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BULLYING – PROBLEMS OF RECOGNITION AND FIGHTING THE PHENOMENON

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Abstract

Bullying is aggressive, repeated and intentional behavior that occurs within unequal power relations and can have serious consequences for children's health and well-being. It is important that every child is protected against bullying and has adequate support and resources to deal with it. Child protection against bullying involves an integrated action by families, schools, communities and authorities to prevent, identify and manage bullying situations. It is essential to promote a climate of respect, empathy and tolerance among children and young people, as well as to encourage open and non-violent communication for conflict resolution. Schools have a crucial role in the prevention of bullying, by implementing educational policies and programs that develop students' social and emotional skills, encourage positive relationships between them, and provide support and prompt intervention in the event of bullying incidents. Teachers and school staff have a responsibility to be aware of the signs of bullying and to intervene appropriately to protect the children involved.

Key words: *bullying, protection, consequences.*

INTRODUCTION

Children are a primary, essential human resource in a society. The consequence of this quality involves offering trust and patiently tending to their needs, so that they evolve in a society based on democratic principles.

The multitude of existing recommendations at the international and regional level regarding the need to monitor the phenomenon of violence against children underlines the importance given at the European and national level to the phenomenon of violence against children, as a component of protecting their rights. In the context of protecting children's rights, it was emphasized that they

are not just detached or isolated values, devoid of context, but exist in a wider ethical framework. The right to life, the right to health¹, the well-being of a person is not analyzed only through the lens of the absence of infirmity or disease, but implies a complete social, mental and physical well-being.

*As a component of the protection of minors against any form of abuse, discrimination and violence, the fight against bullying is an action carried out by the competent institutions with the aim of eradicating this phenomenon that occurs at the level of groups of children and refers to various behaviors that humiliate and exclusionary in nature, are repeated or part of a pattern that occurs over a period of time.*²

Psychological violence - bullying was defined as *the action or series of physical, verbal, relational and/or cyber actions, in a social context that is difficult to avoid, carried out with intention, that involves an imbalance of power, has as a consequence the achievement of dignity or creating an intimidating, hostile, degrading, humiliating or offensive atmosphere, directed against a person or a group of persons and aimed at aspects of discrimination and social exclusion, which may be related to belonging to a certain race, nationality, ethnicity, religion, social category or to a disadvantaged category or beliefs, gender or sexual orientation, personal characteristics, action or series of actions, behaviors that take place in educational units and in all spaces intended for education and professional training.*³

The creation of the legislative framework to fight against the phenomenon is a first measure that the legislator has taken. Bullying is criminalized both criminally and civilly. In criminal law, tools to fight against bullying are sanctioning based on the offenses provided for by article 206 of the Penal Code (Threat), art. 207 Criminal Code (Blackmail), art. 208 Criminal Code (Harassment), art. 226 Criminal Code (Violation of privacy), art. 193 Criminal Code (Hitting or other violence), art. 194 Penal Code (Bodily injury), art 196 (Bodily injury due to negligence), art 205 Penal Code (Unlawful deprivation of liberty) etc.

On the other hand, the illegal deed can attract tortious civil liability. The parents or legal representatives are called to answer in accordance with the law if the deed is committed by minors or the persons who commit the deed in the case of adults. The conditions imposed by the attraction of tortious civil liability also imply the existence of moral or material damage or both, as well as the existence of a causal relationship between the deed and the damage. Its repair can be done

¹ DECISION NO. 803/2004/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 April 2004 adopting a community action program (2004-2008) to prevent and combat violence against children, young people and women and to protect victims and groups risk (Daphné II program) www.salvaticopiii.ro-protection-against-violentei

² www.salvaticopiii.ro-protectie-impotriva-violentei

³ ORDER no. 4,343/2020 of May 27, 2020, art 1.

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either by restoring the previous situation, or by paying compensation (by equivalent) or in kind where appropriate. The aggressor can also be forced by the court to apologize publicly.

Along with the general regulation, a series of normative acts were adopted and plans developed whose objective is to prevent and combat violence in schools, whether it refers to physical, verbal, psychological, cultural, cyber-emotional violence etc.

Pre-university education law no. 198/2023, provides that education is based on a set of values, among which we mention as an example: collaboration, diversity, excellence, equity, inclusion, integrity, professionalism, respect, responsibility. Respect presupposes a positive and appropriate relationship, by adopting correct behaviors and attitudes towards the actors involved in the educational process, either teaching staff or beneficiaries, but it presupposes the same characteristics towards the environment, institutions and society.⁴

The normative act mentioned above is also based on a series of principles, among which we mention: the principle of non-discrimination, of quality, of relevance, of the efficiency of decision-making decentralization, of guaranteeing the cultural identity of all Romanian citizens and intercultural dialogue; of recognizing and guaranteeing the rights of national minorities, ensuring equity and equal opportunities, transparency, freedom of thought, inclusion, centering education on its primary beneficiaries, participation and responsibility of parents/legal representatives, flexibility/adaptability of the trajectory educational, of basing decisions on social dialogue and consultation, of respecting the student's and education staff's right to opinion, of data-based educational policies, of accessibility and availability, of respecting the right to life, of ensuring physical and mental integrity, respecting the dignity and protection of the status of education staff and beneficiaries, the adaptability of the national curriculum, the best interest of the student.⁵

The law also involves the achievement of objectives such as the National Plan to combat school violence⁶, which involves actions to prevent but also combat school violence. It is intended to reduce activities and behaviors that compromise or favor the disregard of the rules of morality and conduct, in all aspects, both as cultural, verbal, psychological - bullying, physical, social, emotional, cyber, sexual violence, as well as any other activities or behaviors that may endanger the health or integrity of primary beneficiaries and staff in the educational system (*Varadi Csema Erika, Cîrmaciu Diana, 2019, 230-232*).

