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IMPLEMENTATION OF FULFILLMENT OF CHILDREN'S RIGHTS AND PROTECTION AT THE CHILD-FRIENDLY SCHOOL OF SD MUHAMMADIYAH 1 NGAWI

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ARTICLE INFO	ABSTRACT		
Accepted : 27-08-2023 Revised : 05-09-2023 Approved : 25-09-2023	The purpose of writing is to find out what the implementation of the fulfillment of the right to justice and protection in SD Muhammadiyah 1 ngawi is like. This research uses a case study approach with the type of empirical juridical legal research. The school is a place for the implementation of the right to education of Indonesian citizens. The right		
Keywords: fulfillment of the right to justice; the right to protection; child-friendly schools	Implementation of the right to education of indonesian citizens. The right to education is a constitutional mandate, and schools are also part of fulfilling children's rights based on Law Number 39 of 1999 concerning Human Rights and Law Number 23 of 2002 concerning Child Protection. Even so, cases of violence in the educational environment still occur frequently and tarnish the image of the world of education. Discrimination, bullying, and lack of protection for students are the main causes. The application of the right to justice and protection in schools can work well if all parties concerned are aware of the importance of these rights, especially in elementary schools. The child-friendly School Program involves 12 ministries, institutions, and foundations related to child welfare. The aim is to fulfill, guarantee, and protect children's rights, develop their interests, talents, and abilities, and prepare them to become an emotionally and spiritually intelligent generation.		

Introduction

Children have very valuable potential for the progress of the Indonesian nation. According to Law No. 4 of 1979 Article 1 number 2 concerning Child Welfare, a child is someone who has not reached the age of 21 years and has never been married. Therefore, children need to get special treatment to ensure their rights and protections are met. Problems in children must be handled jointly by the government and the wider community (Wuryandani, Faturrohman, Senen, & Haryani, 2018).

The educational environment is an important place in shaping the character, ethics, and morals of generations of the Indonesian nation. Every Indonesian child has the right to get the highest education, as mandated by Article 31 paragraph (1) of the 1945 Constitution which states that "every citizen has the right to education". According to the results of a survey by the International Center for Research on Women (ICRW), as many as 84 percent of Indonesian children have experienced violence in the school environment (Dolgopolova et al., 2017). The Ministry of Women's Empowerment and Child Protection (Kemenpppa) noted that there were 575 cases of violence against children in schools in 2021, and the number increased to 957 in 2022. (Sutami, Setyawan, & Fithriana, 2020) According to the KPAI page, in 2019 as many as 67 percent of cases of violence in the

education sector occurred at the elementary school level. The dominance of such cases is bullying and physical violence (Hijriyani & Setiawan, 2017).

The Minister of Education, Culture, Research, and Technology (Mendikbudristek) often emphasizes the importance of addressing three major sins in education, namely bullying, sexual violence, and intolerance. However, unfortunately, cases of violence that occur in schools are often covered up by the school to maintain the image of the school. Covering up the case of violence will not have a deterrent effect on the perpetrator of violence and increase the possibility that the perpetrator will do the same to the victim or the emergence of new victims (Ahmad, 2018).

Article 54 of Law Number 35 of 2014 affirms that children in and within the education unit must be protected from physical, psychological, sexual crimes, and other crimes committed by educators, education staff, fellow students, and/or other parties. Such protection must be carried out by educators, education personnel, government officials, and/or the community. However, this can only be done if all elements in educational institutions, including principals, educators, education staff, students, and parents, work well together. The rights and protection of children in an educational environment must be fulfilled so that children can learn and develop safely, comfortably, and happily. The right to a safe and comfortable education is part of human rights (Beaton et al., 2023).

Supposedly, schools are places that guarantee the rights and protection of children, but unfortunately violence still often occurs in the world of education. In 2022, the community was shocked by a case of abuse committed by the son of the owner of the Shidiqiyah Islamic boarding school in Jombang. The case occurred in an educational environment.

