

Policy Design of Teachers and Lecturers Protection

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Abstract. Based on the fact that many teachers are affected by cases of violations of their students, a legal protection on the rules that protect teachers and educators is still low, following the emergence of violent cases to teachers in Indonesia. Although it is realized that the law actually has clearly stated that the teacher deserves protection in their profession.

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INTRODUCTION

The protection for teachers and lecturers are not rated optimally. Moreover, cases of teachers' violations in Indonesia gradually arise. The Law mentions that teachers have a right to earn protection during their professional years. In Act No 14 Year 2005 Article 39 paragraph (3) about Teachers and Lecturers mentions that legal protection refers to violence, threats, discriminatory treatment, intimidation, or unfair treatment from students, parents, community, bureaucracy, or other parties. Indeed, some articles are mandated to have derivative regulations thru Government Regulations Article 1 paragraph 1 and Article 39, which stated that teacher protection covers protection against the law, profession, safety, and health as well as rights of intellectual resources. Moreover, the presence of Government Regulations No 74 Year 2008 Article 40 asserted that teachers have a right of protection during their duties in terms of safe feeling and safety guarantee from the government, local government, educational unit, professional organization, and/or community. To educate children, teachers must have the freedom to make approaches, methods, and strategies of teaching even methods of making their students discipline, in the forms of an award or a punishment.

However, why are many cases of abuse and dwarfism against the teaching profession arising currently? Many teachers are trapped in law cases, reported to the police; an offense on Act of Child Protection and Human Rights due to disciplining their students and then be prisoned. Act of Child Protection and Human Rights that are excessively meant after reformation is used as a weapon, such as cases of a female teacher in Bantaeng in Mey 2016, male teacher (Dasrul) from South Sulawesi and a teacher from Sukabumi who were overran by student's parents. Above all, a teacher was persecuted and died. The current case happening was that Ahmad Budi Cahyono, an Art teacher of SMA 1 Torjun, Sampang, Madura. His death was hurt and sympathetic. More ironically, his wife was in the first pregnancy at that time (<http://enizaetuniah.gurusiana.id/article/artikel-tentang-perlindungan-profesi-guru-4884682>).

Other cases came about a high school teacher of SMP Raden Rakhmat (Samsudi), Sidoarjo East Java. He was judged just because of pinching his student for not taking dhuha prayers. In the same case, Inho Loe, a teacher of SD Santo Antonius Matraman East Jakarta, was reported to the police by the parents of his student. Inho Loe pinched his student since he did not pay attention to the lesson being taught. Again, in Mei 2016 Jamila, an honorary teacher in SDN 20 Sungai Radak Baru West Kalimantan came to the police to make a report. She was violated by the parents of her student because she cut off the student's hair for not going to school. Consequently, her hair was cut off by the parents. Is the old educating method different from the current one? Is parents' belief in teachers gradually reduced? Years ago as known, if students complained of being punished by their teachers to their parents, they would be punished more instead. Distinguishingly, this circumstance was worn off nowadays even parents stand up for their children and make teachers prisoned. So that, teachers demand to be protected by Act of teacher protection during their responsibility completion. Virtually Teacher Act and Government Regulation No 74 have provided sufficient protection for teachers, nonetheless, it is merely defined as teacher welfare like a professional allowance. As a result, others than teacher welfare are underestimated and in educational bureaucracy itself, teachers are treated unfairly instead.

From the Law, it can be seen which articles should be more concrete and thus be well-implemented to manage all the things including teacher protection that involves four competencies of teachers and lecturers. Those competencies refer to competencies of pedagogical, personality, social, and professional and can be gained by joining professional education. Automatically, teachers will be protected as long as those four competencies are completed. There is or no violation cases, teachers must possess the four competencies.

Head of Indonesia parliament, Ade Komarudin (2016) proposes to have a certain regulation to protect teachers. As stated for a response towards a case of beating a teacher by a student parent in Makassar (<https://nasional.kompas.com/read/2016/08/13/16063041/perlukah.pp.perlindungan.guru.>), there is an assumption that teachers frequently become objects to be faulted if no regulations protect.

