

# Discussion on Legal Governance Strategies for School Bullying

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**Abstract:** In recent years, bullying on campus has been reported frequently, constantly challenging people's psychological bottom line and attracting great attention from the government and society. However, there are still many problems in the current governance, so we need to seek a strong governance strategy from the perspective of legislation and legal education and legal thinking.

**Keywords:** School bullying; School bullying; Procedure rules

## 1. Introduction

In recent years, bullying on campus has been reported frequently, constantly challenging people's psychological bottom line and attracting great attention from the government and society. The serious harm of school bullying to students, schools and education in china requires that people must face up to school bullying and seek effective and systematic measures to prevent and control it. The central and local authorities have issued a series of documents, and local governments have taken some practical measures. However, there are still many problems in the current governance, therefore, it is necessary to seek a strong governance strategy from the perspective of the rule of law.

## 2. Strengthen Special Legislation Against School Bullying

So far, there is no a special anti-bullying legislation in China and other relevant legislations have no special provisions for school bullying, and the purpose of existing legislation is to protect the interests of minors, preferring education. In addition, the limitation of the age of responsibility severely restricts the depth and enthusiasm of the relevant responsible organs to intervene in the management of school bullying. In short, China's anti-bullying laws have many shortcomings and relying on policy documents governance is not satisfactory. Therefore, it is necessary to strengthen legislation to realize the normalized and standardized governance of school bullying.

There are two main ideas for strengthening anti-bullying legislation in schools: One is to improve the existing legislation and strengthen the revision and interpretation of existing laws; the other is to conduct special legislation, enact school bullying prevention and control law. The first model does not achieve the desired effect, and the task of revision and interpretation is not easy, involving

the changes of several laws. Such modification and supplement cannot cover the whole situations of anti-bullying prevention, and there are still anti-bullying system designs that cannot be incorporated into existing legislation, therefore, there are obvious defects in this decentralized legislative mode of revising multiple laws. South Korea has enacted the Law on Prevention and Countermeasures of Violence in Schools, which defines the duties and functions of all relevant agencies, and provides for the protection of victims and treatment measures for perpetrators of violence, etc. [1] In 2013, Japan passed the law on the promotion of countermeasures to prevent bullying, which stipulates the responsibility of guardians for the education of their children, strengthening the training and research of teachers, the obligations of school organizers and schools, and the duties and obligations of relevant institutions. [2] So, Adopting the special legislative model can be in line with the international standards and facilitate the exchange and reference. More importantly, it can systematically and centrally regulate the governance of school bullying, facilitating the whole process of system design before, during, and after the event, facilitating the comprehensive balance between the responsible subjects including educational administrative organs, public prosecution and law organs, schools and communities for preventing and curing campus bullying, easy to form prevention and control forces, avoid single combat, reduce negative prevarication, shift responsibility. This kind of special legislation has a positive and convenient significance for the subsequent legal education and law application, of course, special legislation is not without experience. At present, the policies and regulations on the prevention and control of bullying are relatively detailed, and various local departments have also summarized some prevention and control experience. When there is a chance, according to the relevant national laws and policies, legislative technology can be used to form a

scientific and effective rule system, clarifying the rights and obligations, behavior pattern, consequence, etc., and firmly translate them into law. It is far better to let the law make clear provisions on campus violence than to engage in so-called special treatment. [3]

### **3. Strengthen Law-related Education Enhance Our Ability to Deal With School Bullying in Accordance With the Law**

Through law-related education, it can improve people's ability to recognize and prevent school bullying. Schools are the main place in the fight against bullying. School administrators, teachers and students can have a deeper understanding of school bullying and enhance their ability to cope with school bullying through legal education. At present, the professional knowledge structure of the staff and the pedagogical psychology knowledge they have learned have no professional knowledge of preventing and controlling school bullying, so they lack skills and experience in coping with school bullying, not to mention teach students how to cope. In practice, when students turn to teachers for help, some teachers' responses can basically judge their lack of skills. For example, some students turn to the teacher for help, and the teacher, without looking into the cause of the matter, criticize the student who report this thing first, and even criticize all the students who involves in together. This kind of handling method which is less scientific and violates the spirit of law directly reveals that the handling method and ability of teachers need to be improved. Schools should invite experts to give lecture and watch video and other forms to organize staff to focus on learning the relevant policies, measures and methods, legal provisions to prevent and control bullying incidents, so as to improve the ability to identify bullying behaviors, master the legal boundaries for dealing with bullying in schools, enhance the faculty's ability to detect signs of bullying from changes in students' emotion, learning performance, consumption level, dress appearance, attendance and discipline, achieve early detection, involvement and intervention, and strive to take strong measures under the legal framework and prevent school bullying from becoming serious.

