

THE JURIDICAL CONSEQUENCES OF CORPORAL PUNISHMENT BY TEACHERS AND PARENTAL LEGAL COMPLAINTS IN THE CONTEXT OF CHILD PROTECTION ACT

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Abstract

This study aims to analyze the juridical implications of the reporting of student guardians to teachers related to the practice of corporal punishment in the educational environment. This study is a normative legal research. The approach used is a legislative approach, which focuses on analyzing the applicable regulations. The primary legal source in this study is the Child Protection Law and Education policy. The data was analyzed using thematic analysis techniques. The results of the review show that the legal implication of the student's parents' reporting to the teacher is the blurring of the meaning of "violence against children" in Law Article 76C jo. Article 80 of Law No. 35 of 2014. This is due to the absence of the limitation of violence referred to by the Law in the implementation of physical punishment against students. So that it gives rise to interpretations that are not in accordance with the mandate of the Law. Another implication is the overlap with article 39 paragraphs 1 and 2, Law No. 14 of 2005 concerning Teachers and Lecturers, which states that teachers are protected by law in carrying out their profession.

Abstrak

Penelitian ini bertujuan untuk menganalisis implikasi hukum dari pelaporan orang tua siswa kepada guru terkait praktik hukuman fisik di lingkungan pendidikan. Penelitian ini merupakan penelitian hukum normatif. Pendekatan yang digunakan adalah pendekatan legislatif, yang berfokus pada analisis peraturan yang berlaku. Sumber hukum utama dalam penelitian ini adalah Undang-Undang Perlindungan Anak dan kebijakan pendidikan. Data dianalisis menggunakan teknik analisis tematik. Hasil tinjauan menunjukkan bahwa implikasi hukum dari pelaporan orang tua siswa kepada guru adalah kaburnya makna "kekerasan terhadap anak" dalam Pasal 76C junto Pasal 80 Undang-Undang Nomor 35 Tahun 2014. Hal ini disebabkan oleh ketidakhadiran batasan kekerasan yang dimaksud oleh Undang-Undang dalam penerapan hukuman fisik terhadap siswa. Hal ini dapat menimbulkan interpretasi yang tidak sesuai dengan mandat undang-undang. Implikasi lain adalah tumpang tindih dengan Pasal 39 ayat (1) dan (2) Undang-Undang Nomor 14 Tahun 2005 tentang Guru dan Dosen, yang menyatakan bahwa guru dilindungi oleh undang-undang dalam menjalankan profesi mereka.

INTRODUCTION

Violence in the world of education does not only include physical acts, but can also be in the form of verbal and psychological violence that occurs both between fellow students and between students and educators. This phenomenon of violence shows a complex problem, which involves not only breaking the rules, but also social interactions that can affect the psychological development of individuals.¹ One example is that hundreds of students of SMAN 1 Cimarga received social sanctions and became victims of bullying by netizens for carrying out a school strike as a form of protest against the principal's slap action on a student who was caught smoking in the school environment, so the school presented a psychologist to provide assistance and mental recovery and the principal who slapped students because they were caught smoking was finally reported to the legal channel and deactivated from Office.² This fact shows that many teachers are now hesitant to reprimand or discipline students for fear of being reported and sued.

The case of parental intervention against educational institutions and intimidation of teachers requires a legal system and education policies that are able to balance the protection of students' rights and the authority of teachers in education. The legislative approach in resolving cases of violence in the educational environment needs to comprehensively integrate the principles stipulated in the Child Protection Law and the Law on Teachers and Lecturers. The two regulations must be seen as complementary, not contradictory, to create a balance between the protection of children's rights and guarantees for the teaching profession.³ The Child Protection Law emphasizes the importance of providing sanctions for every form of physical and psychological violence against children, including those that occur in schools, while the Law on Teachers and Lecturers provides legal protection for teachers in carrying out their professional duties as long as the actions taken are aimed at educating and in accordance with professional norms and ethics.⁴ Thus, this legislative approach not only focuses on the aspect of sanctions, but also prioritizes proportional justice that pays attention to the social and psychological context in schools. Its implementation requires synergy between educational institutions, law enforcement agencies, and child protection institutions so that every disciplinary action can run within the legal corridor, protecting children's rights while ensuring the authority of teachers as educators.

