

Criminal Liability of Educational Corporations: an Analysis of Systemic Negligence in Schools in The Mitigation of Bullying and the Psychological Impact of Students

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Abstract

Bullying in educational institutions frequently leaves victims with prolonged psychological trauma, yet sanctions against education-providing legal entities remain confined to administrative measures such as written warnings, accreditation deferral, or licence revocation. This pattern produces institutional impunity: the entity benefits from its operations but escapes criminal law even when it is shown to have tolerated violence. The article addresses two questions. First, how the attribution of criminal liability for omissions in bullying mitigation can be reconstructed through Identification Theory within Articles 45–50 of the 2023 Criminal Code. Second, how the juridical parameters of systemic negligence can be formulated through Corporate Culture Theory as a basis for criminal liability for violations of students' psychological integrity. Employing normative legal research with statutory, conceptual, comparative (the Philippines, Japan, South Korea), and case approaches, the study finds that Articles 45–50 already provide a sufficient legal entrance for corporate attribution. Operationalising it requires combining Identification Theory, to identify whose negligence is attributable to the corporation, with Corporate Culture Theory, to articulate the systemic standards whose breach constitutes institutional fault. Systemic negligence is framed through four cumulative elements: a duty of care, a gross and systemic breach, a meaningful causal link, and a constitutive consequence in the form of clinically documented violations of psychological integrity.

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1. INTRODUCTION

Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantees the rights of every child to survival, growth, and development, as well as protection from violence and discrimination. This guarantee is not merely a moral statement in the state gazette, but rather a legal obligation that binds the state and all education providers to ensure that every child learns without fear for their safety.

The reality on the ground is far from that ideal. Bullying in schools has long been a serious social and legal issue. It manifests in various forms, from physical and verbal violence to psychological violence, *cyberbullying*, and is repeated by a more powerful party against a victim who is unable to defend themselves. This formulation aligns with Dan Olweus's classic definition, which places repetition and power imbalance at the heart of bullying. The Indonesian Child Protection Commission records thousands of cases of child

violence in schools every year, and this figure is believed to be just the tip of the iceberg because many victims choose to remain silent, consider violence to be normal, or do not know how to report it.

The impact should not be underestimated. Epidemiological studies show that victims of bullying are susceptible to anxiety disorders, depression, *post-traumatic stress disorder*, decreased academic achievement, and the tendency to harm oneself. In some extreme cases, bullying has even resulted in death. Therefore, bullying should not be viewed as ordinary, tolerable mischief; it is an act that can meet the elements of a crime and requires serious legal action.

One dimension that has so far escaped the attention of Indonesian criminal law is institutional accountability. Many cases of bullying with permanent impacts are not solely the result of the actions of individual perpetrators, but rather the result of systemic negligence on the part of legal entities providing education, whether foundations, associations, or limited liability companies. Clarifying this subject is important to avoid ambiguity: the subject of corporate criminal liability is the Legal Entity Providing Education as a legal person (*legal entity*), not the educational unit or school building, which is essentially just an operational unit of the legal entity. The negligence in question can include the absence of a Violence Prevention and Handling Team, weak oversight by management, or even the repeated toleration of known patterns of violence.

The Indonesian legal system, however, allows such negligence to go unpunished. When bullying is proven to have resulted in lasting psychological trauma, the responsibility of the Education Provider Legal Entity stops at administrative sanctions, as stipulated in Articles 38–41 of the Minister of Education, Culture, Research, and Technology Regulation No. 46 of 2023: written warnings, suspension of accreditation, suspension of activities, or revocation of permits. These instruments only affect the managerial level, while the victim's psychological suffering constitutes legal damages (*legal harm*) has a criminal dimension that cannot be remedied by a warning or reduction in accreditation. The logic of administrative sanctions is oriented towards institutional development, not justice for the victim; this is where the fundamental disparity between the magnitude of the loss and the available legal response arises.

