

Optimal Strategy to Overcome Maladministration in Dealing with Bullying Class

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Abstract: *This research aims to analyse the optimal strategy in handling bullying cases that are often hampered by maladministration. The method used is a reference study to collect data from various relevant literatures. The results show that common forms of maladministration include (1) conspiracy (2) collusion (3) nepotism (4) injustice (5) partiality. To overcome these problems, several strategies are suggested, including (1) increasing transparency, implementing procedures in accordance with the law (2) increasing public awareness of their rights and how to report cases of bullying. This research also highlights the important role of the Ombudsman of the Republic of Indonesia in overseeing and supporting the effective resolution of bullying cases from the strategies we found. By implementing these strategies, it is hoped that the institutions involved can respond to reports of bullying more quickly and appropriately, also provide protection for victims, and reduce the negative impact of slow and unfair maladministration processes. Through these efforts, we hope to increase public trust in government institutions and create a safer environment for children from all forms of bullying practices.*

Keywords : *maladministration, bullying, optimal strategy*

Abstrak: Penelitian ini bertujuan untuk menganalisis strategi optimal dalam menangani kasus perundungan yang sering terhambat oleh maladministrasi. Metode yang digunakan adalah studi referensi untuk mengumpulkan data dari berbagai literatur relevan. Hasil penelitian menunjukkan bahwa bentuk-bentuk maladministrasi yang umum terjadi meliputi (1) persekongkolan (2) kolusi (3) nepotisme (4) ketidakadilan (5) keberpihakan. Untuk mengatasi masalah ini, disarankan beberapa strategi, antara lain (1) peningkatan transparansi, penerapan prosedur sesuai undang-undang (2) peningkatan kesadaran masyarakat mengenai hak-hak mereka serta cara melaporkan kasus perundungan. Penelitian ini juga menyoroti peran penting Ombudsman Republik Indonesia dalam mengawasi dan mendukung penyelesaian kasus perundungan secara efektif dari strategi yang kami temukan. Dengan menerapkan strategi-strategi tersebut, diharapkan institusi yang terlibat dapat merespons laporan perundungan dengan lebih cepat dan tepat, juga memberikan perlindungan bagi korban, serta mengurangi dampak negatif akibat proses maladministrasi yang lambat dan tidak adil. Melalui upaya ini, diharapkan kepercayaan masyarakat terhadap lembaga pemerintah dapat meningkat, serta menciptakan lingkungan yang lebih aman bagi anak-anak dari segala bentuk praktik perundungan.

Kata kunci: maladministrasi, perundungan, strategi optimal

Introduction

In Indonesia, the prevalence of bullying is a matter of growing concern. Bullying represents a significant issue that can manifest in numerous settings, including educational institutions. Various forms of bullying have been observed to occur persistently. Among children, verbal bullying, such as name-calling or using animal names, is a common phenomenon. While physical bullying, including grabbing, pinching, and head-butting, also occurs, verbal bullying is more prevalent. This phenomenon exerts a detrimental impact not only on the victim but also on their social and psychological environment.

The psychological impact experienced by victims can be observed in a reluctance to engage in social interaction with the perpetrator, a hesitancy to participate in learning activities, and a desire to avoid social environments. The experience of bullying can have a profound impact on a child's self-confidence, with some becoming so distressed that they avoid school and withdraw from social interaction. In the most severe cases, victims may become anti-social and shut down completely. Feelings of social discomfort can also lead to loneliness at school, with victims perceiving their peers as hostile and unwilling to confide in anyone. This can result in a desire change schools to avoid an unsupportive environment.

Maladministration is a common occurrence in society, yet it is a term that is not widely understood. In the event that public services fail to adhere to established procedures, administrative ethics, or applicable laws and regulations, the result is maladministration. A thorough examination of the service procedure and the content of the report is essential to ascertain the precise nature of the maladministration. This can be achieved by analyzing the facts of the chronology of events, adjusted to the legal basis violated, relevant chronology, as well as evidence related to the event, the presence of witnesses or various parties involved, with the alleged maladministration reported. The use of these indicators is considered to determine the extent to which the event is contrary to applicable law and existing regulations, with attention paid to the general principles of good governance (Nurchotimah, 2021).

