

VIOLENCE AND BULLYING IN EDUCATIONAL SETTINGS: IDENTIFYING THE ISSUE AND FINDING THE POSSIBLE SOLUTION

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Abstract

Violence and bullying in educational settings is a daily reality that denies millions of children and young people to the fundamental human right to education and conducive educational environment. Violence and bullying is a serious issue which deserve serious attention by everyone. Violence and bullying can happen anywhere and it also can happen at any time. Violence and bullying can also happen in schools and universities. The issue of violence and bullying which happen in schools and universities is not something which uncommon to many peoples. This issue has happen in many countries around the world. This issue also happen in Malaysia. Almost every year, the country has to come across reports and news which highlight this issue. This issue bring serious impact to everyone especially to the students. By exposing to violence and bullying, students not only unable to focus with their study but also facing the risk of having severe injury to themselves and risking their own life. Because of these, parent and guardian started to feel worried over the safety of their own children whether in school or at universities. Many started to ask questions about this issue and want to know the causes which give rise to this issue. Researches, discussions, and solutions have been made for the last many years to tackle this issue. However, until today, such issue still continue to happen. Very important to know that, the act of violence and bullying can take place in various forms which can seriously affect the victim and the educational environment. The existence of internet and many modern social media platforms make such issue become more rampant and out of control. If no concrete action is taken, the issue will continue and the students will continue to suffer. The country educational reputation will also be badly affected. Our educational settings will no longer become conducive place for learning anymore. If the issue prolong, the country will unable to generate or give birth to great individual and the country will also unable to create a better society in the future. Thus, it is the objective of this paper to further identify the issue of violence and bullying in schools and universities in the country as well as finding possible solutions to address the issue of effectively.

Keywords: Violence, bullying, education, settings.

1. INTRODUCTION

The issue of violence and bullying in educational settings is a universal issue. This issue is not only occur in certain locality or country. All countries in the world have to face with such issue and find steps to deal with it and this include Malaysia. Important first to highlight, every one deserve right to receive education. The right to receive education has even been recognized as one of the fundamental human right in a number of international conventions and treaties, including the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) which recognizes a right to free, compulsory primary education for all, an obligation to develop secondary education accessible to all with the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education, ideally by the progressive introduction of free higher education. As to 2021, 171 countries were parties to the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR). (United Nations Treaty Collection, 2022). Sadly, as to

the date of this research paper been prepared, Malaysia not party to the treaty. (Can refer further to the writing by Edmund Bon Tai Soon, 2015). The right to receive education has also been reaffirmed in the 1960 UNESCO Convention against Discrimination in Education, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, the 1989 Convention on the Rights of the Child, and the 2006 Convention on the Rights of Persons with Disabilities. The right to education is also been reflected under Article 26 of the Universal Declaration of Human Rights 1948 (UDHR), which states: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children". (United Nations, 2022). All these clearly indicates to us that everyone has a right to receive an education. No one can deny such fundamental basic human right. This means, everyone including children and youth have a right to get education and while getting such right, their safety and health should also be the prime focus as well. Children and youth cannot be subjected to any kinds of hostile environment in order for them to fulfil their right to be educated. In other words, children and youth should not be subjected to any kinds of violence or bullying while fulfilling such basic right. Any act of violence or bullying which effect the young children must be address seriously and be tackle immediately.

While discussing on the matter over safety and healthy environment, it is also important to note that every woman, man, including youth, child has the right to a safe and healthy environment, and to other fundamental human rights linked to and dependent upon a safe and healthy environment. Human being cannot be subjected to hostile environment or to any situations which can effect or jeopardize their well-being. Human Rights relating to the environment are set out in basic human rights treaties and include the human right to a safe and healthy environment, the human right to the highest attainable standard of health, the human right to ecologically sustainable development, the human right to an adequate standard of living, including access to safe food and water, the human right of the child to live in an environment appropriate for physical and mental development, the human right to full and equal participation for all persons in environmental decision-making and development planning, and in shaping decisions and policies affecting one's community, at the local, national and international levels, the human right to safe working conditions, including adequate safeguards for pregnant and lactating women, the human right to freedom from any type of discrimination, the human right to education and information, including information relating to links between health and the environment, the human right to share in the benefits of scientific progress, and many more. Such right can be seen in various international conventions and treaties like the Universal Declaration of Human Rights 1948 (UDHR), the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women 1979 (CEDAW), the Convention on the Rights of the Child 1989 (CRC), and many more (People's Movement to Human Right Education, 2022).

