

Perceptions of Islamic Religious Education Teachers on the Child Protection Act and the Teacher Law at MTs Nahdlatul Ulama Maron Probolinggo

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Abstract

Education will give a child's character and personality which is carried to adulthood. Implementation of education can be used with various methods where one of them is the method of giving rewards (award) and punishment (punishment). However, the imposition of this punishment is now often used as a debate among the community because some people think that the imposition of punishment violates children's rights. The child protection law, which was supposed to function to protect children, has become a weapon that can undermine the teacher's role and duties as an educator. It is appropriate that there is a convergence of the punishment method in education and child protection laws so that teachers can still carry out their educational roles and tasks properly without feeling intimidated by the applicable laws. The purpose of this study is to provide an overview of the convergence of punishment methods in education and child protection laws. The method used is a qualitative method with a literature review and comparative study approach. The results of the research show that both teachers and students actually have a legal umbrella that regulates the rights and obligations of each. However, regulations that protect teachers are still considered blunt and have not been able to provide full protection for teachers. Therefore, it is necessary to converge the punishment method in education and child protection laws so that teachers do not bear the bad consequences of disciplining students by giving punishment.

Keywords: PAI Teachers' Perceptions, Child Protection Law, Teacher Protection Law



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INTRODUCTION

Children's education can be done at home, at school, or in the neighborhood where they live. Education in children contains the transfer of knowledge that occurs from adults to children. In the implementation of education, there are many methods that can be used and media that can be used. Not a few theories that explain the method of providing education to children. Selection of appropriate methods and media will have an impact on the level of success of education implemented. One method that is well known and often used in children's education is the reward and punishment method (Azwardi, 2021). Giving reward and punishment is one of the oldest educational methods because it has appeared even since the first life on this earth was formed (Miftahuddin, 2020) and can be used as an alternative educational tool that effectively advances education (Husna, 2021). Giving awards is considered to be able to motivate children to do good deeds or improve learning achievement. Punishments are generally given with the intention that children who commit acts that are not commendable or violate certain provisions set by the learning environment become deterrent and do not repeat the same actions. Punishment is also carried out to control aggressive attitudes that are often possessed by school-age children (Ruhama & Marlina, 2020). This punishment is basically a prevention of negative actions committed by children (Khoir, et al., 2019) but lately, this method of punishment has reaped many pros and cons in society.

However, the implementation of the articles contained in the law often becomes a stumbling block for educators who intend to punish students who commit violations or do not comply with the rules. Quite a number of cases have been reported as acts of teacher violence against students that started with the teacher giving punishment to students. One example is the case of a teacher at SMP Raden Rahmat Sidoarjo. A teacher named Muhammad Samanhudi was reported to the authorities for allegedly having physically abused one of his students named SS. Based on witness statements, Samanhudi was known to have pinched SS who did not attend the Dhuha prayers required by the school. For this action, Samanhudi was charged with article 80 paragraph 1 of the Child Protection Act and was subject to a penalty of 6 months in prison. Things like this certainly raise doubts in educators to give strict punishment to students who break the rules.

Teacher is an honorable and noble profession. Teachers serve and serve in the context of educating the life of the nation and improving the quality of Indonesian people who are faithful, pious and have noble character and master science, technology and art in realizing an advanced, just, prosperous and civilized society. Indonesian teachers must always appear professionally with the main task of educating, teaching, guiding and directing, training and evaluating students in early childhood education through formal education, basic education and secondary education. Teachers must have high reliability as the main resource for realizing national education goals, namely developing the potential of students to become human beings who believe in and fear God Almighty, have noble character, are healthy, knowledgeable, capable, creative, independent and become citizens who democratic and responsible. The dynamics and problems of teacher professionalism always demand a patient, disciplined but also humane teacher attitude that reflects the attitude of an educator. The roles, duties and functions of teachers are very important in implementing the national education system and realizing national education goals. The main key to the role, duties and functions of the teacher is that professionalism, welfare and legal protection for the teaching profession must be provided optimally.