⁴ Pre-university education Law no. 198/2023, published in the OFFICIAL GAZETTE of Romania no. 613 of July 5, 2023.

⁵ Art 3 of the Pre-University Education Law 198/2023

⁶ DECISION no. 1,065 of August 28, 2024, published in the Official Gazette of Romania, Part I, no. 881 of September 2, 2024.

The plan is designed for a period of 3 years, precisely due to the fact that the phenomenon of bullying is dynamic, it knows more and more complex and varied forms. Physical/psychological violence is manifested between preschoolers/students, between the staff of the educational unit on pre-preschoolers/preschoolers/students, is exercised by students on the school staff, manifested by parents in the space of the educational unit. There are also cases of anti-school violence that manifests itself through the carrying or unauthorized use of dangerous objects, violating the secrecy of correspondence; running games of chance; destruction of school property, vandalism; theft and attempted theft.

As forms of bullying we can mention: relational bullying, physical bullying, cyberbullying, bullying based on differences in race, culture, religion, sexuality.

There are elements of relational bullying - nicknames, teasing, cursing, offending, humiliating, humiliating because of the grades, the answers given, the family, etc. It involves intentional, well-defined mental abuse.

Physical bullying involves actions of destroying things, intentionally stepping on the victim, pushing, slapping, touching, hitting, throwing objects, threatening, throwing personal items on the ground, etc.

Cyberbullying includes, among others, threatening or harassing on the phone or on social networks, posting private messages without consent, creating private online groups where the victim is discussed, posting embarrassing pictures or mean comments on groups or social networks, sending malicious messages on the phone, groups or social networks, etc.

Kaspersky Lab is a manufacturer of IT security solutions, and has proposed a series of online programs that draw attention to the dangers posed by cyberbullying. In the program for children's safety on the Internet, "Kids safety by Kaspersky" outlined 11 types of cyberbullying, namely: fake accounts, gossip, video recording of attacks. exclusion, sabotage, harassment, cheating, online stalking, comments, incitement, abusive insistence.⁷

Bullying based on differences in race, culture, religion, sexuality involves laughing or teasing on the basis of religious beliefs or practices, teasing with the subject of lifestyle, accent, home, neighborhood, family, traditions, skin color, physical form, ethnicity, racist comments, etc.

Religious affiliation marks the outline of personal identity, the way it presents itself or is perceived by those around, a fact that made "religion" one of the four criteria protected against discrimination at the level of European Union legislation (*Mihăilă Oana, 2021, 31-47*).

The solutions must be implemented through supple methods, through actions that are based on a regular analysis of the phenomenon, of the data and

⁷ <https://www.agerpres.ro/cybersecurity/2019/05/15/kaspersky-lab-lanseaza-carte-kasper-sky-si-ursul-cel-verde-pentru-educarea-minorilor-si-parintilor-fata-de-pericolele-de-pe-internet->

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information that reach the decision makers, the action effort must be joint, involving the social assistance services, government institutions and non-governmental, school, local public administration authorities, police, specialized NGOs, citizens.

In all the sustained effort, an important role is given to direct communication between the school, the police and the school psychologist or social worker. Attention to the danger represented by this phenomenon is emphasized through the presentation of photo and video materials, with the organization of debates on the issues presented. Well-being is not an abstract concept, nor is it achieved just by applying some rules. It is not a task written in the job description of a school counselor or a director. It is a concept that requires conscious, common involvement on the part of students, teachers, parents, community in creating an authentic, honest, competitive and safe environment, in which problems are identified in time, appropriate measures are taken proportionally, immediately, which communicates students a message of seriousness and professionalism in approaching the subject and leads them to trust that adults hear them, that taking the measure of immediate communication of any case of bullying is actually a measure of community and not individual health, which makes them responsible and gives them moral power, having the possibility to use the power of law and not the right of power.

Violence in schools, whether physical or mental, is a present, constant, but also widespread phenomenon, due to access to inappropriate content on the Internet and technology, but especially due to lack of self-esteem. Confidence in one's own person, in the beneficial uniqueness of the defining elements of one's self, is the way to maintain balance in a variable situation, full of dangers or excesses.

The solutions for preventing and combating violence/bullying can only be taken in concert, because the phenomenon is complex and cannot be solved by dispersed methods. Controlling access to technology, supporting socio-emotional counseling programs, introducing courses on managing one's own emotions, along with the co-involvement of parents in school and extracurricular activities, identifying the times of children's qualities/competencies and cultivating them, as well as an appropriate school orientation that to give the child a school satisfaction, could constitute support levers in the fight against the phenomenon of violence.

CONCLUSION

The notion of bullying has experienced a wide transformation, it is not only a product of social life in recent years. It is true that even 20-30 years ago there were manifestations in schools that today we would identify as bullying, but their intensity was not deep, and the school had its own mechanisms to fight the problems. Today, however, the phenomenon is extensive, complex, the school is only a part of the manifestation field of bullying, the entire social environment can

be taken over by direct or indirect forms of aggression. Passivity as a form of non-involvement is the wrong solution, because not identifying and naming the problem only makes it worse. Regardless of the quality we have, of parents, teachers, witnesses, involvement is the first condition for identifying and solving the problem, along with the non-formal education that it is necessary to transmit, to offer them the elements for acquiring self-confidence, the love of self-valuation, so that they do not become victims of those around them.

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