Teachers work so hard teaching in villages and remote areas with low salaries and low positions in students' perspectives. This condition of teachers also appears in a big city. Somehow, our government needs to take concrete steps to end up criminal practices and teacher violation and take efforts to improve teachers' prosperity. Accordingly, the Government Regulation publishing on teacher protection is considered as one of the concrete steps. Additionally, a deep study that produces a design to support government publishing specific regulations that manage teacher and lecturer protection. It is essential as the follow up of Article 39 Paragraph 2 Act No. 14 Year 2005 about teachers and lecturers. Therefore, it is essential to design a policy against teachers and lecturer protection as a foundation of Government Regulation about teachers and lecturers. Based on this problem, a research question is constructed; how is the design of policy about teachers and lecturers? This question aims at designing a policy about protection against teachers and protection.

Imam Barnadib (2002:4) regards education as a fundamental phenomenon in human life where an adult helps the process of learners' growth and development. Such a view has been come up since human existence. Since then, humans have done experience-based education not theoretical-based. John Dewey asserts that experience is the foundation of education and as a "means and objective of education". Therefore, for John Dewey substantially an education is a process of extracting and cultivating experiences continuously. The core of education does not lie in the efforts to adjust on the standard of virtue, truth, and immortal glory but the sustained reconstruction and reorganization of learners' life experience.

Teacher protection involves the protection of the law, profession, safety, health, and intellectual resources. Protection of law is a protection for educators against arbitrary behaviors from students, students' parents, community, bureaucracy, or other parties such as violation behaviors, physical or psychological threats, discriminative and unfair treatment, and intimidation. Article 4 Act No 16 Year 2011 about legal aid asserts that legal aid is granted to those who are dealing with the law of civil, criminal, state administration, both litigation or non-litigation. The legal aid covers carrying out authority, guiding, representing, defending, and/or taking other legal actions for the legal interests of Legal Aid Recipients. Legal protection for teachers and lecturers has been regulated in Act No 14 Year 2005 about Teachers and Lecturers. Article 7 Paragraph (1) mandates that teachers must have a guarantee of legal protection in carrying out their professional jobs.

METHOD

This study employed both quantitative and qualitative design using a mix method as an approach that tends to be based on pragmatic cognition paradigm (e.g. orientation of consequences, problems, and pluralisms). This approach applies a strategy of research that involves data collection both simultaneously and sequentially to conceive research problems properly. Mix method is also a combination study which gives orientation on actions using both quantitative and qualitative method. This study took place in Central Java, especially regencies that have teacher cases, from September to December 2018. The subject of the study was teachers, principals, students, administrators of the district/city Indonesian Teachers Association (PGRI) in Central Java with specifically teacher cases, Department of Education and others, social Institute/Organization which is related to teachers and lecturers protection issue. Data were collected through interview, questionnaire, Focus Group Discussion (FGD) involving the executive board of the PGRI, teachers of pre-school, elementary school, high school, vocational school, lecturers, Non-Governmental Organization (PATTIRO Semarang and Yayasan SETARA), Indonesian Children Protection Commission Central Java (KPAI) Central Java and Education Department. Questionnaire, interview, and researcher were the primary instruments used. Data validity was gained through a validity test. According to Sugiyono (2010: 368), data validity is obtained by observation extension, persistent study improvement, triangulation, peer discussion, and negative case analysis. In this study, all validity indicators were used to assure that the data is accurate and accountable.

The study was conducted in some steps. The beginning was a visit to determine key informants who were able to share information needed. Then, the interview was conducted. After interviewing the subject of the study and making notes, the researcher did an inductive analysis of the cases and data obtained from questionnaire, interview, and FGD. NVIVO analysis was done as well to process qualitative data gained from the interview and FGD.

