



IMPACT OF ACT OF THE REPUBLIC INDONESIA NUMBER 17 OF 2016 ON CHILDREN'S PROTECTION TOWARDS TEACHER PROFESSION

Hairul Saleh Satrul

IAI As'adiyah Sengkang
Email: hairulsaleh11@gmail.com

Abstract: This study aims to (1) analyze the impact of implementing the Child Protection Act, (2) analyze the implementation of the Child Protection Act against teachers in disciplining students, (3) analyze efforts to protect the teaching profession in the formation of student discipline. This research uses a qualitative approach. Primary source of this research is the teacher. Data collection is carried out by means of observation, interviews and documentation. Data analysis using descriptive qualitative. Results of this study indicate that (1) Impact of the Child Protection Act has a positive impact for the development of students in schools, among others, avoid violence and the arbitrary actions of the teacher. (2) Teacher no longer uses the punishment aimed at the body and habitus in the formation of discipline. (3) Based on the juridical aspect, the addition of an explanation of differences in acts of violence by educating is one of the solutions in protecting the teacher so that there is no interpretation dualism. Based on social aspects, good cooperation between teachers and parents of students is based on an understanding of the role of each party. From the aspect of education, the principle of participation method is one that is used in forming the discipline of students in schools. Therefore, based on the findings that have been obtained it is recommended (1) Teachers must understand the essence of the Child Protection Act carefully. (2) It is time for the teacher to change the pattern of students from the old to the new patterns of students. (3) The communicative attitude is strengthened again so that there is good cooperation between the parties in the school so that the values being developed in the school are maintained.

Keywords: *child protection act, penalty, teacher, violence*

Abstrak: Penelitian ini bertujuan untuk (1) menganalisis mengenai dampak implementasi UU Perlindungan Anak. (2) menganalisis implementasi UU Perlindungan Anak terhadap guru dalam mendisiplinkan peserta didik. (3) menganalisis upaya perlindungan profesi guru dalam membentuk kedisiplinan peserta didik. Penelitian ini menggunakan pendekatan kualitatif. Sumber primer dari penelitian ini adalah guru. Pengumpulan data dilakukan dengan cara observasi, wawancara dan dokumentasi. Analisis data menggunakan deskriptif kualitatif. Hasil penelitian ini menunjukkan bahwa (1) Dampak Undang-undang Perlindungan Anak berdampak positif bagi perkembangan peserta didik di sekolah antara lain terhindar dari tindakan kekerasan dan tindakan sewenang-wenang dari guru. (2) Guru tidak lagi menggunakan hukuman yang ditujukan pada tubuh dan habitus dalam membentuk kedisiplinan. (3) Dari aspek yuridis, penambahan penjelasan mengenai perbedaan tindak kekerasan dengan mendidik menjadi salah satu solusi dalam melindungi guru agar tidak terjadi dualisme penafsiran. Dari aspek sosial, kerja sama yang baik antara guru dengan orang tua peserta didik berdasarkan pemahaman mengenai peran masing-masing pihak. Dari aspek pendidikan, metode prinsip partisipasi merupakan salah satu yang digunakan dalam membentuk kedisiplinan peserta didik di sekolah. Oleh karena itu, berdasarkan temuan yang telah diperoleh disarankan (1) Guru harus memahami esensi dari Undang-undang Perlindungan Anak secara cermat. (2) Sudah saatnya guru mengubah pola didik dari yang lama ke pola didik yang baru. (3) Sikap komunikatif diperkuat kembali agar terjalin kerja sama yang baik antara pihak-pihak di sekolah agar nilai-nilai yang sedang dikembangkan di sekolah tetap terpelihara.

Kata Kunci: *guru, kekerasan, undang-undang perlindungan anak, sanksi*

Introduction

Education has a goal as an awareness-raising effort oriented to the process of making humans a whole person. This emphasizes the meaning that education is a humanizing effort. Considering humanity's goal is morality, the educational effort here must also lead to human memorization or humanizing humans. If so, it must be marked by improvements in human life so that if there is no improvement it means there is no educational effort itself.

