

Characteristics of Crime in Education

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Abstract— The essence of education is a process of mental development, so that people are educated not only has the intellectual prowess but also commendable morals. In fact the purpose of education is not realized, for their criminal acts in the implementation process of learning. Combating crime in education can be anticipated if the characteristics of the crime act has been understood. Problems in this research relates to the characters of criminal act in education. This research is a descriptive research that describes the characteristics of a criminal act in education. This research may also be classified as a research library, as an object of research in the form of legislation, news from the mass media, books and journals relating to criminal acts in education. The data collected were analyzed inductively and deductively. The result shows that the criminal acts occurred during the learning process and carried out by those involved in teaching and learning can be classified as a crime in education. Crime in education can be shaped violations of the Penal Code and can be shaped violations of law rules outside the Criminal Code which regulates the criminal.

Keywords— *education, criminal acts in education, teaching and learning, characteristics, the aim of education.*

I. INTRODUCTION

Education is the primary means for shaping the character of the nation and achieving prosperity. The purpose of education is not only to change human character but also to add knowledge and skills. That is, education strives to make humans as perfect human beings. In Indonesia, the purpose of education is regulated in Article 1 paragraph (1) of Law No. 20 /2003 concerning, The National Education System: "Education as a concerted effort to create an atmosphere of learning and the learning process so that learners are actively developing her potential, so has the spiritual power of religion, self-control, personality, intelligence, character, and skills required by himself, society, nation and country ". The National Education System Law stipulates that education is indeed a deliberate action to transform humans into noble human beings, who behave well and are able to engage in activities to fulfill their needs.[1] The most important aspect of education is that of Human Rights. Art. 26 of the Universal Declaration of Human Rights (UDHR, 1948) recognizes the importance of education in strengthening respect for Human Rights and fundamental freedoms. [2] Education is internationally recognized as a fundamental right. At the national level, a constitutional commitment to education matters both symbolically and practically.[3]

Education can be implemented through three ways, (1) formal, (2) non formal, and (3) informal. These three ways of education are complement each other. The types of

education in Indonesia include: (1) general, (2) vocational, (3) academic, (4) professional, (5) religious, and (6) special. It is regulated in Article 13 through Article 16 of Law on National Education System is essentially as follows : (1) Formal education has a primary education, secondary and higher. (2) Non-formal education is organized educational pathways for communities in the need of educational services for alteris, amendis or supplement formal education, which serves to develop the potential of learners focussing on mastery of knowledge and skills and the development of professional attitude and personality. (3) Education is formal activities carried out by families and shaped by environmental learning activities independently.

In conclusion, education can prevent any irregularities or violations of the norms that exist in society, given the truth, honesty and justice becomes the main pillar of education. Violations, crimes, abuse of human dignity are rampant because honesty is ignored.

In fact the noble goal of education is difficult to achieve, many obstacles encountered, both in terms of educators, learners, managers of educational institutions, the public and the government has not whole heartedly addressing the implementation of education. Many events are not supposed to happen in education, such as the time of the national exam cheating, prosecution during the orientation of new students, cheating when a new student, diploma fake all of this illustrates the tangled world of education. This study aims to analyze the Characteristics Education's Crime, with the hope the results can be used as a material planning consideration preventive and repressive efforts in tackling crime in education. This is done because education is the primary means to achieve well-being and personality of the nation as a destination country.

II. RESEARCH METHODS

This research is descriptive study, which describes the characteristic of educational crime. Research data obtained through literature study. The Object of research includes the crime of education which was reported through mass media during the period from 2010 to 2015 in Indonesia. Research problems are examined using concept approaches, legislative approaches, and case approaches.

The concept approach is used to examine the meaning of the crime of education, so that its characteristics can be found. The legislative approach is used to examine the characteristics of educational crime that already have arrangements. While the case approach is used to identify criminal acts of education that have occurred as an analytical material in finding the characteristics of educational crime.

The data in this research are secondary data. Secondary data includes primary legal and secondary legal materials. Primary legal materials consists of legislation that regulates criminal acts of education. Whereas secondary legal materials include literature, journals, papers, and mass media news relating to criminal acts of education. The research materials collected were studied, their essence was taken and recorded using a card system. There are two card forms, namely a quote card and bibliographic card that function as follows: (1) Card quotation serves to record the data and the source (the author's name, title of the book / article, publisher, date of publication and pages cited). (2) Card function bibliographic record source readings were read, so make it easier to draw up a list of libraries

Data already collected and searched relation to one another by using deductive and inductive reasoning so as to produce a description of the characteristics of crime in education.

III. RESULT AND DISCUSSION

Crime “is an action that is against one of the public sanctions of any society. A criminal is a person that commits an action that is against formal regulations of a country.[4] Criminal acts in the field of education are criminal acts that interfere with the teaching and learning process. Search results on various media in the period 2010 to 2015, found several crimes related to education. The offense will be described in Table 1 below.

