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BULLING: ANALYSIS OF REGULATORY DOCUMENTS

The relevance of the research lies in the fact that universal methods of combating the problem of bullying prevention in school have not been created yet, many teachers do not notice or do not want to notice bullying among teenagers, because of this, the necessary support and help is not provided to both victims and offenders.

“Bullying” begins to take on new forms, more often it occurs in the Internet space, such a phenomenon is called “cyberbullying”. It is more difficult for modern teenagers who are victims of “bullying” to avoid bullying situations, which negatively affects their psychological state and may have consequences in adult life.

Scientists have different interpretations of this term, but the common definition of “bullying” is that it is a phenomenon of terror, violence, aggression, and stereotypes of interaction. Despite the fact that there is still no single clear definition of this concept, all scientists agree that bullying is harassment that takes place over a long period of time.

This phenomenon was first described by the Scandinavian scientist David Olweus in the 70s of the last century. Despite the prevalence of “bullying” in modern society, in our country this problem is not adequately investigated, discussed, and fully covered in the mass media.

The Laws of Ukraine “On the Protection of Childhood” and “On the Prevention and Counteraction of Domestic Violence” indicate that persons guilty of violating the requirements of the legislation on the protection of childhood, or those who have committed violence in the family, bear criminal, administrative or civil law responsibility, in accordance with the laws of Ukraine. Both offenders and teachers who neglect their duties can be involved in various forms of responsibility. The headmasters should conduct explanatory work with parents and students, organize the work of the psychological service of the education system with children who have suffered from cruel treatment.

Key words: *violence, bullying, school bullying, institution of general secondary education.*

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БУЛІНГ: АНАЛІЗ НОРМАТИВНИХ ДОКУМЕНТІВ

Актуальність дослідження полягає в тому, що так і не створені універсальні способи боротьби з цією проблемою профілактики булінгу в закладах загальної середньої освіти, багато педагогів не помічають або не хочуть помічати цькування серед підлітків, через це, вчасно не надається необхідна підтримка і допомога як жертвам, так і кривдникам.

«Булінг» починає приймати нові форми, все частіше цькування відбувається в Інтернет просторі, таке явище має назву, як «кібербулінг». Сучасним підліткам, які є жертвами «булінгу» складніше уникати ситу-

ацій цькування, що негативно позначається на їх психологічному стані і може мати наслідки в дорослому житті.

Вчені розуміють по різному трактування цього терміну, але збіжна дефініція «булінгу» висвітлюється так що, це явище цькування, терору, насильства, моделі поведінки, агресії, стереотипів взаємодії, ситуації і т.п. Незважаючи на те, що ще немає єдиного чіткого визначення даного поняття, всі вчені сходяться в тому, що булінг є цькуванням який відбувається тривалий час.

Вперше це явище було описано скандинавським вченим Девідом Олвеусом в 70-і роки минулого століття. Незважаючи на поширеність «булінгу» в сучасному суспільстві, в нашій країні в належній мірі ця проблема не досліджується, не обговорюється і не освітлюється в повному обсязі в ЗМІ.

Закони України «Про охорону дитинства» та «Про запобігання та протидію домашньому насильству» вказують, що особи, винні в порушенні вимог законодавства про охорону дитинства, або ж ті, хто вчинив насильство в сім'ї, несуть кримінальну, адміністративну або цивільно-правову відповідальність, відповідно до законів України. Залучити до різних форм відповідальності можна як кривдників, так і педагогів, які нехтують своїми обов'язками і закривають очі на порушення прав дітей. Дирекція навчальних закладів повинна проводити роз'яснювальну роботу з батьками та учнями, організувати роботу психологічної служби системи освіти з дітьми, які постраждали від жорстокого поводження по відношенню до них

Ключові слова: насилля, булінг, шкільний булінг, заклад загальної середньої освіти.