Several studies have been found with the theme of criminalization of teachers in disciplining students. Among them is Jumriani Nawawi's research which examines the

¹ Noval Perdana Astyan Putra, "Analysis of Cases of Violence in Education (Case Study of Teacher Abuse of Students in Jogoroto-Jombang)," *Journal of Socio-Cultural Dynamics* 25, no. 1 (2023): 102, <https://doi.org/10.26623/jdsb.v25i2.4204>.

² Nurandi, "Psychologists Will Be Brought to SMAN 1 Cimarga to Heal Students' Mentality," <https://www.radarbanten.co.id/2025/10/16/psikolog-bakal-didatangkan-ke-smn-1-cimarga-sembuhkan-mental-siswa/>.

³ July Esther Nanang, Herlina Manullang, "Nommensen Journal of Legal Opinion (NJLO) Legal Protection for Teachers Who Experience Complaints due to Teachers' Actions While Carrying out the Teaching Profesion" 03 (2022): 45–58, <http://ejournal.uhn.ac.id/index.php/opinion>.

⁴ Rozikin and Daroe Iswatiningsih, "Harsh Education in the Past and the Relevance of Physical" 4, no. 5 (2025): 541–46.

legal protection of the teaching profession from criminalization from a positive legal perspective. This research aims to find out the problem of criminalization of teachers which is still a problem in society.⁵ Second, there is a study by Nining Yurista Prawitasari, Akbar Sayudi, and Gina Asri Ruwaida that focuses on socializing Legal Protection for Teachers in Disciplining Students in Elementary School.⁶ Third, Nasution focuses on legal protection for teachers against lawsuits for disciplinary actions.⁷ The three types of research are different because most of them examine normative juridical aspects of the existing legal umbrella or focus on socialization efforts at the elementary school level. Thus, the findings of this (hypothetical) study that examines the normative juridical review of the application of corporal punishment in the context of child protection laws will complement the previous study.

The issue of the criminalization of teachers due to student discipline has become a hot topic in the legal world. This phenomenon arises in line with increasing public awareness of children's rights as regulated in Law Number 35 of 2014 concerning Child Protection.⁸ On the one hand, this situation shows progress in the enforcement of human rights, especially in protecting children from both physical and mental violence in the educational environment. But on the other hand, there is a legal dilemma between child protection and the protection of the teaching profession. Teachers have a moral and legal responsibility to educate and instill the values of discipline, responsibility, and character in students, but any form of disciplinary action risks being considered violence that leads to legal prosecution. This situation shows that there is a shortcoming in the law that protects teachers, since there is no regulation that clearly regulates the difference between disciplinary action that educates and violence that violates the law.⁹

This study aims to analyze the legal implications of student parent reporting to teachers related to the practice of physical punishment in the education environment, and specifically answer the research question that has not been addressed by previous research, namely what is the legal impact of student parent reporting to teachers on the indication of violence in physical punishment from a juridical perspective? This is due to the existence of a legal vacuum related to protection and adequate legal guarantees for teachers to be able to carry out their professional duties without fear of being criminalized. This legal balance can be realized through the establishment or revision of

⁵ Jumriani Nawawi, "Legal Protection of the Teaching Profession from Criminalization in Indonesia," *Al-Adalah: Journal of Islamic Law and Politics* 4, no. 2 (2019): 159–72.

⁶ Nining Yurista Prawitasari, Akbar Sayudi, and Gina Asri Ruwaida, "Socialization of 'Legal Protection for Teachers in Disciplining Students' at SDN Jatimulya 11, South Tambun, Bekasi Regency," *Amaliah: Journal of Community Service (AJPKM)* 8, no. 1 (2024): 276–85, <https://www.jurnal-lp2m.umnaw.ac.id/index.php/AJPKM/article/view/3007/1666>.

⁷ Nasution et al., "Study of Corporal Punishment in Schools in Indonesia, 1966–2014," *Paramtomy* 35, no. 1 (2025): 23–31, <https://doi.org/10.15294/paramita.v35i1.16118>.

⁸ peraturan.bpk.go.id, *Law of the Republic of Indonesia Number 35 of 2014*, 2014.

⁹ Vicky Rizki Amalia and Fuad Nashori, "The Relationship Between Religiosity and Self-Efficacy and Academic Stress of Pharmacy Students," *Psychosophia: Journal of Psychology, Religion, and Humanity* 3, no. 1 (2021): 36–55, <https://doi.org/10.32923/psc.v3i1.1702>.

national education policies that affirm the limits of teachers' authority in disciplining students and providing legal guarantees for educators.

