



Law Protection on Victims of Bullying Crime to Person With Disability in West Lombok Regency: Analysis of Victimology Perspective

Idul Adnan*

State Institute For Syariah Studies at Darussalam,
West Lombok province of West Nusa Tenggara,
Indonesia

Abstract: This research aims to determine how the law protects victims of bullying crimes through social media or directly. When a bullying criminal event occurs, the rule of law often focuses on punishing the perpetrators of crimes. The rights of victims of these crimes are often neglected, especially for persons with disabilities. Based on the results of research and discussion, the factors bullying to persons with disabilities cause family, school, peer groups, social, environmental, television and media, and personality factors. Indonesia's criminal justice system has ignored the suffering of victims of persons with disabilities because there is no specific regulation regarding bullying but still uses the criminal code of law regarding defamation. Victims of bullying crimes are only seen as passive objects, and their rights are ignored. Law protection for victims still uses the Indonesian Criminal Code Article 310 paragraphs (1) and (2) and Law Number 19 the Year 2016 concerning Amendments to Law Number 11 the Year 2008 concerning Information and Electronic Transactions Article 27 paragraph (3) Article 145. Then an analysis of victimology perspective that victims of bullying crimes to persons with disabilities in Indonesia, judging from the victim's responsibility, are included in biologically weak victims, namely persons with disabilities who are victims of bullying crimes due to their weak or abnormal physical condition. Based on the findings, valuable insights for scholars and practitioners are discussed.

Keywords: *Victimology, bullying crime, victims, disability, Indonesia*

Received: 19 December 2020; **Accepted:** 18 May 2021; **Published:** 27 June 2021

INTRODUCTION

Persons with disabilities are vulnerable people who are obliged to be protected from various forms of crime, including bullying. In Indonesia, bullying often occurs such as intimidation, violence, differentiation, exclusion of restrictions, harassment, or exclusion of people who experience physical, intellectual, mental, or sensory limitations in interacting with the environment experiencing obstacles and difficulties to participate fully and effectively with other people or other citizens (Lievense, Vacaru, Liber, Bonnet, & Sterkenburg, 2019). Especially in the educational environment such as elementary school and high school and even in the college environment, bullying acts are considered normal actions against people with physical limitations (Sucipto, 2012).

The Indonesian Child Protection Commission in Indonesia defines bullying as a long-term physical and psychological violence committed by someone or a group of people who are unable to defend themselves in situations where

*Correspondence concerning this article should be addressed Idul Adnan, State Institute For Syariah Studies at Darussalam, West Lombok province of West Nusa Tenggara, Indonesia. E-mail: Adnanaydul@gmail.com

there is a desire to hurt or frighten people or make people depressed, traumatized, or depressed and helpless. At the same time, a victim is a person who suffers physical, mental, and or economic loss caused by a crime (Blomqvist, Saarento-Zaprudin, & Salmivalli, 2020; Garland & Hodkinson, 2014). Victims are the state's responsibility to protect and handle victims, both direct and indirect victims, regarding the state's responsibility towards victims regulated in Law Number 31 of 2014 concerning Protection of Witnesses and Victims.

What is meant by protection is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and victims, which must be carried out by witness and victim protection institutions in Indonesia called LPSK or other institutions by the provisions of Law Number 31 the Year 2014 Regarding Witness Protection and Victim. Whereas based on Article 1 Number 5 of Law Number 8 the Year 2016 concerning Persons with Disabilities, protection is defined as an effort made consciously to protect, protect and strengthen the rights of Persons with Disabilities.

Based on data from the Advocacy Center for Disability Women and Children in 2015 recorded 29 women with disabilities became victims of violence, both sexual violence, physical violence, and economic violence and bullying violence. In 2016, similar violence increased by 33 cases and 35 cases in 2017. Persons with disabilities should have the same opportunity to develop themselves through independence as human beings with dignity because the state must guarantee the fulfillment of the rights of persons with disabilities by harmonizing regulations (Agustin, 2019; Kocaturk, 2019).