Table 1. *Data Collection Methods, Data Analysis Techniques, Data Validity Test, and Inductive Analysis*

Data Collection Methods	Techniques and Instruments of Data Collection	Data Validity Test	Analysis Steps
Interview	Transcript of structured interview and non-structured	Extending observation, improving study persistence, triangulation, peer discussion, negative cases analysis	1. Inductive analysis on cases and the data were gained from the fulfillment of questionnaire, interview, and FGD. 2. NVIVO analysis, used as tabulation of descriptive qualitative data of interview and FGD results.
Document analysis	Collecting data related to legal cases of teachers (Source: Organization of Legal Protection PGRI)		
Focus Group Discussion (FGD)	Questionnaire sheet about teachers and lecturer protection		

By doing a problematic investigation through deep interview, participant observation, FGD, and document study, this study is hopefully able to be a massive recommendation on the importance of design against teachers and lecturers protection in Indonesia.

FINDINGS AND DISCUSSION

Based on the result of FGD, there were some suggestions and feedbacks from participants from various professions. As suggested by a pre-school teacher that it is needed to create an operational standard of welfare, teacher protection both verbally or non-verbally. Moreover he said that the Indonesian Kindergarten Teachers Association merely includes PGRI, Indonesian Teacher Honor Council (DKGI), and other related professionals such as teachers of Kindergarten, Pre-School, Al-Quran learning centers for children (TPQ), etc. Then, Indonesian Commission of Child Protection (KPAI) needs to make socialization about teacher protection to students' parents. The next suggestion was from elementary teachers who said that teacher and lecturer protection was significant since children were on "the clouds" (Government Regulation on Child Protection/UUPA). Thus, reinvestigation on UUPA is needed and the Institute of Teachers' Education (LPTK) becomes a pedagogical aspect. Besides, the main duties and functions of children and teachers, disabled children, and teachers' main allowance need to be handled. Additionally, High/Vocational school teachers' suggestions were about teachers; main allowance, the addition of teacher resources at school, an appropriate honorary teachers' salary, reward, and punishment that make teachers afraid of being creative. Hence, an explicit legal limitation is required to make teachers distressful (pressure of bureaucracy politics).

However, from university party represented by a professor from State University of Semarang, he stated that Government Regulation about teacher and lecturer protection was necessary. Then, Indonesian Teacher Honor Council (DKGI) should be involved in the regulation for a focus and safe in organizing teacher organization. Dimensions involved in government regulation (rules, establishment tools, teachers, universities, family, and each bureaucracy) are able to encourage the schools/universities to guarantee their endurance. It means that the operational standard is not only for teaching and based on a valid principal. The issues of public information disclosure at school is a follow up from government regulation about teacher and lecturer. Hence, the regulation will be more operational and can be a guidance for teachers, lecturers, and other academics. Teachers and stakeholders are importantly know the can and cannot be done. Main duty and function of teachers and lecturer are different; therefore there is a partiality in government regulation due to the different operational.

Teacher protection and its recruitment also teacher professionalism training program (PPG) make teachers' carrier balanced. Thus, protection regulation for teacher and lecturer should be separated. Teachers and lecturers are educators with different additional responsibilities. Additional rules for new regulation are needed such as (a) learning curriculum, more specified matters, (b) certified teachers, (c) lecturers-over pressured, professor guarantee, welfare, security, main duty and function of teachers need

an explanation, (d) development of teacher resources, (e) central government's role. Government Regulation should be synergistic between district/city government and teachers, (f) dichotomy of prosperity guarantee between civil and non-civil servant (proportional).

Government regulation is expected and needs commitment even dilemmatic since it relates to autonomy law, Ministry of Home Affairs, Local Civil Service Agency (Province/District/City). Effectively, it is an authority of central, provincial, district/city government. To add, the other regulations about teacher and lecturer protection are inconsistent (teachers and lecturers are protected by the different ministry). Teacher crime is an assertion in Government Regulation about arbitrariness in order to know how to solve it legally. It is essential to know the limitation of lawlessness, profession, or ethical code, and which institution that takes charge of solving it. For lecturers, legal protection is freedom of academic voice. The enforcement of ethical code can be a teacher protector if appreciated (DKGI should be handled, the organizational structure of DKGI should be expanded, and policeman can refuse the report before being proposed to DKGI). DKGI is preferably separated but with the same ethical code. Thereupon, it is better to make a research design and make clear which institution protects teachers. The establishment is also needed for an educational ombudsman, school committee roles, DKGI empowerment, training for private university lecturers, and lecturer protection in conducting Tri Dharma with teachers and policemen as peers.

