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Administrative legal relations on countering bullying in Ukraine and worldwide

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■ **Abstract.** Given the rapid spread of bullying and the emergence of new forms of its manifestations, it becomes necessary to investigate the dynamics of the development and establishment of administrative legal relations to counteract it. The purpose of the study was to compare administrative legal relations on countering bullying in different countries. To achieve this goal, considering the contemporary human-centred legal understanding, such methods as historical, comparative legal, modelling, and dogmatic were used. The study was devoted to a comparative legal analysis of administrative and legal mechanisms for countering bullying in the children's environment, in particular, in the context of the experience of European states. It was emphasised that no European legal system has developed a universally effective toolkit for responding to bullying, but in a number of countries, in particular in Germany, a high level of institutional autonomy of educational institutions has been formed, which have broad administrative powers to introduce internal preventive and procedural practices. In such models, society is actually integrated into the system of administrative supervision and is an active subject of countering any manifestations of violence, which demonstrates significant effectiveness in ensuring a safe educational environment. Based on an interdisciplinary approach that combines administrative and legal analysis, elements of the sociology of deviant behaviour and comparative research, the hypothesis of the need to modernise Ukrainian legislation in the field of countering bullying, in particular, by introducing amendments to the Code of Administrative Offences of Ukraine, was substantiated. The practical significance of the study lies in the possibility of using its results by government agencies at various levels to improve the effectiveness of interaction and improve administrative procedures for responding to bullying cases

■ **Keywords:** bullying; administrative supervision system; legal relations; child rights; bullying prevention

■ Introduction

Protection of children's rights and safety among minors is an integral part of the rule of law and its national security. In the age of globalisation and the development of high technologies, children are increasingly exposed to violent influences both in

everyday reality and on the Internet. Contemporary society has experienced new challenges that require the creation of a mechanism to counteract such negative phenomena in the children's environment as bullying and cyber bullying. This requires revision and

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improvement of the administrative and legal mechanism for countering such negative phenomena. It is important to introduce innovations considering the norms of international standards and the experience of individual countries.

Generalisation of scientific research and the legal framework of recent years shows that the problems of effective counteraction to various types of bullying are particularly relevant at the present time. The fundamental basis for the adaptation and improvement of administrative legal relations in Ukraine to the norms of international standards and legislation of European states are laid in the “National Programme for the Adaptation of Ukrainian Legislation to the Legislation of the European Union”¹, which defines the strategy for forming the organisational and legal mechanism of the state, considering the standards of the European Community. The outlined national policy testifies to the impact of globalisation on the administrative law of Ukraine. A comprehensive study of the impact of globalisation on the development of administrative law in Ukraine was carried out by D. Bezzubov *et al.* (2024). The researchers noted that globalisation has a direct impact on the legislation of individual countries. In particular, the accession of states, including Ukraine, to social, economic, and political international programmes is proportionally reflected in their domestic legislation, accordingly, this also applies to the administrative law of Ukraine.

Some problems of globalisation in administrative law were considered tangentially by L. Sai *et al.* (2023), who determined that the versatility of globalisation processes has an impact on the improvement of administrative law in Ukraine. The processes of globalisation extend to social institutions and contribute to the unification of cultural values, the spread of information technologies, and the increase in the activity of society, including the exchange of knowledge and educational programmes and the prevention of various types of bullying. The processes of globalisation can influence the dissemination of cultural achievements, and legal ideas, which is a favourable environment for the development of administrative legal relations. In addition, the homogenisation of cultures depends on globalisation, which is the engine of the development of information flows between states and people. It includes a quick exchange of information via the Internet.

The protection of children's rights, including from various types of bullying, depends proportionally on the specifics of the country's legal system and the cultural characteristics of its society. Therefore, it is worth agreeing that only research at the global

and national levels can objectively reflect the specifics of administrative legal relations. The researchers considered their harmonious combination aimed at objective cognition (Collins & Wright, 2022). One of these studies is the theorisation of the rights of the child, which is based on the basic principles and a detailed analysis of the implementation of the provisions of the European Convention on the Rights of the Child² in those countries of the world that have joined it. E. Marrus & P. Laufer-Ukeles (2022) outlined the specifics of the development of administrative legal relations in countries that have acceded to the convention, and those countries that have not acceded.