TABLE I. OFFENSE IN EDUCATION IN THE MASS MEDIA IN 2010-2015

Type of Criminal	Headline News And Media Resources
Forgery diploma	<ul style="list-style-type: none"> a. 500 government employees use a fake diploma to the requirements of the promotion (Tempo, Indonesian Local Media, 24 of June 2015) b. Rector College using fake doctorate from the Berkley (Tempo, Indonesian Local Media, 21 of March 2015) c. Using a fake diplomcandidates in local elections (Tempo, Indonesian Local Media, 3 of March 2015)
Plagiarism, Means the act of presenting some one else’s some one else’s work or idea as one’s own without appropriate attribution/ac know- ledgmen[5]	<ul style="list-style-type: none"> a. Professor of one of the universities in Indonesia plagiarized a book entitled “Maritime History” by Joko Pramono (Indonesian Local TV Channel August 2011) b. Some lecturers guilty of plagiarism so demoted (Kompas, Indonesian Local News Paper, March 2012) c. Lecturer suspended because he plagi arized thesis of his student (Sindo, Indonesian Local News Paper, 7 of February 2014)
Persecution/ bullying Bullying involves repeated assaults of a less powerful presecuted individual by	<ul style="list-style-type: none"> a. Teachers persecuted his student (Local TV Channel, August 2015) b. A student is presecuted by his friend because he wouldn’t tell the answer when the test take place (Local TV Channel, Oktober 2014) c. A student suffered a broken bone be cause his teacher kicked when he was late for school (Tempo, Indonesian Local Media 28 of March 2010)

Type of Criminal	Headline News And Media Resources
a more powerful individual or group with the intention of causing distress/ harm [6] [7] [8]	d. In a dissertation study, Mourssialfash (2014) examined the relationship between workplace bullying and organizational justice among faculty and staff at a university in the Midwest. Based on data from 786 respondents, 35% confirmed that they had been bullied, with females reporting the highest incidence rate Thomas (2005), in a study on bullying at a large university in the United Kingdom, found that 45% of support staff employees reported being bullied and 40% witnessed colleagues being bullied. In line with these prevalence rates, Mc Kay et al. 2008 reported that nearly half of college faculty experience bullying in the work setting lasting more than 3 years.[9]
Teachers who do not Discipline	<ul style="list-style-type: none"> a. 30 parents of students rallied demand ding some teachers to be more disciplined (Kompas Indonesian Local News Paper 13 of March 2015) b. Students disappointed because many empty hours during lectures (Antara, Indonesian News Agency 31 of May, 2015)
Extortion	Some student falsifying grades (Kompas, Indonesian Local Media 12 of December 2014)

The offense in the field of education occurs because of the education experienced a shift in its intrinsic value. The value shift occurs because the current educational process prioritizes knowledge rather than morality. This problem is a serious thing considering education is a bridge to a prosperous and moral nation. Quoting the statement of former Indonesian President Soesilo Bambang Yudhoyono during the one day discussion in jogyakarta on May 1, 2007 stated that: "a great nation is a nation that is able to realize a big dream, that realization requires a number of conditions. One of the bridges that needs serious attention is education ". This statement asserts that the process of education is urgently needed to prevent criminal acts, that will ultimately prosper the people.

If the criminal offenses related to education above are analyzed, the characteristics of the criminal act of education are found. The result of the analysis show that the crime of education is a criminal act that is closely related to the learning process. The criminal act of education has always shows that the perpetrator has a relationship with the field of education, the scope of the criminal act must be related to learning activities which include preparation, namely the activity of student admission, when learning takes place, and learning outcomes. The consequences of his action can hamper the process of achieving educational goals. The criminal act of education can be qualified as a general criminal offense if the act violates the Criminal Code, and is qualified as a special criminal Offense if the act violates the rule of law outside the Criminal Code relating to crime, for example the Child Protection Act.

Crime in education occurs because of violations of criminal legislation related to the learning process, therefore, threatened with criminal sanctions. This Rationale refers to Article 1 point 1 of the National Education System Law which states that education is an attempt to realize the

learning atmosphere and learning process. The learning process is the basis for determining a crime so that it can be classified as criminal act in the field of education. Crime of mistreatment, for example, have been regulated in Chapter XX of Article 351 to Article 358 Criminal Code can be classified as criminal act in the field of education, if the prosecution is carried out in the learning process.

The learning process according to Uyoh Sadulloh : "the learning process is a process of pluralistic interaction between human as a teachers with human as learners, natural environment, social environment, and cultural (Uyoh Sadulloh, 2003, p. 80). Based on Article 1 point 36 of Government Regulation No. 17/2010 concerning Management and Implementation of Education written that: "Learning is the process of interaction between student and educators and / or learning resources in a learning environment. This understanding illustrates that the interaction in the learning process is very much determined by the human aspect. Human (teacher) has a great responsibility in carrying out their duties as educators to foster and develop human potential (learners) neighbor. Teachers are responsible for human dignity.

IV. CONCLUSION

The criminal act of education has a character that characteristic such as : (1) The criminal act of education is usually carried out by those involved in the learning process. (2) The criminal act of education is usually carried out in relation to the teaching and learning process. (3) There is a relationship between the victim and the perpetrator related to the teaching and learning. (4) The criminal act of education can be carried out when the teaching and learning process takes place or outside the teaching and learning process.

There are two forms of criminal acts of education, namely the criminal act of education that is specific or in a narrow sense and criminal acts of education that are general or in a broad sense. Criminal education is special if it is regulated in The National Education System Law. Whereas the criminal education act is general in nature, it is regulated outside the National Education System Law or regulated in the Criminal Code.

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