

RECONSTRUCTION OF LEGAL PROTECTION FOR TEACHERS IN CONDUCTING EDUCATION IN INDONESIA

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Abstract

This research aims to analyze and reconstruct the legal protection for teachers in conducting education in Indonesia. The dynamic changes in the education system pose new challenges and complexities that affect the roles of teachers in shaping the future generation. The research findings indicate that despite the existence of several laws regulating legal protection for teachers, their implementation still faces constraints and obstacles. Therefore, a reconstruction within the legal framework is needed to ensure more effective and comprehensive protection for teachers. This reconstruction involves refining legislation, enhancing law enforcement mechanisms, and strengthening the roles of relevant institutions. Additionally, the research highlights the importance of showing greater appreciation for the role of teachers in educating and shaping the character of students. Thus, the reconstruction of legal protection for teachers is not only an effort to safeguard their rights but also a recognition of their contributions to creating a quality society through education.

Keywords: *Legal Protection, Teachers, Education*

1. INTRODUCTION

Education is a crucial means to realize the state's goal of advancing the nation. Quality education creates highly skilled human resources beneficial for Indonesia. Education is a fundamental pillar that plays a determining role in achieving national goals, as mandated by the 1945 Constitution of the Republic of Indonesia, also known as UUD 1945, aiming to enlighten the nation. It represents the state's investment in preparing the next generation to lead and advance the country (Chazawi, 2015).

Indonesia has established legislative regulations governing the education system through Law Number 20 of 2003 concerning the National Education System. One of the essential roles in achieving quality education in Indonesia is played by educators or

teachers with professionalism and competence, contributing to the nation's progress (Abdulkadir, 2014). Teachers have a crucial role in determining the success of a learning process through effective lesson plans, ease of application, and the teacher's own competence.

Teachers are tasked with providing education, meaning they pass on and develop the values that live within each student. The duties undertaken by teachers also imply their dedication to the nation by shaping lesson plans and conducting teaching activities. However, a pressing issue that requires special attention is the legal protection for teachers, who are the frontline in education (Ardi, 2013).

Various cases of criminal assaults against teachers resulting in injuries or even fatalities are still prevalent. Additionally, incidents of violence committed by parents or students against teachers are not uncommon. Another significant issue is when teachers discipline their students, often leading to complaints or accusations from students that may result in the teacher facing legal consequences (Praharafi, 2019).

The issue of legal protection for teachers in the provision of education has implications and consequences for their profession, as their responsibilities as educators are sometimes misused. Despite Article 14, paragraph 1, of Law Number 14 of 2005 concerning Teachers and Lecturers, which states that teachers have the right to protection while performing their duties and the right to intellectual property, this protection, in part, should be interpreted as legal protection (Harisman, 2020).

Currently, teachers, in addition to facing complaints as perpetrators of violence against their students, often become victims of violence from students and/or parents. Teachers are sometimes reported for violating children's protection rights when disciplining their students. This situation creates a dilemma for teachers, as their professional demands to discipline students clash with the need to uphold the children's protection rights, which are often manipulated to criminalize the teachers (Harun, 2016)

Therefore, a reconstruction of appropriate legal protection is needed to safeguard teachers in the implementation of education, considering the frequent criminalization of teachers.

2 RESEARCH METHOD

This research adopts a normative legal research methodological approach. This research aims to explore, analyze, and reconstruct the legal protection framework related to the role of teachers in the Indonesian education system. Through the normative approach, this research will delve into the normative aspects governing the rights and obligations of teachers, as well as the legal protection mechanisms available to them. An in-depth analysis of relevant legislation will be conducted to contribute to the reform and strengthening of the legal protection system for teachers and to promote the improvement of the quality of education in Indonesia.

3. RESULTS AND DISCUSSION

Legal Protection for Teachers

Teachers encounter complex challenges where they not only have to perform their duties as educators but also must ensure that their actions do not violate the rights of child protection. However, teachers, as educators, must also have protection when confronted with legal issues or criminalization while performing their duties. Currently, there is no specific implementing regulation that technically regulates legal protection efforts for teachers in organizing education (Idawati, 2016).

In Article 7, paragraph (1) letter h of Law Number 14 of 2005 concerning Teachers and Lecturers, it is stated that teachers must have legal protection guarantees in carrying out their professional duties. Then, Article 39 of Law Number 14 of 2005 concerning Teachers and Lecturers, is stated: (Komara, 2016)

1. The central and regional governments, society, professional organizations, and/or educational institutions must protect teachers in carrying out their duties.
2. This protection includes legal protection, professional protection, as well as safety and occupational health protection.