Based on the data released by National Commission of Violence Against Women (2019) on violence against women, which has increased from year to year, has increased, 2016 there were 259,150 cases of violence; in 2017, there were 348,446 again, an increase of 406,178 cases. This includes violence against women with disabilities. The figures presented help many parties, including countries, on how prevention and recovery are carried out (Anugrahadi, 2017).

The case of bullying in 2018, which was very concerning, occurred within the university environment, namely to MF (pseudonym), who was still a Gunadarma University student with special needs. The action spreads a 14-second video on Instagram (Tempo.Co, 2018) and illustrates that no one can prevent this humiliation. Instead, it shows a degrading social perspective. Even when the victim tried to defend herself, it instead became mockery and mocking material.

The case illustrates that people with disabilities are often mocked by their colleagues until released on social media. So that the effect some of them feel depressed, lonely, anxious, have low self-esteem, to attempt suicide. They are even being uncomfortable attending school and having poor academic grades.

Therefore, the state must provide special protection to persons with disabilities so that the human rights inherent in everyone are fulfilled, including victims of bullying against persons with disabilities through government legislation or by harmonizing regulations, including eliminating rules and culture that violate the rights of people with disabilities by Law Number 39 of 1999 concerning Human Rights.

This study will describe the factors that cause bullying crimes to persons with disabilities in Indonesia and law protection covering the rights of persons with disabilities and against victims of bullying for persons with disabilities. Also, what factors cause bullying of persons with disabilities.

LITERATURE REVIEW

According to article 1 paragraph 1 of Law no. 8 of 2016, it is stated that persons with disabilities are any person who experiences physical, intellectual, mental, and sensory limitations in the long term that in interacting with the environment can experience obstacles and difficulties to participate fully and effectively with other citizens based on equality of rights (The Republic of Indonesia, 2016b).

Therefore, it is understood that bullying to disability is oppressive behavior, ridicule, hurt mentally or physically on a person or group of people who have physical limitations, intellectual, mental, both in interacting and adapting to each other and the environment (Zych, Farrington, & Ttofi, 2019). More stated detail at Article 4 paragraph 1 of Law no. 8 of 2016, there can be found a variety of people with disabilities including persons with physical disabilities, persons with intellectual disabilities, persons with mental disabilities, and people with sensory disabilities. It is important to understand that the variety of persons with disabilities, as referred to in paragraph (1), can be experienced singly, double, or multi-yearly for a long period determined by medical personnel under statutory provisions (The Republic of Indonesia, 2016b).

Suppression bullying is behavior by a person or group of people over and over that utilizes the imbalance of power to hurt the target (victim) is mentally or physically. Therefore many types of bullying crimes have been done in

Indonesia (Adriany, 2019; Bowes et al., 2019; Sittichai & Smith, 2015). First, verbal bullying, this type to disability by form joke name, reproach, slander, cruel criticism, insults (both personal and racial), statements nuanced sexual invitation or sexual harassment, terror, letters that intimidate, allegations that are not right, nasty and false rumors, gossip and so forth. Second, physical bullying, including this type, is beating, strangling, elbowing, punching, kicking, biting, emitting, clawing, and spitting on an oppressed child to a position that hurts, damages and destroys objects belonging to an oppressed child. Third, relational bullying, which is used to alienate or reject a friend or even to damage a friendly relationship. Relational bullying is the systematic weakening of the victim's self-esteem through neglect, exclusion, exclusion, or avoidance. These behaviors can include hidden attitudes such as aggressive views, eye glances, sighs, shaking shoulders, sneers, chasing laughter, and rough body language. Last, electronic bullying is a form of bullying behavior carried out by electronic actors such as computers, mobile phones, the Internet, websites, chat rooms, e-mail, SMS, etc. Usually intended to terrorize victims by using writing, animation, images, and video or film recordings that are intimidating, hurting, or cornering (Alhaboby, al Khateeb, Barnes, & Short, 2016; Wicaksana, 2008).