The United Nations Convention on the Rights of the Child 1989 (commonly abbreviated as the CRC or UNCRC) is an international human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children for example require an assurance be given to young children be educated and to get such education in a conducive manners. Young children should have not be expose to any environment or situations which can deter their focus to get education. Exposing young children with any acts of violence or bullying clearly go against the principle of this particular international convention and many of the international conventions and treaties. CRC 1989 defines a child as any human being under the age of eighteen and this age limit has also been confirmed by Malaysia through its Child Act 2001 [Act 611] under Section 2. As of 17 May 2022, 196 countries are party to the CRC 1989, including Malaysia. Malaysia acceded to the CRC 1989 in 1995. As a step towards realizing the rights of the children, the Malaysian government passed the Child Act in 2001 or Act No. 611 and developed a National Policy for Children and its Plan of Action in 2009, amongst many other efforts in order to protect the welfare and safety of the children and youth in the country. (Asklegal, 2022). Article 28 of the CRC 1989 states "States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: Make primary education compulsory and available free to all; Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; Make higher education accessible to all on the basis of capacity by every appropriate means; Make educational and vocational

information and guidance available and accessible to all children; Take measures to encourage regular attendance at schools and the reduction of drop-out rates. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries". (United Nations, 2022). Crucial to note that, the Malaysian government still make reservations to five Articles of the CRC 1989 namely Articles 2, 7, 14, 28 (1) (a) and 37. (The Malaysian Bar – Press Release, 2010). Article 28 of CRC 1989 and many more articles which been stipulated under the CRC 1989 not only stipulates about the right of children and youth to get education but also forcing the government to take steps to ensure the safety and health of them. Such steps should also include protecting those group of people from being expose to any acts of violence as well as bullying. Young children whether they are in schools or universities should have not be exposed with violence or bullying which can affect their focus with their study and put their own life at risk.

2. DEFINITION, CATEGORIES OR FORMS, CAUSES AND EFFECTS OF VIOLENCE AND BULLYING IN EDUCATIONAL SETTINGS

Before providing possible solutions to the problem, it would be better for us to understand first the definition of violence and bullying, its categories or forms, as well as the causes and its effects. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), violence and bullying in educational settings is a daily reality that denies millions of children and young people the fundamental human right to education. One estimate by Plan International suggests that 246 million children and adolescents experience violence in and around school every year. Girls are disproportionately affected, as are those perceived not to conform to prevailing sexual and gender norms. According to UNESCO schools that are not safe or inclusive violate the right to education as enshrined in the United Nations Convention on the Rights of the Child 1989 (CRC) and contravene the Convention against Discrimination in Education 1960, which aims to eliminate discrimination and promote the adoption of measures that ensure equality of opportunity and treatment. (UNESCO, 2022).

It is very hard to find single and acceptable universal definition over the word of violence and bullying. Some might even regards these two words as synonym, connected or attached to each other. However, there can be a fine line between the term violence and bullying. Violence may be defined as doing severe harm to another, whether physically or mentally. Meanwhile, bullying can be considered as one of the form of violence. (Bullying Statistic: Anti-Bullying Help, Facts, and More, 2022). From this given illustration, it can be say that violence is any serious or severe actions which can put someone life at risk. Violence can be seen more related to criminal offences. Meanwhile bullying can be regarded as one of the categories of violence and the act of bullying itself can be categories further into several forms. Acts of bullying can be deal either under criminal action or civil action depends on the level of bullying itself and the victim. As for the definition of bullying, bullying can be regarded as the act of using of force, coercion, hurtful teasing or threat in order to abuse, aggressively dominate or intimidate others. Bullying can happen once or it can happen many times to the victim. However, according to several studies, the act of bullying is often repeated and habitual. One essential prerequisite is the perception (by the bully or by others) of an imbalance of physical or social power which attached to it. This imbalance distinguishes bullying from conflict. (Juvonen, J. and Graham, S., 2014). Bullying is a subcategory of aggressive behavior characterized by the following three conditions namely (1) hostile intent, (2) imbalance of power, and (3) repetition over a period of time. (Burger, Christoph; Strohmeier, Dagmar; Spröber, Nina; Bauman, Sheri; and Rigby, Ken., 2015). In short, bullying is the activity of repeated, aggressive behavior intended to hurt another individual, physically, mentally, or psychologically. There are basically six categories or forms of bullying which is well-known which might happen to pupils in the educational settings. These includes physical bullying, verbal bullying, relational bullying, cyberbullying, sexual bullying, and prejudicial bullying.