Bullying and body shaming are forms of violence that often occur in the school environment. Bullying or bullying is an unpleasant act, whether verbally, physically, or socially that can make someone feel uncomfortable, upset, embarrassed, sad, and depressed. These actions can be carried out by individuals and groups, both in cyberspace and the real world (Altemose et al., 2022). Body shaming is a term used to mock those who have a physical appearance that is considered different from the standards of society in general. An example is to refer to someone as fat, pug, cuddle, or the like related to physical appearance (Fauzia & Rahmiaji, 2019).

Often, teachers don't realize that calling students by names that aren't by name is considered bullying. Students also often label themselves as fat, small, ugly, or beautiful because of their lack of understanding of body shaming and bullying. Some teachers even rate students based on social status, physical appearance, or beauty, which can make students feel devastated in school. Physical acts that are not child-friendly are also common in schools. Acts of sexual violence by teachers to students also often occur, adding to the long list of cases of violence against children. Lack of understanding of children's rights can cause teachers, educators, and students to commit acts of violence in schools.

Bullying is often considered a tradition in education, especially during school orientation (MOS) or speculative periods. Unfortunately, violent acts often occur during orientation, which can shape the character of students and students to commit the same violent acts on their younger siblings (Hatta, 2018).

In 2022, there was a case of bullying by a junior high school student in Ngawi Regency which caused the victim to be hospitalized for depression due to the treatment of six of her friends (Time Indonesia.co.id). The victim was disappointed that the school did not treat the case fairly. Unfortunately, such cases often occur in the school environment due to the lack of understanding of students and teachers about bullying and the negative impacts that can occur as a result.

According to Moppa records, there were 440 boys and 326 girls who were bullied at school. During 2021, there were at least 17 cases of bullying that occurred at various levels in the Education unit. The high cases of bullying in schools are certainly very concerning.

In the aspect of Islamic education, bullying often occurs in schools because religious values are not emphasized in the teaching and learning process and the association of students at school. Western hedonism and individualism have poisoned the morals of students, so that mutual respect, tolerance, and respect have faded (Hatta, 2018).

Islam teaches its people to have charity. Prophet Muhammad (peace be upon him) was sent to this world to set an example to his followers on how to have good and righteous morals by the guidance of the Qur'an and Sunnah (Al-Qardhâwî, 1987).

One part of the Human Rights Law (Law No. 39 of 1999) relating to the Rights of the Child states that every child has the right to receive education and teaching by his interests, talents, and level of intelligence to develop his personality.

Various parties are obliged and responsible for ensuring the fulfillment of children's rights, starting from the smallest institutions, namely families, communities, village/Neighborhood governments, sub-districts, district/city governments, provincial governments, and governments. This is also expressly contained in Article 20 of the Child Protection Law, namely that "the State, Government, Local Government, Community, Family, and Parents or Guardians are obliged and responsible for the implementation of Child Protection." In line with this goal, the essence of Indonesian child protection is sustainability protection, and this must also be done by every element of government, including local governments (Kurniawan, 2015).

To ensure the rights and protection of children in educational institutions, the government has issued regulations on child-friendly schools at every level of education. The aim is to ensure that children's rights and protections are fulfilled without discrimination in schools. Child-friendly schools must provide child-friendly education, infrastructure, and safety. Therefore, principals, teachers, and educators must involve students in designing and making decisions to fulfill all the rights they need in schools.

Research Methods

The approach method used in this study is empirical juridical. This approach is based on the empirical school which argues that empirical legal studies are social realities born from community interactions and can be observed through social phenomena (Qamar & Rezah, 2020).

According to Soerjono Soekanto, the juridical approach is a series of legal research conducted by examining library materials or secondary data as a basis for research. This approach involves tracing the regulations and literature related to the problem under study. In using a juridical approach, research was conducted by examining relevant literature materials, one of which is the Regulation of the State Minister of Women's Empowerment and Child Protection Number 8 of 2014 concerning Child-Friendly School Policy.

The data collection methods used were interviews and literature studies. The analysis method used is descriptive and conclusion-making with deductive methods. (Nasution, 2006).