3. Legal protection includes protection against violence, threats, discriminatory actions, intimidation, or unjust acts by students, parents, the community, bureaucracy, or others.
4. Professional protection includes protection against Termination of Employment (PHK) that does not comply with legislation, providing unreasonable rewards, restricting opinions, derogatory actions against the profession, and limiting or prohibiting actions that could hinder teachers in carrying out their duties.
5. Safety and occupational health protection include protection against the risk of work security disturbances, work accidents, fires during working hours, natural disasters, environmental health, and/or other risks.

There is already protection for the teaching profession where Article 39 paragraphs 1 and 2 of Government Regulation Number 74 of 2008, teachers have the freedom to impose sanctions on students who violate religious norms, moral norms, decency norms, written or unwritten rules determined by teachers, rules at the unit education level, and legislation in the learning process under their authority. These sanctions take the form of verbal or written warnings and punishments that are educative according to educational principles, the teacher's code of ethics, and legislation. (Matnuh, 2017)

In Article 40 of Government Regulation Number 74 of 2008, teachers have the right to obtain protection in carrying out their duties in the form of a sense of security and safety guarantees from the government, educational institutions, teacher professional organizations, and/or specific communities according to their respective authorities. In Article 41 of Government Regulation Number 74 of 2008, teachers have the right to obtain legal protection from acts of violence, threats, discriminatory actions, intimidation, or unjust actions by students, parents, the community, bureaucracy, or other parties.

Causes of Weakness in Legal Protection for Teachers as Educational Organizers

The weakness of legal protection for teachers as educational organizers can affect the legal protection for teachers, including (Nawawi, 2019):

1. Legal Ambiguity

Some laws or regulations related to education may not be clear or explicit enough to provide legal protection to teachers. The ambiguity of rules can open the door to various interpretations and may leave teachers without adequate protection.

2. Power Imbalance with Other Parties

Teachers may face a power imbalance with other parties, such as students, parents, or even the school. If teachers lack sufficient support, they may find it difficult to defend their rights.

3. Conflicts Handling Uncertainty

The legal system may not provide effective mechanisms for handling conflicts or disputes involving teachers. This can make teachers feel unprotected when faced with challenging situations.

4. Uncertainty in School Discipline

A lack of clarity in school discipline policies can make teachers unsure about taking specific actions, and this can harm teachers if those actions are later deemed controversial or inappropriate.

5. Inequality of Access to Legal Resources

Teachers with limited resources may face difficulties in accessing legal assistance or obtaining adequate legal representation, increasing the risk of losses in legal cases.

6. Lack of Professional Support

Lack of support from colleagues, labor unions, or other parties that can provide assistance and protection to teachers can also be a factor causing weak legal protection.

Legal Reconstruction in Providing Legal Protection Renewal for Teachers

Legal reconstruction in providing renewal of legal protection for teachers is an important effort in accommodating changes in social dynamics, education, and the needs of teacher professionalism. This renewal not only covers aspects of legal protection for

teachers as individuals but also reflects their strategic role in shaping the character and future of the younger generation.

Legal reconstruction can involve refining regulations related to the rights and obligations of teachers. This includes ensuring teachers' rights to continuous education and training, as well as updates to ethical norms and professionalism. Additionally, there needs to be stronger legal measures to protect teachers from discriminatory actions, harassment, or threats they may face in carrying out their duties. In legal reconstruction, attention should be given to fair and appropriate incentives for teachers. This includes regulations related to career development, salary increases commensurate with expertise and experience, and other aspects that can enhance the motivation and well-being of teachers. By providing legal protection for teachers' economic rights, we can improve the quality of teaching and provide incentives for individuals to continue contributing to the field of education.

Legal reconstruction also needs to consider the safety and health aspects of teachers. Protection of the physical and mental health of teachers needs to be guaranteed, including the right to reasonable leave and facilities that support their well-being. This will help minimize the risks of stress and fatigue that can affect the performance and dedication of teachers in providing quality education. In the legal reconstruction of teacher protection, it is important to integrate principles of justice and diversity. Legal protection must be inclusive, covering various social, cultural, and gender contexts. Thus, the law can be an instrument that strengthens diversity and provides equal opportunities for all teachers, regardless of their background or identity.

By undertaking a holistic and progressive legal reconstruction of legal protection for teachers, we can create a conducive educational environment for the professional development and optimal contribution of teachers in shaping the future generation.

4. CONCLUSION

Legal reconstruction related to teacher protection is an essential step in supporting the sustainability and quality of the education system. Involving the refinement of regulations related to the rights and obligations of teachers, fair incentives, health

protection, and the integration of justice principles, these efforts aim to create an environment that supports the professional development of teachers and provides holistic protection for their rights and well-being. Thus, teachers can make their optimal contribution to shaping a resilient and quality generation, laying a solid foundation for the progress of education in the future.

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