As a result of the actions of bullying impact on the victim with physical, " disabilities traditional, involves malicious aggressors who seek implicit or explicit pleasure or profit through the mistreatment of another individual. Moreover, violence is associated with aggression and involves the infliction of injury (e.g., emotional, psychological, physical) (Alhaboby et al., 2016; Hinduja & Patchin, 2007).

Quoted from Newsmaxhealth.com: Dr. Jorge Srabstein said, "The problem of bullying will cause various health problems, both physically and emotionally. Especially those who are victims of bullying are people with disabilities, including:

- Headache
- Stomach ache
- Disorders of insomnia
- Depression and anxiety
- Even many people are hospitalized because of bullying.

Other impacts that are less visible but have long-term effects are decreased psychological well-being and poor social adjustment. From research conducted by Riauskina et al., When experiencing bullying, victims feel a lot of negative emotions (anger, resentment, depression, fear, shame, sadness, discomfort, threatened) but are powerless to deal with it. In the long run, these emotions can lead to feelings of inferiority that are worthless.

In general, the impact of bullying on victims according to Hinduja and Patchin (2007) "Finally, students who are cyberbullied may fear for their safety offline due to intimidation and online mistreatment. While it is hoped that all youth would be able to use and benefit from the Internet without concern or expectation for negative interpersonal experiences in that setting, the potential for cyberbullying may arouse trepidation in some."

RESEARCH METHODOLOGY

Research Design

The data used are primary. The type of research is descriptive qualitative, which provides a complete picture of the norms (Soekanto & Mamudji, 2012). The application of law protection to victims of bullying crimes to persons with disabilities. The research will be conducted by studying field and library materials in applicable formal literature and law.

Research Respondents

The respondent that the author used in this study is three people, namely as follows.

RESULTS

Factors That Cause Bullying Crimes Towards Persons With Disabilities

The perpetrators of bullying crime are caused by various factors both from the perpetrators and outside the perpetrators themselves. The behavior of bullying is not apart from the experience of personal perpetrators, as revealed by Jon Garland and Paul Hodkinson ' experiences of harassment and victimization were diverse within the sample. However, all had, at one time or another, been subjected to derogatory stares or comments at the very least (Garland &

Table 1 *Respondents*

No.	Name	Respondent
1	Head of Service Center Technical Implementation Unit Integrated Empowerment of Women and Children	1
2	Head Of Trauma Protection House Center	1
3	Head Of Madrasah Alyah Almanshuriyah Kereak Pandan Indah Village	1

Hodkinson, 2014). As for the causes of the behavior of bullying crimes to disabilities (Astuti, 2008).

Family factors: Perpetrators of bullying crimes to disabilities because it has been receiving treatment bullying on her/his family. So that he grows up in an aggressive and abusive family and even mimics these habits in his daily life to ridicule disabilities. They often even commit physical and verbal violence that is done to others due to bad behavior from their family. A study shows that aggressive behavior increases in children who witness the violence committed by the father against his mother can affect the child's growth and development.

School actors: The school often ignores the existence of this bullying. As a result, children as bullying will get reinforcement of their behavior to intimidate other children. Bullying is growing rapidly in the school environment, often giving negative input to students, for example, in the form of punishment that is not constructive, so it does not develop a sense of respect and respect among fellow school members.

Peer group factors: Children, when interacting in school and with friends around the house, sometimes are encouraged to bullying. Some children are bullying to prove that they can belong to a particular group, even though they feel uncomfortable with the behavior.

Social, environmental conditions: Social conditions can also be a cause of bullying behavior. One of the social, environmental factors that cause bullying is poverty. Those who live in poverty will do anything to meet their daily needs, so it is not surprising that there is often bullying between students in schools.

Television and media social: Television and print media shape the pattern of bullying behavior in terms of the shows they display. A compass survey (Saripah, 2006) showed that 56.9% of children imitated the scenes of the films they watched. Generally, they imitated their movements (64%) and words (43%).

Personality factors: Someone active and impulsive is more likely to apply to bully than someone passive or shy. Pelaku bullying is a way to gain popularity, attention or acquire the goods they want. Usually, they are afraid of the act of bullying befalls them so that they precede applying bullying to others to form an image as brave.

