

# Technology as a Means to Socialize Teacher's Rights as Professional Educator in Central Java

Maryanto<sup>1\*</sup> Pratama, Toebagus Galang Windi<sup>2</sup> Menarianti, Ika<sup>3</sup>

<sup>1</sup>*Faculty of Social Science, Sport and Recreation Education Universitas PGRI Semarang, Semarang, Indonesia*

<sup>2</sup>*Faculty of Law Universitas PGRI Semarang, Semarang, Indonesia*

<sup>3</sup>*Faculty of Mathematic, Natural Science And Technology Education Universitas PGRI Semarang, Semarang, Indonesia*

\*Corresponding author. Email: [maryanto\\_drs@yahoo.co.id](mailto:maryanto_drs@yahoo.co.id), [galangsnowfield@yahoo.co.id](mailto:galangsnowfield@yahoo.co.id), [kmmrt201086@gmail.com](mailto:kmmrt201086@gmail.com)

## ABSTRACT

Legal protection as mandated by Law No. 14 of 2005 concerning Teachers and Lecturers have not been able to protect teachers because when teachers are faced with Law No. 23 of 2002 concerning the Protection of Children as amended by Law No. 35 of 2014. Teachers who carry out "certain" actions in carrying out their duties as educators can be questioned legally if the action is considered to violate the provisions of the Child Protection Act as seen in the case-handling data from the Central Java Teachers' Association Consultation and Legal Aid Institute (LKBH PGRI), that shows that in the span of 2011 to 2016 there were quite a number of criminal cases involving the teacher as a defendant. It was noted that in Central Java, LKBH PGRI handled 11 cases with teachers as defendants and 1 case with the status of a suspect .

Based on this the main problem discussed in this articles are What Are The Weaknesses Of The Current Socialization of Teacher's Rights As Professional Educator In Central Java and How To Solve it. The research show that in addition to the need for immunity (legal immunity) rights regulated by Law, a media to socialize the regulation concerning Teacher as Professionals are needed. To overcome this, the need for socialization of the rights possessed by the teacher, Parents and the community is needed and among many ways, a socialization using the current technology can be a media solve it. That is an Electronic Law Consultation as a means to help teacher in facing law problem related to their profession as a teacher.

**Keywords:** *socialize, right, Teacher, Central Java*

## 1. INTRODUCTION

Teachers in their position as professional educators can perform their duties, obligations and responsibilities optimally for the creation of qualified human resources for the development of society, nation, and country so the teacher must obtain assurance and legal certainty to get his rights maximally. The weakness of legal protection given to teachers as reflected in Law No. 14 of 2005 Teachers and Lecturers, together with their Government Regulations, also bring further problems in the field.

The facts found in the field are in contrast to as described above, it show absolutely no legal protection for teachers as they should be. Adhering to case-handling data from the Central Java Teachers' Consultation and Legal Aid Institute (LKBH PGRI) obtained by the authors in the Pre-Research stage, within the period of 2011 to 2016 there are quite a number of criminal cases, civil cases, and even in Administration Cases. It was noted that in Central Java alone LKBH PGRI handled 11 cases with teachers as defendants and 1 case with suspect status, even being a convicted person.

The data obtained from the Institute of Consultation and Legal Aid (LKBH PGRI) is perceived by the authors as sufficient evidence of high criminalization of teachers, and even by the authors also indirectly indicate the lack of performance of the Teacher Association of Indonesia

(PGRI) as a professional organization of teachers in provide protection to teachers.

The high level of criminalization of teachers, namely the act of applying teachers to the criminal realm as exemplified by the author in addition to their condition of inability to afford a competent lawyer as it is expensive (Edita;2012) should be examined more deeply as in many cases of criminalization, not only from the lens of positive law alone, but also from the glasses of psychology, the science of studying the impact of someone being penalized affect deeply(Deborah;2018) because with penalizing a teacher in carrying out their professional duties would cause both physical and mental suffering which not only plagued the convicted teachers but also the families of the teachers themselves in terms of the economic capacity of the teachers' families which decreased plus the views of the surrounding community towards teachers who committed crimes whose effects could be seen even after the criminal term expires though. based on this the main problem discussed in this articles are :

1. What Are The Weaknesses Of The Current Socialization of Teacher's Rights As Professional Educator In Central Java?
2. How To Solve The Weaknesses Of The Current Socialization of Teacher's Rights As Professional Educator In Central Java?