Important thing in education is the process of training students that are designed in the form of learning experiences to develop knowledge, skills and competencies that can be used as capital to find out their needs, his family and society's needs. Design and education process is designed for the formation of students who have honest character, likes to help, appreciates differences, has a commitment to do

the best, has a culture of courtesy and etiquette, disciplined, works hard in sportive and correct ways to achieve goals.

As a form of humanitarian responsibility, the country confirms educational goals and organizing an education system to accommodate these goals. Through Act of The Republic of Indonesia Number 20, Year 2003 on National Education System, the government is trying to realize that education in order "developing learners' potentials so that they become persons imbued with human values who are faithful and pious to one and only God; who possess morals and noble character; who are healthy, knowledgeable, competent, creative, independent; and as citizens, are democratic and responsible (Article 3).

Discipline is needed so that the process of learning interaction in schools can be directed towards the personal formation of students both in the process of knowledge transfer and in the process of transferring behavior. Enforcement of discipline is also routinely carried out because it has a function in shaping the character of students in realizing the value of discipline (Rahmawati, 2017). Based on scientific research by Sufri which proves that discipline has a positive influence or correlation on students' motivation and learning achievement (Sufrie, 2016). Discipline can take the form of giving rewards / praise and punishment. Teacher gives praise to the students showing good work results.

It is intended so that students can feel happy and make their willingness to excel, improve themselves or maintain good habits. Whereas giving punishment to students to stop deviations from the rules or control the negative behavior of students so that they are directed back in accordance with applicable norms. But punishment as an educational tool held by teachers with the aim of improving it is now a problem for students themselves. Many parents of students refused and even reported the teacher to the police for the actions of teachers who use physical punishment such as pinching, hitting, kicking, push up, and other physical-related matters, they can continue to the police with reports of violence or abuse committed by the teacher.

As for the cases that have occurred between teachers and students relating to the provision of punishment as follows: (1) A Biology teacher of Junior High School 1 Bantaeng, Ibu Nurmayani Salam, is in prison after being reported by her student, Tiara. Tiara was pinched because the veil worn by Mrs. Maya when she was about to do the Dhuha prayer was exposed to the pouring of sewage water by Tiara (Tribun News, 2017), (2) a teacher named Muhammad Samhudi, one of the teachers at Raden Rahmad Middle School, Sidoarjo District, East Java were sentenced to 6 months imprisonment with a trial period of 1 year because pinching students who did not attend the Dhuha prayer (Regional Kompas, 2016), (3) a religion teacher at Public High School 3 Pare-Pare named Mrs Darmawati was sentenced to 3 months in prison for shaking her prayer to her students who did not do the Dhuhr prayer (Makassar Tribun News, 2017), (4) a teacher at Public High School 3 Wajo named Mrs Malayanti was reported to the police because she pinched her students who played cellphones while learning (liputan6.com, 2017), (5) a junior high school teacher in Jombang, East Java named Shafik Udin was reported to the police for allegedly abusing his students (Legal News, 2016), (6) a teacher at SMAN 2 Sinjai named Pak Mubazir was reported to the police because a student who refused to be shaved had his hands parried and injured him (Antara Sul-Sel, 2016). This is a number of cases that occur in schools when teachers want to provide disciplinary action to their students.

The act that is being demanded is Act Number 17 Year 2016 on Child Protection (the second amendment). The article is as follows: "Article 54 paragraph 1 emphasizes that children within an education unit are obliged to get protection from physical, psychological, sexual violence, and other crimes committed by educators, educational staff, fellow students, and / or other parties". "Article 76C confirmed that everyone is prohibited from placing, allowing, committing, or participating in violence against children". "Article 80 paragraph 1 confirms that every person who violates the provisions referred to in article 76C, shall be sentenced to a maximum imprisonment of 3 years 6 months and / or a maximum fine of Rp. 72,000,000 (seventy-two million rupiah)".