The respondent that the author used in this study is three people, namely as follows.

Table 2 *Victims in Trauma Center Protection House Based on Age Classification*

No.	Age Cluster	Gender	Status	Number of Victims
1	15-20 Years	girl	Returned	Four people
2	22-30 Years	girl	Returned	24 People
3	No description	girl	Returned	51 People
	Amount			75 people

Law Protection Victims of Bullying Crimes to Persons With Disabilities

Indonesia does not have official regulation of bullying crimes. So that the perpetrators of bullying cannot be judged for what the victim wants, considering the bad effects felt by the victim, both physically and psychologically, and legal protection for victims with mental disorders (persons with disabilities). In legal protection in Indonesia against victims of bullying crime for persons with disabilities still use Criminal Law Article 310 paragraphs (1) and (2): Anyone who intentionally attacks someone's honor or reputation by accusing something, which means that it is clear that it is known

publicly, is threatened because of pollution, with a maximum jail sentence of nine months or a maximum fine of four thousand and five hundred rupiahs. This article also applies to persons with disabilities in Indonesia.

While bullying crimes are committed through social media, for example, insult or defame to persons with disabilities, then the law protection can be used (Molina, 2016); Law Number 19 of 2016 concerning Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions Article 27 paragraph (3) highlights: Every Person intentionally and without the right to distribute and or transmit and or make access to electronic information and or electronic documents that have content of defamation and or defamation (The Republic of Indonesia, 2016a).

Meanwhile, victims of bullying crimes can submit it to a government institution, namely the Witness And Victim Protection Institution, to fulfill their rights. In Indonesia, persons with disabilities as victims of bullying can claim their rights to perpetrators through the institution as mentioned in Article 7A (1) of the Republic of Indonesia Law Nomor 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims (The Republic of Indonesia, 2006) that, the victim of a criminal offense is entitled to restitution in the form of, a. compensation for loss of wealth or income, b. damages incurred due to suffering directly related to a criminal offense; and c. reimbursement of medical and psychological care costs.

DISCUSSION

According to Dikdik and Gultom (2008), victimization is a study in which the object of which parties are involved/influences the occurrence of victimization (criminal), how is the response to victimization, the factors causing the occurrence of victimization, and so on. The understanding explained by Gosita (1989) is in line with Dikdik's opinion that victimization is a scientific knowledge/study that studies victimization (criminal) as a human problem which is a social reality.

The victims both individually and collectively experience suffering and loss, including physical or mental, emotional, economic loss, substantial interference with their fundamental rights (Hinduja & Patchin, 2007; Mansur & Gultom, 2007). The definition of victim in article 1 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power states, "victim means a person who, individually or collectively has suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental right, through acts or omissions including those laws proscribing criminal abuse of power (Office of the United Nations High Commissioner for Human Rights, n.d.).

Thus in terms of victimization, it can be understood that the victim of a crime of bullying against a person with a disability is a person or group of people who experience physical, intellectual, mental limitations, both in interacting and adapting with others and the environment experiencing suffering and loss including physical and mental losses resulting from behavior oppress, mock, intimidate physically or in a mint.

When viewed from the perspective of the responsibility of the victims themselves, the typology of victims can be divided into several groups in the opinion of Stephen Schafer quoted by William G. Doerner and Steven P. Lab "Schafer provided a typology that builds upon victim responsible for the crime." (Gosita, 1989).

- Unrelated victims
- Proactive victims
- Participating victims
- Biologically weak victims
- Socially weak victims
- Self victimizing victims
- Political victims

Therefore, in terms of the responsibility of victims of bullying crimes against persons with disabilities, it is included in the typology of socially weak victims where victims are socially weak and difficult to socialize and communicate because physically disabled people have limitations.