Formulation of the problem. The issue of preventing situations of violence in the education system is very relevant, both in the whole world and in Ukraine. The concern of violence is a large area of research in psychology, sociology, criminology, medicine, pedagogy, philosophy and other areas of scientific knowledge. According to the United Nations report, one out of ten children in the world is exposed to violence at school, and this rate is increasing every year (2018 World Report on Violence Against Children). In Ukraine, on average, up to 30% of young people between the ages of 13 and 18 are subjected to violence annually.

The concept of “bullying” refers to the phenomenon of harassment, intimidation, physical or psychological terror, which is aimed at causing a feeling of fear in the chosen victim and thereby subjugating him (Dorozhko, 2019: 34).

“Bullying” is considered from narrow (video recording of a fight) to large-scale (violent actions). The purpose of the aggressive actions of an individual is manifestations of physical or psychological terror to intimidate and subjugate the individual (victim), who for various reasons has less resources or opportunities than offender. The psychological component of the violent behaviour motivation is a priority compared to the material one, for the offender, humiliation of the victim is more important than material benefit.

Despite the prevalence of “bullying” in modern society, in our country this problem is not adequately investigated, discussed, and not fully covered in the mass media.

Research analysis. A review of the methodological literature has shown that the problem of bullying at school is an object of interest for many scientists. In our research, we relied on the following research and informational materials about bullying: A. Dolgova, G. Breslav, Harry L. Landret, T. Smirnova, A. Averyanov, I. Baeva,

O. Glazman, E. Borodkina, I. Drobinina, I. Kuzmina, O. Kuznetsova, E. Rybalko etc.

The purpose of the article. The aim of our research is to analyse the concept of “bullying”, to consider the regulatory and legal framework of Ukraine on the issue of countering bullying.

The presentation of the material. The modern student is a part of the modern world, which is extremely complex in its content and socialization trends. This is due to the pace and rhythm of scientific and technical transformations, which present new requirements to the growing generations. Constant oversaturation of information affects the psyche of a child who has not yet developed a clear life position and protective mechanisms. Environmental and economic crises impact our society, dividing humanity into social groups, because of this, children feel hopeless, jealous, and aggressive towards their peers, whose social status is higher. In adolescence, due to the influence of internal and external conditions of development, situations may arise that disrupt the normal course of the student’s personal development, creating objective prerequisites for aggressive behaviour (Dorozhko, 2019: 12).

For a long time, the problems of school violence were not given much importance, although this phenomenon was widespread, well known and often described in fiction. The first systematic studies of bullying in schools began in the 1970s and 1980s in Norway and other Scandinavian countries. In Ukraine, scientific research on this issue appeared fifteen years ago. Today, the spread of this problem is developed and actualized thanks to publications in mass media and especially on the Internet.

Children’s protection from violence and ill-treatment is on the same level as provision of favourable living conditions, development, upbringing, and education. Protection and prevention from violence

is one of the main tasks of social policy for any state. There is no excuse for any violence against children and any violence can be prevented. However, children around the world face violence in the family, in the local community and in educational institutions, both from other students and from teachers. Complex and painful in nature, this problem was not widely discussed by the world public until recently. The UN Global Report on Violence Against Children, which was published in 2006, became the first international experience of a comprehensive analysis of not only the scale of violence directed against children, but also its negative actions (Caveliev, 2009: 104).

School violence is a type of aggression in which force is used in relationships between children and (or) teachers, in relation to peers or students in relation to a teacher. In modern schools the most common forms of violence are:

- individual and group aggression;
- bullying (regular psychological or physical pressure on the victim, which is carried out by one person or a group of aggressors, which usually takes place in the conditions of a closed public group, widespread among schoolchildren and students);
- mobbing (harassment of an employee in the team);
- cruel treatment of classmates;
- cases of blackmail;
- extortion;
- threats;
- use of physical violence (Vorontsova, 2018: 25–26).

Violent actions in schools can manifest in various forms of one-time violent actions, as well as in the form of constant bullying, humiliation and systematic bullying. Violence has manifestations: of a physical and verbal nature, and can be expressed in violent actions and statements of a sexual nature, have an explicit or implicit gender orientation, pursue material gain (demanding and taking away things and money) and, almost always, causes psychological trauma to all participants. Violence can come from teachers towards students, and from students towards teachers or peers. Discipline in the classroom is often carried out with the help of actions that degrade the dignity of students, physical punishment and psychological influence.