RESEARCH METHOD

This research method uses normative legal research (normative juridical approach) with a statutory approach and a conceptual approach.¹⁰ According to Soerjono Soekanto, normative legal research focuses on written legal norms and applicable legal principles, while Peter Mahmud Marzuki explained that the legislative approach is used to examine relevant regulations and conceptual approaches to understand the underlying legal principles. This study examines Law Number 35 of 2014 concerning Child Protection, Law Number 14 of 2005 concerning Teachers and Lecturers, and Permendikbudristek Number 46 of 2023. The data source consists of primary legal materials in the form of laws and regulations and secondary legal materials in the form of literature, journals, and relevant expert opinions. The data collection technique is carried out through literature studies, while the data analysis uses qualitative descriptive analysis with thematic analysis methods, as stated by Philipus M. Hadjon that legal protection aims to guarantee and enforce the rights of legal subjects fairly.

RESULTS AND DISCUSSION

1. Criminalization of Teachers Due to the Implementation of Physical Punishment in the World of Education

The case of criminalization of teachers due to the application of physical punishment to students is increasingly receiving public attention because it creates a dilemma for teachers between discipline enforcement and efforts to protect students.¹¹ Teachers who seek to enforce order by inflicting corporal punishment at school often reap conflict, even though their goal is to educate. For example, the case of the principal of SMAN 1 Cimarga in Banten in 2025 is a clear picture of the complexity of this problem. The principal was reported to the police after slapping a student who was caught smoking in the school area, even though the action was carried out spontaneously to provide a deterrent effect.¹² The incident led to a legal investigation and temporary deactivation. Another case that occurred to a madrasah teacher in Demak who was fined for slapping a student and honorary teacher Supriyani in South Konawe who had been detained due to allegations of persecution showed the same pattern. Various media reports from 2020 to 2025 revealed more than twenty similar cases in areas such as

¹⁰ Juhnnny Ibrahim Jonandi Effendi, "Legal Research Methods: Normative and Empirical," *Depok : Prenandamedia Goup*, 2018, 149.

¹¹ Nasrul Nasrul, Wardaningsih Wardaningsih, and Nur Hayati, "Criminological Studies of Forms of Teacher Violence Against Students," *Amsir Litigation Journal* 10 (2023).

¹² Acep Nazmudin, "5 Facts of the Case of the Head of SMAN 1 Cimarga Accused of Slapping Students for Smoking Up to 630 Students Strike," *Kompas.com*, 2025, <https://www.kompas.com/jawa-barat/read/2025/10/14/061500888/5-fakta-kasus-kepsek-sman-1-cimarga-dituding-tampar-murid-merokok>.

Sidoarjo, Garut, Padang, Bogor, and Lumajang.¹³ This trend shows a systemic tendency where disciplinary actions of an educational nature are often equated with violence that violates the law, so that teachers lose protection in carrying out their educational functions.



Figure 1.1 Cases of Criminalization of Teachers. Source: melintas.id

The criminalization of teachers is often triggered by differences in perceptions between teachers and parents regarding the limitations of corporal punishment in sanctions given as a form of discipline. This phenomenon of criminalization is considered to reduce the professionalism of teachers and hinder the achievement of national education goals in the formation of student character.¹⁴ Law enforcement in this context is often inconsistent. Law enforcement officials sometimes fail to distinguish between educational acts and violence that harms children. As a result, teachers become afraid to be firm, which has an impact on the decline in the quality of discipline in schools.¹⁵ In addition, the declining culture of respect for teachers and increased sensitivity to human rights issues increase the risk of criminalization. The mass media also has a role in worsening public perception with unbalanced reporting, because it highlights the actions of teachers without showing the educational context behind it.

The lack of training for teachers on positive discipline methods and classroom management also strengthens the root of the problem. Many teachers have not

¹³ Ahmad Fatchudin, "The World of Education, Emergency for Teacher Protection! Don't you dare to be a teacher anymore? Afraid of being reported for disciplining students at school," www.melintas.id, 2024, <https://www.melintas.id/pendidikan/345274532/dunia-pendidikan-darurat-perlindungan-guru-guru-tak-lagi-berani-menegur-takut-dilaporkan-karena-mendisiplinkan-siswa-di-sekolah>.

¹⁴ Ahmad Gazali, "Legal Protection for Teachers Who Give Physical Sanctions Within Reasonable Limits to Students," *Indonesian Law Enforcement Journal* 2, no. 1 (2021): 40–68, <https://doi.org/10.51749/jphi.v2i1.6>.