The key is now in the Teacher and Lecturer Law, the National System Law and various laws and regulations that must be implemented optimally based on the value of justice. This form of devotion to teacher professional principles, one of which requires teachers to always be kind to students, brings legal consequences. According to data from LKBH PGRI Central Java, many teachers have had to deal with the law. Another fact is that society's critical attitude towards the implementation of teacher professional duties is currently high. Society demands a lot from teachers to carry out their professional duties as well as possible by not abusing students in any name, including in the name of education. In such a situation, the teacher is faced with a dilemma. On the first side, teachers are professional education who are required to be able to carry out the learning process as well as possible and with such great duties and responsibilities. However, on the other hand, the teacher cannot carry out the task, cannot carry out educational efforts that are seen as strategic by the teacher as an effort to maintain character and discipline with a tough attitude towards their students.

Even if the teacher takes disciplinary action against students in the name of education, the teacher will be faced with applicable law. On the basis of this background, it is necessary to review, reflect again on the teacher's responsibility in guiding their students to reach maturity as future leaders of the nation in all fields. life. Because teachers need to be given adequate legal protection. In addition, steps are needed to strengthen their mental and psychological so that their professional duties can be carried out as well as possible. For this reason, interested parties should not ignore the role of the teacher and his profession so that the nation and state can grow on an equal footing with other developed nations and countries, both now and in the

future. This condition indicates that teachers and their profession are components of life that are needed by the nation and state at this time. Only with teachers carrying out their duties professionally can the existence of a nation and state that is coercive, honorable and respected in the association of nations in the world be realized.

RESEARCH METHODS

Approach Data

The data approach that the researchers took focused on observation and direct interviews and used qualitative methods. A qualitative approach is data in the form of words and is more identical to traits or characteristics. This causes this data to not be measured and calculated with certainty.

Data Sources

Sources of research data obtained by data collectors from the field. This fact was obtained from direct observation and discussion with the principal of Mts Nahdlatul Ulama Maron Probolinggo. The decision to include them in this study was based on their active participation in the teacher's reception of child protection laws and teacher protection laws. One of the important players in the implementation of public relations management for planning, implementing and evaluating educational programs is the curriculum assistant. To arrange the teacher's reception of child protection laws and teacher protection laws.

Data Collection Technique

The following strategy was used by the researchers to obtain data for this study:

1. Observation. The act of observing and documenting facts or phenomena systematically. In observation there are two types of procedures, namely participatory and non-participatory. A participant observes while taking part in the ongoing activity process (participatory). Observations made by observers who do not participate in the observation process (non-participatory). Monitoring (direct observation) is a method of gathering information using one's own eyesight without any encouragement/assistance from anyone. This is done by researchers to identify conditions related to the research.
2. Interview. An interview is a meeting between two people to exchange information and ideas through question and answer, so that meaning can be constructed in a particular topic. The informants that the researchers will interview are the principal and deputy head of the interview curriculum which can be divided into two, namely:
 - a. Structured interviews: Used as a data collection technique if the researcher or data seeker already knows exactly what data or information he will obtain.
 - b. Unstructured interview: Free interview, in which the researcher does not use various interview guidelines that have been arranged in a coherent and systematic manner to collect the data. This means that the interview guide used is only an outline of the problem you want to ask.

This study uses structured interviews to obtain data. This technique was chosen because apart from providing clearer directions it also avoids a lack of required data or obtaining unnecessary data. Interviews are questions and answers between 2 or more people in the hope of getting an explanation and research objectives using the interview method.

3. Documentation. Documentation is a record of events that have passed where the form of the document can be in the form of some of the following: Writing, for example daily notes, biographies, regulations, policies, life history, pictures, and can be in the form of photos.

Document studies can be used as a complement to observations and interviews in a study. Therefore, it is expected that the research method that the author uses is complete and supports this research.

