




Legal Protection Strategy For Teachers Through Strengthening Regulations In The Regions

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Abstract. Teachers are heroes of education. However, in carrying out their profession teachers are often faced with legal incidents such as criminalization. This condition is certainly very risky in relation to strengthening the capacity and quality of education. The problem discussed in this article is strategies and efforts to provide legal protection for teachers by strengthening legal products and regulations in the regions. This research is part of normative juridical legal research, which utilizes secondary materials such as books, national and international legal publications and writings specifically discussing the issue of legal protection in educational concepts, which are then analyzed descriptively qualitatively to find the truth. The research results show that all teachers must be legally protected from all anomalies and arbitrary actions that could potentially happen to them, especially from irresponsible parties. This legal protection is a result of the actions of students, parents, society, bureaucracy and other parties. Legal protection that can be the substance or content of a Regional Regulation can be in the form of litigation advocacy and non-litigation advocacy carried out by each of the elements in question. Apart from that, regional regulations can contain substance, especially Teacher Governance, Curriculum Transformation by adding the value of local local wisdom which is strengthened juridically by Regional Regulations, further strengthening the existence of Teacher Protection Commissions in the regions and regional regulations can also form Teacher Friendly Schools. The importance of legal protection for teachers also needs to be accompanied by socialization of legal education for teaching staff. The aim is for teachers to know and understand, as well as carry out their rights and obligations, so that a legal awareness movement is formed towards teachers.

Keywords: Teachers, Legal Protection, Regional Regulations

1 Introduction

Education and quality of life are two variables where the relationship between the two is very strong in achieving human life goals. The relationship between the two is not only interpreted as cause and effect, but rather as a mutually determining relationship. This means that in achieving the life goals they aspire to, humans must improve and increase the quality of their life and generally this is determined by the educational aspect they have.

Public awareness of the importance of providing quality education is growing, in line with the strategic role of education in human life in a country. Because, through education, humans can strengthen their identity, shape their quality and integrity so that they become innovative and of course high-quality individuals, who are expected to bring change and progress to the nation. Bearing in mind the important role of education for the progress of society and individuals, responsibility for the provision of education is essentially not only a matter for the state, but also the responsibility of all parties as a component of state development. In fact, the local community is also expected to participate in managing education.

Meanwhile, the state is a large political organization and was formed by the people, of course it has a big responsibility in providing education for its citizens, in order to foster political democracy, and educated citizens are an essential requirement needed to advance the nation and state in the modern era. [1]

The obligation of the state to ensure high-quality education for all Indonesian citizens is clearly established in the introductory section of the 1945 Constitution, particularly in the fourth paragraph and Article 31. Paragraph 4 of the Constitution's preamble declares that the primary objective of the Indonesian state is to enhance the well-being of the nation. [2] Through this statement, efforts to make the nation's life smarter will be achieved through education. Then in Article 31 paragraph (1) of the 1945 Constitution it is stated that [3] "Every citizen has the right to receive education", and Article 31 paragraph (2) states that "The government seeks and implements a national teaching system which is regulated in a national teaching system".

Nevertheless, education is not devoid of problems and imperfections. Furthermore, the educational sector today faces intricate issues, both internally inside the education system and externally, which can impede the attainment of educational objectives. Problems with the education aspect in Indonesia are in third place out of 3 big problems that require serious government handling, namely [1] :

- a. National security of national life and development.
- b. Equitable welfare of the people.
- c. Education as a crucial component of human resource development.

Field data from the 2016 and 2017 United Nation Development Program (UNDP) states that there is a correlation between the complexity of education issues and the quality of human resources in Indonesia. In 2016, in the UNDP human development report, Indonesia was in 112th position among 174 countries in the 2015 human resources index report published by the World Economic Forum (WEF). Indonesia

currently ranks 69th out of 124 countries, even though 2 years ago Indonesia was still ranked 53rd. .

These data show that education problems have not received serious government attention. The educational problems in question are not only in the economic and social realm, but also in the legal realm. For example, educational problems in the socio-economic realm that occur are the lack of education budgets, then expensive education costs, as well as a lack of professional teachers and teaching staff, resulting in low teacher welfare and educational infrastructure, including education management.

Meanwhile, educational problems in the legal aspect include irregularities which can be categorized as ordinary violations or criminal acts, including criminalization of teachers. Regarding actions that are categorized as general crimes committed against teachers, for example, criminalization can be carried out by the education providers themselves and the wider community. Call it violence and various forms of pollution and insults. The author can simplify it, that the problems above explain that the world of education can also be related to various problems, both social, economic and legal, such as acts of violence.

