93 - BULLYING PHENOMENON: THE RIGHT LEGAL STUDENT AGAINST VIOLENCE OF PRACTICE IN SCHOOL ENVIRONMENT.

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INTRODUCTION

The school environment is an enabler for the incidents and bullying practices, it is the scene of physical abuse, psychological, varied behaviors and even emotional changes can be classified as negative for children and adolescents if they are related to this bullying phenomenon. The city of Ipatinga has a law against Bullying approved by the city of Ipatinga (Law 2739 of 16/08/2010), which provides for the anti-bullying policy in educational institutions in the city of Ipatinga proposed by former councilman Nardyello Oliveira rock.According to Santos and Vargas 2010 "The school is a significant environment in the relational universe of children and adolescents and thus when the student does not feel well in the institution or do not like their relationship, shows poor performance and compromises of a physical and emotional, with serious health risks.

> "Art. 227 of the Federal Constitution of Brazil: It is the duty of the family, society and the State to ensure children and adolescents, with absolute priority, the right to life, health, food, education, leisure, professional training, culture , dignity, respect, freedom and family and community life, and put them safe from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression "

In lesson Silva (2010), the term bullying comes as little known to the general public. Of English origin and no specific translation in the Federative Republic of Brazil, said thermology is used to describe violent and aggressive behavior, especially in schools and can be expressed by boys and girls.

Pebble for 2009 "Bullying is a more common reality than we can imagine. He has always existed, but it was not studied. When it did, the victim suffered silent, or'pedia to sair', changing school, city, etc.

It is worth noting that on April 7, 2011, the massacre at the Municipal School Tasso da Silveira in Realengo neighborhood, west of the city of Rio de Janeiro, when the gunman Wellington Menezes, former student of the college, killed 12 students and wounded ten others, bullying has gained significant visibility in homeland and became known of the population, mainly through the Internet and public and private TVs.

Lopes et al (2005) show that bullying occurs mostly in the early school years. However, the type of aggression used varies not only with age, but also with gender: boys are more involved with this form of violence and use physical and verbal abuse, ie use more provocation and physical and psychological violence . Girls adopt more indirect attacks using more social Bullying / psychological, characterized by insults, humiliation and spread rumors generators of social exclusion.

We know that the practice of Bullying hurts all the rights and the perpetrator to practice it does had committed the infringement of the rights of the victim constitutes an unlawful act capable of repairs and significant losses for the party being victimized.

The Statute of Children and Adolescents, Brazil in 1990, presents various forms and standards in order to ensure protection against bullying. According to Article 3 provides: "The child and adolescent enjoy all the fundamental rights inherent in the human person, without prejudice to the full protection of this law, ensuring them by law or by other means, every opportunity and facilities in order to provide them with physical, mental, moral, spiritual and social development in freedom and dignity. "

It will be up to the teacher and all adults who are in the school environment to support and observe if any student or student is being targeted this Bullying phenomenon and also according to Silva (2010):

> If we turn to the dictionary, we find the following translations for word bully: bully individual, bully, bully, bully. Already bullying expression is a set of attitudes of physical and / or psychological, intentional and repetitive character, intentional and repetitive character, practiced by a bully (attacker) against one or more victims who are unable to defend themselves. Either by circumstantial question or a subjective unequal power behind these actions there is always a bully that dominates most students and a class and "prohibits" any supportive attitude toward assaulted (SILVA, 2010, p. 21).

The author deepens his arguments about the concept of bully:

> If we stop to think, we have all been victims of a bully at some point in our lives. The "tough guys" are not only in schools, they can be found me any segment of the society. Juveniles bullies also grow and are found in adult or mature versions (or rather rotten). Within the family, grown and experienced bullies can be identified in the figure of parents, spouses or siblings domineering, manipulative and evil, capable of destroying the physical and mental health, and self-esteem of his favorite targets. In the professional area, usually bosses or colleagues tyrants, "masked" and merciless. Their aggressive attitudes (or transgressive) are configured in corruption, coercion, the misuse of public money, arbitrary traffic recklessness, the neglect of the sick, the abuse of power of leaders, the sarcasm of those who use the "law cunning, "the indifference of the authorities, the pleasure in seeing another suffer ... Thus, the term bullying can be adopted to explain all kinds of aggressive behavior, cruel, deliberate and systematic inherent in interpersonal relationships (SILVA, 2010, p . 22).

