

Non-Penal Policy in The Case of Teachers Who Were Reported for Giving Disciplinary Sanctions to Students



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ABSTRACT: One of the duties of teachers is not only limited to providing knowledge, but also shaping the character of children. Recently, teachers have often been reported for imposing disciplinary sanctions on their students. In fact, by law, the duties and freedom of teachers in sanctioning students have been protected by law. Only in its implementation, this law often experiences disharmony with the Child Protection Law, where this law often ensnares teachers who impose disciplinary sanctions on students on the grounds of violence and abuse. Therefore, this study will provide a nonpenal policy in preventing the occurrence of such cases. This study uses normative research methods that produce preventive solutions in preventing conflicts between teachers, students, and parents.

KEYWORDS: Nonpenal; Teacher; Pupil; Parents.

I. INTRODUCTION

Teachers are very important figures in the world of education. His role is able to make an extraordinary contribution to the development of the Indonesian nation. Not a few great people were born because of the upbringing of an extraordinary teacher. However, today teachers often experience a dilemma, where they feel the scope of freedom of their duties is not as free as it used to be. When they try to carry out their role to provide disciplinary sanctions for students who violate as a lesson, many of the guardians of students consider that they have committed violence and persecution against students. Meanwhile, if sanctions are not given as a lesson, then students will feel that the wrong actions they do are the truth, which in turn can damage the student's character.

Therefore, the author wants to provide a solution so that teachers can carry out their duties freely again, without having to fear being reported by parents of students for being considered violent or persecuting. The solution is in the form of a non-penal policy that can be a means of resolving conflicts between teachers who are considered violent and parents who report teachers to law enforcement. The problems that the author will discuss in this research include what are the duties of teachers and how legal protection is owned by teachers. Then what are the negative impacts of a teacher being reported when providing disciplinary action for their students. Then how are the preventive efforts that can be made by teachers and students so that there is no perception of violence committed by teachers against students. Then what are the non-punitive policy efforts in the case of teachers who are reported for imposing disciplinary sanctions on students.

One of the preventive efforts in crime prevention is non-penal means (outside of criminal law). Non-penal efforts focus more on the preventive nature (prevention / deterrence / control) before the incident occurs. So that the main target is the conducive factors that cause crime. Which, among others, centers on social conditions that can directly or indirectly lead to crime. When viewed from a macro and global criminal politics perspective, non-penal efforts occupy a key and strategic position in the overall criminal politics efforts. So that in the context of this case, the non-penal efforts carried out focus on the causes of why teachers impose disciplinary sanctions on students violently, and if it has already happened, the focus is on how to resolve it outside the court.

This non-penal policy research will help provide new options in resolving cases of teachers reported for disciplining students through out-of-court channels. In addition, this research will help open the eyes of law enforcers to the importance of paying attention to important factors outside the law in a case settlement. Helps to see the law not only as textual but also contextual.

This needs to be done so that later teachers who carry out their duties in disciplining students are not easily considered violent. Likewise, students should not remain protected, but also not easily report teachers to law enforcement. Because whatever the culture in Indonesia, teachers are respected figures, disrespect for teachers by reporting them to law enforcement is something that can make knowledge useless. So that the culture of respect for teachers as taught by our ancestors will be maintained. The purpose of this research is expected to be able to help resolve similar cases that can be resolved outside the court.

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II. RESEARCH METHODS

This research uses normative research methods, namely research that refers to legal norms contained in legislation and court decisions as well as legal norms that exist in society. In addition, it also looks at the synchronization of a rule with other rules in a hierarchical manner. The approach used in this research uses 4 approaches, the first is a statutory approach which is carried out by examining all laws and regulations related to the legal issues being addressed. Second, using a case approach, namely conducting a review of cases related to the issue at hand which have become court decisions that have permanent legal force. The third is using a historical approach, namely examining the background of what is studied and the development of arrangements regarding the issue at hand. The last one uses a conceptual approach, which is to depart from the views and doctrines that have developed in legal science.¹

III. RESULTS AND DISCUSSION

A. Duties and Legal Protection for Teachers

Education is an effort to humanize human beings. In its implementation, it is inseparable from the various problems that face it, ranging from social aspects of society, economic aspects, religious aspects, teaching aspects to political aspects of government. Of the many aspects, this paper focuses its discussion on the probelmatika of education in the aspect of teaching which is interesting lately will discuss all the problems faced by education as a pending actor in the teaching and learning process which becomes a variety of existing problems, teaching aspects in education become one of the interesting discussions lately.²