Consequently, teachers strongly value this type of protection to ensure a feeling of safety and ease while performing their responsibilities and profession, particularly in shaping a successful generation in the future. Establishing patterns and tactics for ensuring legal protection is crucial for safeguarding the teaching profession. Additionally, it can have far-reaching effects in other areas, including economic growth, social welfare, and the fulfillment of teachers' human rights.

2 Methods

This study conducts normative legal research, focusing on legal principles, legal systematics, levels of vertical and horizontal synchronization, as well as comparative and legal history. This paper employs secondary sources, including books, national and international legal publications, and writings explicitly addressing the topic of legal protection in educational concepts, to conduct the legal analysis.

The acquired data was organized methodically in order to achieve a full overview, then analyzed utilizing descriptive analytical methods. The author presents a description and overview of the gathered data, followed by an analysis using relevant theories and principles. Subsequently, predictions are made and the implications are studied, leading to the formulation of conclusions. This data analysis provides a comprehensive and precise representation of facts and features, which are subsequently examined to uncover the truth. [4]

3 Findings and Analysis

Protection contains the meaning of protecting someone who is weak. Thus, legal protection can be interpreted as the government's efforts to guarantee legal certainty

and provide protection to citizens so that their rights are not violated. Black's Law Dictionary defines protection as the act of protecting, [5] which is generally translated as protecting something from dangerous things, which can be interests or objects (goods). Phillipus M. Hadjon emphasized that legal protection for the people is a preventive and repressive government action, aimed at preventing disputes from occurring, and directing actions to be careful in making decisions based on discretion, as well as repressive aimed at resolving disputes, by handling them through court. [6]

According to Article 1 paragraph (1) of Law Number 14 of 2005 about instructors and Lecturers, instructors are skilled educators whose primary responsibility is to educate, instruct, mentor, lead, train, assess, and evaluate students in early childhood education. Formal education encompasses primary and secondary education. When fulfilling their responsibilities and pursuing their career, a teacher encounters demands that consistently demand the enhancement of their professionalism. In the present day, the teaching profession is confronted with progressively intricate challenges, as society's viewpoint (including students) is shaped by teachings concerning legal safeguards for children, while the legal safeguards for the teaching profession do not receive substantial attention.

According to Article 39, paragraph (1) of Law no. 14 of 2005, the government, regional government, community, professional organizations, and/or educational units have a legal obligation to ensure the safety and well-being of teachers while they are performing their tasks. According to Article (2), "protection" mentioned in paragraph (1) encompasses legal protection, professional protection, and occupational safety and health protection.

Currently, there is a lack of technical and operational standards that govern the safeguarding of teachers, including specific legal protection measures in the sector. Consequently, instructors frequently find themselves in a vulnerable and precarious situation when confronted with legal cases.

Instructors are frequently accused of perpetrating violence against students, although it is worth noting that instructors themselves can also become victims of violence from kids and their parents. Evidently, there were teachers who were reported for breaching child protection regulations while administering disciplinary measures to children, such as physical aggression, verbal abuse, or engaging in inappropriate activities within the school premises, such as ordering students to perform push-ups.

Reflecting on the past, this was seen customary in the realm of education. However, this is no longer true as it is now deemed to be in violation of the Child Protection Law. Paradoxically, empirical evidence indicates that there exist educators who lack knowledge and comprehension of child safety legislation. They perceive such disciplinary measures as customary and believe that no infringements on rights have occurred. Previously, this sort of disciplinary consequence was not deemed to be a legal infringement. [7]

Currently teachers must be careful in giving disciplinary punishment to students and must be guided by school rules and regulations as well as Law Number 35 of 2014 which has later been changed to Law Number 16 of 2017 concerning Child Protection.

However, on the contrary, there are teachers who are victims of violence from students and their parents, and this does not fully receive a response and guarantee from the government or society.

Likewise with the economic violence they experience, where teachers as educational heroes receive less appreciation, both awards and welfare benefits, like those who teach in remote areas. Likewise, there are contract (honorary) teachers whose lives are very mediocre due to not receiving a decent salary from the government.

The author can analyze and explain that the phenomena experienced by teachers include:

1. Physical and psychological violence that arises as a result of incidents, for example parents or students who abuse them. So, the parties who violate and commit violence are from the community, which is then sometimes only resolved through deliberation where teachers do not receive full protection, just for reasons of protecting the image of teachers and the school. In fact, the violence experienced by teachers was only because they gave warnings to students who liked to play truant and even bullied other students.
2. Other violence experienced by teachers is caused by a lack of policies that protect teachers for their survival. For example, a contract teacher receives a salary below the Regional Minimum Wage (UMR). Of course, this cannot guarantee the future of himself and his family, even though his task is to shape character for the nation's children and impart knowledge for the progress of the country.
3. Teachers do not receive guarantees of legal protection when they are involved in problems violating norms. The guarantees in Law Number 14 of 2005 do not fully explain the issue of protection when teachers are criminalized.