This situation is what the authors call institutional impunity: the foundation or legal entity that organizes it enjoys reputational and financial benefits from its operations, but escapes criminal prosecution even though it is proven to have allowed bullying to permanently damage students. Educational corporations, in Fisse and Braithwaite's terms, are protected by *corporate veil of impunity* which distances him from the legal consequences of institutional neglect. Trauma such as PTSD, chronic depression, and suicidal ideation in child victims should be the realm of criminal responsibility of legal entities, not just the realm of administrative guidance.

Although the regulatory framework appears comprehensive, legal protection for victims has not been optimal due to several fundamental weaknesses. Both the old and new Criminal Codes contain no articles explicitly addressing the crime of bullying; they only cover conventional offenses such as assault and insult; all designed with natural persons (natural persons) as the subject.

As a result, criminal sanctions only apply to individual perpetrators, whether students who bully or, in some cases, educators. This individual-crime construct conceptually fails to address institutional-level weaknesses, such as the absence of a prevention task force, the failure of management to establish oversight, or a permissive culture of seniority. This

individual-oriented construct gives rise to the corporate liability gap, the structural root of weak child protection in the education sector.

The second issue is more subtle but crucial: the lack of conceptualization of violations of psychological integrity as a constitutive, criminally punishable consequence. The psychological impact of bullying should not be limited to medical descriptions but should be transformed into a legal category. The author deliberately adopts the term "violations of psychological integrity," rather than simply "psychological impact," to position the victim's trauma as *legal harm*, which is equivalent to physical injury. With this shift, psychological integrity is no longer just a medical symptom outside the norm, but has become a legal interest protected by the state (*legal interest*) and is worthy of being formulated as a constitutive element of a material crime.

Psychic integrity here refers to the integrity of a person's personality structure, cognitive capacity, mental health, and social adaptability. A violation occurs when the impairment is clinical, diagnosable using DSM-5-TR or ICD-11 criteria, and results in observable functional changes. Van der Kolk's neuroscientific findings confirm that trauma leaves a real biological imprint on the victim's brain: a psychological wound, not a metaphorical one. Unfortunately, Indonesian criminal law still views psychological wounds as difficult to prove and not equivalent to physical wounds, a stance that can be categorized as legal reductionism.

On the other hand, the paradigm shift in Law Number 1 of 2023 concerning the Criminal Code opens up significant opportunities. Articles 45 to 50 of the 2023 Criminal Code provide the entry point (*legal entrance*) for the entire research agenda. Article 45 recognizes corporations broadly as "organized groups of people and/or assets, whether incorporated or not"; Article 46 defines actions that qualify as corporate crimes; Article 47 extends this to those who give orders, those who control, and those who beneficially own them; Article 48 contains the conditions for holding corporations accountable for actions, including when corporations fail to take preventive measures or allow criminal acts to occur. This provision shifts the national criminal liability landscape from a completely anthropocentric regime towards the recognition of corporations as legal persons that can be held criminally liable.

This is precisely where the urgency of this research lies. The education sector, which interacts directly with vulnerable groups such as children, will be one of the most sensitive testing grounds for the effectiveness of Articles 45–50 of the 2023 Criminal Code. However, these provisions are general in nature, so their application to the context of educational corporations raises many doubts: how the duty of care of the legal entity administering the law is formulated in the criminal realm, how systemic negligence is distinguished from ordinary negligence, and how violations of psychological integrity are formulated as a constitutive element. Without a specific conceptual framework, the 2023 Criminal Code risks becoming a textually elegant but operationally inert norm in the education sector.

To fill this gap, this study looks at the experiences of three Asian jurisdictions that are relatively more developed but contextually close to Indonesia: the Philippines with the *Anti-Bullying Act of 2013*, Japan with *Ijime Boshi Taisaku Suishin Hō* (2013), and South Korea with the *Act on the Prevention of and Countermeasures Against Violence in Schools* (2004). All three have developed legislative frameworks that bind educational institutions to prevent and address bullying, with varying degrees of stringency. This comparison aims to find an appropriate duty of care model for Indonesia.