According to Neto (2005), offenders victims and witnesses face physical and emotional consequences of short and long term, which can generate academic, emotional and social difficulties legal. Of course, children and adolescents are not attacked evenly but there is a direct relationship between frequency, duration and severity of the acts of bullying.

According Neto (2005) the term "school violence" encompasses or is all forms of violence, aggressive and anti-social, occurred in the school ambience. The motivation for the occurrence of such event, it is usually coming from the external environment to the school, that is, the students eventually reproduce the behavior, actions and present actions in the outside world, occurrence that promotes insecurity and instability to the school environment and hinder the process educational.

School violence can manifest itself in different ways, as well as bullying, particularly verbal forms, physical assault, robbery and theft, aggressive gestures, extortion, threats and psychological harassment and the group's exclusion . (NETO, 2005; MARRA, 2007).

Dealing specifically with bullying, it has become imperative to conclude that the distinction of "force" between victimizer and victimized (author and victim in this universe) emerges as a sine qua non, that is imperative for the occurrence of this practice with ominous feature, vexatious and degrading, with increased focus on representativity of derogatory nicknames or aliases, which have as their primary purpose is to promote the humiliation, embarrassment not only ratifies the condition of superiority and dominance of a particular member or social group. (FLAG, 2009).

Therefore it is possible to know the harm and suffering caused to children, adolescents resulting from Bullying phenomenon leading the causes and phenomena of the consequences in the lives of students, which can cause a type of deep psychological distress, consequent social maladjustment and psychiatric problems to alert them about the importance of being attentive to the events, because early identification of Bullying by parents and teachers and of paramount importance.

One of the main actions taken on the indirect bullying universe can be illustrated in the figure of social isolation, which can manifest itself through various techniques and occurrences such as: spread comments with pejorative special features, refusing to socialize with the victim, bullying other people who wish to socialize with the victim, ridicule the manner of dress and other socially significant aspects, in addition to understanding aspects of the victim ethnicity and religion. (NETO; SAAVEDRA, 2004; VARGAS; SANTOS; MACHADO, 2012).

Despite the social environment, it can be argued that this space several times can emerge as an inductor aspect of violence. Study gathered from by authors such as Pearce and Thompson (1998), Neto and Saavedra (2004), and Elinoff, Chafouleas and Sassu (2004) asserted that the term "school violence" refers to all aggressive and antisocial behavior, including conflict interpersonal, damage of property, criminal acts, etc., occurring in the school environment.

The aggressiveness in the school cosmos is a universal problem and bullying, along with victimization represent different types of violence present in childhood and adolescence, to Santos, Vargas (2011), all educational activity is always complex and requires may consider to several factors . Thus, it is not influenced by individual behavior only of those who exercise it, especially parents and teachers. Cultural and social aspects also act deeply in the educational process and the bio-psychological basis of each individual.

Explaining only about bullying, it is inferred that the scientific research with the central theme this type of phenomenon are new and represent an advance, given the fact that only in the 90's this topic received substantial attention.

Fante (2005) in his work entitled "Phenomenon bullying: how to prevent violence in schools and educate for peace" teaches us that:

> Bullying is a specific and well-defined concept, since it does not let itself be confused with other forms of violence. Has its own characteristics, among them, perhaps the most serious, the attribute of causing trauma to the psyche of his victims and involved (FANTE, 2005, 28).

Continuing with the postulates of Fante (2005), it became undisputed conclude that the thermology bullying, has no equivalent translation or word in the English language, opinion which can generate some kind of controversy among readers. The Federative Republic of Brazil, the Concise Oxford Dictionary of the Portuguese introduced the word bulir, or tamper with, as an alternative to employment in reference to the word bullying.

In the contemporary world, where the expression "armed peace" has always meant a state of war, there is no discrepancy when words and expressions start to require a great intellectual effort to be able to go through the polysemic field of multiplicity of meanings and signifiers, resulting in giant antinomy.