Law Number 20 of 2003, which is designed to safeguard the National Education System, does not comprehensively address all types of deviations that may occur in the educational sphere, including the presence of teachers. Building upon the previous explanation, it is evident that certain educational irregularities have a legal consequence and jeopardize the execution of education. However, it is important to note that the current criminal law pertaining to educational matters is incomplete and lacks comprehensive regulation.

Given that education is the primary catalyst for the long-term progress of a nation, it is imperative to address the deviations within the education sector that enable legal violations and undermine the sustainability of the education system. To combat or reduce the criminalization of teachers as educators, the presence of legislation is essential.

Teachers often encounter a significant challenge when they must enforce disciplinary measures on students who break school rules and regulations. This can be perceived by parents and the community as a violation of human rights and laws related to child protection. This facilitates the public's ability to denounce the teacher's

activities to law authorities. Consequently, instructors find themselves frequently caught in a difficult situation and are at risk of being criminalized and feeling threatened.

The consequence of this predicament is that ultimately, educators become more lenient towards misbehaving kids who infringe upon school regulations. Ultimately, misbehaving kids will be left to their own devices, instead of burdening teachers with legal issues. The teacher's insufficient aggressiveness will lead to a decrease in their authority among students, who will progressively engage in rule-breaking behavior, under the assumption that they will not face any consequences. [8]

Therefore, according to the author, various legal policies which are a means of overcoming forms of deviation in the field of education, especially with regard to protection for teachers, need to be implemented in various ways, one of which is strengthening regional regulations.

Ensuring the safeguarding of the teaching profession is crucial, especially in terms of providing instructors with personal security while they fulfill their responsibilities. This protection extends to ensuring the safety of educators from any actions or behavior directed towards them by others while they are carrying out their professional duties. The objective of this safeguard is to guarantee the proper functioning of both the teaching profession and educational institutions, thereby preserving and potentially improving the quality of education in alignment with national development goals. The foundation for this safeguard is established in the 1945 Constitution and Law No. 39 of 1999 Article 3, paragraph (2) on Human Rights, which ensures that every person is entitled to acknowledgment, assurance, safeguarding, and fair legal handling, as well as legal definiteness and impartiality under the law. Teachers are entitled to protection while carrying out their tasks, as well as intellectual property rights.

Moreover, according to Article 39 of Law No. 14 of 2005, in the section regarding protection, it is mandated that multiple entities, such as the government, local authorities, communities, professional organizations, and educational institutions, have a duty to ensure the safety and well-being of teachers in their professional capacities. This protection includes legal safeguards, professional security measures, and workplace health and safety regulations. Legal protection is ensuring that teachers are shielded from acts of violence, threats, discriminatory conduct, intimidation, or unjust treatment by students, parents, communities, bureaucracies, or other entities. Professional protection encompasses measures to prevent unjust termination, guarantee equitable remuneration, and safeguard educators from constraints on their freedom of expression or instances of professional harassment. Occupational health and safety precautions are implemented to protect teachers from hazards such as workplace accidents, fires, natural catastrophes, and other potential risks to their well-being and safety throughout their work hours.

Based on the mandate of Article 39 of Law Number 14 of 2005 above, the realm of legal protection for teachers can be described, where the phrase legal protection in

question covers all dimensions related to efforts to realize legal certainty, health, security and comfort for teachers in carrying out their duties.

However, according to the author, through the existence of regulations and regional legal products, in this case Regional Regulations (hereinafter referred to as Regional Regulations), it is hoped that there will be concrete enforcement of these regulations in ensuring optimal protection for teachers through direct contact with regional governments that handle education problems in each area. region. In the Regional Regulation the main things that can be regulated are:

1. Teacher governance, including welfare adjusted to regional income. This means that when a region has an adequate budget, of course the thing that should be prioritized is providing allowances to educators, especially contract teachers and those in remote areas and special areas. This is related to the protection of teachers through improving welfare which can actually be regulated and implemented through the existence of regional regulations. The existence of adequate allowances indirectly has an effect on increasing teacher morale and has a real impact on their participation in developing students.
2. Curriculum Transformation. Nationally, the curriculum is regulated centrally (nationally) and applies comprehensively. However, it does not rule out the possibility that the curriculum that will be implemented contains the values of local regional wisdom, as long as it strengthens the capacity and character of students. As is commonly understood, each region has local characteristics and values which of course can be adapted into a school curriculum that can be implemented, in order to help realize the character and mastery of the nation's children regarding environmental issues.
3. Through regional regulations, the existence of Teacher Protection Commissions (KPG) in the regions can be strengthened, which can help provide services and protection for teachers from various aspects.
4. Regional regulations can also form and initiate not only child-friendly school programs but also teacher-friendly schools. The establishment of a teacher-friendly school program can encourage strengthening educational standards, especially in the aspect of educators and education personnel, which strengthens efforts to protect teachers. For example, this teacher-friendly school provides psychological or counseling services for teachers regarding the problems they face, so that solutions can be provided to the teacher's problems.

