

Dilemmas and Solutions in the Criminal Law Regulation of School Bullying

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Abstract: The phenomenon of campus bullying not only negatively impacts victims' physical and mental health and academic life but also poses a threat to campus harmony and stability, making it an important issue of significant social concern that urgently needs to be addressed. In recent years, governments at all levels and schools have adopted a series of measures attempting to curb the occurrence of this phenomenon. However, campus bullying incidents still occur from time to time. This current situation highlights the difficulties and inadequacies faced by existing legal regulations, especially criminal law regulations, when dealing with campus bullying. Current laws have ambiguities in behavior definition, clarification of responsible parties, and determination of sentencing standards, making it difficult to form effective deterrence and punishment against perpetrators. Based on this, this paper will propose practical and feasible solutions based on an in-depth analysis of the necessity and difficulties of criminal law regulation of campus bullying, providing solid legal support and guarantee for creating a safe and harmonious campus environment.

Keywords: Campus bullying; Criminal law regulation; Challenges; Solutions

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1. Introduction

With the rapid development of society and the continuous changes in educational environments, campus bullying has increasingly become a focal point of attention across all sectors of society. The campus should be a temple of knowledge and a cradle for the healthy growth of young people. However, the existence of campus bullying phenomena is like a dark cloud hanging over the hearts of many students. It not only brings physical and psychological trauma to victims, affecting their normal study and life, but also destroys the harmonious atmosphere of the campus and hinders the healthy development of educational endeavors. Faced with this severe situation, the criminal law regulation of campus bullying has urgency and importance. Law, as an important means of maintaining social order and ensuring fairness and justice, should play a more active role in addressing campus bullying issues. However, the reality is not so simple. Due to the complexity and diversity of campus bullying behaviors, as well as the special nature of the ages of the subjects involved, criminal law faces numerous

difficulties and challenges in regulating campus bullying. How to accurately define bullying behavior, how to clarify responsible parties, and how to establish reasonable sentencing standards — these are all issues that require deep thinking and exploration.

2. The necessity of criminal law regulation of campus bullying

First, campus bullying behavior not only seriously violates the legitimate rights and interests of minors but also has profound negative impacts on victims' physical and mental health. This negative impact is not only reflected in victims' psychological trauma and physical harm, but may also spread further, triggering more serious social problems. Physical harm may lead to long-term health problems, affecting their normal life and study. Ineffective regulation of campus bullying behavior not only harms the bullied victims but, from a long-term perspective, will also have adverse effects on perpetrators, bystanders, schools, families, and even society as a whole ^[1]. Criminal law regulation, as the last line of defense for protecting minors' rights and interests, has an obvious necessity. Through criminal law regulation, the nature of campus bullying behavior and its corresponding legal consequences can be clearly defined, providing effective legal remedies for victims and ensuring their rights and interests receive due protection. At the same time, criminal law regulation can also impose appropriate legal sanctions on perpetrators, thereby maintaining the fairness and authority of the law, ensuring social order stability, and preventing similar incidents from recurring. Through the deterrent effect of the law, campus bullying behavior can be effectively curbed, protecting the legitimate rights and interests of minors.

Second, the frequent occurrence of campus bullying behavior actually reflects significant deficiencies in current social education and moral education. These deficiencies are not only manifested in inadequate school education but also involve neglect of family education and distortion of social values. While schools focus on academic performance, they often neglect students' mental health and moral education, leading to students lacking proper ways to handle conflicts. The absence of family education is manifested in parents' overindulgence or neglect of their children, failing to guide them in establishing correct values and behavioral norms in a timely manner. The distortion of social values has caused some unhealthy trends to spread on campus, encouraging the occurrence of bullying behavior. Criminal law regulation is not merely punishment for specific bullying acts, but also adherence to and defense of society's moral bottom line. Through the guiding and regulatory role of law, schools, families, and all sectors of society can be prompted to give higher attention and profound reflection to campus bullying issues, promoting the formation of a good atmosphere where the entire society pays common attention and actively participates in campus bullying prevention and control. Through strengthening the dual guarantee of education and law, campus bullying behavior can be effectively prevented and reduced, creating a harmonious and safe campus environment.