Cases that occur between teachers and students who end up in a trial reap a lot of controversy. Many people assume that physical punishment such as pinching is a common thing in the community even such actions are not a taboo thing to do. Moreover, the intention is only to educate so that the

behavior of students can be directed to better things and are not accustomed to deviations from discipline. The issue of sanctions and violence is the main problem when teachers are dealing with students who behave in deviant behavior at school. It is important to see and understand the difference between sanctions and violence because these two verbs are difficult to distinguish. Sanctions and violence both have the potential to hurt and are essentially acts that cause physical or mental suffering or suffering to victims (Zebua, 2017).

Sanctions and violence are carried out to stop or control certain behaviors. The basic difference is that sanctions are based more on commitment and moral considerations from the perpetrators because these actions are carried out in order to educate, consider the mental development of children and are given consistently. While violence is done not based on the direction of educating but because it is accompanied by emotions, it is more dominant to hurt and the impact will be harmful to children both physically and psychologically.

This study aims to analyze the impact of the Child Protection Act on the teaching profession, analyze the implementation of the Child Protection Act on teachers in disciplining students and analyze efforts to protect the teaching profession in forming the discipline of students.

Materials and Method

This research uses qualitative research. This research was conducted in two junior high schools in Sabbangparu sub-regency, Wajo Regency, namely at Public Junior High School 1 Sabbangparu and at MTS Sabbangparu. Primary data sourced from the teacher while secondary data sourced from data in the form of documents, literature and other sources related to research. Qualitative research instrument was the researcher himself, with supporting data collection tools included interview guidelines in the form of a list of questions, field notes and documentation.

Data collection techniques with observation (observation) conducted by researchers is to observe the interaction between the teacher and students, teacher and students discipline. Data collection is also done through interviews with primary data, namely teachers to reveal more about the Child Protection Act in relation to the teaching profession in forming the discipline of students. Documentation obtained by the researcher is the disciplinary behavior of students which allows them to be given punishment.

Data analysis technique used in this research is qualitative descriptive analysis. Qualitative descriptive analysis relies on inductive thinking. data analysis is done by collecting data, breaking it down into units, synthesizing it, arranging it into patterns, choosing what is important and what will be studied and making conclusions that can be explained to others.

Result and Discussion

In this study some of the focus issues will be outlined as follows, how the impact of the Child Protection Act on the teaching profession, how the implementation of the Child Protection Act towards teachers in disciplining students, how to protect teachers in shaping the discipline of students.

A. Impact of Child Protection Act on teachers.

Existence of the Child Protection Act on teacher positions has the following impact weakening the teacher's ability to educate, the authority and image of the teacher as an educator in front of students has decreased because teachers are easily prosecuted with the Child Protection Act and report it to the police and there is a shift in the meaning of the role teacher of the students' parents regarding the role of the teacher in education. Teacher loses independence in giving sanctions to his students. Feelings of fear, doubt, stress and awkwardness in carrying out their authority affect their independence in carrying out their duties. application of the Protection Law was responded to by teachers and resulted in a lack of teacher concern for character building through the internalization of disciplinary values. Because teachers are in a position that is at risk of being entangled in the Child Protection Act in providing punishment to their students.

From this problem, researchers analyzed using the theory of development law. Based on this theory, the writer understands that the existence of the Child Protection Act is an insistence on the needs that occur in the community that must be met. That there has been a disorder (disorder) in the existing order in the community. Events that result in many children experiencing mistreatment from other parties

so the state needs to anticipate it. Based on the child's need for legal protection, a legal regulation was formed to support the development of children in the community. Changing society not to mistreat children. Because one of the directions of national development contained in the constitution is to educate the nation's life. So, the existence of the Child Protection Act has a function to change the community so that it no longer makes children victims of negative actions from other parties.