RESEARCH RESULTS AND DISCUSSION

Research Result

In law no. 35 of 2014 concerning Child Protection article 54 explains that children who are in education units are required to receive protection from various forms of violence in the form of physical, psychological violence, sexual crimes, or other crimes that may be committed by teachers, education personnel, students others, and/or other parties related to students. The article has the intention that the child can have a shield that protects the child from all kinds of acts of violence or discriminatory behavior. This article also aims to protect the child's right to live safely, grow and develop safely. Children are one of the groups in society that is prone to becoming the target of crime because they are considered powerless and do not yet have full power to fight against every form of violence and abuse.

Children's law basically has a positive goal by presenting regulations that can be used as a legal umbrella so that children can live a life that is far from the threat of danger. In addition, child protection laws also provide guarantees for every child to exercise their right to study, perform various creative and expressive actions, and provide facilities for children to participate in various fields of life according to their capacity. However, the child protection law is actually a sharp-edged knife. On the one hand, this law has a noble side by presenting the fulfillment of children's basic needs, but on the other hand, this law actually dulls the education system that has been running. The presence of this law is referred to as granting students immunity rights against teachers. This is because there are not a few cases that have occurred between teachers and students and have led to sanctions against teachers because they are suspected of committing acts of violence against students. The world of education is known as a complex world. Not all students have good behavior. Some students sometimes do actions that are prohibited by the school and actions that are not in accordance with applicable norms and ethics.

At such times, educators generally give a number of punishments so that students are deterred and do not repeat similar actions. An educator has a duty to guide, teach, and educate so that every attitude and behavior of a student deserves the attention of the educator. The methods or methods used by teachers in providing guidance, teachings, or education are basically unlimited and teachers can choose the methods and methods that are considered appropriate to provide teaching, guidance, and education. Based on Government Regulation Number 74 of 2008 concerning Teachers it is stated that teachers can have the freedom to give sanctions or punishments to students who are deemed to have violated religious norms, decency, decency, and written or unwritten regulations that have been determined either by the teacher, the unit education, or laws and regulations during the teaching and learning process which is their responsibility and authority. Teachers are also given the freedom to choose the type of punishment used.

1. The punishment can be in the form of verbal or written warnings and/or warnings, or other punishments that are considered educational and do not violate educational rules, do not conflict with the teacher's code of ethics, and do not violate the applicable laws. This regulation is a regulation that aims to protect teachers and show the rights and obligations of teachers as educators. Some rights and protections that should be obtained by teachers as contained in Government Regulation Number 74 of 2008 are as follows: Teachers have the right to receive protection in order to carry out their duties. The protection in question can

- be in the form of a sense of security or safety guarantees provided by the Central Government, Regional Governments, educational units, Teacher Professional Associations, and/or the community in accordance with the ownership of the authority that exists in each.
2. The intended sense of security and safety guarantees can be obtained by teachers through several lines of protection such as legal protection, professional protection, and occupational safety and health.
 3. Protection as intended can be provided through cooperation between the community, teacher professional organizations, the central government, and local governments.
 4. Teachers have the right to obtain legal protection from various acts of violence or threats, discriminatory acts, acts of intimidation, and unfair treatment originating from students, parents/guardians of students, society, bureaucracy and other parties.
 5. Teachers have the right to obtain professional protection in the event of termination of employment where there is an indication of non-compliance with applicable laws and regulations, incidents of giving wages that are not in accordance with the provisions, restrictions on expressing opinions and ideas and views, harassment of the profession, and enforcement limitations or other prohibitions that can hinder teacher performance and prevent teachers from carrying out their assigned duties.
 6. Teachers have the right to obtain occupational health and safety protection from educational units and educational unit administrators against the occurrence of risks of work safety disturbances, work accidents, fires during work, natural disasters, work environment health and/or other similar risks.
 7. Teachers can obtain protection rights to intellectual rights and property in accordance with the applicable laws and regulations.