Results and Discussion

A. Implementation of Fulfillment of Children's Rights and Protection at SD Muhammadiyah 1 Ngawi

1. The Concept of Fulfillment of Children's Rights and Protection

Children's rights are part of human rights inherent from birth. Based on applicable laws and regulations, children have the right to grow and develop physically and mentally well. The state also guarantees the right to protect children from various forms of violence and discrimination by anyone, under the law, so that children can live well and ultimately contribute to advancing the Indonesian nation (Alamsyah, 2017).

Children's rights according to Law Number 39 of 1999 concerning Human Rights Rights include:

- a) the Right to protection
- b) The right to life, to sustain life, and to improve one's standard of living.
- c) The right to a name and citizenship status.
- d) For children with physical and/or mental disabilities the right to:
- 1. Receive specialized care, education, training, and assistance
- 2. to ensure his life by the dignity of humanity
- 3. Participate in the life of society, nation, and state.
- 4. The right to worship according to one's religion.
- 5. The right to be raised, nurtured, cared for, educated, directed, and guided.

Regulation of the Minister of Women's Empowerment and Child Protection Number 8 of 2014 concerning Child-Friendly School Policy regulates Article 28, Article 29, and Article 31. These articles relate to children's rights in the context of child-friendly schools. In addition, the Convention on the Rights of the Child also regulates the rights of children that must be guaranteed by the state, The rights of children are as follows:

1. Pendidikan harus berpusat pada anak, termasuk dalam penegakan kedisiplinan yang tidak menggunakan kekerasan, agar dapat mengembangkan kapasitas anak

- 2. Pendidikan harus mengembangkan keterampilan, pembelajaran, dan kemampuan lainnya agar dapat meningkatkan kepercayaan diri anak.
- 3. Pendidikan harus menekankan pada pengembangan kepribadian, bakat, dan kemampuan agar anak memiliki bekal untuk hidup di Masyarakat.
- 4. Hak anak dalam pendidikan mencakup lebih dari sekadar akses ke sekolah, melainkan juga termasuk konten pendidikan yang positif dan bermanfaat bagi anak.
- 5. Anak berhak untuk mengisi waktu luang dengan kegiatan yang berbudaya positif (Paud & Anak, 2018).

2. Regulation on the Fulfillment of Children's Rights and Protection

The Child Protection Law was created because children are the next generation who need attention and protection from all walks of life because they have not been able to protect themselves. Many children experience violence, such as victims of rape, neglect, exploitation, begging on the streets, and not getting a proper education. (Arief, 2016).

Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection stipulates that children's rights must be protected in Indonesia, by Articles 4, 5, 7, 8, 10, 11, 13, 16, 17, and 18, as follows:

- a. Every child has the right to live, grow, and develop properly, and to participate reasonably by human dignity. Children also deserve protection from violence and discrimination;
- b. Every child has the right to have a name as his or her identity and citizenship status;
- c. Every child has the right to know his parents, and to be raised and nurtured by his parents;
- d. Every child has the right to health and social security services that are by their physical, mental, spiritual, and social needs
- e. Every child has the right to express and be heard, as well as to receive, seek, and provide information appropriate to his level of intelligence and age, for his self-development by the values of decency and decency. Children also have the right to rest and spend free time hanging out with peers, playing, and creating according to their interests, talents, and intelligence levels, for their self-development;
- f. Every child in the care of a parent, guardian, or other party responsible for care, has the right to protection from various adverse treatments such as discrimination, economic or sexual exploitation, neglect, cruelty, violence and abuse, injustice, and other mistreatment;
- g. Every child has the right to protection from all forms of abuse, torture, or inhuman punishment;
- h. Every child has the right to freedom by the law;
- i. Arrest, detention, or imprisonment of a child can only be made as a last resort and must be by applicable law.
- j. Every child deprived of his or her liberty has the right to humane treatment, and must be separated from adults. The child also has the right to legal or other assistance effectively at every stage of the applicable legal remedy, and has the right to defend

himself and obtain justice before an objective and impartial juvenile court, in a hearing closed to the public;

- k. Every child who is a victim or perpetrator of sexual violence, or who faces the law, has the right to privacy protection;
- 1. Every child who is a victim or perpetrator of a criminal act is entitled to legal and other assistance.