Suggestions and data about lecturers are often delivered but protection for a lecturer is still low. The main protection needed is protection related to academic freedom and science autonomy. When lecturers share their ideas about a different situation, different opinions, and criticism, it can occasionally be problems. Accordingly, clear formula about academic freedom and science autonomy are needed. If the regulation for teachers and lecturers is joined, it is essential to make the points of each separated. The existed government regulation about teachers will be illegal if the regulation about teachers and the lecturer has been legalized. The output of FGD in the form of an academic draft is organized systematically, logically, and rationally. Since the proposed regulation is in the form of government regulation, which is a concrete regulation, the formula should be clear and explicit not multi interpreted. The formulating strategy has to avoid the highest egocentric and accommodate all stakeholders. Essentially, the realization of teacher and lecturer protection during their duties depends on the content and the formula.

Explicitly teacher protection has been mandated on Act No 14 Year 2005 about teacher and lecturer and government regulation about teacher, but it is not effective yet. In accordance with it, our government needs to construct a law on teacher protection, even stated that optimal implementation of the existed regulation is better. So, a holistic and comprehensive investigation is needed. Other parties also need to be protected through law on consumer and child protection. A made regulation is based on a need and follows community development as the high rise of violation and crime to teachers.

Teachers are the education core. They are the ones having the closest relation with students. They watch students' development of psychological and achievement as well. Due to the significant role of teachers, when Japan was bombed by the federate, what was questioned by the emperor is how many teachers were alive. How about Indonesia? Normally, teachers in Indonesia have a high position. Praises are frequently given in Teacher Day and National Education Day. Oppositely, many honorary teachers are not in good welfare, the opportunity to develop professionalism is limited, the process of upgrading position is difficult and complicated; therefore, teachers are not in a good comfort of working. To add, teacher organization needs to be encouraged to realize the law of teacher protection. Teacher protection is very urgent so that no more teachers become the next victims.

Our government is essentially encouraged to show their political will in protecting teachers. From the current cases, the only head of Purwakarta Dedi Mulyadi immediately published Decision Letter about a teacher Protection team. Meanwhile, other local governments have not shown up their commitment. They are only able to ask teachers professionally but unable to protect the implementation of professional works of teachers. When teachers become victims of intimidation, violation, and crime, they are sometimes confused about where to complain because they think that no one protects them. Teachers should join teacher association, therefore as they have problems, the association they join can advocate them. As Prof. M. Surya, the former executive PGRI, said that teacher association, must be useful for the members and take actions in protecting teachers. Education is the key of national development. And the fighters are teachers and lecturers. In contrast, protection for teachers and lecturers are not optimal yet. As seen, many cases of abuse to teachers and lecturers, physical and non-physical violation, and crimes which make teachers and lecturers prisoned. Harmony is missed in which Ki Hajar Dewantara shared through a concept of Three Education Centre where teachers, schools, and citizens were harmonious. Nevertheless, many things disrupt this relation. All teachers needs protection both professional and non- professional ones. Above all, a policy against teacher and lecturer protection can be designed as follows:

Figure 1 shows a design of teacher and lecturer protection policy, in which teachers' position is as victims of violation and injustice during their professional working. From the figure, it can be analyzed that the policy can be developed by designing Government Regulation, Local Regulation, and Regent Regulation. And the implementers are the Ministry of Education and Culture, the Head of Provincial and District/City Department of Education. Besides, the policy operational is the Committee of Teacher and Lecturer Protection.

The previous explanation is a proposal that is made based on the findings described. It is a recommendation to revise the Law against Teacher and Lecturer. Teachers who break professionalism need protection as well as lecturers. The case of Prof Suteki, a Diponegoro University lecturer, is an example of a lecturer case. He was judged to be anti-NKRI (Unity State of the Republic of Indonesia) and anti-Pancasila. In this case, a law should have been applied. The design also shows the roles of the operational committee of teacher and lecturer. It is expectedly able to be a room for preventing, solving, and giving solutions regarding the problems faced by teachers and lecturers. Somehow, the operational committee can weaken the roles of teacher association. Afterward, the second design is offered and used when teachers and lecturers are found as performers of delinquency professionally.