There are different criteria for determining the types of violence that occur at school. International studies use a classification of violence based on the types of aggressive actions against the victim: physical, psychological (emotional) and sexual violence. Violence also includes discrimination on any grounds and prejudice. According to the nature of the manifes-

tation of violence, separate, one-time, systematic and regularly repeated violence are distinguished. Among the violence that occurs at school, a special place is occupied by physical punishment applied by teachers to students (Kaluha-Semenkov, 2019: 30).

Researchers provide different indicators of children's involvement in "bullying". Some foreign studies show that the number of children subjected to "bullying" ranges from 10 to 25%. Other studies report data according to which about 40% of surveyed children are exposed to school violence. Others claim that 82-85% of school students participate directly or indirectly in "bullying" (Rezultaty opytuvannia U-Report, yake provodylos u travni 2019 r, 2019).

Psychotherapist I. Berdyshev defines "bullying" as deliberate, long-term violence that is not self-defence and comes from one or more people. According to psychologist I. Kohn, "bullying" is intimidation, physical or psychological terror aimed at instilling fear in another and thus subordinating it to oneself. T. Fald believes that bullying is the regular negative behaviour of one student in relation to another or to the whole group, includes various complaints about trifles, negative assessment of work or refusal of any assessment, striving to isolate from others, spreading dirty rumours and gossip (Caveliev, 2009: 56–67).

In our opinion, all these definitions do not fully express the essence of "bullying", but highlight only some of its aspects. O. Glazman in his work gives the following definition proposed by the US National Association of School Employees: "bullying" is dynamic and repetitive patterns of verbal and/or non-verbal behaviour produced by one or more students towards another student, with the desire to cause harm on purpose, and there is also a difference in force. D. Lane singles out physical and mental violence, I. Berdyshev investigates the existence of verbal, behavioural and actually aggressive bullying, with physical violence, T. Mertsalova singles out physical, emotional, verbal, mental and sexual violence (Vorontsova, 2018: 34–35).

The main regulatory documents in Ukraine regarding protection of children from violence are the Law of Ukraine "On Protection of Childhood", the Law of Ukraine "On Prevention and Counteraction of Domestic Violence".

According to Article 10 of the Law of Ukraine "On the Protection of Childhood", every child has the right to protection from all forms of violence. A child has the right to apply personally to the National Police, to the Children's Service, to the centres of social services for families, children and youth, to other authorized bodies in order to protect their rights (On Amendments to Some Legislative Acts of Ukraine

on Anti-Bullying: Law of Ukraine dated August 18, 2019 No. 2657-VIII, 2017).

The Laws of Ukraine “On the Protection of Childhood” and “On the Prevention and Counteraction of Domestic Violence” indicate that persons guilty of violating the requirements of the legislation on the protection of childhood, or those who have committed violence in the family, bear criminal, administrative or civil law responsibility, in accordance with the laws of Ukraine. Both offenders and teachers who neglect their duties can be involved in various forms of responsibility. School leaders should conduct explanatory work with parents and students, organize the work of the psychological service of the education system with children who have suffered from cruel treatment towards them (On amendments to the Law of Ukraine “On Education” regarding the improvement of some provisions: Law of Ukraine from 16.01.2020 No. 463-IX, 2020).

Types of responsibility can be:

1) criminal responsibility (violence against a child in the family or outside the family occurs in accordance with the Criminal Code of Ukraine);

2) administrative responsibility for violence against a child in the family and outside it is provided not only by Article 173 of the Code of Ukraine on Administrative Offences, but also in cases of committing such administrative offences as:

- obscene swearing in public places, clinging to citizens and other similar actions that violate public order and peace of citizens lead to administrative responsibility under Article 173 of the Code of Criminal Procedure;

- evasion of parents or persons who replace them from the fulfilment of their duties to ensure the necessary living conditions, education and upbringing of children entails administrative responsibility under Article 184 of the Code of Administrative Offences.

