

## THE LEGAL EDUCATION ON TEACHER'S PROFESSION IN APPLY OF CONFLICT MANAGEMENT

**Arista Candra Irawati**

Universitas Ngudi Waluyo, email : [acitujuhsatu@gmail.com](mailto:acitujuhsatu@gmail.com)

**Anis Mashdurohatun**

Universitas Islam Sultan Agung Semarang, email : [anism@unissula.ac.id](mailto:anism@unissula.ac.id)

**Adhi Budi Susilo**

Universitas Ngudi Waluyo, email : [adhibudisusilosh@gmail.com](mailto:adhibudisusilosh@gmail.com)

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### ABSTRACT

*The fact that occurs as a form of disciplining students so that they are more disciplined gets a dilemma with accusations of violence against students where parents do not directly compromise or solve problems but directly report to the police where the teacher is always the victim and the object of the sufferer. That is very ironic that the existence of a teacher as a hero without merit and from a science teacher is very weak. On the one hand, it must realize the goals of national education, on the other hand, in carrying out its authority it is considered to violate the law. This activity involved partners from the Semarang Regency Education, Culture, Youth and Sports Office. The problems faced by the first partner, Has the teaching profession in the district have implemented conflict management as a form of legal protection for the second teaching profession. What is the impact of conflict management legal counseling on the teaching profession in Semarang Regency when handling and resolving conflicts. The implementation of community service activities is carried out using a participatory approach method. Its meaning that the participants are required to actively participate during the activity. From the results of the first community service activities, the teaching profession in Semarang district does not understand conflict management as a legal protection in applying discipline to students so as not to have an impact on legal issues, secondly seeing the pre-test and post-test conducted on 36 participants marked by indicators of increasing knowledge participants on how to resolve conflicts between the teaching profession and students, as well as increasing knowledge about the application of the Law.*

### A. INTRODUCTION

Education is inseparable from various aspects of life, where education is the key in the nation's civilization for the realization of national ideals listed in the Preamble to the Constitution of 1945 paragraph four which states "Then to form an Indonesian government that protects all Indonesians and all the bloodshed of Indonesia and to promote public welfare, enlighten the life of the nation, and participate in the implementation of world order based on independence, lasting peace and social justice" as one of the main things in realizing a better Indonesian nation is through education where it is contained in Article 31 of the

Constitution 45 paragraph (1) which states "Every citizen has the right to education".

Article 1 paragraph 1 of Act No. 20 of 2003 states that education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have religious spiritual strength, self-control, personality, noble character, and skills needed by himself, the community, the nation and the state" where education is the inculcation of the values of goodness and morality is currently fading with the emergence of various educational problems that are quite complex, both internal problems in the administration of education itself, as well as external problems, so that it can hinder the goals of education to be achieved. The phenomenon of irregularities in the world of education can be classified as ordinary violations or criminal acts.<sup>1</sup>

The fact that occurs as a form of discipline for students to be more disciplined gets a dilemma with accusations of committing violence against students where the parents of students do not directly compromise or solve problems but directly report to the police the same as what Longaretti quoted who said "Resolving conflict through compromising and problem solving was rare. Student and teacher perceptions of conflict accounted for their handling of conflict."<sup>2</sup> For example, a teacher at SDN 2 Patoman, Rogojampi District, Banyuwangi, East Java, was reported to the police on Monday, March 11, 2019. The subject teacher Dozens of students' parents reported the sport to the Rogojampi Sector Police for shaving students' hair irregularly and looking messy,<sup>3</sup> and a sports teacher at an Elementary School (SD) in Bogor Regency, West Java, their parents reported on cases of alleged abuse against students of nine year old boy.<sup>4</sup>

Impact The above phenomenon is a dilemma that causes teachers to be less assertive towards students who are naughty or violate school rules. The naughty students are left alone, rather than later the teacher will be in legal trouble. The indecisiveness of the teacher has an impact on the lower authority of the teacher in front of students, who will increasingly violate school rules and regulations, because after all they will not be punished<sup>5</sup> even though it is firmly regulated in Government Regulation Number 19 of