To protect the needs and rights of children, the government issued the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, which is a followup to the government's commitment to international agreements in the Convention on the Rights of the Child (CRC). This Convention was ratified by the Government of the Republic of Indonesia in Presidential Decree Number 36 of 1990 on August 25, 1990.

The law affirms that the implementation of Child Protection must be based on Pancasila, the 1945 Constitution, and the basic principles of the Convention on the Rights of the Child (CRC). The basic principles adopted from the CRC are as follows:

- a. The principle of non-discrimination in the Convention on the Rights of the Child (CRC) states that all rights recognized and contained in the CRC shall apply to every child without any distinction. This principle is contained in Article 2, paragraph (1) of the CRC, which states that States shall respect and guarantee the rights outlined in this Convention to every child in their jurisdiction without discrimination of any kind, regardless of race, color, sex, language, religion, political or other views, of national, ethnic or social origin, ownership status, disability or not, birth or other status, whether from the child himself or his or her parents or legal guardian. Paragraph (2): "States Parties shall take all necessary measures to ensure that the Child is protected from all discrimination or punishment based on the status, activities, opinions expressed or beliefs of the Child's Parents, legal guardians or members of his or her family."
- b. The principle of best interests for children in the Convention on the Rights of the Child (CRC) states that in all actions concerning children carried out by public or private social welfare institutions, judicial institutions, government agencies, or legislative bodies, the best interests of children should be the primary consideration. This principle emphasizes that in making decisions concerning the child's future, it must consider the interests of the child himself, not the size of adults or centered on the interests of adults.
- c. The principle of the right to life, survival, and development in the Convention on the Rights of the Child (CRC) states that States must recognize that every child has an inherent right to life, as stated in Article 6 paragraph (1) of the CRC. In addition, States shall also ensure to the maximum extent the survival and development of children, as stated in Article 6 paragraph (2) of the CRC.

The principle of respect for the opinions of children in the Convention on the Rights of the Child states that States should ensure that children with their views have the right to express their views freely in all matters affecting the child and that such views shall be respected according to the age and maturity of the child. This principle affirms that children have personality autonomy, so they cannot be viewed only in a weak, accepting and passive position. Children are autonomous individuals who have experiences, desires, imaginations, opinions, and aspirations that are not necessarily the same as adults (Nasir Djamil, 2013).

Hasil Penelitian Terkait Implementasi Pemenuhan Hak dan Perlindungan di SD Muhammadiyah 1 Ngawi

SD Muhammadiyah 1 Ngawi is a quality cultured school at the national level with one aspect being a child-friendly school. The principles in the implementation of child-friendly schools are:

- 1. Every day, the school conducts learning and teaching activities without discrimination against students carried out by the principal, teachers, and other educators.
- 2. In every learning and teaching process at school, children's interests are always considered by giving the right to opinion to students so that their rights can be accommodated properly.
- 3. All elements of the school must uphold the dignity and dignity of the students.
- 4. The school reinforces a culture of mutual respect between peers and elders.
- 5. There is information disclosure between schools and students and parents so that all events that occur at school can be known together by students and guardians (Sari et al., 2021)

The implementation of child-friendly schools often experiences chaos because the principles set by the Minister of Women's Empowerment and Child Protection in the child-friendly school program are not in line with their implementation in schools. Facts on the ground show that the right to justice and child protection has not been well implemented in child-friendly schools. There is still a lot of violence, both intentional and unintentional, in child-friendly schools. The results of interviews with 26 students ranging from grades 1 to 6 of SD Muhammadiyah 1 Ngawi by sampling through questionnaires explained that:



Diagram of Types of Violence at SD Muhammadiyah 1 Ngawi

There are 34.6% of students have never experienced violence at school, while the type of violence that often occurs at SD Muhammadiyah 1 Ngawi is bullying as much as 23.1%. This data could increase because of the rampant cases of bullying in schools.