The prevention and control of school bullying must make full use of both internal and external resources and adopt the method of introduction and going out. The prevention and control effect cannot be maximized by only replying on one method. Schools can strengthen contact with local police stations, make full use of the authority and deterrence of the public security organs, invite the police to patrol the campus, make special reports, and exchange information related to bullying behavior and so on; Schools can also make good use of the parents' meeting, parents' committee, play its role as a bridge, organize anti-bullying parents training class, in order to help par-

ents improve their ability to educate their children, arouse parents' attention, and win the support and cooperation of parents; In addition, the school can also obtain the support of the court and the procuratorate, and make use of their professional advantages and case advantages, through their vivid case presentation, the prevention and control of school bullying can be closer to the local atmosphere and more easily into the heart and mind. Let the student strengthen the legal consciousness and rule consciousness. In terms of psychological counseling, the school can also actively invite psychological expert, volunteers to help the bullied students, so as to ease their psychological trauma and avoid the appearance of negative psychology such as revenge. According to the spirit of the existing central document on combating bullying in schools, off-campus resources are also responsible subjects for bullying prevention. However, as an important role in the prevention and control of school bullying, the school should not passively wait for the off-campus resources to come to the school automatically, but look for off-campus resources that can meet the needs of the school to prevent and control bullying, and strive to enhance the effect of prevention and control of bullying from different angles and professional knowledge comprehensively.

In short, to carry out the anti-bullying law education, we should further deepen the contents of the education, strengthening the legal value, function, ultimate caring education, guide teachers and students to attach importance to rights, rules and life, help teachers and students to form a fair, just, democratic and legal process of anti-bullying concept, strengthen the awareness and ability to establish and implement the rules and regulations on preventing and controlling school bullying with the law-related think and method.

### **4. Innovate Measures to Govern School Bullying in the Spirit of the Law and Prevent and Control School Bullying With Law-based Thinking and Methods**

#### **4.1. Innovate early detection methods of school bullying and realize early intervention**

Generally speaking, school bullying is relatively covert, often occurring in hidden corners, location where no one is paying attention to. Or it uses social software to carry out bullying behaviors such as insults and slurs through the internet, because of the relative independence and anonymity in cyberspace (the owner controls group entry, etc.), bullying behavior is more difficult to detect, so it is difficult to detect bullying behavior effectively and timely only by relying on teachers. Compared with teachers, students have a comparative advantage. They are familiar with the words of their peers and the cyberspace where they routinely communicate, and they are more likely to

get the latest information or events in their peers' mouths. Therefore, in the prevention and control of school bullying, we should give full play to the role of students, set up student volunteers, and encourage students who find bullying behavior to report it actively. After verification, we should reward students in a certain form and pay attention to protect the privacy of students who report bullying behavior.

Schools should provide convenience to the reporting of bullying on campus, open multiple reporting channels and encourage students to actively report bullying. Establish and publish telephone numbers for student aid or school bullying management and identify those responsible [4]. In addition to publicizing phone numbers for bullying prevention, schools should also make full use of existing social networking platforms to open the WeChat official account for preventing and controlling of school bullying, publish QQ to receive bullying behavior specifically, open SMS receiving function and so on, to ensure that the safety of students who report, and not easy to be found by bullying people. Such measures are particularly effective for boarding schools, where bullying is more common in student dormitory. In a word, only by innovating the ways and means of early detection of school bullying can more bullying clues and information be collected, which can be intervened as soon as possible, investigated and verified as soon as possible, and more serious consequences can be avoided, thus turning passive processing into active prevention.