Physical bullying is the most obvious type of bullying. Physical bullying involves any use of physical force or assault on a person's body, including hitting, kicking, tripping, or pushing. It can also extend to inappropriate hand gestures or stealing or breaking a victims' belongings. Verbal bullying involves using spoken or written words in order to insult or intimidate the victim. It includes name-calling, teasing, and even threats. Relational bullying, which is also referred to as relational aggression or social bullying, involves actions intended to harm a victim's reputation or relationships. It can include embarrassing the victim in public, spreading rumors, purposely leaving them out of social situations, or ostracizing or excluding them from a group. In this

modern age, act of bullying can also happen through online and this is widely known by many today as cyberbullying. Cyberbullying is bullying that happens via electronic devices like computers, smart phones, and tablets. It can take place over text messages, social media, apps, or online forums and involves posting or sending harmful content, including messages and photos, and sharing personal information that causes humiliation. The act of bullying can also happen sexually. Sexual bullying is online or in-person bullying that involves sexual comments or actions, including sexual jokes and name-calling, crude gestures, spreading sexual rumors, sending sexual photos or videos, and touching or grabbing someone without permission. It could also include stalking and harassing the victim. Prejudicial bullying involves online or in-person bullying based on the target's gender, race, social background, ethnicity, religion, sexual orientation, level of education or intelligence and many more. It is based on stereotypes and is often a result of the belief that some people deserve to be treated with less respect than others while others should be maintain with their superiority position. (Cynthia Vinney, 2021).

The act of violence and bullying can be done and happen to anyone at the educational settings. The victim might include students, educators, staffs member, or even any third parties who come for a simple visit to the educational settings. Similarly, the perpetrators can also be anyone. The perpetrators can include students, educators, staffs member, or even any third parties who come for a simple visit to the educational settings. The act of bullying can happen among peers or been done by those in a different positions. The act of violence and bullying can also be done by the educator themselves towards their own pupils like giving their pupils with too many homework's, ordering the pupils to perform certain duties beyond the pupils skills and capabilities or giving harsh and unreasonable punishment to the pupils. On May 18, 2022, the country were shocked over the news that a 15-year-old female student in one school in the state of Johore had to be admitted to a hospital for heart palpitations after she and her classmates were told to run 30 laps around a volleyball court for failing to finish their homework. In this incident, the students were asked to run in the heat while wearing face masks. (Free Malaysia Today, 2022). Such hostile action taken against the pupils is too much and can be regarded as an act of violence and bullying.

It is hard to locate for the causes which give rise to violence and bullying in any educational settings. However, some study have given their focus on three main causes namely due to the perpetrator themselves, due to the victim and surrounding environment. Studies have shown that envy and resentment may be motives for bullying. (Ståle Einarsen, 2003). While some bullies are arrogant and narcissistic, they can also use bullying as a tool to conceal shame or anxiety or to boost self-esteem: by demeaning others, the abuser feels empowered. Bullies may bully out of jealousy or because they themselves are bullied. (Levinson, Edward M. and Levinson, Edward M., 2004). As for the victim, the victims often have characteristics such as being physically and mentally weak, as well as being easily distraught emotionally. They may also have physical characteristics that make them easier targets for bullies such as being overweight or having some type of physical deformity. Boys are more likely to be victims of physical bullying while girls are more likely to be bullied indirectly. (Vanderbilt, Douglas and Augustyn, Marilyn, 2010). Violence or bullying might also occur because of the surrounding environment which encourage such behaviors to happen. Often, bullying takes place in the presence of a large group of relatively uninvolved bystanders. In many cases, it is the bully's ability to create the illusion they have the support of the majority present that instills the fear of speaking out in protestation of the bullying activities being observed by the group. Unless the bully mentality" is effectively challenged in any given group in its early stages, it often becomes an accepted, or supported, norm within the group. Other causes might also include, lack of immediate and appropriate actions by the management to deal with the problem, lack of understanding or seriousness to deal with the problem by everyone, lack of strong and effective internal policy or support system to deal with the problems, absence of suitable legislation in the country to combat with the problems, and many more.