Many cases of bullying that occur in Indonesia involve students at school, and this disrupts their learning process. Bullying is violent behavior that can take the form of psychological or physical coercion of a person or group of people who are considered "weak" by the perpetrator or group of perpetrators called bullies. Bullies can be individuals or groups, and they feel they have the power to do anything about the victim. Victims of bullying feel weak, helpless, and always feel threatened by bullying. (ZAKIYAH et al., 2017).

Factors Causing Bullying:

a. Family.

Bullies often come from families with problems such as parents who often overpunish children or home situations filled with stress, aggression, and hostility. Children learn bullying behavior when they observe the conflict that occurs between their parents and then imitate it against their friends. If there are no firm environmental consequences for their trial-and-error behavior, children will learn that "those with power are allowed to behave aggressively, and that aggressive behavior can increase a person's status and power". It is from here that children develop bullying behavior.

b. School

Often, the existence of bullying is ignored by the school. This results in bullies being reinforced in their behavior and less likely to bully other children. The growth of bullying in the school environment often hurts students, such as punishment that is not constructive and does not help develop mutual respect and respect between school members.

c. Peer Group Factors.

When interacting at school or with friends around the house, children sometimes feel compelled to commit acts of bullying. Some of them may do this to prove that they can fit into a certain group, even though they are uncomfortable with the behavior.

d. Conditions of the social environment

The social environment can be the cause of bullying. One of the socialenvironmental factors that trigger such actions is poverty. People living in poverty tend to do anything to make ends meet, so it is not surprising that in the school environment, there is often a counterfeiting between students.

e. Television and print media

Television and print media can shape patterns of bullying behavior through the content they display. According to a survey conducted by Kompas, as many as 56.9% of children imitate scenes in the movies they watch, especially gestures (64%) and words (43%) (Alfiyana, Dewi, & WIdyantara, 2022).

Based on the results of direct observations and interviews with teachers of SD Muhammadiyah 1 Ngawi the main causes of frequent bullying in schools are:

- 1. Students who attend SD Muhammadiyah 1 Ngawi come from troubled families. Some parents of students experience divorce resulting in uncontrollable emotions that take out all the frustration they experience to friends at school. In addition, most parents at SD Muhammadiyah 1 Ngawi work as civil servants, and bank employees with a workload from morning to night so that supervision of children is reduced making children often seek attention from teachers and friends at school by bullying.
- 2. Some bullying students experience misassociation with older friends in the neighborhood, so students model behavior that should not be done by elementary school children.
- 3. Departing from busy parents, making some students taken care of by domestic assistants so that they freely access movies, and social media without any filtering from parents makes them imitate what they see.

In addition, the results of the researchers' interviews with several teachers resulted in:



Knowledge Diagram Related to the Convention on the Rights of the Child

From the data above, it can be seen that teachers' lack of understanding of children's rights often makes them allow bullying to occur at school. This causes bullies not to feel deterred and the rights and protection of children in schools have not been fulfilled. Since the Convention on the Rights of the Child was ratified through the Presidential Decree of the Republic of Indonesia Number 36 of 1990, the Indonesian government must guarantee the fulfillment of children's rights and provide legal protection (Ngongo, Rosdiana, & Hastutiningtyas, 2023). Therefore, regular supervision and training are needed by the Ministry of Women's Empowerment and Child Protection of Ngawi District, which is responsible for granting permits for child-friendly schools. This is so that the rights and protection of children can be fulfilled in the school.

Indonesian law regulates protection for victims of bullying through Article 76C of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Analiya & Arifin, 2022). However, for perpetrators, efforts to resolve bullying crimes should prioritize diversion and avoid criminal sanctions. Article 76C needs to be reformulated by stating that physical and non-physical violence is included in the category of bullying and providing a clear explanation of violence in the article. Non-criminal efforts in overcoming bullying can be done through programs that are incorporated into the student's learning curriculum, such as subjects, mini-dramas, or

other forms of lessons. However, SD Muhammadiyah 1 Ngawi tries to reduce the number of violence in the form of bullying by applying material included in the learning curriculum called "adab MU".