One of the main components in education is the presence of a teacher who provides knowledge and teaching for students at school. The term teacher as an "Unsung Hero" may be familiar to the Indonesian people. The term applies because there is no official service star given to appreciate the role of teachers in building this nation. In fact, the services of teachers are very large in educating the nation's life, even the number one person in this country cannot be separated from the services of a teacher. In fact, it is not just a service star that is expected from a teacher, but a result of educating that can later benefit his students.³

Based on Article 1 number 1 of Law Number 14 of 2005 concerning Teachers and Lecturers, teachers are professional educators with the main task of educating, teaching, guiding, directing, training, assessing, and evaluating students in early childhood education through formal education, basic education, and secondary education.⁴ Based on this definition, it can be said that the task of a teacher is not only to provide knowledge, but also to provide good character education for children.

Teachers have three main duties, namely: First, professional duties, second, humanitarian duties and third, community duties. Second, professional duties include various tasks related to their profession, namely carrying out the mandate to educate the nation's generation through learning activities, so that teachers are required to have pedagogical skills, teaching methodics, and the ability to understand students both from their character, psychology, and background. Humanitarian duties include caring for the conditions of the community in their environment.⁵

From some of the explanations above, it is clear that the task of a teacher is not only limited to providing subject knowledge, but teachers also have the task of shaping the character of the nation's children through learning outside the classroom. Among other things, teaching how a child relates well to God, how a child can have concern for others, and how a child has good morals, manners, and good manners in everyday life. Therefore, a teacher also has the duty to provide lessons for their students who make mistakes in learning in the classroom and outside the classroom. The goal is that the students they teach can know what they are doing wrong, because if they are not given lessons then the mistakes will be repeated over and over again. The form of the lesson also varies from verbal warnings to harsher warnings depending on how the student responds when given a lesson.

However, in recent decades, teachers in carrying out their duties have often been the subject of public and mass media scrutiny. This is due to the rampant acts of violence that occur in schools, whether committed by students, parents, school administrators or the teachers themselves. These acts of violence occur because of parents' misunderstanding of teachers in disciplining students which then results in acts of violence, arguments among students, misunderstandings between teachers and other education

¹ Peter Mahmud Marzuki. (2005). *Penelitian Hukum*. Jakarta: Prenada Media Group, hlm 93-95.

² Nanang, Nanang., Manullang, Herlina., & Esther, July. (2022). *Perlindungan Hukum Bagi Guru Yang Mengalami Pengaduan Akibat Tindakan Guru Saat Menjalankan Profesi Mengajar*. *Jurnal Magister Hukum Program Pascasarjana Universitas HKBP Nommensen*, Vol. 03, (No. 01), pp.45-58.

³ Hardiyani, Hardiyani., Suhadi, Suhadi., & Praharafi, Galuh. (2019). *Perlindungan Hukum Terhadap Guru Yang Memberikan Tindakan Disiplin Terhadap Murid*. *Jurnal Lex Suprema*, Vol. 1, (No.II), pp.1-20.

⁴ Hardiyani, Hardiyani., Suhadi, Suhadi., & Praharafi, Galuh. (2019). *Perlindungan Hukum Terhadap Guru Yang Memberikan Tindakan Disiplin Terhadap Murid*. *Jurnal Lex Suprema*, Vol. 1, (No.II), pp.1-20.

⁵ Nanang, Nanang., Manullang, Herlina., & Esther, July. (2022). *Perlindungan Hukum Bagi Guru Yang Mengalami Pengaduan Akibat Tindakan Guru Saat Menjalankan Profesi Mengajar*. *Jurnal Magister Hukum Program Pascasarjana Universitas HKBP Nommensen*, Vol. 03, (No. 01), pp.45-58.

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personnel. Here are some examples of cases of teacher criminalization. Some of the cases below show the dilemma of teachers in their role of educating students.⁶