The mishandling of bullying cases can impede the resolution of the problem and exacerbate its impact on victims. When reports are not promptly addressed or the procedures employed are inappropriate, victims may experience heightened psychological distress. Delays in protection justice can instill a sense of insecurity in victims, often leading to their avoidance of social environments. Furthermore, procedural errors or the dismissal of reports can prevent the accountability of perpetrators, allowing bullying to persist without clear consequences.

The objective of this study is to analyze the optimal strategy for institutions to adopt order to facilitate the handling of bullying cases, which are often impeded by maladministration issues. The initial step is to identify the various forms of maladministration that emerge during the process of handling bullying cases. This enables institutions to more readily ascertain the underlying causes that impede resolution. Furthermore, this research will examine the impact of maladministration on victims, including psychological and social effects, in order to emphasize the necessity of addressing.

Research Methods

The research methodology employed in this study is that of a reference study. This method was employed for the purpose of gathering the data necessary to elucidate the discussion presented in this article. A reference study is a process of collecting, analyzing and evaluating scientific and academic sources with the aim of discovering, synthesizing and reformulating existing concepts in order to answer research questions or develop new theories. (Neuman, 2014). In accordance with the aforementioned methodology, the process of collecting references in this analysis was conducted through a comprehensive review of various journals, books, and documents in print and online. This included the identification of several relevant and credible sources of data and evidence that support the object of study. The researcher employed a systematic approach to source identification. Initially, a list of variables for analysis was compiled. Subsequently, the researcher identified a requisite conceptual framework from relevant sources. The search was conducted using appropriate keywords through search engines. The next step involved identifying specific subjects or phrases that frequently appeared in the literature to represent academic works in relevant journals. The researcher then collected the most recent scholarly writings and compiled citations and references from recognized scholarly sources.

Results And Discussion

Definition of bullying

The term "bullying" has its roots in the English language, with the word "bull" deriving from the Old English "bul," which in turn is derived from the Latin "bulla," meaning "a bull that likes to duck here and there." This term was eventually adopted to describe a destructive action. Meanwhile, in Indonesian, the word "bullying" has an etymological meaning that refers to a "bully," defined as an individual who engages in intimidation or aggressive behavior towards those who are perceived as weaker. (Novan, 2012). The term "bullying" or "rundung" can be defined as form of intimidation or harassment that causes distress or harm to the victim. It encompasses a range of behaviors, including but not limited to, intimidation, humiliation, extortion, physical assault, and the repeated infliction of emotional distress on individuals who are perceived as weaker (Baswedan, 2016). In any instance of bullying, there are three parties involved. The first are the perpetrators, who are individuals who inflict harm on others, either physically or verbally, on a repeated basis. They tend to exert control over others and possess balanced social skills and emotional understanding. The second are the victims of bullying, who are subjected to bullying actions by the perpetrators. The third are bystanders, who witness the act of bullying. The audience can be divided into three groups: defenders, encouragers, and people who are not involved.

The causes of bullying can be attributed to a number of factors. The family environment is the most significant factor, particularly if the child is raised in a family characterized by conflict or harsh parenting. In an educational setting, instances of bullying may occur due to the tendency of school authorities to trivialize or ignore such behavior, thereby creating an environment where perpetrators feel emboldened to continue their actions. Similarly, in playgroups, the influence of social norms may contribute to the emergence of bullying behaviors, where children feel the need to behave aggressively in

order to be accepted. Additionally, social conditions such as poverty can foster an environment where perpetrators resort to bullying as a means of coping with financial challenges. Furthermore, the portrayal of violence in films and television shows can also contribute to the normalization of bullying, as perpetrators may imitate the observed behaviors.

Bullying can be classified into three principal categories: emotional, verbal and physical. Emotional bullying is an act designed to mentally disturb the victim. This may be achieved by spreading gossip or inciting the victim to become angry. Verbal bullying is an act involving the use of abusive words. This may include insulting, giving degrading nicknames, intimidating, or cursing at the victim. Such acts can damage confidence and cause depression. Physical bullying is an act involving violence. This may include hitting, kicking, or spitting. Such acts can cause physical harm and psychological trauma to the victim.