Globalisation processes affect the transformation of the subject of administrative law and administrative and legal relations. The specifics of their changes do not affect the structure of administrative legal relations, but only complement the range of their features (Dnipro, 2021). In addition to the globalising understanding of administrative legal relations on countering bullying, it is advisable to consider the views of researchers from individual countries of the world. First of all, it is worth mentioning O. Maksymenko (2024), who considered administrative legal relations as a complex legal phenomenon and made a deep legal analysis of the powers of subjects of administrative legal relations to counteract bullying in the children's environment, analysing the experience of Ukraine and individual countries of the world.

In addition, A.O. Korniychenko (2020) comprehensively analysed the functioning of the administrative and legal mechanism for preventing bullying in the Republic of Korea and highlighted the specifics of the establishment of administrative legal relations on countering bullying, stressed the importance of introducing certain measures in Ukraine. The researchers noted that in Korea there is no legal concept of “bullying”, and such actions are called “school violence”.

M.V. Kolesnikova & G.S. Zinchenko (2022) studied the international experience of countering bullying by teachers in relation to students, and also considered the possibilities of improving administrative legal relations in Ukraine considering international practices. In particular, they found that the legislation of Canada, the United States, the Czech Republic, the Republic of the Philippines, Australia, and France does not establish legal liability for bullying on the part of a teacher, but provides for laws that determine the work of educational institutions and oblige students to report bullying. Important are the studies of administrative legal relations on victimisation and countering bullying between public authorities, school principals, and students in Poland, which

¹ Law of Ukraine No. 1629-IV “On the National Program for Adapting the Legislation of Ukraine to the Legislation of the European Union”. (2004, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/1629-15#Text>.

² European Convention on the Rights of the Child. (2006, August). Retrieved from https://zakon.rada.gov.ua/laws/show/994_135#Text.

were described by J. Kołodziejczyk (2025). The researcher paid special attention to the leadership style of the school principal, emphasising that the risk factor of bullying or protection from it depends on it, and, accordingly, the development of administrative legal relations.

A comprehensive review of bullying problems at the international level was studied by L. Hellström *et al.* (2021), who systematised bullying according to certain characteristics and identified its types. Depending on the type of bullying that is applied to a particular person, the researchers proposed to determine the specifics of legal relations. It was concluded that countering bullying is effective only if it is properly qualified and competent persons are involved. On the other hand, V. Grazia & L. Molinari (2021) conducted a systematic review of the literature on the versatility and measurement of the school climate and showed that the specifics of the establishment of administrative legal relations to counteract bullying largely depend on the characteristics of the school environment, and its teachers and management. This idea is valid, because the legal relations formed at school have a direct impact on the manifestations of bullying. For example, Ukraine provides for legal liability for heads of educational institutions who knew about bullying cases and did not respond properly. Such legal practice may be useful for other countries where the relevant responsibilities are not defined.

I. Pastukh *et al.* (2022) considered a set of measures to respond to cases of bullying in the children's environment by juvenile prevention units and juvenile justice authorities in some European countries, including Ukraine. The researchers have determined that juvenile prevention units in Ukraine and other countries have a direct impact on the establishment of administrative legal relations to counteract bullying in the children's environment. For example, in Ukraine, juvenile police officers have the authority to collect administrative materials and draw up an administrative report on bullies or their parents if such persons are minors and have not reached the age of administrative responsibility.

Therefore, most studies on countering bullying in the children's environment reflect problems at school. The specifics of the management of educational institutions and their relations with teachers, students, and public authorities are of great importance in the establishment of administrative legal relations, including in countering bullying. Consequently, the purpose of the study was to investigate

administrative legal relations on countering bullying in the children's environment in Ukraine and some countries of the world.

■ Materials and Methods

The specifics of the development of administrative and legal relations in each country depend on its cultural and mental components. Therefore, it was important to select the right materials for the investigation of the outlined topic and determine the methodology of cognition. To achieve scientific results, a comparative approach was applied to the study of the nature of bullying and the areas of its counteraction in accordance with UN international standards. The paper analysed the provisions of UN Convention on the Rights of the Child¹, and certain provisions of the European Convention on the Rights of the Child². These materials provided an opportunity to study bullying as a legal phenomenon and determine the specifics of administrative legal relations to counteract it.

This paper considered the experience of the USA, England, Spain, Germany, Poland, because in each of these countries, as in Ukraine, there is no one law on bullying, but systems of its counteraction have been created that can be useful for other states. All of the above helped to determine the uniqueness and consider the specifics of legal relations between state authorities, schools and children, their legal representatives in cases of bullying and its prevention. The source basis of the study were documents of international norms and standards, and laws and regulations of Ukraine that act as guarantors of protecting children from bullying – Code of Ukraine on Administrative Offences³, Law of Ukraine “On the Protection of Childhood”⁴.