Number	Teacher Name	Position	Genesis	Punishment
1.	Maya	Teacher of SMPN 1 Bantaeng	Pinching a student because he was playing chase and baku siran.	In prison while undergoing trial
2.	Aop Saopudin	Elementary School Teacher in Majalengka	He intended to discipline four of his students with long hair by shaving their heads.	sentenced to 3 months probation
3.	Ahmad Guntur	High School 20 Jambi	Slapping a student, because the student was caught watching porn on his cell phone during class time	sentenced to 3 months in prison
4.	Rizal Hadi		Pinching an underage student	Convicted of maltreatment
5.	Sugiyanto	Junior High School 2 Jatinom, Klaten	Slapped a student who was caught not paying attention to gymnastic movements during sports.	Sentenced to 3 months in prison and fined 4 million Rupiah in lieu of one month in prison.
6.	Astri Tampi	The principal of SMPN 4 in Bolang Mongondow district, North Sulawesi.	Persecuted by parents because of a school summons related to the issue of circulating pregnancy test kits at school.	Legal Process
7.	Ahmad Budi	Teacher of SMAN I Sampang Madura	Mistreated by a student after he discouraged the student from learning	Legal Process

Teachers who were reported for disciplining students were mostly accused of violence and mistreatment, they were reported for violating the Child Protection Law. As in the example above, Aop Saopudin was charged with Article 77 letter a on acts of discrimination against children, Article 80 paragraph 1 on mistreatment of children and Article 335 paragraph 1 of the Criminal Code on unpleasant acts.⁷

In fact, teachers in carrying out their duties as described above are guaranteed and protected by law. Law No. 14 of 2005 Article 39 has guaranteed protection for teachers, including legal protection. The article reads:

- 1) The government, local governments, communities, professional organizations, and/or education units must provide protection for teachers in the performance of their duties.
- 2) The protection referred to in paragraph (1) includes legal protection, professional protection, and occupational safety and health protection.
- 3) Legal protection as referred to in paragraph (2) includes legal protection against acts of violence, threats, discriminatory treatment, intimidation, or unfair treatment on the part of students, parents of students, the community, bureaucracy, or other parties.
- 4) Professional protection as referred to in paragraph (2) includes protection against termination of employment that is not in accordance with laws and regulations, provision of unreasonable compensation, restrictions on expressing views, harassment of the profession, and other restrictions/prohibitions that can hinder teachers in carrying out their duties.
- 5) Protection of occupational safety and health as referred to in paragraph (2) includes protection against the risks of work security disturbances, work accidents, fire during work time, natural disasters, health of the work environment, and/or other risks.

Not only from the law, but legal protection for teachers is also strengthened in Government Regulation No. 74/2008 on Teachers in Articles 39 and 40 also states: Article 39:

⁶ Nanang, Nanang., Manullang, Herlina., & Esther, July. (2022). Perlindungan Hukum Bagi Guru Yang Mengalami Pengaduan Akibat Tindakan Guru Saat Menjalankan Profesi Mengajar. *Jurnal Magister Hukum Program Pascasarjana Universitas HKBP Nommensen*, Vol. 03, (No. 01), pp.45-58.

⁷ Saputra, A. (2016). Kronologi Duel Guru Vs Ortu di Pengadilan karena Cukur Rambut Siswa. Retrived from <https://news.detik.com/berita/d-3109778/kronologiduel-guru-vs-ortu-di-pengadilan-karena-cukur-rambut-siswa/2016>.

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- 1) Teachers have the freedom to impose sanctions on their students who violate religious norms, norms of decency, norms of modesty, written and unwritten regulations set by the teacher, education unit level regulations, and laws and regulations in the learning process under their authority.
- 2) Sanctions as referred to in paragraph (1) may take the form of reprimands and/or warnings, both verbal and written, as well as punishments of an educational nature in accordance with educational methods, the Teacher code of ethics, and laws and regulations.
- 3) Violations of education unit regulations committed by learners for which sanctions are beyond the authority of the teacher are reported by the teacher to the education unit leader.
- 4) Violations of laws and regulations committed by students are reported by the teacher to the leader of the education unit to be followed up in accordance with the provisions of laws and regulations.

Article 40:

- 1) Teachers are entitled to protection in carrying out their duties in the form of a sense of security and safety assurance from the Government, Regional Governments, education units, Teacher Professional Organizations, and/or the Community in accordance with their respective authorities.
- 2) A sense of security and safety assurance in carrying out the duties as referred to in paragraph (1) shall be obtained by the Teacher through protection:
 - a) Law;
 - b) Profession; and
 - c) Occupational safety and health.
- 3) The Community, Teacher Professional Organizations, Government or Regional Governments may assist each other in providing protection as referred to in paragraph (1).

From the explanation above, it is clear that teachers have a task that is not only limited to providing knowledge, but teachers also have the task of shaping student character, teaching manners and courtesy, so that a child will not only have intellectual excellence, but also emotional and spiritual excellence. The examples of cases that occur above on average are forms of teachers carrying out their duties to shape the character of students, giving lessons that what they do is wrong, but when teachers try to carry out one of their duties, many parents of students do not accept and consider what is done by the teacher to be an act of violence or persecution.