## 2. METHOD OF RESEARCH

The Method of research used In this study is Juridical-Empirical using the constructivism paradigm, a paradigm that considers that legal science only deals with mere legislation. Law is something that must be applied, and is more likely not to question the value of justice and its use for the community. Legal studies and enforcement only revolve around what is right and what is not true, what is wrong and what is not wrong and other forms that are more prescriptive. The ultimate goal are to see what are the weaknesses of the current legal protection of teacher as professionals in central java and how to solve it.(Noorman;2009) This research approach is sociological juridical, meaning that the results of this study try to provide a comprehensive picture, deep and real research conducted on the real situation of the community or community environment with the intent and purpose of finding facts ( fact-finding) , which then towards problem identification and ultimately lead to problem solving .(Sutan;2009).

## 2. DISCUSSION

In Order to understand the Weaknesses Of The Current Legal Protection Of Teacher As Professionals In Central Java, the first thing that must be done is to analyze the framework of Teacher's Law Protection as Professionals as stated Law Number 14 Year 2005 regarding Teachers and Lecturers Chapter I, article 1 (1) that states "Teachers are professional educators with the main task of educating, evaluating, appraising". In paragraph (2) it is explained that "Professional is a work or activity undertaken by a person and becomes a living income source that requires expertise, skill or skill that meets certain quality or norm standards and requires professional education". From this Act, the derivatives are derived in the form of a Government Regulation.

In Government Regulation No. 74/2008 concerning Teachers governing the implementation of Law No. 14/2005 on Teachers and Lecturers, particularly Article 40 paragraph 1 states that "Teachers are entitled to protection in performing their duties in the form of security and safety of the government, Regions, educational units, professional organizations of teachers, and / or communities in accordance with their respective authorities.

It then states that "Teachers are entitled to legal protection from acts of violence, threats, discriminatory treatment or unfair treatment of learners, parents of learners, society, bureaucracy or other parties".

First, the teacher is a profession that in carrying out his work the teacher is entitled to protection. This means that as long as a person performs his or her job and in accordance with the standards of job implementation, the teaching profession must be legally protected. No single institution or an individual entity may and may intervene in its professional activities. As a profession, teachers have a quality standard of execution of their duties or called as a competence. Law Number 14 Year 2005 regarding Teachers and Lecturers article 10 paragraph (1)

stated that: "Teacher competence includes pedagogic, personality, social, and professional competence.

The above rules are Then clarified in Government Regulation No. 32 of 2013 jo Governmental Regulation number 19 of 2005 on National Education Standards. the law are Then technically poured in to Indonesia's ministry of education regulation (Permendiknas) No. 16 of 2007 on Teacher Qualification and Competency Standards. So in actuality the teacher as a profession has been protected in accordance with a proper law as mentioned above although its enforcement is yet proper (Cronbach, Lee J. 1977).

Secondly, the teacher is a human being-not just referring to their profession- means that in carrying out his activities always involves the soul (psychological, mental, spiritual) and body (body and all senses). Given that the work of teachers is not simple and that the object of his work is also a human who has a variety of emotional conditions, does not rule out the possibility of conflict between the subject and object (Rebecca;2016).

M. Saekan Muchith (2007) in Contextual Learning book provides another example that can examine the conditions that occur in different angles for an objective view such as the incident in Magelang, where elementary students are slapped by his teacher just because students interrupt the teacher talk that is giving the announcement of a magic show. In Tanjung pinang there are unscrupulous sports teachers that kick their students while learning for educational reasons. In South Sulawesi's Takalar District the teachers went on strike for the reason that one of the religious teachers at the school was in jail for six months because hitting their students. The strike action was intended as a protest action to prevent imprisoned religious teachers from being freed. (M. Saekan Muchith, Radicalism in Education, ADDIN, Vol. 10, No. 1, February 2016)

Teachers, on the one hand, their protection as professionals is still weak not only because of existing legal instruments but also from the teachers themselves, as can be seen in the example above. Therefore, it takes mutual understanding, mutual understanding, and of course emotional control, especially from the teacher as a human being more mature than learners as the goal of humanizing human education in a humane way so as to realize the order of mutual respect and appreciation. (Purwanto, M. Ngalim,1995.) In the standards of personality competence, teachers are required to have a mature person in action and mature in thinking. Likewise in the pedagogic competency standards teachers are required to understand the condition of each student.

From the above explanation, it is clear to distinguish teachers as professions and teachers as human beings. If we look at the case of maltreatment of teachers by parents of learners, we must study the chronology of the incident as a whole. Because the result must be objective. What the teacher does when reprimanding the learners by slapping, if it is true then the action is done already out of the rules of his profession. Law No. 14 Year 2005 on Teachers and Lecturers does not justify the existence of violence, either verbally or non verbally in the education process. If there is violence committed in educational units, one of the

threats is to revoke the school's operational license (I Gede Pantja Astawa, 2016) .