Definition of Maladministration

Maladministration can be defined as a form of poor governance, encompassing behaviors such as delays in the provision of services. Additionally, maladministration frequently manifests in the form of disrespectful or indifferent treatment of individuals or communities, as well as arbitrary, unfair, discriminatory and improper abuse of power. This is often based on unreasonable laws or facts (Salabbar, 2018).

In accordance with the stipulations set forth in Law Number 37, Article 1, Paragraph 3, concerning the Ombudsman of the Republic of Indonesia, maladministration is defined as any action or conduct that contravenes the law, constitutes an abuse of authority, or is undertaken for purposes that are not aligned with the original intent of the authority in question. Furthermore, maladministration encompasses negligence and the failure to fulfil legal obligations pertaining to the delivery of public services by state administrators and government bodies. Such actions have the potential to result in tangible and/or intangible losses for the public or individuals.

The Ombudsman of the Republic of Indonesia has identified a number of forms of maladministration that are commonly observed in the context of governance. Firstly, there are actions that are inappropriate, namely behaviors that are considered not to be in accordance with applicable procedures and are therefore deemed inappropriate. In addition, actions that are deviant, which are actions carried out in a way that deviates from the rules, are also included in the form of maladministration. Furthermore, actions that violate the rules (irregular/legitimate) are also categorized as maladministration, namely when actions are carried out in violation of applicable laws and regulations.

Another form of maladministration is the abuse of power, which can be defined as the use of power or authority in a manner that is unlawful and arbitrary. Furthermore, maladministration manifests in the form of undue delay, which is defined as a delay that is arbitrary and lacks a clear and definite rationale. Such actions are frequently regarded as a form of maladministration, particularly when the public is not provided with a definitive timeframe. Finally, inequity may be identified as a form of maladministration. This occurs when, despite the appropriateness of the legal and procedural actions taken by public

officials, the public still perceives these actions as unfair. This is due to the action being contrary to social norms or prevailing customs. Consequently, even though legal procedures are fulfilled, the community still experiences a sense of injustice. This makes it a form of maladministration (Adhiningtyas, et al., 2015).

Maladministration may serve as a precursor to corruption. Nevertheless, there are notable distinctions between the two. The distinction between maladministration and corruption can be made on the basis of a number of parameters, including the measurement of abuse of authority. In the event that the abuse is perpetrated as a result of bound authority, the applicable principle is that of *wetmatigheid* (legislation). However, if the abuse arises from discretion or freedom of authority, then not only is the principle of specialty (*specialiteit beginsel*) employed, but also the general principles of good governance (*algemene beginselen van behoorlijk bestuur*), which prioritize the effectiveness (*doelmatigheid*) of public officials' decisions. It is imperative that officials and government bodies refrain from engaging in discretionary actions that could be construed as criminal offenses, including but not limited to: fraud, manipulation, submission of misleading information, concealment of facts, breach of trust, deceit, and illegal avoidance of regulations (Guslan, 2018).

Maladministration in Bullying Cases

Maladministration frequently represents a significant impediment in the effective handling of bullying cases. In instances where procedures are not conducted in accordance with established rules or there is an abuse of authority, the victim is placed in a disadvantageous position. In the context of bullying, maladministration can exacerbate the situation of victims who are entitled to protection and justice. Masthuri, in his book entitled *Knowing the Indonesian Ombudsman*, identifies forms of maladministration that reflect partiality, thereby creating a sense of injustice. The data on the number of public reports of alleged maladministration in the public service and discrimination in public services. These forms of maladministration include actions that can erode public trust in government institutions.

The first form of maladministration is conspiracy, which occurs when multiple public officials engage in collusion to commit an unlawful act or perpetrate fraud. This kind of conspiracy engenders a perception among the public that they are not receiving fair and appropriate services. Such actions can undoubtedly erode public trust in public services. Secondly, collusion and nepotism are also common forms of maladministration, whereby public officials favor family, friends or colleagues without clear objective criteria or accountability. This not only affects the service delivery process, but also impacts on other people's opportunities to obtain positions in government, which should be allocated fairly.