If this regulation is associated with interactions in the school, then what is prohibited outside of school also applies inside the school. The basic assumption is that there are also children in schools that are in the domain of the Child Protection Act. The conclusion is that the implementation of the Child Protection Act has no other purpose other than as a legal protection for children who are likely to be victims of mistreatment by other parties. Problems that occur later on the implementation of the Child Protection Act that there are certain parties who feel disadvantaged in its application, namely from the teacher. teacher feels the implementation of this law has a negative impact on his task, especially in his authority to provide sanctions against irregularities committed by students.

Disciplinary action by the teacher is considered as an act of violence because the domain is physically touching and tends to have marks. According to the author, the teacher also has a relatively weak position in justifying his actions. Giving sanctions to students in principle is permissible. But the problem is that many teachers do not understand how the implementation of more human punishment behavior. This ignorance makes the act of giving punishment switch roles as acts of violence and teacher aggression to students. Punishing it can have the expected effect. But if the mechanism is wrong, it can have the reverse effect that is expected.

The existence of the Child Protection Act is appropriate as a legal protection to protect children. Impact of the Child Protection Act has a negative impact on teachers cannot be justified absolutely because there are still many alternatives or other methods that can be used in giving sanctions to students. As a teacher, of course understand that there is not only one method used to educate students but rather depends on a number of strategies and approaches to reach or teach very diverse population with various social and emotional abilities and needs.

B. Implementation of Child Protection Act against teachers in disciplining students

Application of the Child Protection Act against the use of sanctions by teachers that physical punishment in providing punishment can no longer be applied. Because the use of any physical approach as light as still considered as violence for the Child Protection Act. Child Protection Act causes enforcement of rules in schools carried out only by reprimands or by being forced to provide physical sanctions (pinching) without a trace. Even when reprimands and punishment that have been given have not been effective what happens is to let go or just look at the violations committed by students.

In order to be able to carry out the learning process in class, the teacher must first manage the bad behavior in the class. Because disciplinary problems are one source that brings teachers to high levels of stress and emotions. Discipline is done to prepare students to learn well, concentration of learning is not disrupted and relationship between teachers and students is more harmonious.

However, now a lot is happening around the student's indiscipline so that the learning process is disrupted. indiscipline was then responded in the form of punishment. Data collected from informants shows students must be repeatedly reprimanded and advised in order to stop their negative behavior. Even the teacher is forced to carry out physical punishment as the last attempt from a series of efforts that have been made before. Physical punishment is what makes it possible to bring forth the seeds of violence. It is said violence when the sanctions given are more directed at excess physical strength rather than educative. So that the victim or the convicted experience physical or psychological suffering that is not comparable with their mistakes.

Teacher in exercising his authority in providing sanctions still uses the old-style discipline technique. Old-style discipline means disciplining techniques using physical contact such as hitting with wood (palms, calves), kicking, throwing and pinching. Things that smell physically become a punishment for students the past. Techniques like that were then passed down so that it became a habit and became

a common thing to do. Society does not blame it because it has been embedded in him that it will be useful in forming discipline for students.

Habit of providing physical sanctions in the past, of course, in accordance with the harsh conditions. This then becomes different when physical sanctions are used in discipline in the modern era as it is today. Despite the fact that physical punishment is considered necessary and beneficial for teachers especially for parents. Most users of such sanctions have the notion that it is only for the good of the child himself. Even so what happens, still must be reduced, even if necessary eliminate the use of physical punishment and develop alternative technologies to educate children. Raising children in a healthy, happy, well-behaved manner is possible without violence.

Existence of the Child Protection Act as a limitation of space for teachers. Limiting the space in this case is not in the negative sense but as a controller of the teacher's actions in giving sanctions to students. Child Protection Act actually expects no violence against children. Violence in any form even though the reason behind it is to establish discipline can no longer be done.