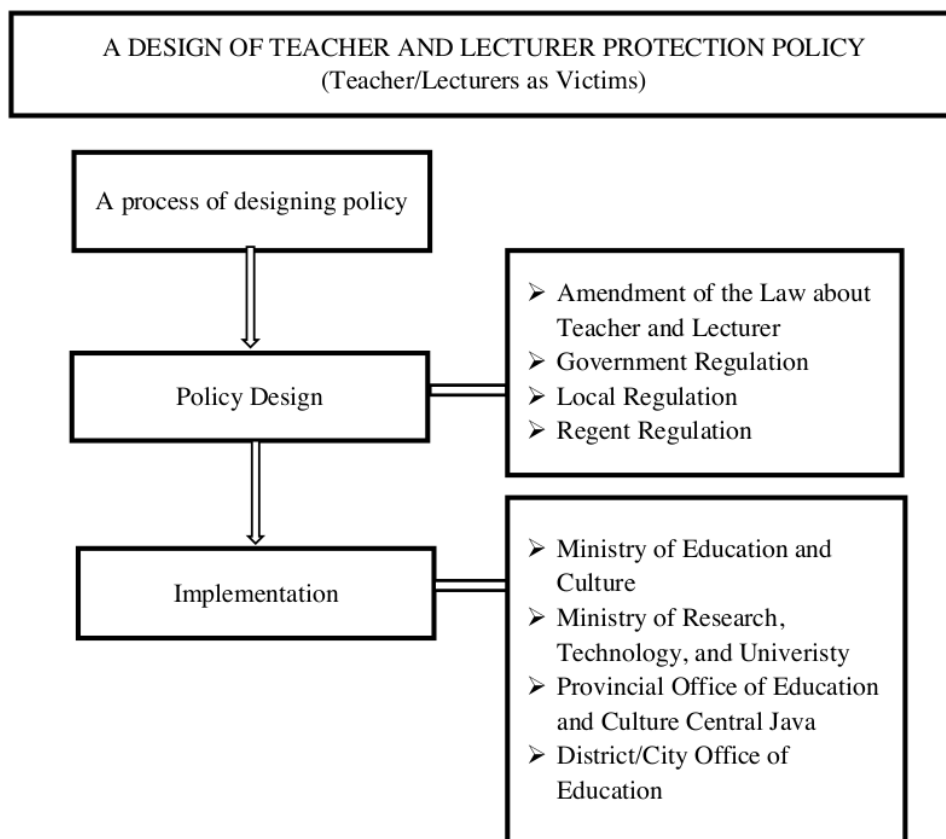


Figure 1. *A Design of Teacher and Lecturer Protection Policy (Teacher/Lecturers as Victims)*