Finally, criminal law regulation of campus bullying is an inevitable requirement for building a rule-of-law society. As a microcosm of society, the effective resolution of campus bullying problems is directly related to the process of rule-of-law construction for the entire society. Campus bullying not only affects students' physical and mental health but may also trigger social dissatisfaction and unrest, affecting social stability. Through criminal law regulation, the thorough resolution of campus bullying problems can be promoted, providing a solid legal guarantee for building rule-of-law campuses. This not only helps create a safe and healthy campus environment where students can learn and grow in a carefree environment, but also lays a solid foundation for society's long-term stability and the in-depth advancement of rule-of-law construction, promoting overall social progress and civilized development. Through legal regulation and guidance, the rule-of-law awareness of the entire society

can be enhanced, promoting the construction of a rule-of-law society, and ensuring social harmony, stability, and sustainable development.

3. Dilemmas in the criminal regulation of school bullying

Currently, although China's criminal law has established a series of systematic and detailed regulatory measures targeting juvenile crimes, it still faces numerous insurmountable dilemmas when dealing with the complex and diverse social issue of school bullying.

First, school bullying manifests in rich, varied, and ever-changing forms, involving multiple types of behaviors. These include soft violence such as verbal insults, mockery, and defamation. Though not directly causing physical harm, such behaviors can inflict severe psychological and mental trauma on victims. Over time, they may lead to psychological problems like inferiority and depression, and in severe cases, disrupt victims' normal study and life. There are also virtual bullying methods such as malicious attacks, rumor-mongering, and spreading rumors in cyberspace. Leveraging the anonymity and rapid spread of the Internet, these behaviors exert extensive and far-reaching impacts on victims and may even trigger cyber violence, leaving victims isolated and helpless under enormous psychological pressure. Additionally, there are acts of hard violence such as physical conflicts, beatings, and malicious damage to others' property, which directly threaten victims' physical and property safety. In severe cases, they may result in injury, disability, or even death of victims, bringing irreparable pain to their families. However, in the specific application of current criminal law provisions, it is often difficult to fully cover and effectively regulate these diverse bullying behaviors. As a result, many bullying acts fall into the ambiguous zone of the law, escaping due legal sanctions. This makes it hard for victims to obtain fair legal protection and psychological comfort; in extreme cases, it may even cause victims to lose trust in the law, develop resentment and resistance toward society, and affect social harmony and stability.

Second, perpetrators in school bullying incidents are often minors, posing numerous complex challenges in the determination of criminal liability and sentencing. Minors are immature in mental development, and their criminal motives, behavioral patterns, and consequences differ significantly and specifically from those of adults. When minors commit bullying acts, they are more prone to being influenced by emotional impulses, lacking sufficient awareness and foresight of the consequences of their actions. They often act extremely impulsively, struggling to exercise self-control and rational judgment. Therefore, effectively regulating and punishing their bullying behaviors while fully protecting minors' legitimate rights and interests and promoting their healthy growth has become a pressing issue. The age of perpetrators in school bullying cases tends to be younger, yet criminal law cannot regulate those under the age of 14 who commit school bullying. As a powerful tool to combat crimes and protect social stability, as well as people's personal and property safety, if criminal law fails to describe or regulate school bullying behaviors, it may lead to perpetrators escaping criminal liability, which is not conducive to curbing school bullying^[2]. This not only requires further improving and refining legal provisions to better align with the characteristics of juvenile crimes, ensuring that legal provisions accurately cover various bullying behaviors, avoiding legal gaps, and safeguarding the rigor and applicability of the law, but also demands more precise, scientific, and humanized operations in judicial practice to ensure the fairness and rationality of legal application. It is necessary to impose necessary penalties on perpetrators to play a warning and educational role, while avoiding excessive negative impacts on their future development, ensuring that they can smoothly reintegrate into society and return to normal life and study after reforming their ways.

