability and punishment.

Viewed from the criminal aspect, to be called criminal law, the main requirement is if the violation of the law is subject to criminal sanctions. What is a crime, the Criminal Code emphasizes that a crime is suffering that is deliberately given by the state to those who meet the requirements to be sentenced to a crime through a court decision. The penalties as regulated in the Criminal Code are basic penalties and additional penalties. The main penalties include the death penalty, imprisonment, fines and imprisonment. Additional penalties include confiscation of certain goods, revocation of certain rights and announcement of the judge's decision.

As for other forms of crime which are theoretically known, such as burning marks, for example, cannot be called a crime because they are not legally recognized in our positive law. Regarding the act, to be called a criminal act, apart from that the act must be sanctioned in the form of a criminal sanction, a prohibition against This action is regulated in law. Violations of the law that are not contained in the law are not criminal acts. Even though an act is despicable, the act cannot be considered a criminal act if it is not specified in written law, more specifically the law.

If we refer to Hilman Hadikusuma's view, the meaning of customary criminal law is not seen from the perspective of criminal law but seen from the perspective of customary law. Viewing customary criminal law from a criminal law perspective will only result in an understanding of the law from a purely positive perspective. Hilman Hadikusuma uses the term customary criminal law as a translation of the term "adat delicten recht".

The definition of customary criminal law places greater emphasis on the level of blameworthiness of an act in the view of indigenous peoples, such as wrongdoing or dissent in the communities of Lampung and South Sumatra. Hilman defines that customary criminal law is a law that indicates events and actions that must be resolved (punished) because these events and actions have disturbed the balance

public. So it is different from western criminal law which emphasizes what events can be threatened with punishment and what kind of punishment, because the event is contrary to statutory regulations.

If western criminal law focuses on the existence of a cause so that a person can be threatened with punishment, then customary criminal law focuses on

there are consequences so that a person and his relatives must be responsible for those consequences. So even though the cause which is a strange event has no provisions or prohibitions, if the result brings harm and is in conflict with the party affected by the effect then the party who caused the effect must be responsible for his actions in western criminal law even though the result is contrary to the party affected by the effect. , if the event does not conflict with the law then the party causing the harm cannot sue for losses or the authorities cannot take action against the person causing the effect.

Van Vollenhoven stated that what is meant by a customary offense is an act that must not be carried out, even though in reality the event or act is only a small contribution.

So, what is meant by customary offenses are all actions or events that are contrary to propriety, harmony, order, security, sense of justice and legal awareness of the community concerned, whether these are the result of someone's actions or the actions of the traditional rulers themselves. Customary Criminal Law is comprehensive and incorporates provisions that are open to differentiating judicial issues with requests for reaction or corrective action.

Meanwhile, a customary offense occurs when customary rules are violated and the balance of society is disturbed. Starting from this understanding, it is clear that the actual meaning of customary criminal law does not rely on a positivistic perspective which assumes that what is meant by law is law. If that perspective is applied then it is impossible for customary criminal law to exist. But if the law is interpreted more broadly, not limited to laws, then it can be said that there is customary criminal law. The difference between the paradigm of criminal law as positive law and customary law as a paradigm of social law is actually a classic debate between the positivism school of thought and the school of legal and cultural history.

Law plays a role in society in two ways, namely as a means social control and as a means of social engineering. The use of law as a means of social engineering in a simple society will also lead to simple social changes, but on the other hand, the use of law as a means of social engineering in a wider society will

bring about broader social change as well. Social changes resulting from changes in law. Social changes in urban communities will certainly be more complex than social changes in rural communities.

This fact is in line with the view of the historical school of thought pioneered by Karl Von Savigny which stated that the more complex a society, the more complex its laws, and the simpler a society, the simpler its laws.

As a means of social control, law seeks to maintain the system that exists in society. However, it is necessary to realize that not all social structures in society are always good. There are also certain social structures in society that are considered unfavorable, which if linked to socio-economic development can become a factor inhibiting development.

At first glance, it can be seen that the imposition of this order threatens the existence of local community customs and customs, but if you look at the consequences of the habit of carrying sharp weapons which are dangerous for public order, then the prohibition on carrying sharp weapons can be justified.

3. Proposed Method

The research method is descriptive analytical, namely describing the problems and facts that occur based on positive legal norms, namely the laws related to this research.

The normative juridical approach method is to use positive legal norms relating to Protection of Victims of Criminal Acts of Bullying in Customary Criminal Law.

Data analysis was carried out qualitatively, meaning without using numbers and statistical formulas.

4. Results and Discussion

Discussion protection of Victims of Bullying Crimes in Traditional Criminal Law

With the transition from criminal law to public law, the state takes over matters if a citizen becomes the victim of a crime. The fear of someone committing a crime against another person is not due to fear of the power of the person who will be the victim, but fear of legal sanctions that will be given by the state. If someone hurts a citizen, then the person who will face the perpetrator is not the victim or their family and relatives but will face the state. This is where it appears that the state protects its citizens through legal means, namely criminal law. The stronger a country is, the more protected its citizens will be from all forms of crime, but the weaker a country is, the more fragile the legal protection of its citizens will be.

Based on the characteristics of public law, it can be characterized that criminal law is public law, namely:

- a. Regulating the relationship between the interests of the state or society and individual people.
- b. The position of a state ruler is higher than that of an individual. In other words, individual people are subordinated to the ruler.
- c. The prosecution of a person (who has committed a prohibited act) does not depend on the individual (who is harmed), but in general, the state/authority is obliged to prosecute that person.
- d. The subjective rights of the authorities arise from objective criminal law regulations or positive criminal law.