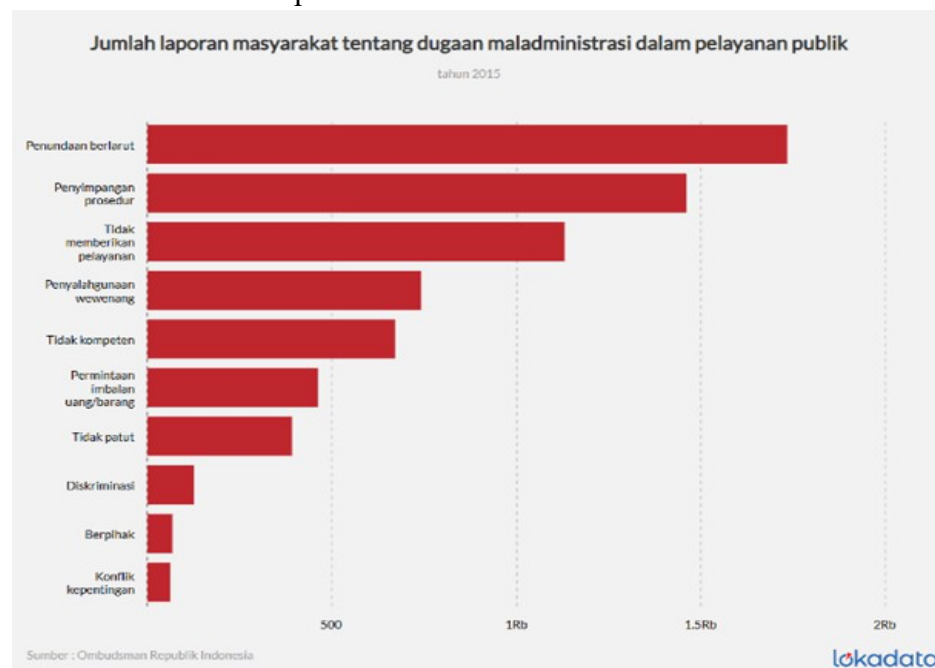
Furthermore, actions that are perceived as unfair are also included in the definition of maladministration. In this case, a public official provides services with a favorable attitude, exceeding or reducing what is reasonable, so that the public does not receive public services in accordance with proper standards. Another form of maladministration is manifest partiality, which is when a public official clearly acts in a one-sided manner in providing

public services. In this situation, the official prioritizes one of the parties without regard to the applicable provisions, which ultimately harms the other parties involved.

Once maladministration in bullying cases has been identified, it is important to understand the extent to which such maladministration occurs in public services in general. Maladministration is not limited to individual cases; it is also a broader issue that is often the subject of public complaints. Forms of maladministration that have been identified in bullying cases include conspiracy, collusion and nepotism, unfair actions, and favoritism.

The data on the number of public reports of alleged maladministration in the public service provides an overview of the frequency and types of maladministration most commonly reported. From these reports, it can be surmised that the primary concerns pertain to protracted delays, procedural irregularities, and the abuse of authority. The bar chart below presents the distribution of public reports of alleged maladministration in the public service in 2015, showcasing the most prevalent forms of maladministration and providing context for the necessity of improvements in the public administration system.

Figure 3.1 illustrates the number of public reports on alleged maladministration in public services in 2015.



(Source: Ombudsman, 2015)

The identification of significant forms of maladministration in bullying cases, including conspiracy, collusion and nepotism, unfair actions, and partiality, demonstrates the complexity of maladministration in the context of sensitive cases such as bullying. As evidenced by data from the Indonesian Ombudsman, maladministration reports in public services indicate that protracted delays, procedural irregularities, and abuse of authority are the primary concerns of the public. Consequently, an effective strategy to address maladministration in bullying cases should prioritize prevention and resolution, necessitating inter-agency coordination and transparency in the investigation and handling process. This approach would ensure that victims of bullying receive appropriate

protection and justice, thereby enhancing public trust in government institutions.

