

# The Urgency of Establishing Institutions as a Model for the Development of Teacher Protection

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***Abstract.* Teachers, as one of the most influential figures in education, still do not get proper protection, especially legal protection. The results of previous studies reveal that overcoming this problem still requires the presence of regulatory policies at the local level that accommodates the importance of establishing institutions that are designated as the Legal Services and Teacher Protection Unit (UPHPG). The institutions are expected to be a model for the development of equitable teacher protection. The current study reveals the problem of how the construction of the formation of the UPHPG is regulated in regional policies for the realization of equitable teacher protection. Through the socio-legal research method, it was discovered that the formation of the UPHPG needs to be formulated integrally by involving various parties, including Government Agencies, related Institutions, and Community Institutions engaged in the field of Teacher Protection and Child Protection. Furthermore, laying out the roles of each party and involving the role of accredited Legal Aid Institutions are also essential to provide free legal assistance to the community.**

***Keywords:* teacher protection, legal aid, justice**

## INTRODUCTION

Justice can be understood as attitude and character [1]. This view is in line with the value of social justice for all Indonesian people. Equality in justice is interpreted as equal rights [2]. Hart believes that equality and inequality are general principles of justice in law [3]. Thomas Aquinas argues about justice from his view of what is appropriate for others according to a proportional similarity (*aliquid opus adaequatum alteri secundum aliquem aliquem aequalitatis modum*) [1].

In the Modern Era, John Borden Rawls was considered to have an important role in developing the

concept of justice. His opinion that justice can only be upheld if the state implements the principle of justice, in the form of everyone should have the same right to get basic freedoms (*basic liberties*); [1].

Related to the fulfillment of the right to justice for its citizens, the government certainly has an obligation in exercising its authority so that every policy and its implementation steps can always create equality for the fulfillment of justice, as well as in the implementation of the educational process involving school administrators, teachers, and students. In the implementation of the education process, schools should be a second home for students, so that teachers act as parents for their students in the school environment. However, there are still various problems in school between teachers and students. In responding to this phenomenon, teachers need to undergo legal proceedings because they are reported to have committed violence against their students. In fact, the teachers merely take disciplinary action against their students due to students' behavior that is considered to violate school discipline and ethics [4].

Although Laws and Government Regulations have been regulated regarding Teacher Protection, substantively, these regulations have not been able to provide comprehensive legal protection to teachers, so that the presence of Regional Policy as a legal umbrella for local governments in taking legal protection policy steps towards teachers becomes urgent [5]. The substance of the regional regulation on teacher protection is expected to be able to accommodate the values and ideals of the law contained in the principles of law concerning legal certainty, can benefit regional governments, the public, and the private sector, and can provide a sense of justice that holds true, not hard one-sided, impartial, and not arbitrary, where based on discussions built with several stakeholders including teachers; it is expected that in the regional policy, the Regional Government should form an institution that can become a vehicle for realizing justice in solving the problems of teachers and students in carrying out the process of education which is tested by the researcher

as the Legal Service and Teacher Protection Unit or abbreviated as UHPG [5].

The current study aims at investigating how the UHPG was constructed in regional policies, especially the involvement of several roles of the government, relevant agencies, Community Institutions, and the urgency of the Legal Aid Institution in UHPG institutions that were newly formed in Pontianak City yet have not been formed in other districts/cities in Indonesia.

### **METHOD**

The research method used is juridical-sociological, intended to understand the relationship or the relationship between legal phenomena with the community. Law is not only seen as a normative intensity that is independent or isoteric, but rather as a real part of the social system relating to social, cultural, and other variables. Through this method, it is expected to find hidden meanings behind the subject under the study, so that they can reveal the secrets of something by collecting information in a reasonable state, using systematic, directed, and accountable work methods. Not only recording things that appear explicitly but also look at the whole phenomenon that occurs.

### **RESULT & DISCUSSION**

#### **1. UHPG as an Institution to Realize the Protection of Teachers**

The criminalization of teachers and violence in schools is a crucial problem, so it needs to be developed to handle, even though the implementation of policies by educators is a challenging and complicated process [6]. Empirical facts, the reason why teachers face the criminalization, because of the perception when a student experiences violence, is considered as negligence of the teacher because the school should be a place to protect students [7]. Protection for teachers in educating is critical so as not to be convicted. Therefore the form of violence against teachers committed by students or their parents becomes a form of a declining moral shift in society [8]. Teachers are required to get legal protection from all anomalies that have the potential to affect teachers, both those done by parents and students, including bureaucratic apparatuses [9].

Satjipto Rahardjo. Promoting legal protection is to protect human rights that have been harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law. Law is needed for those who are weak and not yet strong

socially, economically, and politically to obtain social justice [8].

Previous research claimed that to take implementation steps to provide legal protection to teachers in carrying out their professional duties to avoid all forms of threats and acts of violence, it is necessary to stipulate a Regional Policy which in the formulation of norms/substance regulates among them that legal protection of teachers is carried out when subjected to acts of violence, threats, discriminatory treatment, intimidation, or unfair treatment on the part of students, parents of students, the community, government, or other parties. The legal protection referred to is provided in the form of access to obtain legal consultation and legal assistance both inside and outside the court. As a form of concretization of legal protection for teachers and as an implementation measure for teacher protection, in the regional policy, it is vital to formulate the implementation of legal protection for teachers through establishing a Legal Service and Teacher Protection Unit (UHPG) which has not been available yet [10].

Efforts to meet the aspirations of the community should be in line with the changes experienced by the community because the application of regional regulations cannot be separated from the services provided to the community. Regional regulations cannot work according to their own measurements and considerations, but rather require a driving force. The implementation of the Regional Regulation requires implementing instruments in accordance with its function.