From the above explanation, there are three gaps that need to be bridged. First, from the perspective of the legal subject, there is no adequate legal construction to position the Legal Entity of the Education Provider as a criminal subject for tolerating bullying. Second, from the perspective of the act, there are no clear parameters to determine when institutional toleration meets the qualifications of systemic negligence that can be punished. Third, from the perspective of consequences, there is no complete conceptualization of violations of psychological integrity as a constitutive consequence equivalent to physical injury. Based on this, this article formulates two questions: how the attribution of criminal responsibility of the Legal Entity of the Education Provider for tolerating bullying can be reconstructed through a synthesis of Articles 45–50 of the 2023 Criminal Code, the Child Protection Law, and the National Education System Law; and how the legal parameters of systemic school negligence can be formulated as a basis for imposing criminal penalties for violations of students' psychological integrity.

2. METHOD

This research is normative legal research (doctrinal legal research) which is prescriptive. Four approaches are used in a complementary manner: a legislative approach to examine the 2023 Criminal Code, the Child Protection Law, the National Education System Law, and the Foundation Law; a conceptual approach to elaborate on Identity Theory, Corporate Culture Theory, duty of care, and psychic integrity as legal harm; a comparative approach to the regimes of the Philippines, Japan, and South Korea; and a limited case approach to explore the ratio decidendi of relevant decisions, such as *Tesco v Natrass* And *Fairchild v Glenhaven* Legal materials are collected through literature studies and analyzed qualitatively through interpretation, argumentation, and prescription.

3. DISCUSSION

1. Reconstruction of Criminal Responsibility Attribution through Identity Theory

Before attribution is reconstructed, it is necessary to understand the roots of the doctrine of corporate criminal liability, which arose from the tension between the old principles, *Society cannot sin*, and the need to address the real losses caused by corporations. In pre-modern times, criminal law was based on the premise that only humans have free will and the capacity for moral guilt, as the adage goes. *The act does not make a person guilty unless the mind is guilty*. Because corporations have no body and no soul, they are closed off from the criminal realm. The industrial revolution changed things: as corporations became major economic actors, the harm they caused could no longer be attributed to a single individual.

The modern legal system then developed several models. *Vicarious liability imposes* criminal penalties on corporations for the actions of their employees without proving the corporation's fault, so it is considered inadequate for serious crimes because it conflicts with the principle of *no punishment without guilt*. In response, the *identification doctrine or Identity Theory*, built through *Tesco Supermarkets Ltd v Natrass*(1972), states that corporations can be punished if the actions and mistakes are committed by the *directing mind and will of the corporation*. This doctrine is more in line with the fault principle, but is difficult to apply to large, decentralized corporations when losses arise from collective failures at the middle level.

To patch up those limitations, *aggregation theory allows* the accumulation of knowledge and negligence of some individuals to be treated as corporate acts, while the *organizational fault model views* corporations as having the capacity for authentic error

at the system level. The most mature version of the latter approach is the Australian-codified Corporate Culture Theory in the *Criminal Code Act 1995*(Ec) section 12.3(2)(c) and (d), which places corporate culture as a normative standard whose failure gives rise to institutional wrongdoing. Within this framework, Articles 45–50 of the 2023 Criminal Code actually adopt a synthetic approach between Identity Theory and organizational fault.

a. Legal Entities Providing Education as Subjects of Criminal Law

The basic question is: can a legal entity providing education be qualified as a subject of criminal law? The consistency of the subject must first be emphasized. The subject is a foundation, association, or limited liability company as a *legal entity* behind the educational institution, not the building or educational institution itself. The school building is the object, the educational institution is the operational unit, and the legal entity that administers it is the entity that can be prosecuted. In Indonesian practice, the majority of private primary and secondary education providers are foundations.