The methodological basis of the study was made up of special legal methods that provided a comprehensive study of administrative legal relations in the field of countering bullying. The historical method was used to trace the development of regulatory approaches to countering bullying in various European countries, in particular, to establish the stages of administrative responsibility and institutional response mechanisms in educational institutions. Based on this method, the prerequisites for the emergence of contemporary models of countering bullying as a socio-legal phenomenon were determined. The comparative legal method was used as a key analysis tool. It allowed comparing Ukrainian legislation with the normative approaches of Germany and other European states, identifying conceptual similarities

¹ UN Convention on the Rights of the Child. (1989, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_021#Text.

² European Convention on the Rights of the Child. (2006, August). Retrieved from https://zakon.rada.gov.ua/laws/show/994_135#Text.

³ Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from <https://ips.ligazakon.net/document/KD0005>.

⁴ Law of Ukraine No. 2402-III “On the Protection of Childhood”. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2402-14#Text>.

and differences in the definition of subjects, response procedures, administrative powers of educational institutions, and mechanisms of interaction between authorities. It was this method that evaluated the effectiveness of various models and determined their potential for implementation in Ukraine. The modelling method was used to develop proposals for improving administrative and legal mechanisms for countering bullying in Ukraine. Based on the generalised experience, a conceptual model of optimal administrative legal relations between educational institutions, local self-government bodies, the police and other subjects was formed, and possible areas for introducing amendments to the Code of Administrative Offences of Ukraine were outlined. The dogmatic (formal legal) method was used to analyse the current Ukrainian legislation and its correlation with the norms of foreign legal systems. It was used to interpret legal categories, definitions, and procedures related to bullying, identify gaps in legal regulation, and justify the need for its modernisation.

■ Results and Discussion

One of the most complex elements in the theory of administrative law is administrative legal relations, which are part of general legal relations. In other words, administrative legal relations are those legal relations that are regulated by the norms of administrative law. Researchers view their types, system, and structure differently. In the contemporary Ukrainian science of administrative law, one of the first studies was the dissertation by O.I. Kharytonova (2004), which described the conceptual foundations for defining the concept, essence, and features of administrative legal relations and their individual types. For the first time, the paper considered several levels of administrative legal relations, in particular, it mentioned their specifics in the general theory of law, in public law, and in administrative law. The researcher proved that the key is the division of legal relations into types. The main types are their differentiation by branches of national legislation, and by functions and tasks. It emphasises the need for their division into regulatory legal relations, which with the help of regulatory legal norms regulate a certain sphere of activity of society, and protective legal relations related to state coercion, since they arise in violation of norms and determine a certain type of legal liability. In the system of administrative and legal relations on countering bullying in the children's environment, there is both a regulatory and protective type of legal relations. In Spain, the United States, and England, such a scientific approach to the development of administrative legal relations to counteract bullying has not yet been the subject of research. In the theory of Polish law, certain elements of administrative legal relations take place.

Administrative legal relations are objective in nature, which was emphasised by V.V. Galunko *et al.* (2015). Ultimately, their origin and existence is conditioned by the fact that individual legal relations arise objectively and require legal settlement, they do not depend on the position of the subjects. Administrative legal relations are a manifestation of how administrative and legal norms affect the behaviour of subjects and objects of public administration. These norms form the rules of interaction and determine the rights and obligations of participants in administrative legal relations. Such theoretical generalisations are reflected in the legislation of Ukraine, Poland, Germany, and other countries. The basis for studying any administrative legal relations, according to V. Galunko (2017), is an external assessment of an industry or sector of public life that needs to be regulated by the norms of administrative law. In Ukraine, the sphere of defined legal relations is the subject of administrative law.

The first to introduce the concept of “bullying” in science was D. Olweus (1993) based on his own scientific achievements in the study of aggressive children, “boys for beating” and “school bullies”. The researcher proved that the roles of the aggressor and victim depend on the individual characteristics of the child and have nothing to do with the group phenomenon. Children's aggressiveness is generated by negative manifestations of the social environment in which they are located. The researcher proved that bullying is a phenomenon that includes: 1) aggressiveness 2) systematic/repetitive actions; 3) imbalance of forces.