3) compensation for material and moral damage caused as a result of the relevant actions) (On amendments to some legislative acts of Ukraine on countering bullying: Law of Ukraine dated August 18, 2019 No. 2657-VIII, 2017).

Cruel treatment of children and neglect of their interests can have different types and forms. However, their consequences are always serious damage to the child’s health, development and socialization, often a threat to its life or even death.

It is important to analyse the essence of the regulatory and legal basis of activity regarding “bullying” in Ukraine, which is covered by the Law of the Verkhovna Rada of Ukraine dated December 18, 2018 No. 8584 “On Amendments to Certain Legislative Acts on Combating Bullying”, which for the first time

recognizes the legal concept of bullying in Ukrainian legislation and provides responsibility not only for committing, but also for concealing cases of bullying.

The law defines that “bullying” is acts consisting of psychological, physical, economic, sexual violence, including with the use of electronic means of communication, committed against an underage person or by such a person against others, as a result of which damage to mental or physical health could be caused to the victim. The law makes changes to the Code of Ukraine on Administrative Offences, according to which responsibility for bullying is established. Bullying entails the imposition of a fine from UAH 850 to UAH 1,700 or community service for a period of 20 to 40 hours (On amendments to the Law of Ukraine “On Education” regarding the improvement of some provisions: Law of Ukraine dated January 16, 2020 No. 463-IX, 2020). At the same time, for “bullying” committed by a group of persons or repeatedly within a year after the imposition of an administrative penalty, the law establishes a fine of UAH 1,700 to UAH 3,400 or community service for a period of 40 to 60 hours. Bullying committed by children from 14 to 16 years old entails the imposition of a fine on parents or persons who replace them. Its amount, according to the adopted law, is from UAH 850 to UAH 1,700 or public works for a period of 20 to 40 hours.

Amendments were also made to the Law “On Education”, in particular, the definition of the term “bullying” was introduced as “moral or physical violence, aggression in any form or any other actions committed with the aim of causing fear, anxiety, subordinating a person to one’s interests, which have signs of conscious cruelty” (On Amendments to the Law of Ukraine “On Education” regarding the improvement of some provisions: Law of Ukraine dated January 16, 2020, No. 463-IX, 2020). The law defines the mechanisms for counteracting this phenomenon, among them: implementation by the headmasters of monitoring the implementation of the plan of measures aimed at preventing and countering bullying; approving and publicizing a plan of measures aimed at preventing and countering bullying, considering statements about cases of bullying from students, their parents, legal representatives, and other persons, and issuing a decision on conducting an investigation (Bekeshkina, Pechonchyk, Yavorskyi, 2017).

Educational institutions must provide on their websites open access to student rules, a plan of measures aimed at preventing bullying, the procedure for submitting and considering cases of bullying from students and their parents. In addition, the educational ombudsman is given the right to verify statements about cases of bullying in an educational

institution, the completeness and timeliness of measures to respond to such cases on the part of pedagogical, scientific-pedagogical, scientific workers, and the management of an educational institution; to receive information from the central executive body in the field of education and science regarding the total number of cases of bullying in educational institutions for a certain period (On amendments to the Law of Ukraine “On Education” regarding the improvement of some provisions: Law of Ukraine dated 16.01.2020 No. 463-ІН, 2020).

Conclusions. Thus, as a result of the analysis of the legal framework of the research, we noted that the problems of violence and aggression were considered in the Laws of Ukraine “On the Protection

of Childhood”, the Law of Ukraine “On Prevention and Counteraction of Domestic Violence”. According to which, the child has the right to protection from all forms of violence. Also, the child has the right to contact the National Police, guardianship authorities, children’s rights service, social service centres for family, children and youth, and other authorized bodies in order to protect their rights. Special attention is paid to the legislative level of the issue of bullying in Ukraine dated December 18, 2018 No. 8584 “On Amendments to Certain Legislative Acts on Combating Bullying”, which for the first time recognizes the legal concept of bullying in Ukrainian legislation and provides for responsibility not only for committing, but also for concealing cases of bullying.

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