#### **4.2. Innovate the educational punishment mechanism of school bullying**

In schools, principals and vice principals in charge of legal affairs are the first and direct persons responsible for preventing and controlling school bullying. Principal should play an important role in promotion, supervision and leadership in preventing and controlling school bullying, and promote the exploration and innovation of new mechanisms of school bullying education and punishment. The spirit of legislation in the United States is dominated by punishment, supplemented by education, and influenced by the fluctuation of public policy on punishing crimes.[5] The traditional way of dealing with school bullying mainly focuses on criticism and education, and the treatment measures are soft, and the education effect is not good enough to punish the bully. Therefore, in the way of educational punishment, schools should explore new mechanisms. For example, schools can establish a system of archival registration and elimination, that is, register bullying behavior of bullying students and establish a special archive bag, including the time, place, ways and consequences of bullying behavior, a confirmation letter signed by the bully and his guardian, the promise of the bully and so on. The dossier can be revoked if no similar behavior occurs during the remain-

der of the bully's school day, and it will not influence them entering a higher school. If they bully for many times, the accumulated files can be connected with the comprehensive quality evaluation of students required by national documents, and their performance can be included in the comprehensive quality evaluation.

In addition, the school also can explore parent-school contract system, schools and parents, students sign the tripartite agreement. In the agreement, the school stipulates that students are not allowed to carry out bullying behavior, if there is a violation, depending on the circumstances the parents bear a certain amount of financial compensation responsibility and responsibility for breach of contract, thus by increasing the responsibility of parents, a forced mechanism is formed to strengthen the education of parents on their children. It also provides work initiative and strong reasons for the follow-up of school bullying and compensation for the loss of injured students.

According to Chinese law, schools are not allowed to expel students who receive compulsory education, but it would be unfair to victimize students if bullying student is punished lightly. Based on the need to protect the bully, school may not publicly disclose the reasons for punishment, and make the student carrying out bullying clean up the school within a certain period of time, and we call this measure "school labor education system".

#### **4.3. Refine the types of bullying in schools and make guide book**

The bullying behavior carried out by the actor is also different in different learning stages. Bullying behavior is rarely seen among primary school students in lower grades. Bullying among primary school students in higher grades is generally manifested as physical bullying. Expect physical bullying, bullying among middle and high school students is more manifested as verbal bullying and cyberbullying. Due to the different stages of education, the frequency, damage degree, behaviors of school bullying are different. It is necessary for primary and secondary schools to distinguish their own priorities in preventing and controlling bullying. Combining the characteristics of the educational stage, the school distinguishes different kinds of school bullies, and takes corresponding preventive measures. We call this categorized governance. In this way, not only can the focus of school bullying prevention and control be realized, but also the classification, identification and concretization of school bullying behaviors can be achieved. On this basis, the school should compile a guidance manual or propaganda and education video and distribute to all teachers and students, or put on the school website to avoid the situation that the guide book or video flash disappear after being read, so as to preserve and continue the efforts and knowledge accumulation in preventing and controlling

school bullying and provide help for more teachers, students and parents.

#### **4.4. Pay attention to the physical and mental recovery of the victims and establish a helping system**

A survey of existing laws and policies shows that bullying students are generally over-protected and victimized students are under-protected. For a long time, the victimized students are often neglected in the management of school bullying. Whether an incident is bullying or not is not decided by adults or schools, but by children themselves. Bullying should be evaluated from the perspective of children. [6] And the punishment of the bullying students is without considering the opinions of the victimized students. The physical and mental injuries of the injured students are frustrated because they can't get the attention and help they deserve, and even they have bad personality disorders and anti-social emotions. When victimized students feel unfair, and their psychological trauma cannot be healed in time, in the later study, the victimized student and the bullying student will not get along well with each other. Base on the nature of "an eye for an eye and a tooth for a tooth", victimized students may retaliate against the bullying student, thereby achieving the terrible state of being transformed from a bullied student into a bullying student. Therefore, the school should establish a rescue mechanism for the victimized students, strengthen psychological counseling, smooth their psychological trauma, ease their psychological crux, and calm their emotions. Of course, the help to the victimized students is not only psychological counsel-

ing, but also it should include, on the basis of the opinions of the victimized students, give class transfer or even coordinate the change of schools and so on.

To sum up, in the context of rule of law new era, the governance of school bullying must be brought into the rule of law, and it must be planned as an important and indivisible part of the rule of law, institutionalizing and perpetuating the prevention and control of bullying on campus. And the governance of school bullying should avoid "govern it only when remembering it", "movement governance" which is handling it just when it happens, and piecemeal governance, and reduce the conditions like prevarication, unclear responsibility and not enough join forces. China should give full play to the role of law, establish the corresponding legal system, and use legal thinking and legal means to deal with school bullying problems.

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