Article 45 of the 2023 Criminal Code was deliberately formulated as broadly as possible to encompass foundations, associations, and limited liability companies that provide education. This coverage is reinforced by the definition of a foundation in Article 1(1) of the Foundations Law and the responsibilities of administrators in Article 31 of the Foundations Law. The development of jurisprudence following Supreme Court Regulation Number 13 of 2016 has also opened the door to cross-sector corporate criminal liability; although it has not yet touched on education, the principle that corporations as entities can be held accountable is generally applicable and open to application.

b. Negligence as a Criminal Act (Omission)

Conceptually, tolerating bullying is an *omission*. Criminal law is generally more prepared to cover active rather than passive acts; negligence can only be punished if there is a legal obligation (*guarantor position* or *duty to act*) which is binding. For the Legal Entity of Education Providers, this obligation stems from Article 9 paragraph (1a) of the Child Protection Law, Article 4 of the National Education System Law, the education provision contract, which implicitly promises a safe learning environment, and the obligation to establish a TPPK in Permendikbudristek 46/2023. The accumulation of these sources gives rise to a duty to act that is legal in nature, not merely moral.

c. Operationalization of Identity Theory: Principal and Foundation Administrators

Identity Theory places the *directing mind* as a gateway to attribution. This research identifies two layers. At the operational level, the principal is the highest-ranking official in the educational unit, authorized to establish internal policies, assign teachers, and handle disciplinary violations, including bullying. Therefore, his or her negligence can be equated with corporate negligence. At the institutional level, foundation administrators, particularly the chairperson and daily administrators, are responsible for macro-governance: providing facilities, recruiting principals, and overseeing operations. Article 31 of the Foundation Law affirms the full responsibility of the administrators for managing the foundation's interests and objectives.

Identity Theory has its limits. Many omissions are not the product of a single person's failure, but rather the accumulation of widespread negligence: homeroom

teachers ignore reports, counselors fail to follow up on complaints, task forces fail to function, and administrators fail to evaluate the effectiveness of policies. To capture such constellations, *aggregation theory* is a complement that allows the aggregation of negligence of several officials to be recognized as corporate error. Aggregation here does not replace Identity Theory, but rather strengthens it: identification provides entry at the strategic official level, aggregation complements operational negligence at the lower levels.

d. Linking with Articles 45–50 of the 2023 Criminal Code and the Four-Stage Attribution Model

This synthesis must be bridged with positive provisions. Article 46 defines corporate crime as an act by a functional manager or a person in an employment relationship, with the definition of "functional position" broad enough to include school principals and foundation administrators. Article 48 requires the corporation to be at fault: an act can only be attributed if it is accepted as corporate policy (c), the corporation fails to take preventative measures (d), and/or the corporation allows the crime to occur (e). Thus, the accumulation of operational negligence does not stand as an independent basis for attribution, but serves as evidence of a failure of supervision (*culpa in vigilando*) which is then locked through the requirements of Article 48. This construction distinguishes the Indonesian model from pure vicarious liability and places it in the realm of fault-based liability.

Based on this analysis, this study offers a four-stage attribution model. The first stage identifies the Legal Entity of the Education Provider as a legal subject based on Article 45, emphasizing that the subject is the legal entity, not the school building. The second stage maps the institutional duty of care, placing the legal entity in the position of *Garantenstellung*. The third stage constructs negligence through Identity Theory, complemented by aggregation theory. The fourth stage examines the causality between aggregate negligence and the constitutive consequences of a violation of psychological integrity. This model provides a systematic framework for investigators, prosecutors, and judges without compromising the principles of legality and culpability.

2. Legal Parameters of Systemic Negligence through Corporate Culture Theory

Once the attribution framework is established, the next issue is determining when the negligence of the implementing legal entity can be classified as systemic criminal wrongdoing, rather than simply maladministration. This question is crucial because without clear parameters, the expansion of criminal law into the educational realm risks excessive criminalization that undermines pedagogical autonomy. Corporate Culture Theory provides a suitable analytical tool, with four cumulative elements: the existence of a duty of care, *gross and systemic breach*, meaningful causal relationships, and constitutive consequences in the form of violations of psychic integrity.