The articles above also show that teachers in carrying out their duties, including imposing disciplinary sanctions on students, are guaranteed and protected by law. However, in reality, the implementation of teacher protection laws is still lacking, so that when teachers act even a little, teachers are very easily reported. In fact, teachers are an important component in the development of children in the future.

Children, in this case students, are an asset of the nation that must be protected from all forms of violence, and teachers must be protected in carrying out their duties so that these two important components of the nation can carry out their roles optimally.

Therefore, the author wants to provide a solution in the form of prevention (preventive) in cases of conflict between teachers who carry out their duties as educators in sanctioning their students and parents who do not accept their children being sanctioned at school.

B. The Negative Impact of Teachers Being Reported for Providing Disciplinary Sanctions for Students

The ease with which a teacher can be reported for giving disciplinary sanctions to their students is inseparable from the implementation of the Child Protection Law. Indirectly, the Child Protection Law has had a negative impact on teachers in terms of freedom to impose sanctions. It is from this Child Protection Law that many guardians report their children's teachers for being considered violent or abusive.

Child protection laws have an impact on teachers in educating. Teachers are in a dilemma position, between the noble task of channeling knowledge and the treatment of students' parents. They are required to be able to make students achieve educational goals. However, when teachers try to enforce discipline, they are confronted by the Child Protection Law. So that there is apathy and indifference from a teacher towards student behavior because they are afraid of dealing with the law even though the law has provided protection to them. Child protection laws are not fortresses or weapons to bring down or even threaten teachers in educating. The establishment of child protection laws is for every citizen to learn that every child is valued and protected. Likewise, the task of educating is not entirely the teacher's job. Parents are the main educators for their children. How the way and discipline of parents educate their children can be a reference for teachers in shaping the character of each student. Lack of trust from the community to teachers is one of the obstacles faced by teachers. This belief and trust seems to fade from the community which causes teachers to feel pressured in every action taken to discipline their students.⁸

⁸ Affandi, A. (2016). Dampak Pemberlakuan Undang-Undang Perlindungan Anak Terhadap Guru Dalam Mendidik Siswa. *Jurnal Hukum Samudra Keadilan*, Vol. II, (No. 2), pp.196-208.

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Teachers will be traumatized and even reluctant to educate. Teachers are trapped by child protection laws when they try to discipline students. The attitude of teacher fear in disciplining students will have a greater impact. Indonesian education will come to a standstill without any movement if teachers are lazy in disciplining their students.⁹

With such a teacher's attitude, it will have an impact on the development and progress of the nation. The development and progress of the nation lies in education, the function of education is to develop the ability and shape the character and civilization of a dignified nation in order to educate the nation's life, aims to develop the potential of students to become human beings who are faithful and devoted to God Almighty, noble, healthy, knowledgeable, capable, creative, independent, and become democratic and responsible citizens. With the fear of teachers in giving punishment to their students, the education will not be successful. The success of education can be seen from the improvement of the attitudes and behavior of students, in this case students, because the main purpose of education is to improve human quality, so successful education is education that produces knowledgeable and noble humans.¹⁰

C. Preventive Efforts and Non-penal Policies in the Case of Teachers Reported for Giving Sanctions to Students

Crime prevention efforts can be broadly divided into two, namely through penal and non-penal channels. Penal path is the resolution of a crime through criminal law. Meanwhile, the penal path is the settlement of crimes through channels outside of criminal law. Crime prevention through penal means focuses more on the repressive nature (suppression / eradication / suppression) after the crime. Meanwhile, crime prevention through non-penal means focuses more on the preventive nature (prevention / deterrence / control) before a crime occurs.¹¹

Efforts to overcome crime through non-penal channels are also widely emphasized in the UN Congresses on "The Prevention of Crime and the Treatment of Offenders". One of them was emphasized in the 7th UN Congress which stated "Policies regarding crime prevention and criminal justice must consider structural causes, including causes of injustice that are socioeconomic in nature, where crime is often only a symptom."¹²

In the case of a teacher who was reported for giving disciplinary sanctions to a student, the truth is that a teacher does not commit a crime, the teacher only carries out his duties to educate students at school. The main reason a teacher gives disciplinary sanctions to students is because the student has committed an offense, be it a violation of written rules, or a violation of norms such as religious and social norms. The teacher has tried to warn him verbally, but the warning was ignored by the student, so a harsher warning is needed.