In Ukraine, bullying research began much later, which is associated with the development of Internet technologies, the emergence of social networks, and the publication and spread of various cases of bullying and bullying of children. The components of the concept of “bullying” were clarified by O.G. Strelchenko *et al.* (2022). The researchers also consider the following types of violence: “physical violence”, “sexual violence”, “psychological violence”, “child abuse”; and delineate their features in the categories “bullying (bullying)”, “mobbing”, “shaming”, “stalking”, “hazing”, “cyberbullying”, which are a type of violent manifestations.

Ukrainian society has witnessed terrible cases of bullying in the children's environment. In the first half of 2025, according to a Rating group survey (2025), 61% of respondents out of 1.5 thousand teenagers aged 10-18 years and their parents experienced bullying. This was the basis for rethinking the problem and ways to overcome it through the joint work of teachers, psychologists, human rights defenders, managers who influence education policy, and parents. Only comprehensive work and objectively studied problems of bullying can become the

basis for creating an effective mechanism for countering school bullying.

The position of Ukrainian legal practitioners, who point out that bullying in children's environments most often occurs at school, is well-founded. R.M. Pylypiv (2020) defines bullying as a certain activity of children that manifests itself in physical or psychological violence, and in economic or sexual violence, both in reality and with the use of electronic means of communication and causes harm to the physical or mental health of the victim. The main signs of bullying, according to A.K. Zaporozhets *et al.* (2020), include: 1) mandatory participation of bullying subjects, among which there is necessarily a victim, that is, the victim and the bully – the abuser, in some cases there are witnesses to the situation; 2) systematic action, that is, bullying is characterised not by a one-time insult, but by constant harassment and mockery of the victim; 3) an important feature is the analysis of the harm caused to the victim of bullying. The consequences are necessarily manifested in the deterioration of the physical or psychological state of the person who is being bullied.

Depending on the circumstances, the main types of bullying can be distinguished. First of all, less than a third of all is physical violence and physical bullying, which often manifests itself in the form of fights, slaps, pushing, damage to personal belongings or clothing, offensive body movements and facial expressions, tripping, and other similar cases of physical bullying. There is also an economic manifestation of bullying, which is accompanied by intentional damage to personal belongings, extortion of funds or other material goods, and even theft (Sudenko, 2021).

Special attention should be paid to the review of types of bullying. Thus, psychological bullying always takes place in physical, economic, and sexual bullying. Separately, psychological bullying is the most common in the children's environment and can often have a latent manifestation. However, it is particularly dangerous for the victim. Psychological bullying manifests itself in the form of threats, blackmail, offensive rumours, jokes, ignoring, humiliating views, and cruel manipulations. Sexual bullying as a type of bullying is most often manifested in the bully inventing nicknames of a sexual nature, distributing videos with dressing up, humiliating sexual threats, jokes, rumours, etc. In the age of distribution of digital technologies, cyberbullying – harassment and humiliation via the Internet using various gadgets – is becoming increasingly widespread. Most often, cyberbullying manifests itself in the form of harassment in social networks, video games, using a phone call, and sending

offensive photos, videos, and other humiliations (Bullying: types, responsibility..., 2021).

Modern mechanisms for countering bullying function due to regulatory and protective legal relations. Fundamental international documents do not define the specifics of the mechanism for countering bullying, but in the content of their norms they condemn any actions that violate the rights of the child. For example, Article 19 of UN Convention on the Rights of the Child¹ stipulates that states that have acceded to the Convention should adopt the necessary laws and create social, administrative, and other conditions to protect children from any violence, exploitation, and abuse. Simultaneously, the European Convention on the Rights of the Child², determines that states that have ratified it are obliged to form an administrative and legal mechanism for the protection of children's rights, considering the best interests of the child.

One of the first Ukrainian researchers, V. Galunko (2017), emphasised the need for a balance of interests between the freedom of an individual and the observance of the rights of other people, which is the content of any legal relationship. This procedure is provided through the norms of administrative law and sources of administrative law in a complex. These ideas are reflected in the international norms and legislation of the United States and EU countries. The United States of America builds administrative and legal relations according to a liberal model, that is, there is no centralisation in the administrative and legal mechanism of the country. In the United States, a multi-stage system of countering bullying has been created, which includes a system of state influence on education and a regional system of anti-bullying policy. Each of these systems has its own bodies with a certain competence. In other words, there is no single federal law that defines ways to combat bullying in the United States. Each state, depending on its demographic, social and other factors, adopts its own anti-bullying laws. In most cases, criminal norms are applied to bullies. In some states, additional methods of educational influence in schools are applied to such persons. In particular, 44 states provide for criminal liability for bullying (including cyberbullying), and 45 states define a system of additional measures of educational influence on the bully, which are called "school sanctions". 49 states are supporters of school anti-bullying policies. Criminal liability for any type of bullying, including outside of an educational institution, is provided for in 25 states (Vedernikova, 2020).

