

# *Analysis of the Current Situation and Legal Regulations of Campus Bullying Behavior*

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**Abstract:** Campus bullying occurs in all learning stages of the campus, which seriously affects the development of school education and teaching, but also has a great negative impact on the growth of students. For relevant departments, it is necessary to pay more attention to campus bullying and formulate effective countermeasures from the legal level to reduce the incidence of campus bullying. In this paper, the meaning of campus bullying behavior is analyzed, and the method and path of legal regulation of campus bullying behavior are proposed, aiming to provide reference and reference for future research.

## **1. Introduction**

At present, China is in the critical period of socialist modernization construction, the social situation is more complex, and the information received by students is mixed, which also makes campus bullying incidents occur frequently. However, due to the influence of many factors, China's current legal system lacks corresponding regulations on campus bullying behavior, which is not conducive to controlling the occurrence of campus bullying behavior. In view of this, in the face of the current social situation, it is necessary to do a good job in the legal level of regulations and constraints, prevent the occurrence of campus bullying, and create a good learning environment and growth environment[1].

## **2. Overview of Campus Bullying Behavior**

### **2.1 Implication**

Campus bullying is one of the important factors affecting social stability. From the perspective of the meaning of campus bullying, it refers to the bullying behavior inside and outside the school, with multiple and persistent characteristics. The perpetrators of campus bullying are usually individuals or groups, using words and behaviors to hurt the victims physically and mentally. In the past, bullying usually occurred on senior campuses and was mostly sporadic. With the increasingly complex social situation, campus bullying has begun to show a trend of younger age, persistence and high frequency. In addition, due to the hidden characteristics of campus bullying, it may occur not only on campus, but also outside the school, which makes it difficult for parents and schools to detect and deal with it in time, and also makes the harm of campus bullying greatly increased. From the perspective of the

harmful impact of campus bullying, on the one hand, students subjected to campus bullying will be irreversibly affected physically and mentally, increasing the chance of students being harmed and easily leading to psychological problems. On the other hand, campus bullying will seriously harm the stability of the school, affect the smooth development of school education and teaching work, and leave certain security risks in the society.

## **2.2 Current Situation**

In recent years, with the development of the Internet and we-media, more and more campus bullying incidents have been exposed to the public. According to the survey data of China Youth and Children Research Center, a large number of students have been bullied in various degrees. More than half of the students were physically assaulted and beaten, and more than 20% were subjected to indirect violence such as verbal assault, disclosure of privacy, discrimination and ridicule. In addition, in recent years, the proportion of minors in campus bullying is increasing. About 75% of campus bullying occurs in middle school students, and nearly half of junior high school students, especially left-behind children, are the main body of campus bullying, not only the perpetrators, but also the victims in many cases. Although China has lowered the age of criminal responsibility from 14 to 12 years old in the new Criminal law amendment, there is still no thorough and root cause control of campus bullying[2-3].

## **2.3 Cause Analysis**

### **2.3.1 Social Reasons**

From the analysis of the reasons for the repeated prohibition of campus bullying, the social reasons occupy the most. With the promotion of the continuous improvement of the development level of science and technology in our country, it makes our country enter the information age. In the information age, the information available to students shows a trend of quantitative development, which leads to uneven information for students, with potential harm. Although it broadens students' vision to a certain extent, the negative information in it will also have a great impact on students. Although our country has a certain control of network information, but the network information has the characteristics of concealance, supervision is more difficult, from the source of information regulation of human settlements has a certain difficulty. And today's students are one of the main forces who contact the network platform and use it frequently. The extensive radiation of the Internet increases the chances that students will be exposed to bad information. Due to their poor judgment ability and lack of ability to distinguish right from wrong, some students have a misunderstanding of campus bullying behavior and Chinese laws and regulations, which leads them to imitate violent behaviors in movies and TV dramas, and mistakenly believe that this is a reasonable behavior. Such social factors are also one of the important reasons leading to campus bullying behavior.

### **2.3.2 Individual Reasons**

Individual reasons are also important causes of campus bullying. In terms of specific performance, some students do not pay enough attention to study, there is a serious psychological weariness, attention is not focused on study, so that students have wrong cognition of various behaviors. To some extent, the deviation of attention also leads to the rise of bullying in school. There are also some students who are extremely unstable in thought because they have not fully formed the correct three views. Although their self-awareness has begun to form, they are prone to deviation in the process of problem solving due to their lack of social experience and social experience, self-control ability and self-management ability, and are prone to forming small groups in daily study and life. Ostracize,

ridicule, or bully the victim. Impulsive irritability, easy to produce physical conflict. Violence is often used to deal with problems. Due to their introverted personality, some students do not seek help in time after being bullied on campus, but choose to hide it, which can easily lead to the expansion of the situation and lead to the intensification of bullying. The concealment of the victim is also one of the reasons for the concealment of campus bullying. In today's society, after students react to teachers and parents, some adults' understanding of bullying behavior will cause secondary harm to the victim based on the victim's guilt theory. I think it is just a joke, there is no need for management, and it does not violate the bottom line of criminal law. So that the victim's help not only did not get the help they should have, but also traumatized their body and mind again. Some students, due to the fluke mentality, believe that campus bullying does not violate the law, lack empathy, and they are minors, resulting in the process of campus bullying there is no fear. To run amok on campus, to bully his victims.