The Friction, However Should Not Have Happened in the first Place if the Socialization of the rights possessed by the teacher as Professional Educator is Known by the Teacher Him or her self, Parents and the community as our country abide the principle of Legal Fiction. (Russel;2016)

Legal fiction is a principle which assumes that everyone knows the law (Presumptio Iures De Iure). Everyone is considered to know the law, including farmers who do not pass elementary school, or residents who live in the interior. In Latin also known as Ignorantia Jurist Non Excusat Adagium, or legal ignorance cannot be forgiven.(Saekan;2016) A person cannot avoid legal entanglement by arguing that he has not or is not aware of certain laws and regulations(Jessica;2016).

Legal fiction actually has consequences for the Government. Every government apparatus is obliged to convey certain laws or regulations to the public. If people who are not legal literate are then dragged to court even though he really does not know the law, state administrators should also feel guilty. and in order to avoid that, the government are obliged to spread every legislative product to the community as set forth by the President in Presidential Regulation No. 1 of 2007 concerning Ratification, Enactment and Dissemination of Legislation Regulations although, concerning how big Indonesia is, Socializing te Regulation isnt an easy task as atang ( Atang;2015) stated that there are still many problem as Indonesia's Understanding of Law is still lacking as it is caused by the following problem :

- 1) Not knowing about legal requirements and lack of law understanding.
- 2) Tends to be less respectful in trusting the ongoing law enforcement process.
- 3) Integrity and moral factor is low.
- 4) Factors of facilities and infrastructure are still not adequate.

Based on the problems above, the needs to socialize the regulation can be done with the help of the civillians and among many ways, a socialization using the current technology can be a media solve it, That is an Electronic Law Consultation as a means to help teacher in facing law problem related to their profession as a teacher.

An application of legal assistance basically is not something new. Community needs due to their high mobility so that when facing legal problems it is difficult to make time to meet lawyers as the basis for making an Android-based application in collaboration with Renggali Visi Berjaya (RVB) and the Indonesian Procurement Lawyers Association (APPI) called Halo Lawyer (<http://www.tribunnews.com/techno/2017/01/31/halo-lawyer-aplikasi-baru-untuk-konsultasi-hukum-hadir-di-smartphone/4/11/2017>) this application is basically a chat or messaging application , which is an application of textual interaction with lawyers or advocates relating to legal matters. Unlike Halo Lawyer, the Electronic Law Consult application prioritizes technology in its own sense,

are exclusive for Teacher as Professional Educator and only in Central Java.

This application, intended for use in Android-Based System because Today's society is inseparable from Android technology. This device is different from a computer or laptop, it is far more portable because telecommunication devices based on Android or better known as this smartphone are more portable, with the same functions and even more than a laptop or computer (such as sending short message service, calling) and one the most unique thing about this smartphone is the application system or App, which is the software installed on the smartphone.Unlike the software installed on computer devices, the App is installed on a Smartphone which in terms of specifications under computer devices generally makes the system App simpler. This is coupled with the vast number of smartphone users because the prices are cheaper and more portable than laptops or computers as can be seen from the data released by the Indonesian Internet Network Organizing Association (APJII) where the number of smartphone users in Indonesia in October 2016 alone reached 132.7 million people, of the total Indonesian population of 256.2 million so it can be concluded that more than half or exactly 51.8 percent of Indonesia's population are Smartphone users. (<http://tekno.kompas.com/read/2016/10/24/15064727/2016.pengguna.internet.di.indonesia.capai.132.juta> / 4/11/2017).

Seeing the potential above, it is not impossible if this tool can be used as a medium to provide information to the public about the law. The media in question is Electronic Law Consult Application which is an android-based legal consultation application that was developed to answer the needs of community mobility in law so that with this application it is expected that the community can know the law well.

#### **4. CONCLUSION**

Based on the results of the above discussion it can be concluded that the Teacher's Right as Professional Educator in the eyes of law are the protection of law as mandated by Law no. 14 Year 2005 Teachers and Lecturers have not been able to protect teachers when teachers are faced with Law no. 23 of 2002 on Child Protection as amended by Act no. 35. 2014. Teachers who take "certain" physical actions in their duties as educators on their students may be legally questioned if they are judged to violate the provisions of the Child Protection Act. Not a few teachers have to deal with the police, face trial in court or even incarcerated.