Through the existence of regional regulations, legal protection for teachers can include protection against acts of violence, threats, discriminatory treatment; including intimidation and unfair treatment. This legal protection is carried out in order to protect teachers from students, parents of students, society, bureaucracy, and other parties, who are related to carrying out their duties as teachers. Legal protection which can be the substance or content of a Regional Regulation can be in the form of:

- a. litigation advocacy; And
- b. non-litigation advocacy.

This litigation advocacy serves as legal assistance in resolving cases in court that teachers are facing. Meanwhile, non-litigation advocacy is a form of facility for resolving cases outside of court as well as in the form of legal consultation, mediation and the fulfillment and restoration of teachers' rights. Regional governments must of course provide legal protection for teachers in the form of non-litigation advocacy. The provision of legal protection to teachers by the Regional Government is carried out by the Regional Apparatus which carries out government affairs in the field of education

Apart from that, regional regulations can also strengthen professional teacher organizations so that they can provide legal protection for teachers in the form of litigation advocacy and non-litigation advocacy. Providing legal protection to teachers by professional teacher organizations is carried out by Special Legal Aid Institutions established in the regions. The author can detail that protection by the Regional Government can be carried out in the form of providing complaints, reporting and consultation services; and non-litigation advocacy. Meanwhile, protection by professional organizations is carried out in the form of:

1. formulation of a professional code of ethics;
2. providing complaint, reporting and consultation services; And
3. litigation and non-litigation advocacy.

One of these organizations is the Indonesian Teachers' Association (PGRI), which should be able to establish cooperative relationships with educational institutions and organizations operating in the field of education, including community organizations in order to improve the quality of education. [9] The existence of a professional teacher organization is a necessary necessity, to play a role in protecting and protecting even when teachers are considered unprofessional in carrying out their duties.

This professional organization must appear at the beginning in carrying out evaluation and verification. This is because professional organizations are more competent and understand and deepen the profession in question. Therefore, it should be able to foster and protect it by using a professional code of ethics approach, in which there are professional tools and to carry out these duties, namely the teacher's honorary council. [10]

Not only that, teacher protection that can be regulated through regional regulations can come from the Education Unit which can be done for example:

1. providing complaint, reporting and consultation services; as well as
2. Provide assistance with cases and problems experienced by teachers.

Meanwhile, teacher protection can be carried out by the community which can be expressed through regional regulations, such as submitting complaints, reporting and conducting consultations to the Regional Government through Regional Apparatus which carries out government affairs in the field of education; and provide assistance. Community responsibilities in implementing Teacher Protection can be in the form of:

1. prevent and minimize violence or threats of violence, intimidation and discriminatory treatment or other treatment that is detrimental to teachers as educators.
2. participate to realize community participation in implementing Teacher Protection.
3. receive complaints, carry out consultations and coordinate in organizing protection for teachers who are victims of violence or threats of violence or other treatment that is detrimental to teachers.

4 Conclusion

All teachers must be legally protected from all anomalies and arbitrary actions that could potentially happen to them, especially from irresponsible parties. This legal protection is a result of the actions of students, parents, society, bureaucracy and other parties. According to him, the existence of the Regional Regulation strengthens the existence of teachers in carrying out their professional duties, where the Regional Regulation contains substance to regulate the role of each party, be it the Regional Government, Community or Professional Organizations.

Legal protection that can be the substance or content of a Regional Regulation can be in the form of litigation advocacy and non-litigation advocacy carried out by each of the elements in question. Apart from that, regional regulations can contain substance, especially Teacher Governance, Curriculum Transformation by adding the value of local local wisdom which is strengthened juridically by Regional Regulations, further strengthening the existence of Teacher Protection Commissions (KPG) in the regions and regional regulations can also form Teacher-Friendly Schools.

The importance of legal protection for teachers also needs to be accompanied by socialization of legal education for teaching staff. The aim is for teachers to know and understand, as well as carry out their rights and obligations, so that a legal awareness movement is formed towards teachers. Because, on the one hand, teacher protection is the government's obligation, but on the other hand, teachers must also be able to strive for and realize their own protection.

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