The reality that is encountered now is that there are many cases of giving punishment to students which actually harm the teacher because it is considered an act of violence against children. Not a few teachers have received criminal penalties for being suspects for reporting acts of child abuse committed by parents/guardians of students. In fact, the level of violence committed in the context of giving the punishment is considered to be within reasonable limits and does not have the potential to cause physical or mental injury. According to the Supreme Court Jurisprudence, teachers cannot be criminalized if they take disciplinary action against students in the context of carrying out their profession. Disciplinary action from teachers as long as it is still aimed at providing education cannot be prosecuted as a criminal case.

The teacher does not only have the duty and role as a teacher who transfers knowledge and skills but also as an educator whose task and role is to shape the character and personality of students. The child protection law is often misused by parents/guardians of students to make demands crimes of violence against children make teachers into a dilemma in carrying out their duties and roles as educators. In the end, many teachers choose to be apathetic towards student behavior. This is certainly not something that is expected to happen in the world of education. Teachers who are no longer willing to carry out educational tasks and only carry out teaching assignments certainly have a negative impact on the world of education in the long run. However, the teacher is also a human being who has fear. Teachers who are afraid of dealing with criminal law prefer to remain silent in the safe zone and are not willing to take risks by acting decisively and imposing penalties on students because teacher protection laws are still considered sterile and cannot provide protection for teachers when carrying out their duties and roles. in educating students. If all teachers choose to act in this way, it is certain that there will be a decline in the nation, especially in the attitude and personality of the nation.

Communities must understand that teachers also have rights as students do. Both are groups that both have a legal umbrella in order to carry out their respective duties and roles. The purpose of establishing a child law is not for the purpose of becoming a weapon that can be used to attack educators. The purpose of child protection laws is to protect and fulfill children's rights. The teacher is given the responsibility to be able to form good character and personality in a child, but teachers are also pressured by the existence of laws that are often used as a tool to target teachers. In fact, the real responsibility for forming character and personality is not only the responsibility of a teacher but also of parents.

Therefore, it is appropriate that there is a convergence of punishment in education and child protection laws so that the punishment carried out by teachers does not necessarily become a problem and problematic so that it is referred to as a violent crime. Perceptions between teachers as educators and parents/guardians as parties who mandate their children's education must be equated. The difference in perceptions about the meaning of punishment is the forerunner to the occurrence of various cases of alleged child abuse by teachers. Teachers who have the intention to improve students' bad attitudes and behavior are judged as an act of rudeness, anarchism, and crime. This is certainly a burden for teachers as education implementers. Naturally, parents would want to protect their children. However, parents must also have deep thoughts about which punitive actions serve as warnings or reprimands and disciplinary actions and which are acts of violence so that when students receive punishments that are still within reasonable corridors, parents are willing to understand and realize that these actions carried out by educators for the good of students. The meaning of punishment in the realm of education and law must have the same perception. It would be better if there was a clear definition regarding the boundaries of punitive actions that fall into the category of disciplinary action and actions that fall into the category of acts of violence. Giving punishment must also be considered carefully and consider several things such as suitability for the level of guilt, punishment aims to educate and not hurt physically, children know the reasons why they have to receive punishment, punishment can have a deterrent effect.

CONCLUSION

Education has an important role in forming the character and personality of students. The teaching and education that students receive during their school years will have an impact on the attitudes and actions of students when they are adults. One method of education that is widely used by educators is by giving rewards and punishments. However, the recent administration of punishment has reaped many pros and cons. Many people think that giving punishment violates child protection laws. There are not a few cases that place teachers as convicts in cases of violence against children. In fact, the teacher has a goal to educate and provide a deterrent effect when punishing students. The children's law, which was originally intended to provide protection for children, has instead become an intimidating weapon that attacks teachers as educators.