¹⁵ Raynel Matheus Kapioru, Jimmy Pello, and Reny Rebeka Masu, "Analysis of the Concept of Restorative Justice in the Case of the Use of Corporal Punishment on Children in the School Environment Reviewed from the Perspective of Teacher Protection," *Journal of Administrative and Social Science* 6, no. 1 (2025): 108–19, <https://doi.org/10.55606/jass.v6i1.2097>.

implemented education that is oriented towards communication and empathy. In fact, the application of positive discipline that emphasizes the importance of building communication and empathy of students can be done without violence.¹⁶ So that through this training, teachers can enforce discipline at school and continue to provide protection to students according to the mandate of the law.

Cooperation between schools and parents is an important element in preventing misunderstandings. Communication forums such as parent meetings, parenting discussions, and periodic consultations need to be strengthened so that teachers' disciplinary actions can be understood in the context of education, not violence.¹⁷ The government needs to draw up clear guidelines on the boundaries between disciplinary action and violence, and require a mediation mechanism before legal reports are filed. Equitable legal understanding in society will reduce the tendency to criminalize teachers and strengthen the synergy between schools and families in educating children.

The role of parents in supervising and guiding children's behavior at home has a great influence on children's behavior at school. When parents are not actively involved, children tend to be difficult to control and do not respect the authority of teachers.¹⁸ Close collaboration between parents and schools will form a harmonious and humane educational environment. Ultimately, the government must ensure legal protection for teachers without neglecting children's rights. Proportionate, educational, and coaching-oriented law enforcement will create a balance between legal certainty and substantive justice.

According to Peter Mahmud Marzuki's theory, law is not only understood as the norms written in laws and regulations, but must also be seen as a system consisting of legal structure, substance, and culture. In the context of the criminalization of teachers, the legal substance that regulates the protection of the teaching profession is still inadequate, the legal structure (law enforcement officials) does not fully understand the educational context of teachers' actions, and the legal culture of the community still tends to be reactive and lacks understanding of educational values.¹⁹ The inequality between these three elements results in the law losing its main function as a means of justice and social protection. Thus, the solution to the problem of teacher criminalization must be carried out through a comprehensive overhaul of the three elements of the legal system

¹⁶ Siti Ari Mursalina, Zulfah Zulfah, and Nurkolis Nurkolis, "The Conflict Between the Implementation of Child Protection Law and the Enforcement of School Discipline," *Cetta: Journal of Education* 8, no. 3 (2025): 176–85, <https://doi.org/10.37329/cetta.v8i3.4254>.

¹⁷ Nining Yurista Prawitasari, Akbar Sayudi, and Abdul Latif, "Socialization of Legal Protection for Teachers from Criminalization at SMAN 9 Bekasi Introduction Teachers are one of the important elements in forming a quality young generation, not only in terms of knowledge but also in terms of social behavior. (" 9, no. 1 (2025).

¹⁸ Prawitasari, Sayudi, and Ruwaida, "Socialization of 'Legal Protection for Teachers in Disciplining Students' at SDN Jatimulya 11, South Tambun, Bekasi Regency."

¹⁹ Praditya Arcy Pratama, Sapto Budoyo, and Della Ayu Maretasari, "Legal Protection for Teachers in Carrying Out Their Professional Duties Related to the Application of Punishment to Discipline Students," *Journal of Learning Innovation in Schools* 6, no. 1 (2025): 041–050, <https://doi.org/10.51874/jips.v6i1.309>.

in order to achieve balanced justice between children's rights and the protection of the teacher profession.

2. Review of the Child Protection Law on the Implementation of Corporal Punishment by Teachers

Law Number 35 of 2014 concerning Child Protection (UUPA) provides a strong legal basis for the prohibition of all forms of violence against children, including in the educational environment. Article 54 paragraph (1) emphasizes that children must be protected from acts of violence committed by educators, education personnel, and other parties.²⁰ This provision was born from the need to protect children's rights to a sense of security, respect for their dignity, and guarantee optimal growth and development. This principle of protection is in line with the doctrine *of the best interest of the child* which puts the interests of the child above all else. This concept makes education a safe space for child development, where violence of any kind is considered contrary to the goals of national education oriented towards humanity and character.