Optimal Strategies to Address Maladministration in Bullying Cases

In order to prevent maladministration, it is necessary to implement a comprehensive and structured strategy. The Ombudsman of the Republic of Indonesia plays a pivotal role in this endeavor, particularly with the issuance of Ombudsman Regulation Number 41 of 2019 concerning Procedures for Preventing Maladministration in the Implementation of Public Services. In accordance with the aforementioned regulation, the maladministration prevention process is conducted through three distinct stages: the Detection Stage, the Analysis Stage, and the Advice Implementation Treatment Stage. Throughout this process, the Ombudsman continues to engage the active participation of the community.

The initial objective of the detection stage is to identify instances of potential maladministration and to ascertain which issues require rectification. The subsequent stage comprises four distinct phases. The initial stage of data collection is based on public complaint reports and serves to create an inventory of the problems encountered in the public service sector. The inventory process entails the coordination of activities between the complainant and the reported party, as well as the mapping of data pertaining to the specific issue and the nature of the maladministration. Moreover, the process entails tracing and determining the problems, parties involved, and potential maladministration in public service delivery. The objective of this identification stage is to ascertain the underlying causes of maladministration. Once these factors have been identified, the subsequent stage is to observe the current situation and the evolution of the problems under study. The data collected during the inventory process is then adjusted to reflect the emerging issues. Following the inventorying, identification and updating stages, the detection results are compiled to determine the nature of the problems, the parties involved and their impact. These results will form the basis for the next process.

The subsequent phase is analysis, which seeks to substantiate the occurrence of maladministration and ascertain its underlying causes. The analysis stage comprises a number of distinct activities. The collection of primary data, including the gathering of documents and evidence pertinent to the examination of public service issues. It is crucial to guarantee the veracity of the data employed as the foundation for addressing grievances. It is necessary to evaluate the suitability of the information and documents obtained in accordance with the provisions of the relevant legislation. Ultimately, recommendations for enhancement should be formulated based on the findings of the review.

The final stage, the follow-up stage, is designed to guarantee the implementation of the recommendations by the pertinent agencies and to facilitate policy alterations. This stage comprises the monitoring of the implementation of the recommendations, which is conducted through field surveys to ensure the effective implementation of the suggestions. Subsequently, the suggestions are publicized through a variety of media outlets, including press conferences, mass media releases, and social media posts. Moreover, fostering effective communication between pertinent parties is essential to guarantee the successful implementation of the recommendations within the specified timeframe, budget, and target.

The implementation of a structured maladministration prevention strategy through the stages of detection, analysis, and implementation of suggestions plays an instrumental role in maintaining the integrity of public service delivery, as facilitated by the Ombudsman of the Republic of Indonesia. Furthermore, the involvement of the public is crucial for the success of this process, particularly in the context of reducing the potential for maladministration, including instances of bullying. The specific steps outlined in this regulation provide clear guidance for public agencies seeking to enhance their service delivery systems, thereby reinforcing public confidence in the fairness and transparency of their complaint handling procedures.

Conclusions

This research has identified optimal strategies for addressing maladministration in the handling of bullying cases. These strategies include the identification of common forms of maladministration, such as conspiracy, collusion, nepotism, unfair actions, and partiality. By gaining insight into these patterns of maladministration, institutions can more effectively address reports of bullying and provide adequate protection for victims.

To enhance the efficacy of handling cases of bullying, it is essential to prioritize transparency and accountability at each stage of the procedure. It is essential to employ transparent indicators to monitor maladministration and to implement procedures that align with legal and professional standards. Furthermore, it is essential to enhance public awareness regarding their rights, the various forms of bullying, and the procedures for reporting and obtaining assistance. This will facilitate the reduction of stigma and encourage greater community involvement. In conclusion, this research highlights the crucial role of the Ombudsman of the Republic of Indonesia in the process of addressing bullying. By involving the Ombudsman, institutions are expected to respond to reports promptly and appropriately, while mitigating the adverse effects experienced by victims. The strategies delineated in this research are designed to facilitate the development of a more effective system for protecting victims of bullying.

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