



# Legal Protection of the Rights of Honorary Teachers as an Effort to Realize the Welfare of Honorary Teachers in Indonesia

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**Abstract.** There are two types of legal protection for honorary teachers, namely legal protection in carrying out their professional duties and legal protection related to the issue of their rights to work as teachers. using a qualitative method by carrying out a normative juridical approach using secondary data. The results of this study reveal that the existence of honorary teachers in Indonesia is still not fully guaranteed for their welfare because there are no specific rules regarding honorary staff.

**Keywords:** Legal Protection, Honorary Teachers, Rights of Honorary Teachers

## 1 Introduction

The goals of the Indonesian nation in the field of National Education are written in Law No. 20 of 2003 Article 1 paragraph 2 which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia. In the 1945 Constitution, one of them is to educate the nation's life, one of which is education carried out by good educational institutions from the role of a teacher.

The meaning of education according to Ki Hajar Dewantara is: "To advance thoughts and morals so that they are physically healthy so that they can live side by side with the community and the natural surroundings

Ki Hajar Dewantara the meaning of education "The relationship between educational institutions and educators is a form of the legal relationship that facilitates educators to provide teaching and learning processes to students, while educators are divided into first two, namely ASN educators and the second are honorary educators"

Legal protection according to Law No. 5 of 2014 concerning the State Civil Apparatus that the government is prohibited from appointing other types of employees apart from PNS and PPPK. In this way, the fate of honorary workers is unclear because the law does not specifically discuss honorary workers.

Coupled with the Covid-19 pandemic, millions of honorary teachers in Indonesia are facing a difficult situation with unclear income. Because they are no longer present in classrooms, even though so far they have been paid hourly according to their teaching hours. So that their welfare is automatically not guaranteed. Therefore, in this case, the

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author has an interest in taking the title "Legal Protection of the Rights of Honorary Teachers as an Effort to Realize Welfare of Honorary Teachers in Indonesia".

To discuss further the research topic and provide answers to some of the main problems that are formulated in several problem identifications, this study uses several theories as tools to analyze these problems.

The discussion includes Legal Protection of the Rights of Honorary Teachers in Indonesia, the Existence of Honorary Teachers in Indonesia, Fate of Honorary Teachers in Indonesia. Unraveling the problems of honorary workers is carried out using a quantitative research type, a normative juridical approach using secondary data. how to study literature at Nusa Putra University and regional libraries of Sukabumi Regency and Sukabumi City.

### **1.1 Problem Formulation**

Based on the description above and the title of this research, it is possible to formulate a problem formulation. How is the legal protection of honorary teacher rights to realize the welfare of honorary teachers in Indonesia?

## **2 Research Methods**

The research method chosen is the quantitative method. In this study, the instruments or data collection tools were used to construct the variables that became the main reference for researchers in compiling a questionnaire. The methods used in data analysis are correlation analysis and regression analysis.

The data used in this study is cumulative data obtained from books, journals, and various other information originating from print and electronic media related to the research being carried out. Primary legal materials used in this study.

This research is research that discusses the legal protection of the rights of honorary teachers as an effort to realize the welfare of honorary teachers in Indonesia. The theoretical foundations related to this research are as follows:

The first research is research conducted by Nur-Iman in 2019 with the research title "Position and Legal Protection of Honorary Workers in Indonesia in Brebes Regency After the Enactment of Law No. 5 of 2014 Concerning State Civil Apparatuses"

The results of this study can describe the legal protection of honorary teachers in the Brebes Regency after the enactment of Law No. 5 of 2014 concerning State Civil Apparatuses.

The location used in this study was Caringin 5 Public Elementary School (SDN 5 Caringin) which is located in Jala Selaawi, Sukabumi Regency. Furthermore, the population in this study were all teachers at SDN 5 Caringin. The sample is part of the number and characteristics possessed by the population Sugiyono, 2008.