The classical negligence doctrine was designed to measure the behavior of individuals, not organizations. When applied simply to institutions, three problems arise: the individual standard of care measures the capacity of a single person at a single point in time, while institutional negligence is systemic and cumulative; the concept of ordinary negligence is reactive, while institutional negligence is preventive because it assesses whether an organization has established adequate systems before a risk becomes concrete; and individual negligence requires specific, identifiable acts, while systemic negligence lies in the absence of collective action. Consequently, some jurisdictions have turned to a corporate culture or gross negligence test.

a. First Element: The Existence of a Binding Duty of Care

The duty of care of the legal entity that organizes it does not originate from a single instrument, but rather from four mutually reinforcing layers. The constitutional layer is found in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which burdens all organizers of functions that affect children, including private entities that carry out public functions in the form of formal education. The statutory layer includes Article 9 paragraph (1a) and Article 54 of the Child Protection Law, Articles 4 and 11 of the National Education System Law, as well as the responsibilities of administrators in the Foundation Law. The administrative layer is embodied in Ministerial Regulation No. 46/2023, which mandates the formation of TPPK (Teaching and Training Institutions), the development of internal policies, risk assessments, reporting channels, and educational programs. The contractual layer is based on the doctrine of *the parent*. When parents enroll their children, they partially transfer responsibility for their care during school hours. These four layers combine to form a robust duty of care, so failure to fulfill it can no longer be treated as a mere administrative violation.

b. Second Element: Gross and Systemic Breach and Four Indicators

Not every breach of duty of care constitutes a criminal offense. Minor or incidental violations remain within the administrative realm; those that fall within the criminal realm are violations that, in the formulation of *Corporate Manslaughter and Corporate Homicide Act 2007*, “fall far below what can reasonably be expected of the organization in the circumstances”. To measure “falling far below,” this study proposes four indicators commonly found in cases of high-impact bullying.

The first indicator, ignoring early warning signals, occurs when an institution receives concrete information about bullying, whether from a victim's report, a friend's report, a parent's report, or a teacher's observation, but fails to act on it appropriately. This neglect also includes formalistic responses that fail to address the root of the problem, such as summoning the perpetrator for counseling without rehabilitating the victim, or closing the case peacefully without a follow-up assessment.

The second indicator, the absence of a written and operational policy, is met when an institution lacks a specific policy for preventing and handling bullying, or has a policy that is not translated into procedures, not allocated resources, and is unknown to the school community. A policy simply posted on a bulletin board without ever being socialized is not a policy in the legal sense, only its appearance.

The third indicator, structural oversight failure, is met when there are no school climate surveys, policy implementation audits, program effectiveness evaluations, or monitoring of vulnerable areas. This failure indicates that institutions operate reactively, only acting when cases have become public, which is the antithesis of a prevention-based duty of care. The fourth indicator, the absence of a safe reporting mechanism, is met when there is no channel available that students can access without fear of retaliation or stigma, complete with confidentiality, witness protection, psychosocial support, and guaranteed follow-up.

The four indicators are cumulative, not alternative. Meeting one indicator might still be considered ordinary negligence, but meeting three or four indicators simultaneously indicates a systemic pattern reflecting a failed corporate culture, and that's that *gross and systemic breach*. However, the systemic pattern itself does not give rise to criminal wrongdoing. This pattern only crosses the criminal threshold if

it reflects gross negligence, namely, the conscious disregard of a significant and inappropriate risk (*substantial and unjustifiable risk*) for the psychological integrity of students. This qualitative distinction separates administrative non-compliance from corporate criminal misconduct, especially when the institution is shown to prioritize reputation or accreditation over the safety of the victim.

Table 1. List of Differentiating Tests for Maladministration and Criminal Negligence of Educational Corporations

Dimensions of Failure	Maladministration Realm (administrative sanctions)	Criminal Negligence Threshold (Article 48 letters c/d/e + gross negligence)
Prevention system	TPPK or policies have not been formed or are only on paper	No reporting channel protects the identity of victims, so victims are silenced by the system.
Knowledge and response	Late follow-up of reports; messy administration	Corporate organs have been proven to have received repeated warnings, but have chosen not to remedy the situation (failure to remedy)
Institutional orientation	Weak governance in general	Serious cases are deliberately closed or resolved amicably for the sake of accreditation or good name.
Inner attitude (mens rea)	Procedural negligence or incompetence	Conscious disregard of substantial and improper risk (reckless disregard) as a corporate mens rea

This matrix serves a dual purpose: as a safeguard against over-criminalization and as a differentiator that addresses concerns that administrative failures are immediately criminalized.

c. Third Element: Causal Relationship, Substantial Contribution, and Increased Risk Test

Causality in the crime of institutional negligence in the form of omission is among the most difficult in modern criminal doctrine. The test *condition, without which no classical* tests are often inadequate, because it can always be argued that bullying continues despite the policy. Modern doctrine introduces two alternative tests. *Substantial contribution test* does not ask whether omission is the sole cause, but rather whether omission is a substantive contributor to the effect; this test has its roots in the work of Hart and Honoré, who formulated causality as a probabilistic relation in a multifactorial context.