UHPG can be said as a form/container of an organization that can be used as a model in providing legal protection to teachers, where the container/organization consists of representatives from the Regional Government, the Office that handles Education and Culture and the Office that handles Child Protection, Teacher Professional Organizations, Education Unit, Academics, and Community Institutions engaged in legal aid.

UHPG is a coordinating institution that can be given tasks and roles, including communicating through counseling and outreach activities, coordinating efforts to prevent and handle acts of violence, threats, discriminatory treatment, intimidation, or unfair treatment on the part of students, parents of students, the community, the government, or other parties against teachers, as well as acts of violence from teachers against their students; and persuasive efforts in the form of providing legal consulting services to teachers; provide legal assistance services both inside and outside the court to teachers, and monitoring the progress of implementing legal protection for teachers, and carrying out reports and evaluation. Therefore, the involvement of the role

of the Legal Aid Institute in the formation of UPHPG becomes urgent.

## **2. The Urgency of Involving the Role of Legal Institutions in the Formation of UPHPG**

Teacher protection through the UPHPG forum, which is regulated through regional policies in the form of Regional Regulations and further regulated in the Mayor/Regent Regulations, is expected to realize equitable teacher protection. The value of justice here is how the normalization and substance of Teacher Protection puts forward the value of equality for everyone, that in the mechanism of realizing legal services and teacher protection, everyone is treated equally, including teachers, parents/families of students, and the community by building mechanisms and flow of handling existing problem between students and teachers, how their forms and instances are referred and resolved through UPHPG units or institutions with the same treatment without seeing and distinguishing their educational status, economic status and/or other social status so that UPHPG can become a forum for problem-solving by promoting the value of justice

The construction of UPHPG institutional formation is integrally important to involve various parties, and it is very urgent to involve the role of legal aid institutions in it. The reason for the importance of involving the legal aid organization was based on Soerjono Soekanto's opinion that legal assistance, in essence, means legal assistance provided by experts for citizens who need to realize their rights and also obtain reasonable legal protection [11].

Fulfilling the community's right to legal assistance is a state obligation. This is a logical consequence and recognition of the state which is recognized as a constitutional right, that "All citizens are at the same position before the law and government, so they are obliged to uphold the law and government without any exception" [11].

Legal aid, as formulated in Law Number 16 of 2011 concerning Legal Aid, is a legal service provided by legal aid providers for free to legal aid recipients who are dealing with the law. Organizing the provision of legal assistance provided to beneficiaries [12] law is an effort to realize the rights of the constitution and at the same time as the implementation of the rule of law that recognizes, protects, and guarantees citizens' rights to the need for access to justice and equality before the law [11]. The provision of legal assistance can be carried out, starting from legal consultation to legal assistance in the court. Frans Hendra Winarta stated that legal aid is a legal service specifically provided to the poor who need free defense, both outside and inside the court, from the aspect of criminal law, civil law, and state administration, from

someone who understands the ins and outs defense of the law, principles and legal norms, and human rights [12].

Adnan Buyung Nasution [12], revealed that legal aid is specifically for low-income groups, and the size and criteria of poverty to date remain a difficult problem to solve, not only for developing countries but also for developed countries.

Likewise, when teachers face problems in carrying out their professional duties as educators, then based on the reality and the results of previous studies, there is no mechanism in handling the formation of UPHPG, which is an institution can integrally make efforts to handle it starting from non-penal policies such as prevention efforts, services consultation and mediation to the service and provision of legal assistance is very important. However, further study is needed regarding the provision of legal assistance to teachers as referred to in the Law on Legal Assistance, how to perceive the provision of free legal assistance to the poor, when the recipients of legal assistance are teachers who are facing legal problems because the question is whether the teacher is a category of poor people. In reality, there are also honorary teachers whose income is still far from the minimum wage standard.

This research does require further research to discuss this matter, but the researcher revealed that the provision of legal assistance to teachers who are dealing with the problem of teacher criminalization requires legal assistance services, where it is important to formulate a mechanism and process of service integrally in an Institution under the supervision with the establishment of the Legal Services and Teacher Protection Unit (UPHPG) which involves several roles of the Government and Community Institutions, including the Legal Aid Institution. The involvement of the legal aid organization still requires a clear legal construction by synergizing it with the provisions that have been accommodated in the Legal Aid Law, where legal assistance can be provided free of charge to the poor by legal aid providers that have been verified by the state.

Therefore, researchers will deepen the results of this study related to how the synergy involved the role of legal aid institutions in providing legal services and teacher protection, which is the development of equitable teacher protection models.

## **CONCLUSION**

That regional policy arrangements that accommodate the formation of legal service units and teacher protection need to be formulated with the philosophy of the importance of establishing UPHPG to formulate processes and mechanisms for handling

problems faced by teachers in carrying out their profession as educators. The formulation of the importance of forming the UPHPG by building philosophy as a forum that can provide justice for the parties and followed by the value of certainty and benefit to the community. Besides, it is also necessary to formulate which parties need to be involved in carrying out the problem-solving mechanism through this UPHPG by placing the roles and functions of each party.

The Legal Services and Teacher Protection units formulated in regional policies both in Regional Regulations and further regulations formulated in the Mayor Regent Regulations must put the role of each party and their handling mechanism prioritizing the principle of equality, not differentiating the status of the teacher either from the educational status, the economy, social and another status so that they can be a forum to provide teacher protection.

The construction that needs to be built in UPHPG to realize equitable teacher protection is the importance of involving the role of legal aid institutions in synergy with other stakeholders formulated in a working mechanism providing services and legal protection to teachers integrally. Therefore, in its formulation, it still requires harmonization and synchronization with related laws and regulations.

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