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					1 ABU BAKAR				
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Γ	2	07.45-08.15	Matematika	PJOK	pahasa Indonesia	TIK IK	Matematika	1	
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I	4	09.05-09.35	Kemuh	lqroʻ	lqroʻ	Matematika	Seni Budaya	Ekstral	
	5	09.35-10.05	Aqidah Akhlak	Fiqih Ibadah	lqro'	PPKn	Seni Budaya		
1	6	10.05-10.35	Bahasa Indonesia	Al Qur'an	Bahasa Inggris	PPKn	Adab Muhasa	1	
1	7	10.35-11.05	Bahasa Indonesia	Seni Budaya	Bahasa Inggris	Bahasa Jawa	Adab Muhasa	1	
1	8	11.05-11.35	Bahasa Indonesia	Tahfidz	Tahfidz	Bahasa Jawa	Berdoa Pulang (11.05-11.10)		
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Adab Muhasa Learning Schedule

The habituation of adab Muhasa is expected to be able to improve the character of students at SD Muhammadiyah 1 Ngawi in instilling mutual respect between others, respect, and help so that they will be trained in fulfilling the rights and protection of friends and teachers.

B. Fulfillment of Children's Rights and Protection in an Islamic Perspective

According to Islamic Shari'a, child protection has the essence of affection which is manifested through the fulfillment of basic rights and protection from acts of violence and discrimination. Child protection in Islam means showing the love given by Allah SWT to parents by fulfilling all the basic needs of children to live, grow, develop, and participate optimally. In addition, child protection also includes protecting children from acts of violence and injustice by respecting and maintaining the dignity and dignity of children as a gift and trust of God's creation.

Referring to the purpose of Islamic Law, namely the creation of a benefit for mankind, the protection of children's rights is closely related to efforts to maintain offspring (high al-nasal) which in the formulation of Maqashid al-Shari'ah is one of the pillars4 that must be upheld for the creation of good. Therefore the protection of children's rights becomes very important, and for Muslims, the law becomes obligatory shari'i, which is an obligation by the demands of shari'a (reward for those who carry it out, sin for those who ignore it).

The above thoughts are very relevant to some of the instructions of Sharia 'as in the Qur'an Surat al-Tahrim verse 6 which means:

"O believers, guard yourselves and your families from the fires of hell whose fuel is people and rocks. His guardians were harsh and harsh angels who never disobeyed God what he commanded them and always did what he commanded."

The verse shows clearly that the formation of a harmonious and good family and avoiding the bad that can destroy the family is a requirement in religion. Therefore, the head of the family has a very important role in determining the good or bad of a family.

The fulfillment of children's basic rights is an integral part of the implementation of the fulfillment of human rights. From an Islamic perspective, children's human rights are God-given gifts that must be guaranteed, protected, and fulfilled by parents, families, communities, governments, and states. The fulfillment of children's basic rights is an important part of the implementation of human rights. In the Islamic view, children's human rights are a gift from Allah that must be guaranteed, protected, and fulfilled by parents, families, communities, governments, and the state. In Islam, five kinds of basic rights are known called adh-dharuriyat al-khums, namely the care of honor (hifdzul'ird) and descent / nasab (hidden nasb), the care of religious rights (hifdzud dien), the care of the soul (hidden nafs), the care of reason (handful aql), and the care of property (handful mal) (Mangampa & Burhanuddin, 2014).

Conclusion

The conclusion of this study is the need for reaffirmation on the implementation of child-friendly schools related to the principles, as well as the components of child-friendly schools to achieve the government's goal of forming child-friendly schools, namely schools that fulfill the rights and protection of children. From the results of the researchers' interviews with several respondents, both students and teachers at SD Muhammadiyah 1 Ngawi, there is a need for training related to children's rights and protection because some teachers do not understand the rights and protection of children.

The rise of bullying that occurs in child-friendly school environments, indicates the disorder that child-friendly schools should not be violence that occurs in the school environment but bullying still occurs in schools, indicating the need for a rearrangement related to child-friendly school regulations that regulate bullying. There needs to be regular supervision and guidance from related agencies, namely the Women's Empowerment, Child Protection, and Family Planning Office of Ngawi Regency.

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