Bullying at school can manifest itself in different sectors of society, given that this practice relates to the coexistence and social relationships. The Benign Villas Boas researcher in his "Turning back to school through the evaluation," inferred that this practice also in other sectors of society and in the most unlikely moments, thus requiring extreme attention. As a way of illustration. By last, this phenomenon gained and denoted substantial relevance to the present day in England. (VILLAS BOAS, 2008).

It concludes that there is large number of children and adolescents who engage in instances of bullying and this is a challenge for the inserted adults within the school context. This phenomenon brings to these students situations of low self-esteem, stress, truancy and possible psychological problems causing family order of damage, increasing the crime rate and great negative influence on the learned \ ado these students. It needs to make interventions able to demonstrate that this phenomenon is increasing and that is much more "serious" than the values that are being attributed to him.

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RESUME

BULLYING PHENOMENON: THE RIGHT LEGAL STUDENT AGAINST VIOLENCE OF PRACTICE IN SCHOOL ENVIRONMENT.

ABSTRACT

This article aims to list the aspects related to bullying, its features, its consequences, the relationship with the right of the student and the legal perspectives listed in the school environment. In Brazil this phenomenon has no translation, but it is attributed to acts of physical harm, verbal, psychological and any situation that humiliate and expose or another. The emergence of bullying in Brazilian and global social context, various indications and aspects with degrading feature, is as old. It is known that such a despicable practice occurs concomitantly with the process of human evolution, getting visibility in contemporary society, given the problems developed for the victims and victimizers of such acts. The topic is relevant to the rights of children and adolescents inserted in Brazilian schools and arose from the need to understand the legal role, decision making and possible interventions of specific laws since this audience spends most of his life in school and this right is guaranteed by the Brazilian Constitution of 1988. When a student can not defend or understand the reasons for the aggression and this phenomenon becomes repetitive and the victim is scared or aggressor and attacks of fear that is characterized bullying and Santos 2013 This term requires a larger interference of adults, therefore, includes various forms of aggression. These attacks take place in the school environment by one or more students against another, and it is understood that cause trauma and establishes a relationship of inequality between them. Thus, through the practice of visitations to 09 (nine) Public Network schools in Ipatinga - MG, for a period of seven (07) months from this study it became clear that bullying is part of everyday life of these students especially in recess time being he directed or not.

KEYWORDS: Bullying, Students, Law and School Environment.

RÉSUMÉ

Cet article vise à dresser la liste des aspects liés à l'intimidation, ses caractéristiques, ses conséquences, la relation avec le droit de l'étudiant et les perspectives juridiques énumérés dans l'environnement scolaire. Au Brésil ce phénomène n'a pas de traduction, mais il est attribué à des actes de préjudice physique, verbale, psychologique et toute situation qui humilie et d'exposer ou d'une autre. L'émergence de l'intimidation dans le contexte social brésilienne et mondiale, diverses indications et les aspects avec fonction dégradants, est aussi vieille. Il est connu que cette pratique méprisable intervient concomitamment avec le processus de l'évolution humaine, obtenir une visibilité dans la société contemporaine, étant donné les problèmes développés pour les victimes et les agresseurs de tels actes. Le sujet est pertinent pour les droits des enfants et des adolescents insérées dans les écoles brésiliennes et née de la nécessité de comprendre le rôle juridique, la prise de décision et les interventions possibles de lois spécifiques depuis ce public passe le plus clair de sa vie à l'école et ce droit est garanti par la Constitution brésilienne de 1988. Quand un élève ne peut pas défendre ou comprendre les raisons de l'agression et ce phénomène devient répétitif et la victime a peur ou l'agresseur et les attaques de la peur qui se caractérise intimidation et Santos 2,013 Ce terme exige une plus grande ingérence des adultes, donc, comprend diverses formes d'agression. Ces attaques ont lieu dans l'environnement de l'école par un ou plusieurs étudiants contre un autre, et il est entendu que la cause des traumatismes et établit une relation d'inégalité entre eux. Ainsi, à travers la pratique de visites à 09 (neuf) des écoles du réseau public à Ipatinga - MG, pour une période de sept (07) mois à partir de cette étude, il est devenu clair que l'intimidation fait partie de la vie quotidienne de ces étudiants surtout en temps évidement étant il a dirigé ou non.