Increased risk test, which was developed in *Fairchild v Glenhaven Funeral Services Ltd*, asking whether the breach of duty of care materially increased the risk of the consequences occurring. This test is suitable for multi-causal cases where deterministic proof is impossible. However, because it originates from the realm of civil tort, its transplantation to criminal causality is not without criticism; criminal

law demands proof beyond a reasonable doubt and upholds in *dubio pro reo*. Therefore, in the proposed construction, the substantial contribution test is positioned as the primary criminal causality test to prove actual causation, while the increased risk test serves only as a structural support that strengthens, not replaces, it. This hierarchical placement ensures that the expansion of corporate liability remains within the corridor of the fault principle.

d. Fourth Element: Constitutive Consequences in the Form of Violation of Psychic Integrity

The fourth element is the core of this research's conceptual transformation. Proving a violation of psychological integrity requires three prerequisites to meet strict criminal standards. First, there must be a clinical condition diagnosable according to the DSM-5-TR or ICD-11, such as PTSD, *major depressive disorder*, or, in severe cases, *suicidal ideation*, and the diagnosis must be made by a certified psychiatrist or clinical psychologist. Second, there must be a marked functional change, such as decreased performance, social isolation, chronic sleep disturbances, or complete withdrawal from school. Third, there must be a temporal and substantive relationship between the victim's clinical condition and the period of institutional abuse and neglect.

Takizawa, Maughan, and Arseneault's longitudinal study, which traced the impact of bullying five decades later, showed that psychological harm is not a momentary event, but rather a structural damage to the victim's personality and adaptive capacity. With the fulfillment of these four cumulative elements, the legal parameters for systemic negligence can be considered fulfilled. This cumulative nature also serves as a safeguard: only cases with a clear systemic pattern, severe clinical consequences, and proven causality are brought to the criminal realm, while ordinary negligence remains within the administrative and civil domain.

e. Comparison of Asia: Philippines, Japan, and South Korea

The Philippines laid a relatively advanced foundation through Republic Act No. 10627, which requires all elementary and secondary schools to adopt anti-bullying policies, complemented by DepEd Order No. 55 of 2013, which established a Child Protection Committee, annual assessments, and reporting to the ministry. But the Philippine regime has not yet criminalized institutional negligence directly; the key lesson lies in the operational details of policies that can be adopted as minimum compliance standards.

Japan is taking a more comprehensive path through *Ijime Boshi Taisaku Suishin Hō* (2013), which emerged after a series of student suicides. The most distinctive aspect is the obligation of transparency: in serious cases (*jūdai jian*), schools are required to form an independent investigative committee involving external experts and whose reports are accessible to the victim's family. This independent investigative approach addresses the main weakness of the school-centric regime, namely the tendency to cover up cases for the sake of reputation, and is worthy of Indonesia's adoption.

South Korea is the most aggressive *Act on the Prevention of and Countermeasures Against Violence in Schools* (2004), which was subject to major reforms in 2023, mandated the creation of a quasi-judicial School Violence Countermeasure Committee and introduced permanent records and expanded institutional responsibility for systemic failures. The most instructive is the concept of *cumulative institutional failure* in Korean jurisprudence, which is structurally similar

to aggregation theory and supports the systemic negligence approach that this study proposes.