Thus, in contrast to the mechanism of countering bullying discussed above in Ukraine, in the United States such a mechanism is more rigid, localised, and

¹ UN Convention on the Rights of the Child. (1989, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_021#Text.

² European Convention on the Rights of the Child. (2006, August). Retrieved from https://zakon.rada.gov.ua/laws/show/994_135#Text.

individualised. Bullying is not subject to administrative liability, as in Ukraine, but to criminal and disciplinary liability with enhanced educational measures in the form of “school sanctions”. In addition, there are a significant number of public organisations that can influence the anti-bullying policy of the states, rehabilitation of victims, and socialisation and patronage of bullies. American laws have an inexhaustible list of actions that can be interpreted as bullying and cyberbullying (Vedernikova, 2020). Despite the fact that the United States has not yet ratified the UN Convention on the Rights of the Child¹, the mechanism of countering bullying is quite powerful, because it is aimed at overcoming violence in the children’s environment, considering all its features.

In the United Kingdom, the key subject of the system of administrative legal relations to counteract bullying are schools and workplaces, which are responsible for creating their own policies to overcome this negative phenomenon. A significant difference from Ukraine is that in the UK, each school creates its own mechanisms for countering bullying within the framework of their legislation, while in Ukraine there are universal standards for all educational institutions. There is no single law on defining and countering bullying in England, and in the United States. However, for educational institutions and employers, there are regulations that prevent bullying at school and at work. The expansion and improvement of the anti-bullying policy in schools occurred most of all in the period from 2008 to 2022. Thus, in 2010, the Equality Act 2010² was adopted, which combines a number of legal norms, and consists of 218 sections. This regulation has a broad effect and defines the equality of all members of society, prohibiting any manifestations of discrimination and harassment. The problems of bullying caused by the emergence of cyberbullying prompted the government to make a decision and oblige school employees to develop ways to help students who are being bullied, and advice to their parents. Specific powers were given to school employees and parents to combat online bullying and extracurricular bullying. As of 2025, ways to improve school policy and additional powers of administrative legal entities to protect children’s rights were being discussed (Kidwai & Smith, 2024). Analysing these steps, it is worth noting progressive actions to protect children from bullying. Constant

research by scientists becomes the basis for improving legislation in England to prevent bullying. In Ukraine, the policy of countering bullying was formed in parallel, but unlike in England, only in 2018 the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Combating Bullying” was adopted³, which defined the concept and signs of bullying in an educational institution and established administrative responsibility for bullying (harassment) of a participant in the educational process.

Although Spain is the country with the lowest rate of bullying among minors from the countries considered in this study, it is worth noting that most often those children who are migrants and have cross-cultural characteristics are harassed by students and teachers. Therefore, according to statistics, boys and immigrants in the first generation are significantly more likely to be bullied. This situation creates the need to improve the existing system of countering bullying with the elimination of gender and ethnic biases in anti-bullying programmes (Sáenz-Hernández *et al.*, 2024). The existence of this problem has led to the creation of additional state institutions to control and prevent relevant processes. Although Spain, like the United States and England, does not have a separate law defining bullying, there is a comprehensive programme that contains social programmes, legal norms, and a system of educational measures implemented to prevent bullying. For various types of bullying, Spanish legislation provides for fines, and in some cases – criminal penalties⁴. Compared to the legislation of Ukraine, Spain provides for stricter legal liability for bullying. In Ukraine, Article 173-4 Code of Ukraine on Administrative Offences⁵ establishes administrative responsibility for bullying.

As in most other EU member states, Germany has a state mechanism for countering bullying. For minor manifestations of bullying in the country, preventive measures are provided with a bully, and for more serious actions of the bullying process, liability is provided as for criminal offences. Therefore, it should be noted that administrative legal relations take place in the settlement of both the simplest manifestations of bullying and the most complex ones⁶. The legal qualification of bullying is determined only after the bullying satisfies the actual conditions of another legal regulation in the relevant legal context (Schirra, 2024). In Germany, as in the United States,

¹ UN Convention on the Rights of the Child. (1989, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_021#Text.