Concerning sampling techniques, it must be noted that the quality of the research is not always determined by the size of the sample, but by the solidity of the theoretical foundations, the research design (statistical assumptions), as well as the quality of the implementation and processing. Akdon & Hadi, 2005.

Based on this, the researcher made the entire population the research sample. Thus the researcher believes that the questionnaires given to the respondents can be filled out following the realities that exist in their respective schools and the research conducted can be truly representative.

### **3 Discussion and Analysis**

#### **3.1 Legal Protection of the Rights of Honorary Teachers in Indonesia**

A teacher is a profession that not everyone can do it. Teachers have a great responsibility in educating the nation's children. A developed nation is a nation whose education level is growing rapidly. Education is a very important factor in forming a nation's civilization.

There are two types of legal protection for the rights of honorary workers, namely the first is legal protection in carrying out their professional duties and the second is legal protection related to the issue of their rights to work as a teacher. Legal protection according to Law No. 5 of 2014

Law No. 5 of 2014 article 1 paragraph 4 of the State Civil Apparatus regarding the State Civil Apparatus and accompanied by the issuance of Government Regulation Number 49 of 2018 concerning PPPK Management Government regulation Number 49 of 2018 concerning PPPK Management that government officials are prohibited from appointing other types of employees other than PNS and PPPK and will receive sanctions for those who violate these rules. That way honorary workers who are still on duty at the time the training is held may still serve for 5 years and can be appointed to become a PPPK by fulfilling the requirements according to these regulations.

So that legal protection for honorary staff when carrying out their professional duties consists of acts of violence, discriminatory treatment, and unfair treatment. It should be noted that the teaching profession is a special field of work Legal protection in carrying out their professional duties using an agreement is called a government employee with a work agreement or PPPK. Honorary teachers using an agreement are called government employees so they have the rights as stated in the law. To differentiate government employees with work agreements (PPPK) and civil servants (PNS). PNS and PPPK employees have equal employment status, but what distinguishes PNS and PPPK is the pension salary they get.

Legal protection According to CST Kansal: "Legal protection is various legal remedies that must be provided by law enforcement officials to provide a sense of security, both mentally and physically from disturbances and various threats from any party".

CST Kansil, Introduction to Indonesian Law and Legal Studies, Balai Pustaka, Jakarta, 1989.

Legal protection according to Philips M. Haddon is: "Protection of dignity, as well as recognition of human rights possessed by legal subjects based on legal provisions of arbitrariness"

Philipus M. Hadjon, definition of legal protection, The implementation of Law Number 5 of 2014 concerning State Civil Apparatus affects the status and legal protection

of honorary workers because the law does not discuss honorary workers. The term honorary workers do not exist in Law No. 5 of 2014 and are replaced by government employees using contracts (PPPK).

But this creates an injustice for honorary workers who have worked for decades hoping that one day they can be appointed as civil servant candidates suddenly with the enactment of the new rules they will be abolished. The status and legal protection of honorary workers are important for their fate of honorary workers.

The form of welfare is the main point of the other two aspects, namely the awarding of honorariums. Honor is a means to meet the various needs of teachers, such as family, personal, and even training/participation in organizations to improve their quality. Honor is considered important because it is a form of motivation that will increase teacher professionalism, as explained that motivation is a process that produces individual intensity, direction, and persistence to achieve a goal, in this case, we can understand that the urgency of the policy of awarding honors to a teacher is a matter that needs to be decided wisely. Certification serves as an additional incentive and as a form of reward for professional educator certificates, while motivation is a form of a consequence of giving honorariums, the higher the honors received the higher the motivation of educators in carrying out their role. In other words, the higher the honorary welfare given to teachers, the higher the teacher's professionalism.

Stefania Seto and Juwita Merdja, *The Relationship of Salary Giving to Work Motivation and Professionalism of Honorary Teachers*, PEDGOGIKA, Vol. 11, 2020, p. 43.