The effects of violence and bullying can be devastating to the victims especially to the students in schools or institutions of higher learning. Being young, many of the victims simply did not know what to do and where to go in order to seek immediate help. Some of these young victims prefer to keep the problems to themselves and suffer alone. This would eventually give rise to other more serious problems to the victim themselves which potentially affect their mental and psychological health. People who are bullied can experience a plethora of short- and long-term problems, including depression and anxiety, social withdrawal, subjected themselves to substance abuse like alcohol, illegal medications, or drugs, having difficulties at school or universities such as underachieving and poor attendance, and even exposing themselves to committing suicide. In addition, victim who are targets of bullying may become victims or perpetrators of violence later in their life. (World Health Organization, 2016). The effects of violence and bullying is not restricted to the victim themselves as it will also effects the life of the perpetrator as well. If the perpetrator violence and bullying

behavior are not stop immediately, those who bully others are more likely to get into fights and vandalize property, subjected themselves to alcohol or drugs abuse, have criminal convictions in adulthood, and abuse their romantic partners and children. (Cynthia Vinney, 2021). They might even carry out their violence and bullying attitudes at workplace or while driving on roads in the future. The effects of violence and bullying not only limited to the victim and perpetrator, it could also bring severe effects to the surrounding peoples like other students who witness the act, parents, as well as the entire society. If the issue of violence and bullying not been address appropriately, in the long term it could damage the educational settings and effect the country reputation as educational hub. At the end, we could also produce a new society which pro or enjoy of doing violence and bullying to each other's. Crime rates in the country will started to increase and there can be no longer peace in the society.

In 2018, Children4Change Survey has been conducted and released to the press in conjunction with World Children's Day. It involved 2,000 children under 18 from across the country. The study, carried out under the Kindness Project by the education ministry, WOMEN: girls and Unicef, said 64% of the children surveyed acknowledged participating or possibly participating in acts of bullying. The majority of children in a survey on bullying have admitted to being involved or possibly involved in such acts, from calling others names or being mean to them, to hitting and threatening them. It also revealed that three in four children had been victims of bullying, with some experiencing "extreme forms" of such behaviour. One boy shared that he had witnessed 'someone being told to kill themselves because they suck', while a teenage girl disclosed that 'sexual images were taken of me without consent'. The survey also revealed that 83% of victims said they were most often bullied in school, with half of those experiencing it in their classrooms. A boy from Johor revealed his experience of being humiliated and crushed to the point of losing his confidence – his experience was shared by many. Many children revealed feeling depressed by the experience while some also shared that they felt suicidal. The survey said one in three victims reported keeping such incidents to themselves, taking no action after being bullied, while others responded by confiding in a teacher, parent or friend, or directly telling the bully to stop. When asked what would make them feel safe from bullying, almost 70% said a national law against bullying was necessary, while others cited the need for awareness and education programmes in addition to an anti-bullying policy in schools. (Free Malaysia Today, 2018).

In 2021, according to a study done by one of the country non – governmental organization (NGO), study have showed that 80% of sexual harassment, bullying cases involved teachers, school authorities. Almost 80% of sexual harassment and bullying cases in educational institutes involved educators and school authorities, says the All Women's Action Society (Awam). The NGO conducted a study recently, where it collected and analysed 275 testimonials shared by survivors who approached them via social media and WhatsApp. While the NGO applauded the ministry's first step toward its commitment of zero-tolerance toward rape jokes with the transfer of a teacher in Ain Husniza Saiful Nizam's class, it reiterated that it was only one incident in a systemic culture of sexual harassment and bullying in educational institutions in Malaysia. "In an effort to more comprehensively understand how pervasive this phenomenon is, we have collected and analysed 275 testimonials, of which 269 of them were shared with us by two social media influencers, and six directly by survivors who approached us via WhatsApp and Instagram," it said in the statement on Tuesday (May 18). It added that its analysis showed that 125 cases involved period spot checks, 108 were bullying and 88 involved sexual harassment, adding that many survivors experienced more than one form of violation. It said 91.6% of survivors were women and girls. Men and boys constituted 6.2%. "A total of 108 survivors revealed their ages when they were sexually harassed/bullied. Among them, 99 (91.6%) of them were children. "The age subgroup of 13 to 15 years old, when students (especially girls) experience pubertal changes, was found to be the stage when sexual harassment and bullying were most prevalent among survivors," the NGO said. It added that predominant sites of sexual harassment and bullying were primary, secondary and boarding schools, having 51,58 and 55 cases respectively. It also said that violations also occurred in colleges, daycare centres and school camps, though much fewer in the number of cases. "Perpetrators were predominantly figures of authority." It also said that out of 311 perpetrators, 247 of them (79.4%) were teachers, religious teachers and wardens.