² Equality Act 2010 of United Kingdom of Great Britain and Northern Ireland. (2010, April). Retrieved from <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

³ Law of Ukraine No. 2657-VIII “On Amendments to Certain Legislative Acts of Ukraine on Combating Bullying”. (2018, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/2657-19#Text>.

⁴ Organic Law of Spain No. 10/1995. (1995, November). Retrieved from <https://www.boe.es/eli/es/lo/1995/11/23/10/con>.

⁵ Code of Ukraine on Administrative Offences. (1996, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/80731-10#Text>.

⁶ Criminal Code of the Federal Republic of Germany. (2021, November). Retrieved from https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html.

England, and Spain, there is no single law on bullying, but there are regulations concerning the prevention of bullying in educational institutions. The laws that provide for legal liability and procedures in cases of bullying are the Act on Civil Protection against Acts of Violence and Harassment (GewSchG)¹ and the Criminal Code². Every German citizen takes part in the prevention of bullying, because their social duty is to notify the competent authorities if the citizen has witnessed bullying.

In Poland, as in other countries, there is no single regulation that defines the concept and mechanism of countering bullying. Bullying is subject to administrative liability in the form of a fine, and criminal liability for committing violence and humiliating human dignity. In Criminal Code of Poland³, the term “bullying” is not used, but the rule can be applied in cases of violence during bullying, such as insults, slander, threats, or other similar crimes. As in other countries, the Education Law of Poland⁴ contains certain provisions prohibiting any manifestations of violence and discrimination in educational institutions. The law obliges educational institutions to develop measures to prevent and respond to bullying.

With the emergence of new types of bullying in the modern space, poles are studying and developing ways to counter virtual violence (cyberbullying). This phenomenon is the result of extreme technological advances and easier Internet access, especially for children and young people. A. Podolski *et al.* (2022) argued that cyberbullying is the harassment, intimidation, or terrorisation of a weaker person. Cyberbullying is a very common form of violence around the world. Both abusers and victims of cyberbullying are most often children and teenagers who attend school (they are the most active groups in the virtual space). Its consequences are very broad and go beyond the deterioration of mental health (increasing aggressiveness and spreading cruelty in various aspects, and rudeness, defiant behaviour, intolerance, etc.), as they affect somatic health. Considering the contemporary system of countering bullying in the world, in Poland, research is constantly being conducted on the development of new methods of preventing various types of bullying.

The researchers state that bullying has long-term consequences for mental and physical health, and

for future relationships. The experience of bullying at school age affects social behaviour in adulthood, which is why administrative legal relations to counteract bullying are built in such a way that psychologists work with both the victim and the bully at each stage of interaction (Popyk *et al.*, 2024). In general, the basis for the establishment of administrative and legal relations in Poland is the principles of democracy and the rule of law. As stated by A. Dahlström *et al.* (2025), victimisation of bullying and sexual harassment is closely linked to depression in Swedish adolescents and their severe emotional state. The legal nature of bullying is mainly social and economic in nature, which is why, according to some researchers, suicides are possible as a result of bullying in adolescence. Despite the fact that the study of the nature of such cases on gender, racial, social, religious, and other grounds, only in theory is there a distinction between the differences and common features of victims of bullying and the abuser. The law only prohibits any manifestation of violence. Other scientists agree with such conclusions regarding the classification by T.C. Cheng & C.C. Lo (2024). In their research, they also identified the association of bullying with social disorganisation, social structural factors, social relationships, mental health, and access to health insurance and care.

In Ukraine, countering bullying is consolidated at the legislative level, and the state and legal mechanism for countering it is defined. In particular, in the Law of Ukraine “On the Protection of Childhood”⁵ contains a legal definition of the concept of “bullying”. In addition, in Ukraine, administrative responsibility for bullying is provided for in the Code of Ukraine on Administrative Offences⁶. Comparing the legislation of Ukraine with the legislation of other European countries, it is worth noting that Ukraine also has a mechanism for preventing and responding to bullying. There is no separate law on bullying, but the concept itself has a clearly defined meaning and is consolidated in the regulation.

The spread of bullying in the children’s environment, most often in schools, has led to the need to regulate the processes of overcoming it. Thus, in Ukraine, On December 28, 2019, the Ministry of Education and Science issued an Order of the Ministry of Science and Education No. 1646⁷. This document

¹ Act on Civil Protection Against Acts of Violence and Harassment of the Federal Republic of Germany. (2001, December). Retrieved from <https://www.gesetze-im-internet.de/gewschg/BJNR351310001.html>.