### **3.2 The Existence of Honorary Teachers in Indonesia**

Honorary workers are non-permanent employees who are appointed by authorized supervisors and have the right to receive an honorarium. With the enactment of Law no. 43 of 1999 regarding the existence of formally recognized regional honorary employees. Honorary workers who have had more years of service should be a top priority for appointment as Candidates for Civil Servants. the increasing number of honorary workers exceeds the available formation vacancies, The government issued Government Regulation No. 48 concerning the Quiet Appointment of Honorary Employees to Become Prospective Civil Servants, which over time gives priority to hiring honorary workers who are of a higher age.

The existence of professional teachers as stated in Law Number 14 of 2005 is the field of "special work" which is carried out based on a calling and idealism, commitment, and academic qualifications following their fields.

Law Number 5 of 2014 Concerning State Civil Apparatus. but legal protection for honorary teachers is not regulated in the ASN law, it should be reaffirmed in regulation so that the position of the honorary teacher becomes stronger, if not, schools should not be allowed to appoint honorary teachers with legal protection, it must be equalized from workers in general so that honorary teachers in Indonesia get their rights. Coupled with the existence of Covid 19, it is very difficult for them to earn income because they are paid when they only teach in class, which will complicate life. With special legal protection for honorary teachers, they can guarantee the welfare of honorary teachers in Indonesia.

Society's view of teacher professionalism is growing, awareness has arisen within the community that there will be no quality education without the presence of a professional teacher, this mindset provides the presumption that there will be no professional teacher if there are no requirements for education, welfare, protection, and their guaranteed dignity. In this case, we can note that ideally a teacher. professionals are created by educational institutions, meaning that educational institutions can provide equal services to teachers along with the rights they should receive, as in the Teacher and Lecturer Law number 14 of 2005 it has been explained that in carrying out their professional duties.

Syaiful Sagala, *Professional Capabilities of Teachers and Education Personnel*, (Bandung: Alfabeta Publishers, 2013), p. 1. Teachers in carrying out their professional duties have many obligations and responsibilities that must be carried out and cared for properly, such as teaching, guiding, evaluating learning outcomes, preparing learning administration, and planning other activities related to learning, not only in the school environment, teachers also should not be isolated from the social development of society, because society is like the third parent after genetic parents and school.

Quarter Point Tutik, & Taranto, 2006, *Juridical Review of the Rights and Obligations of Educators According to the Teacher and Lecturer Law*. Jakarta: Library Achievements. The teacher's obligation according to the Teacher and Lecturer Law is to act objectively and non-discriminatively, as well as uphold norms and ethics, both for the teacher himself and his treatment of students. This forces teachers to be able to think innovatively and constructively in improving students both in terms of discipline and intellectuality, so do not be surprised if the teacher's patience is truly tested considering that students come from different backgrounds and environments.

### **3.3 Legal Protection of Teachers and Lecturers According to Law Number 14 of 2005**

The protection in question includes four things, namely legal protection, professional, occupational safety, and health or intellectual property rights. Legal protection includes protection from acts of violence, threats, discriminatory treatment, intimidation, or unfair treatment. Professional protection includes protection against termination of employment that is not following statutory provisions, giving unfair compensation, restrictions on expressing views, harassment of professionals, restrictions, or other restrictions that can hinder educators and education staff from carrying out their duties. legal protection according to law number 14 of 2005 concerning teachers and lecturers This law stipulates that the teaching profession is a special field of work carried out based on certain principles. These principles include having guaranteed legal protection in carrying out professional duties. the protection in question is intellectual property rights; obtaining a sense of security and assurance of safety in carrying out tasks; having the freedom to provide assessments and participate in determining graduation, awards, or sanctions for students by educational rules, teacher code of ethics, and laws and regulations.