Table 2. Comparison of School Bullying Legal Regimes: Philippines, Japan, and South Korea

Aspect	Philippines	Japan	South Korea
Main instrument	Anti-Bullying Act 2013 and DepEd Order 55/2013	Ijime Boshi Taisaku Suishin Hō 2013	Act No. 7935/2004 (2023 reform)
Mechanism	Child Protection Committee and written policy requirements	Basic policies and independent investigations in serious cases	The School Violence Countermeasure Committee has quasi-judicial powers.
Sanctions	Administrative (up to revocation of permit)	Administrative and civil	Permanent recording, access restrictions, and institutional civil liability
Institutional responsibilities	Obligation to comply with policies	Obligation of transparency and investigation	Cumulative institutional failure

All three models demonstrate that even more mature Asian regimes remain administrative-civil in nature and have not yet reached the point of directly criminalizing institutional negligence. With Articles 45–50 of the 2023 Criminal Code, Indonesia has the opportunity to take the lead in all three, as long as the proposed operational parameters are formulated precisely.

f. Synthesis: Four Cumulative Elements as Operational Parameters

Based on the elaboration above, the legal parameters of systemic negligence of the Legal Entity of the Education Provider can be formulated as the cumulative fulfillment of four elements: the existence of a duty of care derived from four normative layers; gross and systemic breaches proven through at least three of the four indicators; a meaningful causal relationship proven through the substantial contribution test as the main test and the increased risk test as a supporting one; and constitutive consequences in the form of a violation of psychological integrity proven through clinical diagnosis, functional changes, and temporal-substantive relationships. Thus, the Identity Theory framework in the previous section answers who is responsible, while the Corporate Culture Theory in this section answers when the responsibility arises; both together provide a reconstruction of corporate criminal norms that are appropriate for the post-2023 Criminal Code education sector.

4. CONCLUSION

First, the most appropriate criminal liability attribution framework for Legal Entities Providing Education is the Identity Theory modified with aggregation theory as a complement. Articles 45–50 of the 2023 Criminal Code have provided a *legal entrance*, authoritative, but require a specific conceptual operationalization in the form of a four-stage attribution model: identification of the subject as the legal entity administering the program (not the educational unit), mapping the duty of care, constructing negligence through a two-

layered directing mind equipped with aggregation, and testing for causality. This reconstruction shifts the subject of responsibility from the individual perpetrator to the institution that allowed the bullying, while simultaneously closing the gap of impunity that has previously placed systemic negligence as merely an administrative violation.

Second, the most adequate legal parameters of systemic negligence are formulated through the Corporate Culture Theory, which is operationalized in four cumulative elements: a four-layered duty of care, gross and systemic breach through four indicators, a meaningful causal relationship through substantial contribution and increased risk tests, and constitutive consequences in the form of violations of psychological integrity based on DSM-5-TR or ICD-11. A comparison with the Philippines, Japan, and South Korea shows that Indonesia has the potential to become the first jurisdiction in the region to establish an institutional criminal liability regime in the education sector, as all three jurisdictions still operate at the administrative and civil levels. The cumulative nature of the four elements provides a substantial safeguard against excessive criminalization: only cases with a clear systemic pattern, severe clinical consequences, and proven causality are criminalized, making these parameters both operational and proportional to the principles of legality and culpability.

This research suggests three things. Lawmakers and the government need to revise Permendikbudristek 46/2023 or issue an implementing instrument containing the parameters of the four cumulative elements with explicit reference to Articles 45–50 of the 2023 Criminal Code, while simultaneously harmonizing administrative and criminal channels through the ladder of accountability principle, which places criminal penalties as the ultimum remedium. Law enforcement needs to develop the capacity to investigate and prosecute institutional cases in the education sector, including collaboration with psychiatrists and clinical psychologists to prove constitutive consequences. Legal Entities for Education Providers need to build a corporate culture that prioritizes student safety over reputation through operational policies, multi-layered structural oversight, secure reporting channels, and regular legal risk assessments. Ultimately, good criminal law not only punishes crimes that have already occurred, but also builds structures that give institutions a real reason to prevent them in the first place.

As a final note, several derivative issues, such as victim reparation mechanisms, schools' quasi-judicial authority, links to the juvenile criminal justice system, and implications for academic freedom, require further study. The discourse on institutional accountability for trauma is also still developing internationally and deserves further exploration.

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