### **2.3.3 Family Reasons**

From the analysis of the causes of campus bullying behavior, family reasons are also important causes of campus bullying. In terms of specific performance, some parents are absent in the process of carrying out family education, lacking supervision and management of students, and lacking communication and exchange with students. The parent-child relationship is relatively weak, resulting in students' wrong cognition of campus bullying. There are also some parents in the family education for students to overspoil the situation, resulting in the existence of self-centered students, lack of empathy for others, unable to use the right way to deal with interpersonal relations between classmates. In some cases, some parents have a low education level and rely on violence in the process of dealing with family relations and parent-child relations, which cannot form positive guidance for students, seriously affecting the psychological growth of students. It also forms the mentality of students that violence can solve everything, and brings it into the life of the school, causing irreversible physical and mental damage to other minors.

### **2.3.4 School Reasons**

As the main channel for students to receive education, the school's deviation in education is also an important reason for the emergence of campus bullying. In terms of specific performance, due to the lag in educational concepts, some schools only focus on students' learning as the main management content, and there are shortcomings in students' literacy education, legal education and psychological education, which cannot improve teachers' and students' attention to campus bullying. Some schools have problems in supervision, failing to timely detect campus bullying and take effective measures to deal with it. The management mechanism is not perfect, which leads to a gap in supervision of students, which is not conducive to the prevention of campus bullying. Such neglect often leads to bullying.

## **3. The Legal Regulation of Campus Bullying Behavior**

### **3.1 Current Status of Legal System**

The behavior of campus bullying is mostly committed by minors, and China's legal regulations for minors mainly focus on protection, which also imposes significant restrictions on the process of dealing with campus bullying. From the perspective of legal regulations on campus bullying in China, there is a clear lack of corresponding laws and regulations. In terms of specific manifestations, although China has added content on campus bullying in laws such as the Civil Law, Tort Liability Law, Criminal Law, Law on the Protection of Minors, and Law on the Prevention of Juvenile

Delinquency, there is a lack of detailed provisions and no detailed provisions on campus bullying behavior. Only a few legal provisions briefly mention it, and there is a lack of clear provisions on behavior characterization and punishment measures. Taking the Prevention of Juvenile Delinquency Law as an example, education is required as the main method of handling criminal acts involving minors, but there is no detailed content on the characterization and handling of campus bullying behavior, which cannot deter the perpetrators of campus bullying behavior and cannot be effectively responded to after the occurrence of campus bullying behavior. Moreover, from a legal perspective, China lacks a management mechanism for campus bullying, legal aid and prevention mechanisms have not been implemented, and there is a lack of joint responsibility for relevant parties. All of these have led to insufficient attention from relevant personnel to campus bullying behavior, and there is a lack of response to campus bullying, which cannot play a role in prevention and governance[4-5].

## **3.2 Countermeasures**

### **3.2.1 Perfecting the Laws and Regulations**

Although in recent years, China has continuously increased its attention to campus bullying, and supplemented and improved it at the legal level, there is still a lack of specialized laws and regulations, which also makes it very easy to have problems in the process of dealing with campus bullying. In future development, our country needs to perfect the laws and regulations. In the specific implementation, the state can issue special laws and regulations for campus bullying, detailed regulations on campus bullying, and complete the corresponding legal punishment measures. In this process, it is necessary to innovate the concept of legal regulation, change the traditional concept of only protecting minors, and organically combine education reform and punishment. In the formulation of punishment measures, it is necessary to properly adjust the intensity of punishment, change the limitation of the traditional punishment only with education as the main way, and implement the combination of education and punishment to deter the perpetrators of campus bullying, so as to reduce the probability of campus bullying.