Interview conducted with one of the teachers at SDN 5 Caring, Sukabumi Regency, to obtain information and responses as a teacher regarding the enactment of Law No. 5

of 2014 concerning the State Civil Apparatus that the government is prohibited from appointing other types of employees other than PNS and PPPK. The teacher is a professional educator who educates, and teaches science, as well as guides, trains, provides assessments, and evaluates students in the academic and non-academic fields. -his dream. The role of the teacher is so important because he devotes himself to teaching science, educating, directing.

In this case, the teacher does not only teach formal education but also other education and can become a role model for his students. From the results of these interviews, we can understand that the role of the teacher is very important in the process of creating a quality next generation, both intellectually and morally. According to the Law of the Republic of Indonesia Number 14 of 2005 concerning Teachers and Lecturers.

"Teachers are professional educators with the main task of educating, teaching, guiding, directing, training, assessing and evaluating students in early childhood education through formal education, basic education and secondary education"

The Teacher and Lecturer Law determine the qualifications of prospective teachers, namely graduates from the undergraduate program (S-1) or diploma program 4 (D-4). In addition, teachers must have competency certificates as formal proof of recognition of their competence and as learning agents. This certificate can be obtained after passing a competency test conducted by an accredited educational unit or certification body.

The legal protection for teachers, in the Teacher and Lecturer Law, is not mandated in the PP. However, given the various incidents that have happened to teachers, it is necessary to make separate provisions regarding the protection of teachers in carrying out their professional duties under Article 39 of the Teacher and Lecturer Law which includes legal protection, professional protection, and occupational safety and health protection. data from the Directorate General of Teachers and Education Personnel, until 2019, there were still 878,056 who were not certified educators, consisting of PNS teachers, non-PNS teachers, and permanent foundation teachers with 697,294 Bachelor qualifications and not yet S-1 (PNS) as many as 180,762 teachers. This means that there needs to be a policy breakthrough from the central and regional governments for the certification process and improving academic qualifications. Per the Teacher and Lecturer Law Article 13 paragraph (1) it is stated that the government and regional governments are obliged to provide a budget for improving academic qualifications and educator certification for teachers in positions appointed by education units organized by the government, local government, and the community. It needs to be re-stated in a government regulation regarding the obligations of the central and regional governments in allocating budgets for improving academic qualifications. The Teacher and Lecturer Law Article 13 paragraph (1) it is stated that the government and regional governments are obliged to provide a budget for improving academic qualifications and educator certification for teachers in positions appointed by education units organized by the government, local government, and the community. It needs to be re-stated in a government regulation regarding the obligations of the central and regional governments in allocating budgets for improving academic qualifications. The Teacher and Lecturer Law Article 13 paragraph (1) it is stated that the government and regional governments are obliged to provide a budget for improving academic qualifications and educator certification for teachers in positions appointed by education units organized

by the government, local government, and the community. It needs to be re-stated in a government regulation regarding the obligations of the central and regional governments in allocating budgets for improving academic qualifications. Agus Widiarto (1982). *General Administration and Management*. Jakarta: Ghalia Indonesia.

## 4 Conclusion

With the enactment of Law No. 5 of 2014. Regarding honorary workers not mentioned in the law, they were replaced with PPPK government employees. So that the protection of honorary teachers is very weak in Indonesia, honorary workers are experiencing difficulties in the economy coupled with the Covid 19 pandemic they cannot teach at school while their income is earned when they teach at school. This causes honorary teachers to have a weak legal position, so the rights to be obtained are uncertain because there are no laws governing them. Unlike ASN teachers, they have laws – special laws that regulate to guarantee their welfare.

## 5 Suggestion

Regarding the protection of honorary teachers, special regulations should be made so that their welfare can also be guaranteed, so that honorary teachers in schools appointed by officials who have the authority get justice and equal rights as teachers in general so that their welfare is guaranteed.

## 6 Authors' Contributions

**Table 1.** Authors' Contributions

Name	Author position	Science	Contribution
Siti Nurfaridah	First Author	Law	Collecting library data and preparing journal drafts
Ujang Badru Jaman S.H.,M.H	Last Author	Law	Director and final coordinator of the journal

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