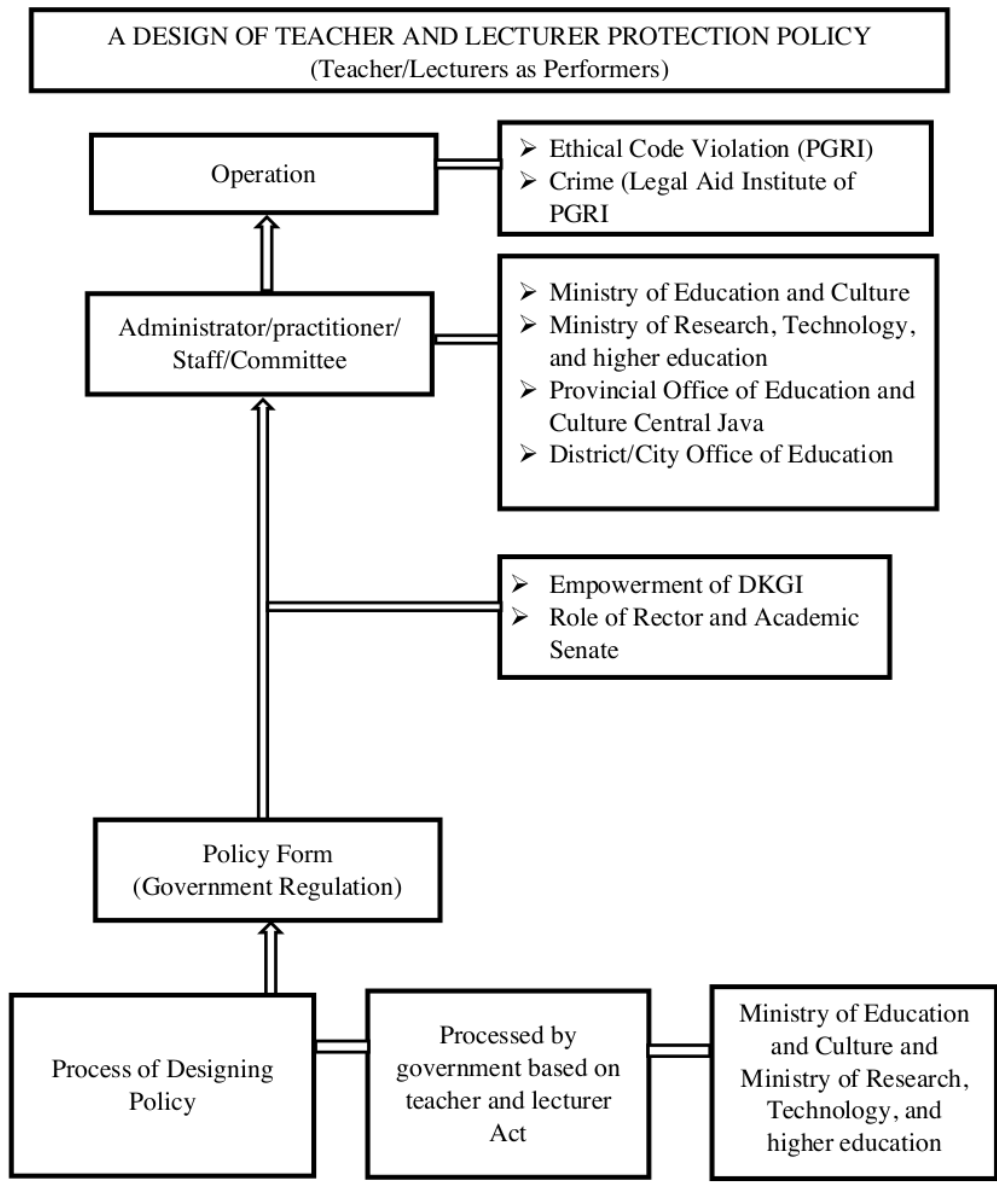


Figure 2. *Design of Protection Policy against Teacher and Lecturer as Performers*

Based on figure 2, the proposed design is for cases with teachers and lecturers as performers. It is started by designing a policy that is processed by the government based on the Act about teacher and lecturer, in this case, are the Ministry of Education and Culture and Ministry of Research, Technology, and higher education. For Government Regulation, the administrators/practitioners/staff/committees are head of Central and Provincial Department of Education. Central, Provincial, and District/City Indonesian

Teacher Honour Council need to be empowered in the regulation implementation. Rector and academic senate also work to handle the transgression of ethical codes of PGRI. And for crime handling is the responsibility of Legal Aid Institute (LKBH) with PGRI as a partner.

CONCLUSION

Teacher and lecturer protection policy was designed based on the results and discussion of the study. The design involves a policy for teachers and lecturers as victims and performers to make them protected legally and formally. This policy design involves stakeholders which are working for educational field such as the Ministry of Education and Culture and Ministry of Research, Technology, and higher education. It proposes the amendment of the Act about Teacher and Lecturer which tells the protection for teachers and lecturers during their professional job. Other parties work as committees such as Teacher Honour Council, Legal Aid Institute, PGRI, Committee of Teacher and Lecturer Management, and other parties which are still relate to this. All parties expectedly contribute more in upholding and implementing the formed policy as teacher and lecturer protection.

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