

Legal Protection for Child Victims of Bullying Resulting in Death (Case Study at South Bangka Police)

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Abstract. *This study aims to analyze the causal factors of bullying against children resulting in death and to examine legal protection for victims based on Indonesian positive law through a case study of case handling at the South Bangka Police in order to formulate just policy recommendations. Legal protection is not yet optimal, strengthening coordination and protection policies is needed. This study uses the Legal Protection Theory to assess the fulfillment of victims' rights, John Rawls's Theory of Justice as the basis for analyzing substantive justice, and the theory of maqāṣid al-syarī'ah to examine the protection of the lives and welfare of children. These three theories provide a comprehensive framework for evaluating the effectiveness of legal protection in a comprehensive, responsive, proportional, victim-oriented, and child-centered manner.*

Keywords: *Arm's Length Principle; Corresponding Adjustment; Domestic Related-Party Transactions; Transfer Pricing.*

1. Introduction

Indonesia as a country based on law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia has a constitutional obligation to guarantee legal protection for all citizens without exception, including children as the group most vulnerable to various forms of human rights violations. Children are the next generation of the nation who have the right to live, grow, develop, and participate optimally in accordance with human dignity and receive protection from all forms of violence and discrimination. Therefore, protection of children is not only the responsibility of the family, but also the obligation of the state, government, society, and all stakeholders related to the organization of social life.

From a legal perspective, children have a special status because their physical,

psychological, and social limitations prevent them from being able to protect themselves from various threats that could disrupt their growth and development. This condition makes children a group that requires special legal protection. This protection becomes even more important when children become victims of crimes, especially violent crimes that have serious impacts on their physical and mental health. One form of violence that is currently increasingly worrying is bullying, which can occur physically, verbally, socially, or through electronic media (cyberbullying) (Ira Alia Maerani, 2021).

The phenomenon of child bullying has shown an increasing trend in recent years and has become a serious problem in Indonesian education. Bullying is no longer viewed as ordinary child misbehavior, but has evolved into a form of violence that can cause physical suffering, prolonged psychological trauma, impaired mental development, and even death. The impact is not only felt directly by the victim but also affects the family, school environment, and society at large. Therefore, bullying must be viewed as a legal and social problem that requires comprehensive handling through preventive, repressive, and rehabilitative approaches (Sri Endah Wahyuningsih, 2016).

Normatively, the state has provided a strong legal basis to protect children from various forms of violence. Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirms that every child has the right to survive, grow and develop, and has the right to protection from violence and discrimination. This provision is then further elaborated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, which requires the state to provide special protection to children who are victims of physical or psychological violence. In addition, Law Number 11 of 2012 concerning the Child Criminal Justice System and Law Number 31 of 2014 concerning Protection of Witnesses and Victims also provide guaranteed protection for child victims of criminal acts through various available legal mechanisms.

Despite the availability of various legal instruments, empirical reality shows that legal protection for child victims of bullying is still not optimal. Numerous cases of bullying occurring in schools demonstrate weaknesses in the systems for monitoring, preventing, and addressing violent behavior between children. Schools, which should be safe and comfortable places for education, have in some cases become spaces where acts of violence occur that threaten the safety of students. This situation demonstrates a gap between established legal norms and their implementation in the field.

One case that captured public attention was the death of Zardan Al Hafiz, an elementary school student in South Bangka Regency who was allegedly the victim of bullying and physical violence perpetrated by several other students. Based on information developed during the investigation, the victim experienced a series of acts of physical violence that resulted in his health deteriorating and

ultimately his death. This incident not only raised deep public concern but also raised serious questions about the effectiveness of the child protection system in educational settings and the extent to which the state is able to provide legal protection to child victims of violence (Eko Riyadi,2020).

This case is crucial to study because it demonstrates that bullying does not always end with insults or social exclusion, but can escalate into violence that threatens a child's right to life, a fundamental human right. From a human rights perspective, the right to life is a non-derogable right. Therefore, any action that results in the loss of a child's life must be viewed as a serious violation of human rights and requires a firm and just legal response (Eko Riyadi, 2018).

From a criminal law perspective, bullying cases resulting in death involve various complex legal aspects. On the one hand, the state is obliged to provide maximum protection to the victim and their family. On the other hand, the perpetrator in the case is also a child who receives special protection under the provisions of the Juvenile Criminal Justice System. This situation creates a legal dilemma in applying the principles of restorative justice and diversion, particularly when the crime has resulted in very serious consequences such as the loss of life. Therefore, an in-depth study is needed to determine how the law can balance the protection of the victim, the best interests of the child perpetrator, and the demands of justice for society (Barda Nawawi Arief, 2014).