The NGO said whilst there were student perpetrators such as prefects and senior students, in especially cases of period spot checks, these violations were committed in the context of a normalised practice that was openly sanctioned and enforced by teachers and religious teachers. It added that the period spot check testimonials provided specific details about the nature of violations involved, where stripping and showing pads to figures of authority had the highest count (30 reports), followed by groping (23) and cotton bud/tissue swabs (21). "Though much fewer in number, sexual harassment and bullying of male survivors are no less devastating while cases of bullying included public humiliation, being slapped and punched, as well as racial bullying. "Sexual harassment violations include pinching nipples, groping of private parts and being stripped

by figures of authority to check for signs of puberty," it said. Awam said it is crucial that the Education Ministry swiftly prioritise and implement long-term solutions to ensure that educational institutions in Malaysia become safe spaces where sexual harassment and bullying would not be norms. Among the solutions it suggested were working with relevant civil society organisations to implement gender sensitisation training among school authorities nationally, and establish a working relationship with the Board of Counsellors of Malaysia (Lembaga Kaunselor Malaysia) to provide the necessary support for teachers, who are school counsellors. It also called for the revision of curriculum in teachers training colleges to include topics on gender awareness and sensitivity. This is to ensure that future generations of teachers and educators do not perpetuate rape and sexual harassment culture. (Austin Camoens, 2021).

Below are few examples of the highlighted reported news on violence and bullying at educational settings which has happen in the country for the last few years and which had received wide attention through local media and have generate a public outcry for solution. In February 13, 2015, a form three, secondary school female student claimed to be traumatised after being physically bullied by senior students at a school in Pokok Sena, Kedah. In the incident which happen at 2.15 pm, the victim Nur Fatihah Md Lazim, 15 years old, was at the motorcycle parking lot and about to head home with her cousin when a group of 10 female students allegedly confronted them. One of them asked the victim the same question repeatedly but because she did not answer, she was slapped on the left cheek by a senior student while the rest of them observed. The victim tried to retaliated by slapping the perpetrator back but missed. After that the perpetrator pulled her scarf and hair until she fell. The victim, Nur Fatihah said the incident stemmed from a misunderstanding happen between two groups at her school; one group had mentioned her name, causing the other group to come after her. The matter was later been reported to the nearby police station and the case was filed under Section 323 of the Malaysian Penal Code [Act 574] for voluntarily causing grievous hurt. (Astro Awani, 2015).

On March 23, 2016, a year two, primary school pupil in Klang, Selangor snipped off the tip of his own tongue with a pair of scissors after he was being bullied into doing so by five nine year old boys. According to South Klang OCPD Asst Comm Azman Abdul Razak, the incident happened in a classroom at SRK Batu Unjur, Bukit Tinggi. According to media, there were no other students or a teacher in the classroom when the incident happened. The boy's mother, a 28 year old cashier, lodged a police report the following day at the South Klang district police headquarters. According to the report, the mother received a call from the school regarding the incident at about 6pm on the day of the incident. Both the mother and a teacher brought the boy to the Hospital Tengku Ampuan Rahimah where he related what had happened. He narrated how the five boys told him to cut his own tongue if he did not want them to punch him up in the face. Frightened, the boy did as he was told. The mother's police report also stated that the boy had complained several times that he was being bullied by the group of boys. The victim boy received outpatient treatment at the nearby hospital and that the incident are currently being investigated under Section 506 of the Malaysian Penal Code [Act 574] for criminal intimidation. (Wani Muthiah, 2016).