Finally, there is a lack of efficient communication mechanisms and collaborative platforms. The governance of school bullying requires close collaboration and linkage among schools, families, and society. As the main activity venue for minors, schools should establish and improve mechanisms for preventing and responding to school bullying, enhance teachers' and students' ability to identify and intervene in bullying behaviors, regularly carry out anti-bullying education and psychological counseling, create a harmonious campus environment, and ensure that students study and grow in a safe atmosphere. As the initial environment for minors' growth, families should attach importance to family education, cultivate children's empathy and awareness of the rule of law, promptly detect and correct children's abnormal behaviors, provide them with sufficient care and support, and help them establish correct values and behavioral norms. Society should provide necessary support and resources, create a positive social atmosphere that cares for the growth of minors, and enhance public attention to school bullying through media publicity, community activities, and other channels, forming a good situation where the whole society pays attention and supports. For example, schools should establish bullying prevention and control systems and carry out education on preventing juvenile cyberbullying, while families should educate minors on the rational use of the Internet and guide them not to engage in cyberbullying^[3]. However, in practice, there is often a lack of efficient communication mechanisms and collaborative platforms among various subjects, making it difficult for prevention and governance efforts to form a synergy, resulting in poor effectiveness. In some cases, there even exist situations where each subject acts independently and shifts responsibilities to each other, making it difficult to effectively solve school bullying. The lack of multi-subject participation and the imperfection of collaborative mechanisms have further exacerbated the dilemmas in the criminal regulation of school bullying, making the problem harder to solve and eradicate.

4. Paths for the criminal regulation of school bullying

The complexity and diversity of school bullying behaviors pose challenges to criminal regulation. On one hand, school bullying often involves multiple forms such as verbal insults, physical conflicts, and cyberbullying, with varying natures, degrees, and consequences that are difficult to uniformly define and quantify, leading to difficulties and controversies in the application of law. On the other hand, participants in school bullying are mostly minors, with limited criminal capacity and psychological maturity. Finding a balance between protecting minors and maintaining social order is a problem that criminal regulation needs to address. Therefore, exploring paths for the criminal regulation of school bullying requires efforts from multiple aspects, such as clarifying behavioral definitions, improving the liability system, and unifying sentencing standards, to build a more scientific, reasonable, and effective legal regulatory system.

First, clearly define the legal definition and boundaries of school bullying behaviors. As the last line of defense for regulating social order, criminal law should neither disregard the strict conditions required for assuming criminal liability in order to achieve the purpose of punishment nor blindly decriminalize school bullying behaviors for the sake of protecting minors^[4]. The law needs to clearly, specifically, and detailedly define school bullying behaviors, clarifying which acts constitute school bullying and which belong to minor conflicts or jokes. Such meticulous division can ensure that law enforcement officers have a clear guiding basis when handling relevant cases, enabling them to accurately identify and confirm bullying behaviors and avoid misjudgments caused by ambiguity and controversy. This can not only effectively protect the legitimate rights and interests of victims, allowing them to obtain timely legal remedies when bullied, but also form a strong deterrent and

punishment for perpetrators, thereby maintaining campus harmony and stability, and creating a safe and healthy campus environment. Only by clarifying the legal definition and boundaries can a solid foundation be laid for subsequent law enforcement and judicial work, ensuring the fairness and effective implementation of the law, and avoiding legal application difficulties caused by unclear definitions.

Second, improve the definition of responsible subjects and the accountability mechanism. In school bullying incidents, responsible subjects may include perpetrators, schools, parents, and other parties. The law needs to clearly define these responsible subjects and specify the specific responsibilities each party should bear. At the same time, establish an effective accountability mechanism to ensure that when school bullying occurs, the legal responsibilities of relevant responsible persons can be pursued promptly and accurately. This can not only enhance the deterrence of the law, making potential perpetrators hesitate to act, but also promote schools, parents, and other parties to actively fulfill their duties and obligations, forming a joint effort from multiple parties to jointly prevent and manage school bullying, thereby effectively reducing the occurrence of bullying incidents. By clarifying responsibilities and establishing an accountability mechanism, the government can ensure that every link is governed by law and accountable, forming an all-around protective network and avoiding the phenomenon of shifting responsibilities due to unclear accountability.