On the other hand, in view of the lack of relevant laws and regulations on campus bullying in China, in addition to establishing special laws and regulations, relevant contents can be supplemented in detail in relevant laws and regulations. In this process, China can learn from the Juvenile Crime Act of the United States, the School Violence Prevention and Countermeasures Act of South Korea and the Bullying Prevention and Countermeasures Promotion Act of Japan, and adjust according to the actual national conditions of our country, and clearly stipulate the responsibility of the perpetrators of bullying and perfect punishment measures from the perspective of law. In the specific implementation, China can improve the Law on the Protection of Minors, the Law on Public Security Administration Penalties, and the Law on the Prevention of Juvenile Delinquency, add content on campus bullying, raise the legislative level, and provide a legal basis for the subsequent handling of campus bullying incidents

### **3.2.2 Perfecting Management Mechanism**

In the legal regulation of campus bullying behavior, in addition to establishing and improving relevant laws and regulations, it is necessary to improve the management mechanism from the legal point of view. In specific implementation, first of all, it is necessary to improve the legal prevention mechanism of campus bullying. Judicial organs should strengthen cooperation with schools and assist schools to carry out various activities with the theme of anti-bullying, such as lectures, themed class meetings and debate competitions, so as to enhance the publicity of campus bullying, raise students' attention to campus bullying and improve their prevention psychology. So that students can deal with

bullying in a scientific way. At the same time, the judicial organs can jointly organize publicity activities on campus bullying laws and regulations with schools, and jointly carry out research on students with schools, timely discover existing and potential campus bullying behaviors, and jointly carry out supervision work with schools, so as to eliminate the occurrence environment of campus bullying.

Secondly, due to the frequent occurrence of current campus bullying, it has a serious impact on the victims. In the legal regulation, the legal aid system can be improved to provide corresponding support and assistance for the victims of campus bullying. In the specific implementation, after the occurrence of campus bullying, the school should provide assistance or other measures for students in a timely manner, and notify the judicial authorities to intervene in a timely manner. After the intervention of the judicial organs, the corresponding investigation needs to be carried out in a timely manner, and if the circumstances are more serious, the case needs to be filed in a timely manner. In legal regulation, courts at or above the county level should set up juvenile courts to deal with juvenile crimes in compliance. In dealing with juvenile crimes, it is necessary to protect the privacy of both parties and safeguard the legal rights of both parties. At the same time, it is necessary to arrange special legal aid personnel to provide legal counseling services for victims of campus bullying and build a sound legal aid system. In legal aid, the government should play its leading role, improve the top-level design, increase the cooperation between various departments in the prevention of campus bullying and the construction of legal aid system, and improve the social supervision and prevention of campus bullying.

Finally, in the formulation of judicial management mechanism, China can learn from the protective punishment mechanism of some developed countries to organically combine disciplinary and protective nature. For perpetrators of campus bullying, compulsory education and correction should be implemented on the basis of protection, so as to achieve legal regulation of perpetrators. From the perspective of the main body of this system, it includes minors who have broken the law and have reached the age of responsibility, minors who have broken the law but have not yet reached the age of responsibility, and minors who have violated the law and have a high probability of subsequent recrime. In the protection punishment mechanism, the way to assume responsibility can be reprimanded, suspended and disciplined, and mandatory measures such as admonishment by judicial organs should be added to enhance the deterrent force. At the same time, the judicial authorities can require the guardian of the bully to pay a certain amount of security deposit. If the bullying behavior is still implemented after being dealt with by admonishing and other means, the punishment can be increased as needed, and the relevant institutions can carry out entrusted guardianship. Probation measures can also be implemented to observe the perpetrators of campus bullying, evaluate the improvement results, and provide reference for subsequent adjustment of treatment measures.

### **3.2.3 Implementing Joint and Several Liability**

Both family reasons and school reasons are important reasons that lead to campus bullying behavior. In terms of legal regulation of campus bullying, joint and several liability should be implemented. In addition to dealing with the perpetrators of campus bullying, schools and parents should be required to bear corresponding responsibilities, such as corresponding compensation and legal consequences. In joint and several liability, Norway's multi-system anti-bullying model provides a reference for our country. In Norway's multi-system anti-bullying model, it has formulated methods on the management of campus bullying from four levels, including schools, families, and the government, and has clearly stipulated the responsibilities of all parties in the management of campus bullying. For our country, we can learn from the Norwegian model, including schools, families and communities in the process of school bullying management, increase cooperation among all parties, and clarify the legal responsibilities of all parties. In the event of school bullying, the responsible

person should be held accountable in time, so as to raise the attention of all parties to school bullying. Improve the governance effect of campus bullying behavior.

#### 4. Conclusions

Campus bullying seriously harms the stability of the school environment and is a hot issue concerned by the society. In view of the shortcomings of the legal regulation of campus bullying behavior in China, it is necessary to improve the content and system, give full play to the deterrent and management role of the law, and promote the healthy growth of students and the overall physical and mental development.

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