In August 28, 2016, a 14 year old secondary school male pupil was left hospitalised after being beaten up by three of his senior in a school in Sungai Petani, Kedah. According to media report, the victim, sustained serious head and bodily injuries. He is being warded at the Sultanah Bahiyah Hospital's intensive care unit in Alor Star. Kuala Muda Police Chief Md Zukir Md Isa said police believed the incident arose after the victim had apparently pulled the arm of a classmate. The classmate's brother is said to have later attacked the victim with three others. Zukir said four boys had been detained for questioning and are being investigated under Section 325 of the Malaysian Penal Code [Act 574] for voluntarily causing grievous hurt. The victim's father has lodged a report with the police. According to media report, the father claimed his son was asked by his teacher to call the attacker's sibling into the classroom but this act was misunderstood by the attacker. He said the boy complained of headaches after school on the day of the attack and started vomiting on the way to hospital. Hospital scans taken later revealed there was bleeding in the brain. (G. C. Tan, 2016).

On June 1, 2017, a 21 year old local university student, Zulfarhan Osman Zulkarnain was found dead in hospital after suffering from a very severe physical act of bullying. The act was believed to have done by several numbers of youth belonging to the same university and from other local university. According to the news report, when the victim was rushed to the hospital, his body was found to have been 80% covered in bruises and burn marks which was believe due to a belt, rubber hose, iron and hanger. Further investigation which was carry out to identify the main cause which lead to the dispute and it was believe that it all happen because of a dispute over a laptop. A total number of 36 suspects have been remanded and the case are being investigated for murder under the Malaysian Penal Code [Act 574]. (The Star, 2017). On November 2, 2021, the Malaysian High Court sentenced six students which was involved in the case to 18-year jail after they were found guilty of culpable homicide not amounting to the murder of Zulfarhan Osman Zulkarnain. The judge ordered them to serve the sentence from the date of their arrests on June 1, 2017. The judge, in

his decision, said that the court found that all of the accused guilty under Section 304 (a) of the Malaysian Penal Code [Act 574] of causing injuries to the deceased with no intent of murder, which carries imprisonment for a term of up to 30 years, and shall also liable to fine, upon conviction. The court also sentenced five of the accused and their 12 friends after finding them guilty of injuring Zulfarhan Osman. They were found guilty of deliberately injuring the victim to coerce a confession from him that he had stolen a laptop, as charged under Section 330 of the Malaysian Penal Code [Act 574]. The judge, however, allowed a stay of execution of the jail sentence for the 12 accused pending appeal. (Danial Dzulkifly, 2021).

Very recently, on April 19, 2022 eleven secondary school students in Kuala Nerus, Kuala Terengganu, have been remanded to assist in investigations into a beating involving their schoolmate. According to a Berita Harian news report, the boys, aged between 14 and 17, were remanded when they came to the Kuala Terengganu district police headquarters between noon and 1pm yesterday to give their statements. District police chief Abdul Rahim Md Din said the boys allegedly hit and kicked the 14-year-old schoolmate at 11.30pm last Thursday, causing minor injuries and bruises on his thighs. "The victim lodged a police report at 9.40pm on Sunday. "Preliminary investigations found that the incident was believed to be due to a misunderstanding between the students. "All the suspects were remanded for three days for further investigations under Section 147 of the Malaysian Penal Code [Act 574] for rioting". Earlier, the 11 suspects were taken to the Kuala Terengganu courthouse where a three-day remand order until Thursday was issued. (Free Malaysia Today, 2022).

On April 28, 2022, thirteen Form Four students were arrested in connection with the assault of a fellow student in a government secondary school in Langkawi. Langkawi district police chief ACP Shariman Ashari said 12 students were rounded up at 12.30 pm and one was picked up at 3 pm. "Five of those arrested are classmates of the assault victim while the rest are from other classes. Their statements are being recorded as part of the investigation," he said in a statement. Media reports said police this morning received a report on the assault of a 16-year-old schoolboy yesterday by several other students, with a 25-second video of the incident having gone viral on social media. The 9 am incident was said to have been due to a misunderstanding among the students. (The Sun Daily, 2022).