² Criminal Code of the Republic Poland. (1997, June). Retrieved from <https://www.gesetze-im-internet.de/stgb/>.

³ Criminal Code of the Republic Poland. (1997, June). Retrieved from <https://www.gesetze-im-internet.de/stgb/>.

⁴ Education Law of Poland. (2016, December). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170000059/U/D20170059Lj.pdf>.

⁵ Law of Ukraine No. 2402-III “On the Protection of Childhood”. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2402-14#Text>.

⁶ Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from <https://ips.ligazakon.net/document/KD0005>.

⁷ Order of the Ministry of Science and Education No. 1646. (2019, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/20111-20#Text>.

defined the range of subjects in educational institutions whose responsibility is to identify and prevent bullying, and work with the victim and the bully. In particular, the work of the educational ombudsman service is important, as it shapes the policy of respecting the rights of all participants in the educational process at educational institutions. Equally important is the work of the child welfare service, which carries out social work with children in need of attention. It conducts systematic activities with persons who are prone to delinquency and bullying. The activities of social service centres for families, children, and youth are also aimed at comprehensive work with children and their parents, to identify and eliminate socially harmful effects on children. Especially important is the comprehensive work of the above-mentioned services with local self-government bodies, heads of educational institutions, teachers and, in some cases, officers of the National Police of Ukraine.

The powers of entities that are able to counteract bullying are clearly defined by law. However, certain elements of the organisational and legal mechanism for countering bullying need to be improved. In particular, employees of educational institutions who most often come into contact with children, in case of detection of signs of one of the types of bullying (harassment), must immediately respond. Depending on the current situation, it is necessary to organise measures to prevent dangerous exposure. In more complex cases – organise the provision of pre-medical or emergency medical care, and contact (if necessary) the territorial bodies (divisions) of the National Police of Ukraine. It is mandatory to notify the head of the educational institution and at least one of the parents or other legal representatives of a minor who has become a party to bullying as soon as possible. It would be appropriate to supplement Part 5 of Article 173-4 Code of Ukraine on Administrative Offences¹ and state it in the following wording: “Failure by any of the employees of the educational institution to notify the authorised divisions of the National Police of Ukraine about cases of bullying (harassment) of a participant in the educational process – entails the imposition of a fine from fifty to one hundred non-taxable minimum incomes of citizens or correctional labour for up to one month with a deduction of up to twenty percent of earnings”. The establishment of administrative responsibility not only for the head of an educational institution, but also for all employees who come into contact

with children, can be the key to overcoming cases of bullying in educational institutions.

Having analysed the above-presented regulatory documents and scientific research, it is worth noting that administrative science in Ukraine is developing more dynamically than in most European countries. The nature and size of legal liability is an indicator of the low tolerance of the society of each civilised state to bullying. Outlined legal certainty ensures fair application of laws and guarantees predictability, stability, logic, and clarity of legal norms. However, there are also shortcomings in the contradiction to this principle of legal certainty. In particular, the fact that most European countries do not have norms that specifically recognise the concept of bullying and punishment for its commission. Depending on the signs of bullying, a person may be convicted according to the norms that fall under such signs. In Poland, for example, defamation is punishable under Article 216, and threats under Article 190 of the Criminal Code of the Republic of Poland², with penalties ranging from restriction of liberty to imprisonment. Therefore, it can be argued that the experience of Poland, in particular, Article 68 of the Law “On Education”³ would be appropriate to supplement into the Law of Ukraine “On Education” in Article 26⁴, adding Part 3 to Paragraph 9.

The spread of bullying in both countries requires a review of the legal mechanisms to counteract it, the identified shortcomings, which consist in the absence of clearly defined norms and adequate punishment, are not consistent with contemporary socio-political, economic, social realities, scientific progress, and are outdated. The penalties provided for acts that have signs of bullying in the countries under study are not commensurate with the harm caused to the victim. It is important when assigning a measure of responsibility to consider the nature of legal relations that have developed between the parties, and the implementation of public-power management functions in those legal relations on which the dispute arose and the subject of power. Based on the above-mentioned developments, it can be argued that contemporary mechanisms for countering bullying function due to the regulatory and protective legal relations that exist in Ukraine and the world.

From the experience of many countries around the world, it becomes obvious that effective prevention of bullying in schools requires a well-coordinated organisation of both intra-system and inter-departmental interaction, which is based on a clear

¹ Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from <https://ips.ligazakon.net/document/KD0005>.

² Criminal Code of the Republic of Poland. (1997, June). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970880553/O/D19970553.pdf>.