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- 1 Abdul Rahman Prakoso, Perlindungan Hukum Terhadap Profesi Guru Atas Tindakan Pemberian Hukuman Terhadap Siswa, *Profesionalisme Guru Abad XXI Proceedings*, National Seminar IKA UNY Year 2018, page.177-186
  - 2 Longaretti and Wilson, The Impact of Perceptions on Conflict Management, *Educational Research Quarterly*, Vol.29 No.4, 2009, page.3-15
  - 3 Dian Kurniawan, 2019, *Rambut Anaknya Dipotong Berantakan, Orangtua Laporkan Guru Ke Polisi*, Liputan6.com. <https://www.liputan6.com/regional/read/3915901/5-cerita-serangan-balik-orangtua-murid-kepada-oknum-guru-yang-dinilai-ngawur> ( accessed on January 16, 2021)
  - 4 Adhey, 2019, *Diduga Dicusit Guru, Orang Tua Laporkan Wali Kelas Ke Polisi*, POJOKSATU.id, BOGOR, <https://pojoksatu.id/news/berita-nasional/2019/09/19/diduga-dicusit-guru-orang-tua-laporkan-wali-kelas-ke-polisi/> (accessed on January 16, 2021).
  - 5 Umardani and Liany, Penyuluhan Perlindungan Hukum Guru Dan Adab Siswa Sebagai Peserta Didik Tingkat Sekolah Menengah Atas (SMA), *Jurnal Balireso: Jurnal Pengabdian pada Masyarakat*, Vol.2, No.2, 2017

2017 Article 39 paragraphs 1 and 2 explained that "teachers have the freedom to give sanctions to their students who violate religious norms, moral norms, norms of decency, written and unwritten regulations set by teachers, education unit level regulations, and laws and regulations in the learning process which are under their authority." "The sanctions can be in the form of reprimands and/or warnings, both oral and written, as well as educative punishments in accordance with educational rules, teacher codes of ethics, and statutory regulations." And according to former deputy chairman of the MPR RI Hidayat Nur Wahid that "the actions of teachers who reprimand or punish students in the context of discipline while still in the education corridor cannot be penalized."<sup>6</sup>

This is very ironic with the existence of the Guru as an unsung hero and from the Guru of science leading to its origins. How the application of the teaching profession in the freedom to impose sanctions, the consistency of the rule of law on the protection of the teaching profession in applying discipline to students who do not have legal problems is very necessary in the climate of the world of education. Fitzgerald explained Salmond's theory of legal protection that the law aims to integrate and coordinate various interests in society because in a cross-interest, protection of certain interests can only be done by limiting various interests on the other side.<sup>7</sup>

According to Satjipto Raharjo, legal protection is to provide protection for human rights that are harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law. Law can be used to realize protection that is not only adaptive and flexible, but also predictive and anticipatory. Law is needed for those who are weak and not yet strong socially, economically and politically to obtain social justice.<sup>8</sup>

With the developments above, there needs to be assistance. Conflict management aims, among other things, to prevent violence from occurring and conflict parties can handle and resolve their conflicts without resorting to violent means<sup>9</sup> according to Lidija Zlatic said In the process of education teacher communication competence is increased, its emphasized (social sensitivity, non-violent verbal communication, integrative style of conflict management, interaction involvement).<sup>10</sup> It is necessary to develop knowledge through "Legal Counseling on the Teacher Profession in Applying Conflict Management" As quoted from Thomas A. Cornille, "Teachers in urban schools reported being more likely to use dominating styles with their students' parents than with their peers. Based on these findings, the authors

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6 Jumriani Nawawi, Perlindungan Hukum Terhadap Profesi Guru Dari, *Jurnal Al-Adalah: Jurnal Hukum dan Politik Islam* 4, 2019, page.159–72

7 Anis Mashdurohatun, Problematika Perlindungan Hak Cipta Di Indonesia, *Yustisia Jurnal Hukum*, Vol.1, No.1, 2012

8 Satjipto Rahardjo, *Ilmu Hukum*, PT. Citra Aditya, Bandung, 2014, page.20

9 Rizal Panggabean, Manajemen Konflik Untuk Kepolisian, *Journal of Chemical Information and Modeling*, Vol.53 No.9, 2019, page.1689–99

10 Zlatic, Lidija, Dragana Bjekić, Snežana Marinković, and Milevica Bojović, Development of Teacher Communication Competence, *Procedia-Social and Behavioral Sciences* 116, 2014, page.606–10

suggest continuing education for teachers to learn intentional ways of dealing with conflicts, both with peers and with students' parents."