3. POSSIBLE SOLUTIONS

There is no single way to curb violence and bullying in schools and institutions of higher learning. However, it is the researcher humble view that such issues can be effectively address and tackle by having a strong and effective anti-violence and bullying policy. A good policy addressing such issue should have included the following namely 1. A belief statement, 2. Definitions of violence and bullying, 3. A list of roles and responsibilities and 4. A statement of procedures. The belief statement is usually a paragraph or two that tells the community the values and philosophy that underpin the whole policy. This includes affirmation that students are not born violence and bullies, stating that both victims and bullies need support and guidance to become happy health and kind adults, a statement that violence and bullying can be prevented with a whole-school approach, and a commitment to inclusion and respect for all people regardless of their gender, race, belief, sexuality or disability. The definitions section should define comprehensively all types of violence's and bullying, including cyberbullying. The anti-violence and bullying policy needs to state clearly who is responsible for executing the policy. Usually, this includes creating a hierarchy for escalation of incidents identified at the school. At a minimum, identify roles and responsibilities for the following groups of people like students, staffs, parents, and witness or bystander. A statement of procedures should state what should be done to prevent and respond to violence and bullying when it is reported.

The Malaysian government must also act now to put an end to violence and bullying culture in our educational settings as these harmful behaviors affects the victim well-being and learning process and could also threatening their health and safety. There are other steps which can be taken to put an end to violence and bullying besides drafting or having good policy in place namely by having effective legislation addressing with such issue. This can be done by amending our existing Education Act 1996 [Act 550] or creating a new specific law which can address the issue of violence and bullying in the country. We can learn from what had been implemented in the United Kingdom where by virtue of Section 89 of the Education and Inspections Act 2006, it provides for an anti-bullying policy to be made for all state schools and to be made available to parents as well. It has been widely believe that creating and developing a strong and proper policy against bullying in schools and universities would be the first important step in creating high awareness among pupils at early age to understand the ugly nature of bullying and would eventually deter themselves from getting involve with such act. Through this simple yet clear policy, it will also establish a climate in which violence and bullying will not tolerable and acceptable at all.

Similar approach has also been implemented in the United States of America, where all 50 states in the US

already have their own anti-bullying laws. These laws are not going to abolish violence and bullying entirely, but it does bring attention to the behavior, and they let the aggressors know their harmful behaviors will never be tolerated. Some of the written policies in the US even require disciplinary procedures to be made specifically to deal with bullying incident while others mandate that schools track and report for every bullying incident that occur. A growing number of states in the US also currently require schools to employ someone specially trained in anti-bullying education. Besides having a strong and effective legislation, it is also important for everyone in the community to work together to send a unified message against any forms of violence and bullying in the educational institutions. This can be simply done by launching continuous awareness campaigns, programs or activities on the issue in order to make the objectives known to everyone.

It is very important for all our educational institutions take this issue seriously. If they fail to take steps to deal with the issue seriously, people including the victim student has right to take them to court and ask for remedy or compensation. On September 29, 2019, the High Court in Kuala Terengganu ordered nine parties, including five former Sultan Mahmud Science Secondary School (SESMA) students, to pay a sum of RM616,634.20 to a former student who they bullied. The victim who was then 14-years-old filed the suit through his father on April 2, 2017. The suit was against the five bullies who were former students of the school as the first to fifth defendants. The sixth defendant was Senior Assistant Student Affairs, former Principal of SESMA, Director-General of the Ministry of Education Malaysia (8th defendant) and the Malaysian government (9th defendant). The Judge ordered them to pay the judgment amount. In his judgment, the judge said the bullying which took place on April 26, 2015, involving the plaintiff who was then 14-years-old showed that the school was negligent, as the act in question was planned and took place in the Chief Prefect's dormitory. "The school was also seen as being negligent in the absence of control when the incident happened in the Chief Prefect's dorm room. It (the act) did not take place on the side of a drain or a sidewalk. "The warden's duty roster schedule was also very well organised, but it is useless if the trust placed is not carried out. It is better to resign (as a warden) and become a regular teacher. "For the sixth and seventh defendant, they were also seen as being negligent in carrying out their responsibilities in maintaining the welfare of school students, especially their safety," he said. As a result of being beaten, kicked and slapped by Form Five students by the seniors, the plaintiff who was a Form Two student at the time lost his hearing in his right ear due to his eardrum being damaged. This prevented him from undertaking water based activities for life, apart from sustaining several other injuries. The plaintiff, who obtained 5As in the Ujian Penilaian Sekolah Rendah (UPSR) in 2013, also suffered emotional stress and trauma until he was forced to transfer to another school in July 2015. As a result of the incident, the plaintiff, who is the second of four children, suffered severe injuries, shock, depression, trauma and was also unable to focus on his studies. (Hanneeyzah Bariah Baharin, 2019). This single reported case should be a wakeup call to all educational settings in the country to deal with the issue seriously.

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