MOTS-CLÉS: intimidation, Étudiants, Droit et environnement scolaire.

RESUMEN

Este artículo tiene como objetivo enumerar los aspectos relacionados con la intimidación, sus características, sus consecuencias, la relación con el derecho del estudiante y las perspectivas jurídicas enumeradas en el entorno escolar. En Brasil este fenómeno no tiene traducción, pero se atribuye a los actos de daño físico, verbal, psicológica y cualquier situación que humillar y exponer u otra. La aparición de la intimidación en el contexto social brasileño y mundial, diversas indicaciones y aspectos con función degradantes, es tan antigua. Se sabe que una práctica tan despreciable se produce simultáneamente con el proceso de la evolución humana, conseguir visibilidad en la sociedad contemporánea, teniendo en cuenta los problemas desarrollados por las víctimas y victimarios de tales actos. El tema es relevante para los derechos de los niños y adolescentes insertados en las escuelas brasileñas y surgió de la necesidad de comprender el papel legal, la toma de decisiones y las posibles intervenciones de leyes específicas ya que esta audiencia pasa la mayor parte de su vida en la escuela y esto derecho está garantizado por la Constitución brasileña de 1988. Cuando un estudiante no puede defenderse o entender las razones de la agresión y este fenómeno se vuelve repetitivo y la víctima tiene miedo o agresor y ataques de miedo que se caracteriza intimidación y Santos 2013 Este término requiere una intervención mayor de los adultos, por lo tanto, incluye diversas formas de agresión. Estos ataques tienen lugar en el entorno de la escuela por uno o más estudiantes contra otro, y se entiende que causa trauma y establece una relación de desigualdad entre ellos. De este modo, a través de la práctica de las visitas a 09 (nueve) las escuelas de la red pública en Ipatinga - MG, por un período de siete (07) meses a partir de este estudio se hizo evidente que el acoso escolar es parte de la vida cotidiana de estos estudiantes especialmente en tiempo de recreo siendo dirigió o no.

PALABRAS CLAVE: Bullying, Estudiantes, Derecho y entorno escolar.

O FENÔMENO BULLYING: O DIREITO JURÍDICO DO ALUNO CONTRA A PRÁTICA DE VIOLÊNCIA NO AMBIENTE ESCOLAR.

RESUMO

O presente artigo tem como objetivo elencar os aspectos inerentes ao bullying, suas características, seus desdobramentos, a relação com o direito do aluno e as perspectivas jurídicas elencadas no ambiente escolar. No Brasil este fenômeno não tem tradução, porém é atribuído aos atos de ofensas físicas, verbais, psicológicas e a qualquer situação que humilhe e ou exponha o outro. O surgimento do bullying no contexto social brasileiro e mundial, diversos indícios e aspectos com característica degradante, é tão antiga. É sabido que tal prática nefasta ocorre concomitante ao processo de hominização, recebendo visibilidade na contemporaneidade, haja vista as problemáticas desenvolvidas pelas vítimas e vitimizadores de tais atos. O tema abordado é pertinente ao direito das crianças e adolescentes inseridas nas escolas brasileiras e surgiu da necessidade de compreender o papel jurídico, as tomadas de decisões e possíveis intervenções das leis especificas visto que este público passa a maior parte da sua vida na escola e este direito é garantido pela Constituição Brasileira de 1988. Quando um aluno não consegue se defender ou compreender os motivos de tais agressões e este fenômeno se torna repetitivo e a vítima fica com medo e ou receio dos ataques do agressor isto é caracterizado bullying e para Santos 2013, este termo necessita de uma maior interferência dos adultos, pois, compreende diversas formas de agressividade. Estas agressões acontecem no ambiente escolar por um ou mais estudantes contra outro, e é entendido que causa traumas e estabelece uma relação de desigualdade entre os mesmos. Sendo assim, através da prática de visitações a 09 (nove) escolas da Rede Pública da cidade de Ipatinga – MG, por um período de 07 (sete) meses, a partir deste estudo ficou evidente que o bullying faz parte da vida cotidiana destes alunos, sobretudo no horário do recreio sendo ele dirigido ou não.

PALAVRAS-CHAVE: Bullying, Alunos, Direito e Ambiente Escolar.