To overcome this, in addition to the need for immunity (legal immunity) rights regulated by Law, a media to socialize the regulation concerning Teacher as Professionals are needed. To overcome this, the need for socialization of the rights possessed by the teacher, Parents and the community is needed and among many ways, a socialization using the current technology can be a media solve it. That is an Electronic Law Consultation as a means to help teacher in facing law problem related to

their profession as a teacher in Central Java and eventually, in Indonesia.

## REFERENCES

- [1] Atang Hermawan Usman, Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia, *Jurnal Wawasan Hukum*, Vol. 30 No. 1 Februari 2014
- [2] Atmadja, Edi, Artikel, Hukum Sebagai Sarana Rekayasa Sosial, *Radar Lampung*, 30 Mei 2012.
- [3] Arthur Rionaldi,(2014), *Journal, Juridical review On violence perpetrated by teachers against students at school*, Atma Jaya University, Yogyakarta.
- [4] Australian Capital Territory, (2008), *Teacher's Code Of Professional Practice*.
- [5] Barton, KC, & Levstik, LS (2004) *Teaching history for the common good* Mahwah, NJ: Erlbaum
- [6] Cronbach, Lee J. (1977), *Educational psychology*, John Wiley & Sons, Chicago.
- [7] Deborah L. Rhode, Kevin Paton, Anna Porto,(2016), *Access to Justice Through Limited Legal Assistance*, *Northwestern Journal of Human Rights* Vol 16, Issue 1, Article 1 Year 2018, Page1-21.
- [8] Edita Gruodytė, Stefan Kirchner ,(2012), *Pro Bono Work Vs. Legal Aid: Approaches To Ensuring Access To Justice And The Social Responsibility Of The Attorney*, *Baltic Journal Of Law & Politics*, Volume 5, Number 2.
- [9] Herskovits, Melville J.,(1996), "Organisasi Sosial: Struktur Masyarakat.", *Pokok-Pokok Antropologi Budaya (Ed.T.O.)* Ihromi. Jakarta: Yayasan Obor Indonesia.
- [10] <http://regional.kompas.com/read/2016/08/11/10493651/orangtua.dan.murid.yang.pukul.guru.di.makassar.jadi.tersangka>
- [11] I Gede Pantja Astawa,(2016), *Law Enforcement Responsibilities in the Law Enforcement System to respond to the public. Justice seekers (An Academic Review)*, *Rakernas IKADIN*, May 2016, Bandung
- [12] Jessica K. Steinberg, (2011), *In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services*, *Georgetown Journal on Poverty Law & Policy* Volume XVIII, Number 3, Symposium Issue 2011, Page 453-505.
- [13] Sapto Budoyo, Jawde Hafidz, Gunarto. *Desperate needs of teacher's law protection as a professional educator in Indonesia*, *International Journal of Multidisciplinary Research and Development*, Vol 4 Issue 7, Page 191-195.
- [14] Saekan muchith, (2016), *Radikalisme dalam Dunia Pendidikan*, *ADDIN*, Vol. 10, No. 1, Februari 2016
- [15] Sharon Cook & Joel Westheimer. (2006), *Introduction: Democracy and Education*. *Canadian Journal of Education*, Vol. 29, No. 2, pp. 347-358.
- [16] Siswandari and Susilaningsih,(2013), *Impact of Teacher's Certification on Improving the Quality of Student Learning*, *Education and Culture Journal* Vol 19 Number 4. December 2013.
- [17] Stephan R. E. Klein, (2009). *Teaching History in the Netherlands: Teachers' Experiences of Plurality of Perspectives* Leiden University, Netherlands
- [18] Rebecca L. Sandefur,(2016) *What We Know and Need to Know About the Legal Needs of the Public*, *South Carolina Law Review*, Volume 67, Issue 2, Page 443-460.
- [19] Russell Engler,(2016), *And Justice For All— Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators, and Clerks*, *Fordham Law Review*, Vol 67, Issue 5, Article 14, Page 1987-2070.
- [20] Washington, E. Y., Clark, M.A. and Dixon, A.L.. (2008). *Journal, Everyone in School Should Be Involved Preservice Counselors' Perceptions of Democracy and the Connections Between Character Education and Democratic Citizenship Education*. *Journal of Research in Character Education*, 6(2), pp. 63–80.
- [21] Wicaksono, Budi. 2011. "Konteks Sosial pada Pembelajaran Glosarium" *Jurnal Pendidikan* No.05/Th.IV/ S 2011 September Hal. 16-32.