Thus, the beginning of the main process comes from the attitude of a student who cannot respect his teacher. If we look back again, the attitude of a child who is indifferent and cannot respect his teacher can be caused by the lack of parental upbringing in teaching him manners. Therefore, when a teacher tries to educate a student in a slightly harsh way, the teacher cannot be blamed just like that, because there is the role of parents who neglect to teach their children to respect their teachers. Good parents should give thanks to the teacher for teaching their children who commit offenses.

As an example, we can take one of the cases in subchapter 1 above, where a teacher was prosecuted for 3 months in prison for slapping his student who watched a pornographic movie during class time. According to the author, what the teacher did was not persecution or violence, because what the teacher did was appropriate. Watching porn is a very big offense for school students, especially during class hours. The act can also make friends around him can be carried away following his actions. No parent is happy when they know their child is watching porn. In addition, watching porn is a violation of religious norms, it is not appropriate for a school student to watch porn. Even the values that live in Indonesian society say that watching porn is a heinous act, whether it is done by minors or adults.

The majority of the reasons why teachers are reported for giving disciplinary sanctions to students is because the student is not academically incompetent, but the student has problems with his morals, morals, and manners. When talking about morals, morals and manners, it cannot be separated from the role of parents at home. If a student at school has a bad character, it is necessary to ask how his parents care about educating the child's character. Therefore, if the teacher gives a lesson in the form of disciplinary sanctions to students, parents cannot immediately blame the teacher, because what the teacher does is the result of parents not caring about their children.

So that in the process of resolving cases where parents want to report their child's teacher for disciplining their students, the best way is through non-penal channels, namely solving cases outside of criminal law.

⁹ Affandi, A. (2016). Dampak Pemberlakuan Undang-Undang Perlindungan Anak Terhadap Guru Dalam Mendidik Siswa. *Jurnal Hukum Samudra Keadilan*, Vol. II, (No. 2), pp.196-208.

¹⁰ Affandi, A. (2016). Dampak Pemberlakuan Undang-Undang Perlindungan Anak Terhadap Guru Dalam Mendidik Siswa. *Jurnal Hukum Samudra Keadilan*, Vol. II, (No. 2), pp.196-208.

¹¹ Arief, BN. (2008). *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru*. Jakarta: Prenadamedia Group.

¹² Arief, BN. (2008). *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru*. Jakarta: Prenadamedia Group.

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There are 10 important points raised at the UN Congress that are factors in the occurrence of crime. In this case the author would like to convey some of them that are related to this case. Among others are:¹³

- a) Loosening of social and family ties.
- b) Damage to or destruction of indigenous cultural identity, which together with racism and discrimination causes disadvantages in the social, welfare and neighborhood/neighborhood spheres.
- c) The encouragement of ideas and attitudes (especially by the mass media) that lead to acts of violence, inequality (rights) or attitudes of intolerance.

Starting from the first point where the reduction of social and family ties makes one of the factors in the destruction of children's character. Children who lack attention in the family have a great potential to commit offenses. Almost the majority of children who like to make trouble both at school and in public places are children who do not get enough attention in their families.

The second point is that many original Indonesian cultures have been damaged. Many young people today are less selective in accepting new things. The influx of western cultures into Indonesia is one of the causes of the destruction of the character of the nation's children.

And the last point is the encouragement of attitudes and ideas from the media which is now very easy to access, making many young people provoked and following trends that are not in accordance with the character culture of the Indonesian nation.

Based on the explanation above, the cause of teachers who are strict in disciplining students is due to the character of children who have not been cared for by their parents. So, preventive things that can be done to prevent this conflict from occurring include:¹⁴

1. Establish a special committee to resolve cases between teachers, students and parents.

The Ministry of Education and Culture should create a committee to mediate, assess and decide on the follow-up of disputes between teachers, students and parents. The teacher's intention to train discipline through action or punishment does not have to lead to prison. If there is a dispute, the process should not go directly to the police, but students or parents should first complain to a special committee. The committee will assess and decide whether the teacher's actions against the student are criminal or not. And the disputing party must accept the committee's decision. This special committee for teacher-parent disputes can consist of various groups. For example, representatives from teachers, parents, community leaders, psychologists, local education offices, representatives from the Ministry, and other elements as needed. The special committee is drawn from various circles so that the assessment can be proportional. Its task is to provide recommendations for dispute resolution. This recommendation becomes a record for the police, prosecutors and judges in processing cases of disputes between teachers and students or parents.