Teachers are responsible for guiding their students to reach maturity as future leaders of the nation in all areas of life. For this reason, interested parties should not ignore the role of teachers and their profession, so that the nation and state can grow on an equal footing with other nations in developed countries, both in the present and in the future. Such conditions could imply that teachers and their profession are components of life that are needed by this nation and state throughout the ages. Only by carrying out the teacher's duties professionally can the existence of a meaningful, honorable and respected nation and state be realized in the association between nations in this world. in the form of moral and ethical values in the position of teacher as an educator of the nation's sons and daughters. As for the criminalization of teachers, this occurs due to disagreements between teachers and parents/guardians of

children. An illustration that the function of the teacher in the national education system is as a teacher as well as an educator. With the understanding of perceptions from various parties, the teacher can carry out his function as an educator who will provide positive benefits to students.

BIBLIOGRAPHY

- Azwardi. (2021). Penerapan Reward dan Punishment dalam Meningkatkan Hasil Pembelajaran Pendidikan Agama Islam di Sekolah Menengah Atas Negeri 1 Tembilahan. Ta'dib: Jurnal Pendidikan Islam 10(2), 261-274.
- Basuki, A. (2022). Hukuman untuk Pendisiplinan Peserta Didik dalam Dunia Pendidikan Perspektif Psikologi dan Maqashid Syariah. Al-Mabsut 16(1), 1-14.
- Daulay, N. (2015). Pendidikan Karakter pada Anak dalam Pendekatan Islam dan Psikologi. MIQOT 39(1), 199-217.
- Husna, N. (2021). Pemberian Reward dan Punishment kepada Anak Menurut Perspektif Pendidikan Islam. EGALITA: Jurnal Kesetaraan dan Keadilan Gender 16(1), 40-55.
- Istikomah, R., Ma'mun, M. A., & Mustofa, A. (2019). Reward and Punishment in Islamic Education. ISTAWA 4(1), 65-79.
- Kartiko, A. (2018). Fenomenologi Hukuman di Pesantren: Analisis Tata Tertib Santri Pondok Pesantren Daruttaqwa Gresik. Nadwa: Jurnal Pendidikan Islam 12(1), 181-196.
- Khoir, N., F. D. J., Fuad, S. N., Setiawan, S., Septianingsih, T., & Rohmawati, A. (2019). Upaya Peningkatan Minat Belajar Siswa Melalui Metode Reward and Punishment di MTs. Factor M 1(2), 160-178.
- Miftahuddin. (2020). Karakteristik Pemikiran Ibn Khaldun tentang Reward dan Punishment dalam Pendidikan. Rayah Al-Islam 4(2), 288-302
- Muis, T., Syafiq, M., & Savira, S. I. (2011). Bentuk, Penyebab, dan Dampak dari Tindak Kekerasan Guru terhadap Siswa dalam Interaksi Belajar Mengajar dari Perspektif Siswa di SMPN Kota Surabaya: Sebuah Survey. Jurnal Psikologi: Teori dan Terapan 1(2), 63-74.
- Nawawi, Jumriani (2019) Perlindungan Hukum Terhadap Profesi Guru Dari Kriminalisasi di Indonesia Jurnal Hukum dan Politik Islam Vol. 4, No. 2, Juli 2019:159- 172 P-ISSN: 2406-8802 E-ISSN : 2685-550X
- Pranata, Arif (2012) Implementasi kepemimpinan guru dalam membina kedisiplinan dan mentaati tata tertib siswa Di SD Negeri 01 Dukuh Ngargoyoso Karanganyar Tahun 2011/2012. Skripsi thesis, Universitas Muhammadiyah Surakarta.
- Restiyawan, Ahmad Agung; Persepsi Mahasiswa Pendidikan Ekonomi Terhadap Keberadaan Bank Mini di Program Studi Pendidikan Ekonomi Undiksha, Jurnal Program Studi Pendidikan Ekonomi (JPPE), Volume: 7 nomer 04