The application of articles in the UUPA raises serious debate when it is associated with the practice of discipline by teachers in schools. Teachers have a dual role as teachers and moral coaches who have the right to enforce discipline and discipline students. In practice, corrective actions such as pinching, *jewer* (pinch the ears), or light slaps are often carried out to provide a deterrent effect and instill the value of responsibility. Too narrow a legal interpretation of such actions often leads to teachers reporting to law enforcement officials with allegations of violence against children.²¹ Many cases show that legal reporting of teachers is carried out without reviewing the intention, intention, and educational context behind the actions. This situation puts teachers in a vulnerable position, because any disciplinary step taken can turn into the basis for criminal prosecution.

The difference between violence and discipline is the main problem in the implementation of the UUPA. Physical violence according to Article 76C and Article 80 is an act that causes pain, injury, or suffering to a child. Disciplinary actions in schools are not always synonymous with violence, especially if they are carried out within reasonable limits, without the intention of harming, and aimed at education. The cases of teachers in Demak, South Konawe, Sidoarjo, and Garut show that this unclear boundary has triggered the criminalization of educators.²² The legal process that arises from spontaneous actions to discipline students shows the weak legal protection for the teaching profession. This condition creates fear among educators which has an impact on the decline in the authority and effectiveness of teaching in schools.

²⁰ peraturan.bpk.go.id, *Law of The Republic of Indonesia Number 35 of 2014*.

²¹ Kristina Maria Puu Heu et al., "The Effect of the Implementation of Child Protection Law on the Provision of Punishment to Students at Smak Sint Carolus Kupang," *Survey (Journal of Religious Education Research)* 5, no. 1 (2024): 35–44, <https://doi.org/10.61717/sl.v5i1.90>.

²² Wagiman Manik et al., "Hitting Children and Their Effects on Learning," *Morals : Journal of Islamic Religious Education and Philosophy* 2, no. 2 (2025): 389–401, <https://doi.org/10.61132/akhlak.v2i2.696>.

The interpretive aspect in the enforcement of the UUPA shows that the law should not stop at normative interpretation, but must pay attention to the principle of substantive justice. Teachers have a different social function from perpetrators of violence in general, because their actions are based on the responsibility of educating. Assessment of teachers' actions should take into account the intention, context, and impact caused. When the act of educating is criminalized without considering the moral and pedagogical aspects, the law loses its humanistic value.²³ The principle *of lex specialis derogat legi generali* can be used as the basis that the actions of educators have specificity and cannot be equated with general acts of violence. The wise application of the UUPA must provide interpretive space for the educational context so that the law does not hinder the role of teachers as moral guides and directors of children's character.

The implementation of the UUPA in the field still faces obstacles because there are no clear guidelines to distinguish corrective actions and violence. Law enforcement officials often interpret norms textually without considering social and psychological evidence. Some legal reports start from misunderstandings between parents and teachers that are not resolved through communication.²⁴ Non-litigation settlement mechanisms such as mediation in schools are often ignored so that cases are directly delegated to criminal channels. This kind of practice not only causes injustice to teachers, but also disrupts the educational ecosystem that should be a safe and educational learning space. When the law is applied rigidly without an educational approach, the essence of child protection actually shifts to become a tool of repression against educators.

Child protection and teacher protection are inseparable within the framework of fair and humane education. Children have the right to a learning environment that is safe from violence, while teachers have the right to legal guarantees in carrying out their duties.²⁵ The implementation of the UUPA must be based on a balance between children's rights and the authority of educators. Proportionate law enforcement will ensure that children's rights are protected without sacrificing the authority of teachers in education. Education can only run effectively if these two rights are maintained at the same time. The law needs to play the role of moral protector and guide of social behavior, not as a frightening threat to educators.

²³ Heu et al., "The Effect of the Implementation of Child Protection Law on the Provision of Punishment to Students at Smak Sint Carolus Kupang."

²⁴ Ridwan Sinaga, "The Use of Disciplinary Punishment on Children in the School Environment in the Perspective of the Child Protection Law," *Scientific Journal of Law Students [JIMHUM]* 2, no. 4 (2022): 145–58, <http://jurnalmahasiswa.umsu.ac.id/index.php/jimhum/article/view/1741%0Ahttps://jurnalmahasiswa.umsu.ac.id/index.php/jimhum/article/viewFile/1741/1790>.

²⁵ Energy.

Table 1.