Based on the description of the problem above, the following problems are obtained:

1. Has the teaching profession in Semarang district implemented conflict management as a form of legal protection for the teaching profession?
2. What is the impact of conflict management legal counseling on the teaching profession in Semarang Regency?

## **B. RESEARCH METHODS**

The participatory approach method means that participants are required to be active in participating during the activity. The competencies that will be formed are marked by indicators of increasing participants' knowledge about the application of conflict management to students as legal protection so that they can provide solutions to legal problems that take them to the court process level. Method of work carried out:

1. Counseling on the introduction of how to identify conflict management to students,
2. Providing knowledge to teachers in carrying out their duties and responsibilities to build relationships with students in harmony.
3. Provide education to teachers about several regulations relating to teacher protection and student protection.
4. Providing knowledge about the impacts and dangers of violence to teachers and to students.
5. Submission of information about the subject matter that has been determined in the form of lectures, followed by questions and answers and discussions is a follow-up to the orientation stage, so that actual problems are identified among teachers and can measure abilities, knowledge and understanding of conflict management in the Act.
6. Dissemination of Post Test Questionnaires on Healthy Internet as an effort to provide solutions for violations of the law. This is important because at this stage it can be used as a benchmark for the success of this community service activity to the target audience or partners, namely the teachers.
7. After coordinating with the Head of the Semarang Regency Education, Culture, Youth and Sports Office, a location was determined. The mentoring counseling activity was carried out at Ngudi Waluyo University Ungaran, having its address at St. Diponegoro 186 Ungaran, Semarang Regency.

## **C. RESULTS AND DISCUSSION**

### **1. Activity Results**

In the implementation of this activity, the service team has taken steps in accordance with the established procedures. During this service process from the beginning until the implementation goes according to the plan with stages:

a. Distribution of Pre-Test Questionnaires to Know the Application of Conflict Management as a Form of Legal Protection for the Teacher Profession in Semarang Regency

At the beginning the Service Team distributed pre-test questionnaires which were used as an effort to measure teachers' knowledge of conflict management in the Child Protection Act as an



effort to prevent and overcome the Child Protection Act in learning in schools. Questionnaire filling technique, with a. Pre Test Questionnaires are distributed to each teacher; b. The teacher fills out a questionnaire consisting of 15 questions: 13 questions consisting of statement questions and 2

description questions. c. Pre-Test questionnaires are collected, for later counseling or socialization of conflict management in the Child Protection Act as an effort to prevent and overcome the Child Protection Act in learning in schools.

b. Implementation of Teacher Service Activities through Conflict Management Assistance as Legal Protection

The service team carries out counseling through teacher assistance on Conflict Management as legal protection with material in the form of power points.



The teacher's enthusiasm in the Teacher Assistance program through conflict management as legal protection is proven by the many questions asked. The following are some of the questions asked by

students along with the solutions provided:

**Questions:**

**Q: What are the rules that protect teachers?**

**Answers:**

A: The government through the National Education Law has guaranteed the protection of the teaching profession. Efforts to protect teachers and education personnel in Indonesia for the first time have been regulated in Act No. 2 of 1989 concerning the National Education System. The elaboration of the implementation of legal protection for teachers and other education personnel has been stated in the Government Regulation of the Republic of Indonesia No. 38 of 1992 concerning education personnel. With regard to teacher protection, explicitly Article 40 paragraph (1) letter d of Act No. 20 of 2003

concerning the National Education System states "Educators and education personnel have the right to obtain legal assistance in carrying out their duties and rights to intellectual property results. Accordingly, Article 39 paragraph (1) of Act No. 14 Year 2005.