In practice, the prosecution of someone who has committed a criminal act is carried out by the Public Prosecutor. In this case, the prosecutor acts to represent the public interest and on behalf of the state. However, often during trials the victim or the victim's family feel dissatisfied with the public prosecutor's demands because they feel the prosecutor's demands are not commensurate with their suffering or sacrifice. Regarding this problem, there is actually no place for the words "dissatisfied" because the public prosecutor has certain standards based on considerations of law and justice.

If the measure of justice is returned to the victims, it will certainly not satisfy the feelings of the families of the victims who have suffered as a result of the actions of the accused. However, even though criminal law is public, there is nothing wrong with the public prosecutor providing understanding and consulting on demands with the victim's family.

Even in the customary law system, there is a pattern of punishment and prosecution that is more or less similar to the Islamic legal system, where the role of the victim's family is very important in determining whether or not the perpetrator will be prosecuted and punished. If in Islamic law, legal issues are seen based on benefit, in customary law legal resolution is carried out with an emphasis on togetherness or harmony.

The most common way to resolve things outside of court is in traffic cases, namely by conciliation. Conciliation in resolving traffic crime cases is contrary to the nature of criminal law as public law. However, in practice, society considers that an accident is not a truly reprehensible act but rather a disaster for both the perpetrator and the victim.

This peaceful out-of-court settlement gave rise to two ironies regarding the nature of criminal law as public law. First, the formal juridical method of thinking. Adherents of this method will say that criminal law is public law.

The consequence of the nature of criminal law as public law is that violations of criminal law provisions must be resolved by law enforcement officials. As a public law, it is not permitted to be resolved by just two parties, namely the victim and the perpetrator.

Thus, adherents of this formal juridical method of thinking will reject the truth of the institution of peace in criminal law because according to this school, all criminal cases must be submitted to court, without exception. Adherents of this formal juridical method of thinking view that law is the same as law so that outside of law there is no law.

Second, the material juridical method of thinking. Adherents of this sect view that law is not synonymous with being limited to laws. Outside of statutory regulations, there are still many laws. The meaning of law for adherents of this sect is both written law and unwritten law.

For adherents of the first school, what is important in law enforcement is achieving legal certainty, while on the contrary, for adherents of the second school, what will be achieved through the law enforcement process is justice.

The next model or what could be called the third model is the implementation of local customary law without the slightest interference from the state. This model is synonymous with peace. Peace in criminal law means that the resolution of a criminal case is carried out

outside of a judicial proceeding, namely by means of peace between the two parties, the same as in civil cases. This peace institution is not formally recognized legally in criminal law legislation so that its implementation is considered illegal or illegal because it does not have a positive criminal law basis.

This peace model overcomes the real gap between applicable law and the sociological conditions of Indonesian society. Satjipto Rahardjo introduced progressive legal theory. One non-legal or non-penal approach can also be carried out with an informal approach. Satjipto Rahardjo call it a country outside a country. Throughout the world, to varying degrees, this phenomenon occurs and Indonesia also displays it.

For example, resolving cases of bullying against child perpetrators between Balinese customary law, especially in the Tabanan and Klungkung areas, and national law in the process of resolving bullying/bullying cases. According to Balinese customary law, there is a settlement process that prioritizes amicable settlements which are based on the sense of justice that exists within the Balinese customary law community and in the author's opinion the settlement process that exists in Balinese customary law can not only provide a deterrent effect for perpetrators without also giving them an evil label. can provide a sense of justice for the victims and of course can restore balance in the Balinese traditional law community. Likewise, Customary Law recognizes the existence of compensation for losses both material and immaterial.

Settlement of criminal cases, especially bullying through customary law, is a process of resolving cases outside of court which consists of first, a mediation system with a consensus approach through deliberation. Second, the restorative justice system is a case resolution system with the aim of restoring the situation that arose for the victim so that a sense of brotherhood between each party is re-established. This system produces an agreement that is a win-win solution, guarantees the confidentiality of the parties' disputes, avoids delays caused by procedural and administrative matters, and resolves problems comprehensively together and while maintaining good relations.

Thus, these customary sanctions do not provide legal protection and fulfillment of children's rights for children who are victims of sexual violence. In sexual crimes against children, children are positioned as victims who experience detrimental impacts, namely physical and psychological harm. Therefore it is mandatory to be protected, not judged.

5. Conclusions

1. In the customary law system, there is a pattern of punishment and prosecution which is more or less similar to the Islamic legal system, where the role of the victim's family is very important in determining whether or not the perpetrator will be prosecuted and punished. In customary law, legal settlements are carried out with an emphasis on togetherness or harmony.
2. Settlement of criminal cases, especially bullying through customary law, is a process of resolving cases outside of court which consists of first, a mediation system with a consensus approach through deliberation. Second, the restorative justice system is a case resolution system with the aim of restoring the situation that arose for the victim so that a sense of brotherhood between each party is re-established. This system produces an agreement that is a win-win solution, guarantees the confidentiality of the parties' disputes, avoids delays caused by procedural and administrative matters, and resolves problems comprehensively together and while maintaining good relations. Thus, these customary sanctions do not provide legal protection and fulfillment of children's rights for children who are victims of sexual violence. In sexual crimes against children, children are positioned as victims who experience detrimental impacts, namely physical and psychological harm. Therefore it is mandatory to be protected, not judged.

Suggestion

1. For the Government of the Republic of Indonesia: Using customary law which still exists in several regions of the Republic of Indonesia in resolving criminal acts, especially in this case cases of bullying that occurred in Indonesia as an alternative solution outside the court involving customary law communities in the area.

2. For the Regional Government to explore and codify customary criminal law so that it can be used as a reference for law enforcers in resolving criminal cases, especially in this case cases of bullying.

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