Third, unify sentencing standards and strengthen legal publicity and education. In handling school bullying cases, different regions and courts may have inconsistent sentencing standards, which not only undermines the fairness of the law but also weakens its authority. Therefore, the government needs to formulate a set of unified sentencing standards to ensure that courts at all levels can follow consistent standards when handling similar cases, avoiding unfair law enforcement. This can not only maintain the fairness and authority of the law but also enhance public trust in the law, making the law a powerful weapon to curb school bullying. Unified sentencing standards help eliminate regional differences, ensure that each case is handled fairly, enhance the credibility of the law, and avoid social dissatisfaction caused by unfair sentencing. The government needs to improve public attention to school bullying and enhance public legal awareness and awareness of the rule of law through various channels such as media publicity, community activities, and school lectures. Criminal law alone cannot completely eradicate school violence; strengthening the regulation of school violence through criminal law can have a certain deterrent effect on such behaviors, and at the same time, legal education for minors should be strengthened^[5]. Meanwhile, schools should strengthen anti-bullying education, cultivate students' awareness of the rule of law through curriculum design and theme activities, and help them establish correct values. Families should focus on family education, promptly detect and correct children's abnormal behaviors, provide them with sufficient care and support, and create a warm and harmonious family environment. Only with the joint efforts of the whole society can a good atmosphere for preventing and managing school bullying be formed. Through all-round legal publicity and education, the legal literacy of the whole society can be improved, fundamentally preventing school bullying and creating a harmonious society with a strong sense of the rule of law.

Fourth, build a multi-party linkage and efficient collaborative system for prevention and governance. The prevention and governance of school bullying require the joint participation and collaboration of multiple forces, including schools, families, and society. The government needs to establish an effective communication mechanism and collaborative platform to promote close cooperation and linkage among all parties, forming a good situation of information sharing and resource complementarity. Only through the joint efforts of multiple parties to form a synergy can school bullying be fundamentally curbed, creating a safe and harmonious growth environment for minors and ensuring they thrive in a healthy and friendly atmosphere. Only by building a multi-party linkage

and efficient collaborative system can an all-round and multi-level protection mechanism be formed, ensuring that every child can grow up healthily in a safe and harmonious environment, and avoiding governance failure caused by the weakness of a single force.

5. Conclusion

Faced with the severe and complex social issue of school bullying, the government must profoundly recognize that although criminal regulation occupies an important position in the governance system, its effective implementation does not rely solely on the power of law alone. Instead, it requires the collaboration and joint efforts of multiple factors, including education, families, and society.

Specifically, by comprehensively strengthening legal education in schools and systematically enhancing students' legal awareness and self-protection capabilities, the government can effectively reduce the occurrence of bullying at the source and fundamentally curb the spread of this harmful phenomenon. As the cradle and first classroom for children's growth, families play a crucial role, with parents shouldering vital responsibilities. They ought to establish scientific and correct educational concepts, focus on cultivating children's empathy and sense of responsibility in daily education, actively guide children to learn to respect and understand others, and face everyone in life with love and tolerance, thereby sowing the seeds of kindness and friendship in their hearts.

All sectors of society should also actively participate in this governance process. Through various forms of media publicity, diverse public welfare activities, and other channels, the government can jointly create a positive social atmosphere that cares for the growth of minors and respects the development of every individual.

To sum up, the criminal regulation of school bullying is not an isolated existence but a complex, systematic project involving multiple factors such as law, education, families, and society. Only when these factors cooperate with each other, form a synergy, and the whole society pays attention and participates actively can people effectively prevent and address school bullying, creating a truly safe, harmonious, and healthy growth environment for minors.

Disclosure statement

The authors declare no conflict of interest.

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