From the perspective of justice theory, John Rawls stated that justice is a primary virtue in social institutions. Every legal policy must provide greater protection to the most vulnerable groups in society. Child victims of bullying are a vulnerable group, and the state is obliged to ensure that their rights are effectively protected. The state's failure to provide protection to child victims of violence is essentially a failure to realize social justice as envisioned in the national legal system (John Rawls,1999).

Furthermore, from an Islamic legal perspective, child protection is part of the primary objectives of sharia (maqāṣid al-syarī'ah), particularly in the aspects of *hifz al-nafs* (protection of the soul) and *hifz al-nasl* (protection of offspring). Bullying that results in the death of a child is not only a violation of positive law but also contradicts fundamental Islamic values, which uphold human dignity and prohibit any form of action that endangers the lives of others. Therefore, the study of legal protection for child victims of bullying also has strong relevance from an Islamic legal perspective (Abu Hamid Al-Ghazali,2008).

Based on the above description, it can be understood that bullying resulting in death is not merely an individual issue between the perpetrator and the victim, but rather a legal, social, and moral issue that requires serious attention from all elements of society. The complexity of the problem involving child protection, law enforcement, restorative justice, and the rights of victims and perpetrators makes this research important to conduct. This research is expected to provide theoretical contributions to the development of legal science, particularly child

protection law and criminal law, as well as provide practical recommendations for law enforcement officials, educational institutions, and policy makers in strengthening the legal protection system for child victims of bullying that results in death. Based on these considerations, the author is interested in conducting research with the title "Legal Protection for Child Victims of Bullying Crimes that Result in Death (Case Study at the South Bangka Police)."

2. Research Methods

To ensure the accuracy, objectivity, and depth of analysis of the problem of legal protection for child victims of criminal acts of bullying that result in death, this research was compiled using the following legal research methods:

Types of research

This study uses an empirical juridical legal research approach (socio-legal research), namely research that examines law not only as norms written in laws and regulations (law in books), but also as real behavior that lives and develops in society (law in action). This approach is used because the research not only focuses on legal provisions governing the protection of child victims of bullying that results in death, but also examines the implementation of this legal protection in law enforcement practices at the South Bangka Police (Soerjono Soekanto, 2015).

Empirical legal research was chosen because the problem under study has interrelated normative and factual dimensions. The normative aspect relates to child protection provisions in various laws and regulations, while the empirical aspect relates to the application of these provisions by law enforcement officials in handling bullying cases resulting in death. Therefore, this research is expected to provide a comprehensive overview of the alignment between legal norms and their implementation in practice (Bambang Sunggono 2018)

Research Approach

This research uses a statute approach and a case approach. The statute approach is conducted by examining various legal regulations related to child protection, the juvenile criminal justice system, witness and victim protection, and criminal law provisions governing acts of violence against children. This approach is crucial for identifying the normative basis for legal protection for child victims of bullying that results in death. In addition, a case-based approach was used to conduct an in-depth study of a bullying case resulting in death handled by the South Bangka Police. The case-based approach aims to understand how law enforcement officers apply the law, the obstacles encountered in handling the case, and the effectiveness of legal protection provided to victims and their families. This approach provides a clear understanding of the relationship between legal norms and the reality of law enforcement on the ground (Johnny Ibrahim, 2019).

Data source

The data sources in this study consist of primary and secondary data. Primary data were obtained directly from the field through interviews with parties related to the research object, such as investigators from the Women and Children Protection Unit (PPA) of the South Bangka Police, school officials, and other parties relevant to the case handling. Primary data were used to obtain factual information regarding the legal protection process for child victims of bullying that resulted in death Soerjono Soekanto2015).

Meanwhile, secondary data was obtained through a literature review that included primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials consisted of the 1945 Constitution of the Republic of Indonesia, Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and other relevant laws and regulations. Secondary legal materials consisted of books, scientific journals, research results, and opinions of legal experts, while tertiary legal materials consisted of legal dictionaries, legal encyclopedias, and other reference sources that supported the research (Amiruddin and Zainal Asikin,2022).

2. Data collection technique

Data collection techniques were conducted through interviews and library research. Interviews were conducted directly with informants deemed to understand and be involved in the case study. The interview technique used was semi-structured, providing researchers with a guideline for questions but still allowing informants to explain information in greater depth as needed (Sugiyono,2021).