Crime can occur when there are three conditions at once, namely the right target, the motivated perpetrator, and the absence of security (Agnew, 2016; Ceccato, 2016). So in terms of victimology emergence, victims of bullying against people with disabilities because of the lack of accessibility are provided by the government or an institution that can provide convenience for persons with disabilities to achieve equality of opportunity. Second, the lack of adequate accommodation for the right modification and adjustment needed to guarantee the enjoyment or implementation of all human rights and fundamental freedoms for persons with disabilities based on equality. Third, the lack of aids or objects

that function to help the independence of people with disabilities carry out daily activities so that the perpetrators of bullying easily intimidate, ridicule, and insult the victim (Emerson et al., 2021).

LIMITATIONS AND RECOMMENDATIONS

The recommendations that the author can recommend in this research are as follows:

1. The government is responsible for fulfilling Law Enforcement to the Protection of Victims of bullying crimes from physical and non-physical violence to obtain protection in accordance with the laws and regulations as appropriate.
2. The government makes a special law regarding law enforcement to protect bullying victims from physical and non-physical violence directly or through social media and provide criminal sanctions to perpetrators.

CONCLUSION

Bullying is a negative behavior or action carried out repeatedly. The action is intentionally carried out to injure someone with a disability or someone who has physical, mental, and intellectual limitations, even sensory, within an indeterminate period. The factors causing bullying crimes against persons with disabilities in Indonesia include family factors, school factors, peer group factors, social, environmental conditions, television shows, and social media and personality factors.

While the protection of victims of bullying crimes to persons with disabilities is contained in the Criminal Code Article 310 paragraphs (1) and (2). Law Number 19 the Year 2016 concerning Amendment to Law Number 11 the Year 2008 concerning Information and Electronic Transactions Article 27 Paragraph (3) Article 145. From the perspective of the responsibility of the victims themselves, the typology of victims of socially weak victims. the emergence of victims of bullying against persons with disabilities due to lack of accessibility, accommodation, assistive devices provided by the government or a particular institution

REFERENCES

- Adriany, V. (2019). i dont want to play with the barbie boy: Understanding gender-based bullying in a kindergarten in Indonesia. *International Journal of Bullying Prevention*, 1(4), 246-254. doi:<https://doi.org/10.1007/s42380-019-00046-2>
- Agnew, R. (2016). A theory of crime resistance and susceptibility. *Criminology*, 54(2), 181-211. doi:<https://doi.org/10.1111/1745-9125.12104>
- Agustin, C. M. (2019). Breaking out of the glassbox: Employee responses to disability inclusion in the workforce in Thailand. *International Journal of Business and Economic Affairs*, 4(2), 85-93. doi:<https://doi.org/10.24088/ijbea-2019-42004>
- Alhaboby, Z. A., al Khateeb, H. M., Barnes, J., & Short, E. (2016). The language is disgusting and they refer to my disability: The cyberharassment of disabled people. *Disability & Society*, 31(8), 1138-1143. doi:<https://doi.org/10.1080/09687599.2016.1235313>
- Anugrahadi, A. (2017). *Bullying happens, is Gunadarma campus disability friendly?* Retrieved from <https://bit.ly/3f4siXu>
- Astuti, P. R. (2008). *Reducing bullying: 3 effective ways to tackle violence against children*. Jakarta, Indonesia: Grasindo.
- Blomqvist, K., Saarento-Zaprudin, S., & Salmivalli, C. (2020). Telling adults about one's plight as a victim of bullying: Student-and context-related factors predicting disclosure. *Scandinavian Journal of Psychology*, 61(1), 151–159. doi:<https://doi.org/10.1111/sjop.12521>
- Bowes, L., Aryani, F., Ohan, F., Haryanti, R. H., Winarna, S., Arsianto, Y., . . . Kristianto, Y. (2019). The development and pilot testing of an adolescent bullying intervention in indonesia—the ROOTS Indonesia program. *Global Health Action*, 12(1), 65-69. doi:<https://doi.org/10.1080/16549716.2019.1656905>
- Ceccato, V. (2016). Public space and the situational conditions of crime and fear. *International Criminal Justice Review*, 26(2), 69-79. doi:<https://doi.org/10.1177/1057567716639099>
- Dikdik, M. A. M. S., & Gultom, E. (2008). *Urgency crime victim protection between norm and reality*. Jakarta, Indonesia: King Grafindo.