C. Efforts to protect teachers in forming student discipline.

In the juridical protection carried out against teachers is to provide limits and differences in the contents of the Child Protection Act between acts of violence with acts of education. Unclear rules contained in the Child Protection Act make teachers vulnerable to criminalization. Another effort is that school institutions must build coordination with parents of students.

According to the author, the effort offered by the informant is a strong basis to be used as a solution in the context of protection for the teaching profession. what the teacher needs is the clarity of the rules that limit it.

It is time for the state to provide a legal basis regarding the penalty limits allowed in shaping the discipline of students. On the other hand the teacher also needs to develop a method that must be used to change or control the behavior of the students. So, not only expects the legislation but also teachers need to have creativity in educating students at school. Safeguards according to the authors only refer to changes in student patterns that are effective in influencing student behavior rather than solely in the form of legal rules to protect the teaching profession.

Pattern of students referred to by the author is to use the principle of participation. This method is done by making a rule in the school or class that includes students in making and regulating the behavior contained in the rule. This principle gives students more freedom to regulate themselves. author understands that the endless problem is about the concept of thinking of the teacher about what the teacher wants for what students should do, not concerned about how best to deal with students.

Teacher wants the student to do is a form of external discipline. Meanwhile, if students are given freedom to regulate themselves is an internal discipline. Because talking about discipline involves the use of teacher power or authority as an adult. Even though humanitarian approach is more effective than the power approach.

Protection efforts are not always in the form of legislation, it can also be in the form of cooperation between teachers and parents. The existence of an understanding of the role between teachers and parents of students is a positive thing in order to establish productive cooperation in fostering students at school. Every new student acceptance, parents of students are expected come to school to hear the school rules that are delivered by the school.

D. Analysis of the relevance of the School Rules to the Child Protection Act and the Teacher and Lecturer Act

Child Protection Act states in Article 9 paragraph 1a that: "Every child has the right to get protection in the education unit from crime and violence committed by educators, educational staff, fellow students, and / or other parties". Likewise in the school code of conduct, it is regulated regarding the rights of students, namely "students are entitled to the same treatment as long as it does not violate the rules of school rules". It means that the same treatment is in accordance with the sanctions given to other students, not based on the same violations but the sanctions are different, some are mild and some are not.

Restrictions on actions given by school rules are also relevant to teachers' obligations in Act Number 14 Year 2005 article 20c which emphasizes "acting objectively and not discriminatory on the basis of consideration of gender, religion, ethnicity, race, and certain physical conditions, or family background and socioeconomic status of students in learning".

School Rules are the basis for the behavior of each school personnel specifically to students and teachers. The relationship must also be based on the rights and obligations of each party.

Rights and obligations of students are listed in the Child Protection Act, while the rights and obligations of teachers are contained in the Teacher and Lecturer Act. Both of them have been regulated according to the applicable laws and regulations. So in planning the School Rules, how to accommodate both of these act. The Drafting of School Rules must also have relevance to the two act and must also be the raw material in making School Rules. So, whoever violates the School Rules essentially violates the Child Protection Act and the Teacher and Lecturer Act.

Conclusion

Views on impact of the Child Protection Act which has many negative impacts cannot be fully justified. In fact, the impact of the Child Protection Act has a positive impact on the development of students in schools, among others, avoiding acts of violence and arbitrary actions of teachers, increasing the creativity of teachers in educating specifically in providing penalties and can spur teacher productivity in order to improve the quality of national education. Implementation of the Child Protection Act provides changes to disciplinary practices by teachers. Teachers no longer use punishment aimed at the body and habitus in forming discipline but directly encourage teachers to look for alternative methods that are more friendly in forming discipline. From a juridical aspect, the addition of an explanation of differences in acts of violence by educating is one of the solutions in protecting teachers so that there is no interpretation dualism. From the social aspect, good cooperation between teachers and parents of students is based on an understanding of the role of each party. From the aspect of education, the principle of participation method is one that is used in forming the discipline of students in schools.

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