**Q: What is our role as educators in preparing the nation's generation/agent of change in the future?**

A: the teaching profession as well as a form of appreciation for the role and contribution of teachers in educating and building a better generation. It is undeniable, the teacher's role is very large in social life, especially to build a better civilization and future generations. The benchmark of a teacher's success is not determined by the principal or parents, but rather by the students. The success of teachers is primarily reflected in the positive changes experienced by their students. Positive changes can be various indicators, ranging from students' understanding of the subject matter, students' enthusiasm in participating in the learning process, and the most important thing is the extent to which students enjoy the learning process they are undergoing. Some of the ways that can be run include:

1. Giving assignments/homework that has a positive impact, does not burden students.
  2. Become a teacher who is seen by students as a teacher whose teaching method is fun, fun, easy to understand. Teachers like this often become students' idols, not boring, fierce teachers anymore.
  3. Become a teacher who is seen by students as a teacher whose teaching method is cool, fun, easy to understand. Teachers like this often become students' idols, not boring, fierce anymore;
  4. The form of punishment, reprimand, sanction, or order from the teacher is oriented towards solving the real root of the problem, not just being a form of control, giving a deterrent effect, setting an example for other students, let alone just venting emotions and annoyance against students. Through a personal approach for each student who has problems and focuses on finding solutions;
  5. Eliminate anti-criticism, be closed to evaluation, build openness to be able to continue to evaluate yourself and be open to criticism.
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**Q: How to solve teacher-student conflicts in a simple way?**

A: The number of student behaviors that make the teacher angry, such as students are often late, leave class, skip class, and so on, so the teacher is better off conveying the student's problems to the homeroom/school to be coordinated with parents and the principal. By coordinating with the parents or guardians of the student about the student, then with good communication, problems with students will not lead to legal problems. Even earlier, at the beginning of the acceptance of new students, there was a mutual agreement in the form of an SOP (Standard Operational Procedure) between the school and the guardians of the students for disciplinary action to be taken in the event of student disobedience in learning at school.

With a mutual agreement in the SOP that occurs, it can avoid violations of the Child Protection Law.

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So it can be concluded that students are representatives of intellectual youth who are studying at national and international levels who have extraordinary potential as agents of national change in the future. The application of disciplinary action indeed needs to be done to them is a persuasive step to raise a quality generation. It is not easy, the burden of educators varies in carrying out the teaching profession, but if it is properly and correctly conceptualized, it will contribute to the state for the assets of the younger generation that we must nurture and protect.

## **2. RESULT AND DISCUSSION**

### **a. Application of Conflict Management as a Form of Legal Protection for the Teacher Profession in Semarang Regency**

After the Community Service activities regarding teacher assistance through Conflict Management as Legal Protection, it is known that the teaching profession in Semarang Regency does not yet understand conflict management as a legal protection in applying discipline to students so as not to impact legal issues, it is necessary to have regular monitoring stages for teachers in Semarang Regency as a protection for professional educators carried out by teachers.

The stages of periodic monitoring see the type of teacher protection in Government Regulation No. 19 of 2017 concerning Amendments to Government Regulation Number. 74 of 2008 concerning Teachers Article 40 states that:

*Teachers are entitled to protection in carrying out their duties in the form of a sense of security and safety guarantees from the Government, Regional Governments, educational units, Teacher Professional Organizations, and/or the Community in accordance*

*with their respective authorities. A sense of security and safety guarantees in carrying out tasks as referred to in paragraph (1) obtained by the Master through the protection of: the law; profession; and occupational safety and health. Community, Teacher Professional Organizations, Government or Regional Governments can help each other in providing protection as referred to in paragraph (1).*

Article 41 states that *"teachers are entitled to legal protection from acts of violence, threats, discriminatory treatment, intimidation, or unfair treatment on the part of students, parents of students, society, bureaucracy, or other parties"*

Where the general law, namely Act No. 14 of 2005 concerning Teachers and Lecturers in Article 7 paragraph (1) letter h mandates that teachers must have guaranteed legal protection in carrying out professional duties, further Article 39 which states:

- 1) The government, local government, community, professional organizations, and/or education units are required to provide protection to teachers in the performance of their duties.*
- 2) The protection as referred to in paragraph (1) includes legal protection, professional protection, and protection of occupational safety and health.*
- 3) The 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, society, bureaucracy, or other parties.*

b. Impact of Legal Counseling on Conflict Management to the Teacher Profession in Semarang Regency

Looking at the pre-test and post-test exams that were conducted on 36 participants, it was marked by indicators of increasing participants' knowledge about how to resolve conflicts between the teaching profession and students on legal issues that brought to the court process the results of the distribution of post test questionnaires regarding teacher assistance through conflict management as legal protection experienced a very significant increase.