³ Education Law of Poland. (2016, December). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170000059/U/D20170059Lj.pdf>.

⁴ Law of Ukraine 2145-VIII “On Education”. (2017, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/2145-19#Text>.

legislative regulation. That is why countering bullying in Ukraine should be specified in more detail in legislation. The perpetrator must always be held accountable. In cases of causing significant harm to the victim – the offender must be removed from the educational institution so that the necessary disciplinary measures can be taken, and sometimes criminal proceedings may be initiated. Administrative legal relations between the heads of educational institutions and other subjects of preventing and countering bullying should also be clearly defined by internal administrative and legal norms.

■ Conclusions

The paper examined administrative legal relations that arise in the process of countering bullying in the children's environment, and analysed the foreign experience of their organisation, in particular, on the example of Germany. Despite certain limitations associated with the lack of publicly available complete statistics on the effectiveness of bullying response mechanisms in European countries, the goal of the study was achieved. In the course of research, it was revealed that bullying is a multi-factor phenomenon, the counteraction of which requires comprehensive regulatory and institutional support. The analysis of the legislation showed that no European state has formed an absolutely effective response model, but a number of countries, in particular Germany, have built an effective system of administrative powers of educational institutions aimed at preventing harassment. The results of the study showed that broad autonomy of schools, their ability to independently organise internal procedures, and public participation in detecting cases of violence play a key role in the German system of countering bullying. Such trends suggest that the effectiveness of response mechanisms directly depends on the integration of the public and educational institutions into the common preventive space.

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The results obtained allow stating that the analysis of administrative and legal norms of Ukraine indicates that there are gaps in the legal regulation associated with insufficiently detailed procedural mechanisms, unclear status of anti-bullying subjects, and limited opportunities of educational institutions in the field of internal administration of such cases. The results of the analysis were to identify key differences between the Ukrainian and German models, which helped to identify potential areas for their convergence. Such data indicate the importance of forming greater institutional autonomy of educational institutions and clearer administrative interaction between them, local self-government bodies, and law enforcement agencies.

Summarising the results obtained, it can be noted that the study deepens the understanding of the nature of administrative legal relations in the field of countering bullying and demonstrates the importance of comparative legal analysis to identify effective elements of foreign experience. Conceptually, this suggests that the improvement of the national model of countering bullying should be based on a combination of normative certainty, institutional capacity, and public participation. A promising area of further research is the study of the effectiveness of local policies and regulations of educational institutions, comparison of internal response procedures in different regions of Ukraine, and analysis of the impact of socio-psychological factors on administrative mechanisms to counteract bullying.

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■ Conflict of Interest

None.

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Адміністративні правовідносини щодо протидії булінгу в Україні та світі

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■ **Анотація.** З огляду на стрімке поширення булінгу й появу нових форм його виявів, постає необхідність вивчення динаміки становлення та формування адміністративних правовідносин щодо його протидії. Метою дослідження було порівняння адміністративних правовідносин щодо протидії булінгу в різних країнах. Для досягнення окресленої мети, зважаючи на сучасне людиноцентричне праворозуміння, використано такі методи, як історичний, порівняльно-правовий, моделювання, догматичний. Дослідження присвячено порівняльно-правовому аналізу адміністративно-правових механізмів протидії булінгу в дитячому середовищі, зокрема в контексті досвіду європейських держав. Акцентовано, що жодна правова система Європи не розробила універсально ефективний інструментарій реагування на булінг, однак у низці країн, зокрема в Німеччині, сформовано високий рівень інституційної автономії закладів освіти, які мають широкі адміністративні повноваження щодо запровадження внутрішніх превентивних і процедурних практик. У таких моделях суспільство фактично інтегроване в систему адміністративного нагляду та є активним суб'єктом протидії будь-яким виявам насильства, що демонструє значну ефективність у забезпеченні безпечного освітнього середовища. На основі міждисциплінарного підходу, що поєднує адміністративно-правовий аналіз, елементи соціології девіантної поведінки та компаративні дослідження, обґрунтовано гіпотезу про необхідність модернізації українського законодавства у сфері протидії булінгу, зокрема шляхом внесення змін до Кодексу України про адміністративні правопорушення. Практична цінність дослідження полягає в можливості використання його результатів державними органами різних рівнів для підвищення ефективності взаємодії й удосконалення адміністративних процедур реагування на випадки булінгу

■ **Ключові слова:** цькування; система адміністративного нагляду; правовідносини; права дитини; запобігання булінгу