- Emerson, E., Aitken, Z., Badland, H., Fortune, N., Green, C., & Rachele, J. N. (2021). Social and environmental determinants of the health of people with disabilities. In *Handbook on ageing with disability*. Routledge.
- Garland, J., & Hodkinson, P. (2014). F** king freak! What the hell do you think you look like? Experiences of targeted victimization among goths and developing notions of hate crime. *British Journal of Criminology*, 54(4), 613-631. doi:<https://doi.org/10.1093/bjc/azu018>
- Gosita, A. (1989). *Child protection issues*. Jakarta, Inodnesia: Presindo Academy.
- Hinduja, S., & Patchin, J. W. (2007). Offline consequences of online victimization: School violence and delinquency. *Journal of School Violence*, 6(3), 89–112. doi:https://doi.org/10.1300/J202v06n03_06
- Kocaturk, F. (2019). Educational activities for disabled adults. *International Journal of Humanities, Arts and Social Sciences*, 5(4), 138-144. doi:<https://dx.doi.org/10.20469/ijhss.5.20002-4>
- Lievense, P., Vacaru, V., Liber, J., Bonnet, M., & Sterkenburg, P. (2019). Stop bullying now! Investigating the effectiveness of a serious game for teachers in promoting autonomy-supporting strategies for disabled adults: A randomized controlled trial. *Disability and Health Journal*, 12(2), 310–317. doi:<https://doi.org/10.1016/j.dhjo.2018.11.013>
- Mansur, D. M. A., & Gultom, E. (2007). *The urgency of protecting crime victims: Between norms and reality*. Jawa Barat, Indonesia: Raja Grafindo Persada.
- Molina, K. (2016). *Indonesian electronic information and transactions law amended*. Retrieved from <https://bit.ly/3yTjf3u>
- National Commission of Violence Against Women. (2019). *Komnas perempuan independent report to the cedaw committee, 2016 regarding the implementation of the convention on the elimination of all forms of discrimination against women in Indonesia, 2012-2016*. Retrieved from <https://bit.ly/3yY7pW2>
- Office of the United Nations High Commissioner for Human Rights. (n.d.). *Declaration of basic principles of justice for victims of crime and abuse of power*. Retrieved from <https://bit.ly/3swiuLy>
- Sittichai, R., & Smith, P. K. (2015). Bullying in south-east Asian countries: A review. *Aggression and Violent Behavior*, 23, 22-35. doi:<https://doi.org/10.1016/j.avb.2015.06.002>
- Soekanto, S., & Mamudji, S. (2012). *Normative legal research short review*. Jakarta, Indonesia: Rajawali Press.
- Sucipto. (2012). Bullying and efforts to minimize it. *PSIKOPEDAGOGIA Journal of Guidance and Counseling*, 1(1), 2-9. doi:<http://dx.doi.org/10.12928/psikopedagogia.v1i1.2566>
- Tempo.Co. (2018). *Three bullies in gunadarma university suspended for one year*. Retrieved from <https://bit.ly/3ySTqRi>
- The Republic of Indonesia. (2006). *Law of The Republic of Indonesia number 13 of 2006*. Retrieved from <https://bit.ly/3gagG5Q>
- The Republic of Indonesia. (2016a). *Law no. 19 of 2016 on the amendment to law no. 11 of 2008 on electronic information and transactions*. Retrieved from <https://bit.ly/3jYamQ5>
- The Republic of Indonesia. (2016b). *Law of The Republic of Indonesia number 8 of 2016*. Retrieved from <https://bit.ly/3yVB16n>
- Wicaksana. (2008). *They say I am crazy: Reflection of cases in psychiatry and mental health problems in Indonesia*. Yogyakarta, Indonesia: Kanisius.
- Zych, I., Farrington, D. P., & Ttofi, M. M. (2019). Protective factors against bullying and cyberbullying: A systematic review of meta-analyses. *Aggression and Violent Behavior*, 45, 4-19. doi:<https://doi.org/10.1016/j.avb.2018.06.008>