



Justice Against Victims of Bullying in Opinion and Ethics in the National Broadcasting Industry in Indonesia (Case Analysis of the Indonesian Broadcasting Commission)

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Abstract

This research was conducted through empirical legal research with the consideration that the starting point of analytical research is between legal relationships arising from facts that occur in society and applicable laws and regulations or contained in the hierarchy of laws and regulations, as well as related conventions so that they become a legal fact. In essence, bullying is one of the legal actions and actions that lead to a form of psychological and verbal violence, resulting in psychological trauma to a person. Restorative justice was chosen by researchers because of the thoughts and views that lead to the criminal justice legal system by focusing on public and community participation and victims who do not discriminate physically or psychologically with procedures and mechanisms in the operation of a legal system in Indonesia. On the other hand, restorative justice is also a new framework of thinking that can be used in responding to a crime for law enforcement and legal workers.

Keywords: *Bullying; Broadcasting; Opinion*

Introduction

A few weeks ago, Indonesia was shocked by the news of bullying by employees at the Indonesian Broadcasting Commission Office. This has become a legal issue and phenomenon regarding discrimination of legal rights and human rights against individuals as legal persons and human rights. This implies that bullying behavior often occurs in people's lives, because the nature and characteristics of each human being are very different and with everyday behaviors that are carried out with full deviance, causing actions that contain elements of psychological and physical violence physical. It was unavoidable when the bullying incident of an employee of the Indonesian Broadcasting Commission went viral on social media and the public was very disappointed because bullying was an act of discrimination and psychological violence.

Violence doesn't only occur physically, but in fact bullying is a psychological sexual crime with certain threats or orders or deviant actions. Victims of bullying behavior certainly have the right to have an opinion in the sense of conveying orally and in writing what they have experienced because it is based on legal events. Thus, the perpetrators of bullying can be subject to sanctions in accordance with

applicable laws and regulations. The provisions of the principle of *unus testis nullus testis* mean that if the witness's testimony stands alone without the support of other evidence, then it has no evidentiary power. To prove a crime of rape, a process of collecting evidence is carried out to seek material truth.

Bullying in the workplace is one of the organizational problems that still often occurs today. This is reinforced by the results of a survey conducted by the Workplace Bullying Institute in America in 2019 which showed that 21% of Americans experienced bullying at work, another 21% had witnessed bullying in the workplace, and 63% were aware of bullying at work. (Institute, 2017)

The existence of research on bullying in the workplace eventually gave birth to an anti-bullying movement in several countries. Among them are in Australia, in the 1990s formed the Beyond Bullying Association and hosted conferences in 1994 and 2002. In 2014 the anti-bullying law in the work environment came into effect from 1 January 2014 as part of the changes to the Employment Justice Act passed by the Australian parliament in June 2013.

The forms of bullying behavior range from implicit to explicit and identifiable behavior. The behavior has been divided into three aspects (Silviandari & Helmi, 2018), namely: first, bullying related to individuals. Bullying in this aspect is a form of bullying aimed at attacking personal lives. These aspects include social isolation, repeated and constant criticism, verbal aggression, contempt for spreading rumors or gossip, and teasing.

Second, work-related bullying. Bullying in this aspect includes behavior aimed at attacking the lives of individuals related to work, which is usually characterized by manipulating job information and control, namely giving unreasonable work deadlines, reducing or eliminating responsibilities, excessive supervision of work, overload work, and hide information.

Third, intimidation. This aspect shows the form of bullying behavior which usually involves physical and psychological contact such as pounding the table, bullying, pushing and other behaviors that can threaten and endanger the victim. Bullying is a socially constructed phenomenon and cognitive schemas and motivational mechanisms represented in a person's cultural orientation to shape perceptions and reactions to bullying. (Agarwal, U. A. & Gupta, 2016)

In this context, the researcher focuses on victims of bullying when they have opinions and ethics, as in the constitutional mandate. By referring to Article 28E paragraph 3 of the 1945 Constitution, freedom of expression is a right that belongs to everyone. In fact, the basis for a person to freely express his opinion is also under the corridor of the Human Rights Act. The problem is, what kind of freedom of opinion is deemed appropriate to be conveyed in the public sphere and to what extent are the limits set by law. The ethical factor is an area that has never been thoroughly debated with various interpretations. Facts with real conditions on the ground, of course, cannot be denied. A number of cases of criminal prosecution of civil society or critics, as well as social movement activists are mirrors of the state which is still considered to be anti-criticism. (Broll & Reynolds, 2021)

At this time bullying in the workplace is a form of violence in a criminal context because it can be in the form of verbal or psychological. This is in the context of criminal law, taking into account the intentions and intentions and legal actions of the perpetrators of bullying. Therefore, law enforcers are expected to be able to provide an adequate team of investigators to prove the bullying case as well as human resources from law enforcement officials themselves so as not to underestimate cases of bullying or bullying. (Iga Farida & Rochmani, 2020)

In the context of legal responsibility, of course, one can sue a company, where he works, in other words that a person can sue a company when he is a victim of bullying by being facilitated by the company to conduct psychological trauma consultations through a psychologist consultant to build and restore the rationality of victims of bullying (rehabilitation). (Nunuk, 2015)

By looking at some of the problems above, the researcher sees ontologically that victims of legislation must see the nature of victims who have courage in expressing opinions and ethics by complaining to the leadership at work when referring to human rights values. At the axiological level, justice and non-discrimination are needed for employees in the office where they work in order to guarantee the rights of victims of bullying to have opinions and be ethical.