2. The local government and the police should work together in terms of Completion of Education.

Teachers have a very important role and position in education. The success of an education is influenced by the teacher's expertise in educating students. Recently, there has been a lot of talk about teachers being criminalized by parents. The rise of cases of parents criminalizing teachers must be addressed immediately. If left unchecked, this phenomenon could set a bad precedent for Indonesian education.

In handling cases of criminalization of teachers by parents of students can be overcome by means of a Memorandum of Understanding (MoU) between the government, especially the Education Office and the local police. This MoU contains procedures for resolving conflicts between teachers and parents. If a parent reports a teacher for punishing their child, the police must first coordinate with the Education Office and find the best solution.

3. Parents must make a declaration before sending their children to school to the school.

The school before accepting new students is expected to ask for a statement from parents to submit their children to the school to get education and be fostered in accordance with national education and must be willing to accept the decision of the school or teacher in giving sanctions to their children, both minor and severe sanctions and will not file a legal objection as long as the sanctions are in accordance with the provisions of the applicable school rules or applicable law.

4. Organize a Parenting Seminar

The school is expected to hold a seminar on the role of parents in educating children where the participants are parents or guardians of students. This is so that parents or guardians of students know that educating children is not the teacher's job entirely. Parents should also know the unique character of their children, each child has a different character.

5. Increase Knowledge of Law Enforcement Officials have different ways of interpreting the affection. So in cases of violence between teachers, students and parents, we cannot blame anyone. Because everyone is wrong. Teachers who are harsh and cross the line of tolerance. Students who are not well-mannered. And the parents who intervened to retaliate against the teacher. In taking

¹³ Arief, BN. (2008). *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru*. Jakarta: Prenadamedia Group.

¹⁴ Affandi, A. (2016). Dampak Pemberlakuan Undang-Undang Perlindungan Anak Terhadap Guru Dalam Mendidik Siswa. *Jurnal Hukum Samudra Keadilan*, Vol. II, (No. 2), pp.196-208.

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action against reports from parents, law enforcement officials, especially the police, must improve their understanding of the rules of law.

Teachers have the freedom to impose sanctions on their students who violate religious norms, norms of decency, norms of politeness, written and unwritten regulations set by the Teacher, education unit level regulations, and laws and regulations in the learning process under their authority. Sanctions can be in the form of reprimands and/or warnings, both oral and written, as well as punishments that are educational in nature in accordance with educational methods, the Teacher's code of ethics, and laws and regulations.

Teachers and parents both love their students. Teachers and parents have different ways of interpreting that love. So we can't blame teachers, students and parents for cases of violence. Because everyone is wrong. Teachers who are harsh and cross the line of tolerance. Students who are not well-mannered. And parents who intervene to retaliate against the teacher. What becomes homework for every element in education is mutual self-introspection. Teachers must educate students firmly without having to cross the boundaries of tolerance. Students must be polite to teachers without losing a critical attitude towards the teacher's thoughts and treatment. Parents of students must also be able to understand the position of teachers who are required to be strict teachers while loving their children. So that a conducive atmosphere in the world of education will be maintained.¹⁵

CONCLUSIONS

From the discussion above, it can be concluded that a teacher has the task of not only providing knowledge to students, but teachers also have the task of providing education related to student character education. And in carrying out their duties teachers have been guaranteed legal protection by the state in Law No. 14 of 2005 and PP No. 74 of 2008.

The ease with which a teacher can be reported to the police for carrying out their duties as a teacher in educating students has had a negative impact on teachers in educating. Among other things, the teacher becomes dilemmatic in disciplining students, because if the teacher does not discipline the student, it will result in the destruction of the student's character because the teacher has allowed him to commit an offense. Meanwhile, if the teacher gives discipline a little hard, the teacher will be reported because he is considered to have committed violence or persecution.

So the solution that can be given to all parties includes forming a special committee to resolve cases between teachers, students and parents. The local government and the police should work together in terms of education settlement. Parents should make a statement before sending their children to school. Organize parenting seminars. And increase the knowledge of law enforcement officials.

With this preventive solution, it is hoped that education in Indonesia will avoid similar cases.

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¹⁵ Affandi, A. (2016). Dampak Pemberlakuan Undang-Undang Perlindungan Anak Terhadap Guru Dalam Mendidik Siswa. *Jurnal Hukum Samudra Keadilan*, Vol. II, (No. 2), pp.196-208.



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