In addition to interviews, this research also utilized library research by inventorying, reading, understanding, and reviewing various legal literature related to child protection, victimology, criminal law, and the juvenile criminal justice system. This technique was used to establish a strong theoretical and normative foundation for analyzing field data, resulting in an objective and scientifically sound discussion (Burhan Ashshofa, 2019).

3. Data Analysis Techniques

The data obtained in this study were analyzed qualitatively. Qualitative analysis was conducted by systematically analyzing the data obtained and then connecting it to relevant theories, concepts, and legal provisions to gain a deeper understanding of the research problem. This analysis did not utilize statistical calculations, but instead focused on legal interpretation and the meaning of the facts found in the field (Lexy J. Moleong 2020,)

The data analysis stages include data reduction, data presentation, and conclusion drawing. The collected data was first selected and classified based on its relevance to the research focus, then presented systematically to facilitate

interpretation. Next, inductive conclusions were drawn, drawing generalizations from specific facts to reach a general conclusion regarding legal protection for child victims of bullying that resulted in death.

The results of the research were then analyzed comprehensively to answer the problem formulation regarding the factors causing bullying that resulted in death and the form of legal protection provided to child victims of bullying based on Indonesian positive law.

3. Results and Discussion

3.1. Responsibility for Factors Causing Bullying in Children that Lead to Death

Based on the results of research into the death of Zardan Al Hāfiẓ in South Bangka Regency, it was discovered that the bullying that led to the victim's death did not occur suddenly, but was influenced by various interrelated factors. The main factors came from the child's social environment, which was characterized by a culture of seniority, weak social control, and the perpetrator's low understanding of the impact of their actions on the victim. The bullying, which initially took the form of verbal teasing, developed into repeated physical violence, resulting in serious injuries that ultimately led to the victim's death. This condition indicates a failure in the supervisory function both in the school environment and the family environment (Barbara Coloroso;2007).

In addition to individual and social environmental factors, this study found that a suboptimal violence prevention system in educational settings also contributes to bullying. Schools lack mechanisms for early detection and rapid response to acts of violence between students. From the perspective of legal protection theory, this situation indicates that preventive protection has not been effective. From the perspective of *maqāṣid al-syarī'ah*, bullying that results in death also violates the principle of *ḥifẓ al-nafs* (protection of the soul), which is one of the main objectives of law to maintain human safety (Abu Hamid Al-Ghazali,2028).

3.2. Legal Protection for Victims of Bullying that Result in Death

Legal protection for child victims of bullying resulting in death is essentially regulated in various legal instruments, including Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and Law Number 31 of 2014 concerning Protection of Witnesses and Victims. In the case studied, the police have conducted an investigation and prosecution process against the perpetrators in accordance with applicable legal provisions. However, protection for victims is not only limited to law enforcement against the perpetrators, but also includes fulfilling the rights of the victim's family in the form of legal assistance, psychological assistance, and guarantees of obtaining proper justice.

The research results show that the implementation of legal protection for victims still faces various obstacles, particularly in terms of inter-agency coordination

and post-incident recovery. Therefore, it is necessary to strengthen the synergy between law enforcement officials, schools, local governments, child protection agencies, and the community to achieve comprehensive protection. Based on John Rawls' theory of justice, the state is obliged to provide greater protection to vulnerable groups, including children as victims of crime. Therefore, handling bullying cases resulting in death must be directed not only at punishing the perpetrator, but also at restoring the victim's rights and preventing similar incidents from recurring in the future (John Rawls, 199).

4. Conclusion

Based on the research results, it can be concluded that the crime of bullying that results in death is a serious violation of the right to life and the right to protection of children guaranteed by Indonesian laws and regulations. The factors causing bullying do not only come from the perpetrator's behavior, but are also influenced by weak supervision of the family, school, social environment, and the suboptimal existing prevention system. Legal protection for child victims of bullying has basically been regulated in various legal instruments, such as the Child Protection Law, the Juvenile Criminal Justice System Law, and the National Criminal Code, but its implementation has not been optimal, especially in the aspects of prevention, handling victims, and restoring the rights of victims and their families. Therefore, it is necessary to strengthen inter-institutional coordination, increase the role of educational institutions and families, and implement a restorative justice approach that is oriented towards victim recovery, rehabilitation of child perpetrators, and prevention of recurrence of bullying, so that legal protection for children can be realized more effectively, fairly, and in accordance with the best interests of the child.

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