Quis	Pre			Post			Quis	Pre			Post		
	C	F	NA	C	F	NA		C	F	NA	C	F	NA
<b>1</b>	30	3	3	36	1	0	8	25	7	4	36	0	0
<b>2</b>	13	3	3	36	0	0	9	31	3	2	36	0	0
<b>3</b>	14	14	8	36	0	0	10	3	32	1	27	9	0
<b>4</b>	11	23	2	36	0	0	11	26	3	7	35	1	0
<b>5</b>	30	3	3	36	0	0	12	32	3	7	36	0	0
<b>6</b>	11	21	4	31	4	1	13	12	6	18	36	0	0
<b>7</b>	17	17	2	34	1	1	14	5	11	20	36	0	0
							15	3	9	24	36	0	0

**Description:****C: Correct****F: False****NA: No Answer**

According to the author, in carrying out the profession, teachers are entitled to protection in carrying out their duties in the form of a sense of security and safety guarantees from the government, regional governments, educational units, teacher professional organizations, and/or the community in accordance with their respective authorities. This sense of security and safety guarantees is obtained by teachers through legal, professional and occupational safety and health protection. Teachers are entitled to legal protection from acts of violence, threats, discriminatory treatment, intimidation, or unfair treatment on the part of students, parents of students, society, bureaucracy, or other parties. And teachers have the freedom to give sanctions to their students who violate religious norms, moral norms, norms of politeness, written and unwritten regulations set by teachers, education unit level regulations, and laws and regulations in the learning process that are under their authority. And, the sanctions can be in the form of warnings and/or warnings, both oral and written, as well as punishments that are educational in nature in accordance with educational rules, teacher code of ethics, and statutory regulations.

Teacher's report in the police field that ended up in the Court is not correct. If students are entitled to protection of human rights, are teachers in carrying out their professions also entitled to protection of human rights? The term human rights is known in French "*Droits de l'homme*", which means "Human Rights, and in Dutch it is called "*Mensen rechter*"<sup>11</sup>. Human rights are rights that every human being has to enjoy simply because he is a human being. Every human being has the right to obtain human rights protection but it must not be selfish, meaning that it must still respect the human rights of others. This is important because, by respecting the human rights of others, every human being will try to avoid any actions that can interfere with the lives of others. With the

11 Darji Darmodiharjo, Peranan IKIP Dalam Pengembangan Dan Pembinaan Sekolah Sebagai Pusat Kebudayaan, Jurnal Analisis Pendidikan Tahun II Vol.3, 1981, page.24

implementation of proper conflict management in carrying out education in schools, it is certain that the harmonization of human rights is equally protected. Some Regulations concerning the Teacher Profession:

- 1) Act No. 14 of 2005 concerning Teachers and Lecturers
- 2) Act No. 20 Th. 2003 on the National Education System
- 3) Act No. 35 of 2014 concerning Amendments to Act No. 23 of 2002 concerning Child Protection.
- 4) Government Regulation No. 19 of 2017 concerning Amendments to Government Regulation No. 74 of 2008 about Teacher
- 5) Government Regulation No. 13 of 2015 concerning the Second Amendment to Government Regulation No. 19 of 2005 concerning National Education Standards (SNP)

#### **D. CONCLUSION**

Teachers have the freedom to give sanctions to their students who violate religious norms, moral norms, politeness norms, written and unwritten regulations set by the teacher, education unit level regulations and statutory regulations in the learning process which are under their authority. Legal understanding of the importance of the freedom to give sanctions to students and strategies to overcome conflict need to be explained. Because of mistakes and ignorance about the existence of the Law on Child Protection which protects the existence of students, as has been mandated in Act No. 35 of 2014 concerning Amendments to Act No. 23 of 2002 concerning Child Protection will have fatal consequences for the teacher's role. Through this partnership activity, it is hoped that teachers who take part in this socialization and counseling will know, understand and be encouraged to apply conflict management to students in order to avoid legal issues that lead to court proceedings.

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## **REGULATION**

1945 Constitution of the Republic of Indonesia;

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