Research Method

This research was conducted through empirical legal research with the consideration that the starting point of analytical research is between legal relationships arising from facts that occur in society and applicable laws and regulations or contained in the hierarchy of laws and regulations, as well as related conventions so that they become a legal fact. (Nalle, 2015)

Results and Discussion

Restorative Justice for Victims of Bullying in Opinions and Ethics

The restorative justice approach is an approach that can be used in a rational criminal justice system. This is in line with the view of G. P. Hoefnagels which states that criminal politics must be rational. The restorative justice approach (“SOSIALISASI SCHOOL BULLYING SEBAGAI UPAYA PREVENTIF TERJADINYA TINDAK PIDANA KEKERASAN DI SMPN 3 BOJA KABUPATEN KENDAL,” 2014) is a paradigm that can be used as a framework for a criminal case handling strategy that aims to address dissatisfaction with the current working of the criminal justice system.

Restorative justice is a concept of thought that responds to the development of the criminal justice system by focusing on the need for community involvement and victims who feel excluded from the mechanisms that work in the current criminal justice system. (ANIS WIDYAWATI, 2012) On the other hand, restorative justice is also a new framework of thinking that can be used in responding to a crime for law enforcement and legal workers. Handling criminal cases with a restorative justice approach offers different views and approaches in understanding and handling a criminal act.

The view of restorative justice means that crime is basically the same as the view of criminal law in general, namely attacks on individuals and communities and social relations, but in the restorative justice approach, the main victim for the occurrence of a crime is not the state, as in the current criminal justice system. Therefore, crime creates an obligation to fix the damaged relationship due to the occurrence of a crime. Meanwhile, justice is defined as a process of finding solutions to problems that occur in a criminal case where the involvement of victims, communities and perpetrators is important in efforts to repair, reconcile and guarantee the continuity of the repair business.

A person is considered a victim of bullying when faced with negative actions from one or more people, repeated and occurring from time to time. In addition, bullying involves an imbalance of power and power, so that the victim is in a powerless condition to defend himself effectively against the negative actions he receives.

Bullying will always involve an imbalance of power, intent to harm, threats of further aggression, and terror. Bullying is a form of aggressive behavior. Ridicule, insults, and threats are often inducements that can lead to aggression. The pain and disappointment caused by the insult will invite a reaction to retaliate. Humiliation comes with three clear psychological advantages, which allow children to hurt without feeling empathy, compassion, or shame, namely: Feelings of entitlement, Concerning privileges and rights to control, regulate, conquer, and torture others.

The Contribution of the Indonesian Broadcasting Industry in Anticipating Victims of Bullying in the Workplace

Victims of bullying in the workplace can be done when a company or Indonesian broadcasting industry provides assistance to victims to treat the symptoms experienced by victims. In addition, providing assistance in witnessing during the examination process at the Police to the Court, as well as providing welfare for Bullying Victims. Bullying is an act that is done intentionally to hurt physically, verbally, psychologically by someone against a person or group of people against someone or a group of people who feel helpless. (Ramirez et al., 2021) Being a victim of bullying must get legal protection. Protection with all activities to guarantee and protect and protect their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and protection from violence and discrimination. The government, parents, guardians, communities and schools have an obligation to provide character education and instill character to prevent bullying. (Fadillah, 2019)

The Indonesian Broadcasting Commission formed an internal investigation team to deepen information on cases of bullying and sexual harassment against an employee with the initials MSA. The Commissioner of the Indonesian Broadcasting Commission emphasized that the Indonesian Broadcasting Commission wouldn't tolerate sexual harassment perpetrators. In the theoretical framework, legal certainty and justice are needed to provide a proportionality level of equality and non-discrimination for victims of bullying by means of psychological and traumatic rehabilitation for victims of bullying.

Conclusion

In essence, bullying is one of the legal actions and actions that lead to a form of psychological and verbal violence, resulting in psychological trauma to a person. Restorative justice was chosen by researchers because of the thoughts and views that lead to the criminal justice legal system by focusing on public and community participation and victims who do not discriminate physically or psychologically with procedures and mechanisms in the operation of a legal system in Indonesia. On the other hand, restorative justice is also a new framework of thinking that can be used in responding to a crime for law enforcement and legal workers. Handling criminal cases with a restorative justice approach offers different views and approaches in understanding and handling a criminal act. In the aspect of civil law, it is the company's responsibility to provide assistance to victims of bullying to bring in psychologists to recover the trauma of victims of bullying. In addition, providing assistance in examinations at the Police and Courts so as to ensure justice and legal certainty for victims.

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