Comparison of Views on Corporal Punishment in the UUPA and UUGD		
Comparative Aspects	Law No. 35 of 2014 (Child Protection)	Law No. 14 of 2005 (Teachers and Lecturers)
Key Focus	Guarantee the right of children to be free from violence, persecution, and mistreatment.	Guarantee the right of teachers to obtain legal protection in carrying out their professional duties.
Views on Corporal Punishment	Strictly prohibit all forms of physical violence (Article 76C) regardless of disciplinary reasons.	Allow the provision of sanctions to students as long as they are educational and in accordance with norms (Article 39).
Legal Threats	Imprisonment of up to 3.5 years and/or a fine of up to IDR 72 million (Article 80).	Providing the right to legal protection against acts of violence or intimidation by other parties (Article 39).
Subject Protection	Students (Children under the age of 18).	Educators (Teachers and Lecturers).
Supporting Regulations	Focusing on the recovery of victims and the punishment of perpetrators of violence.	It was strengthened by Government Regulation No. 74 of 2008 which provides "freedom of sanctions" for the sake of discipline.

Source: Data Analyzed by the Author

The unbalanced legal context requires a policy reformulation so that child protection goes hand in hand with the protection of the teacher profession. Technical revisions to the articles of the UUPA need to be carried out to provide a clear boundary between acts of violence and educational discipline. Legal indicators that assess intention, proportionality, and consequences of actions must be included in education law enforcement guidelines. The clarity of this norm will avoid multiple interpretations and ensure legal certainty for teachers and students.²⁶ The Teacher Protection Bill can serve as a complementary regulation that bridges this inequality by regulating a tripartite mediation mechanism between teachers, students, and parents before reports are submitted to law enforcement officials. The mediation process based on restorative justice will restore social relations and restore the spirit of education as a process of coaching, not punishment.

Improving teachers' professional competence is a strategic step in implementing the UUPA effectively. Teachers need to be equipped with classroom management skills based on positive discipline, empathic communication, and emotional control to be able to enforce order without involving violence.²⁷ This kind of training can be integrated into the Teacher Professional Education (PPG) program as well as continuous training by the Ministry of Education. Mastering non-violent skills helps teachers understand the limits of authority and reduce the risk of legal reporting. The professionalism of teachers

²⁶ Frans Maramis and Ronny Sepang, "The Application of Criminal Law Policy on the Use of Physical Punishment by Teachers Against Elementary School Students in Manado City and North Minahasa Regency, North Sulawesi Province," *Paper Knowledge . Toward a Media History of Documents* 5, no. 2 (2014): 40–51.

²⁷ Moh Kamaluddin, "The Application of Criminal Punishment in Cases of Violence Against Children in the World of Education: A Perspective of Criminal Law and Child Protection," *Journal of Scientific Scholars* 3, no. 6 (2024): 5882–87.

supported by continuous training will strengthen their position as ethical and high-integrity educators.

Collaboration between schools and parents has an important role in preventing conflicts that lead to criminalization. Schools need to establish an educational dialogue forum involving school committees and student guardian representatives to equalize perceptions of forms of discipline that are in accordance with the principles of the UUPA.²⁸ This kind of forum can be a preventive means of resolving problems in a family way without having to involve law enforcement. A harmonious relationship between teachers and parents will create an educational environment full of mutual understanding and trust. The synergy between the two parties ensures that any disciplinary action is understood in the context of moral coaching, not violence.

The role of the mass media must also be directed to support the balance of narratives between child protection and teacher protection. Sensational coverage of teachers' cases often worsens public perception and creates social pressure on the educator profession.²⁹ Ethical media can help build public awareness that teachers are partners in educating children, not threats to children's rights. Strengthening journalistic ethics in reporting on education issues will create more proportionate public opinion and support the creation of social justice in the education sector. The role of objective and educational media will strengthen national efforts in creating a civilized and mutually respectful learning ecosystem.

An ideal education system requires the application of a restorative justice model in schools as a form of conflict resolution based on human values. A school ethics team consisting of teachers, counselors, and parent representatives can be a mediation institution to handle disciplinary violations without violence. Educational approaches such as behavioral guidance, counseling, or social activities are more effective than physical punishment in shaping students' moral awareness.³⁰ This model creates a sense of shared responsibility and prevents teachers from potential criminalization. A system based on dialogue and redress reinforces the spirit of the UUPA as a protective instrument, not a punitive one.

The implementation of the UUPA that is oriented towards balance will create an ethical, safe, and dignified education system. Teachers will be protected in carrying out their obligations, while children will still be guaranteed protection of their basic rights. Proportional legal justice encourages the creation of a harmonious learning environment, where human values and morality go hand in hand with law enforcement. Education will only achieve its goals if the law functions as an ethical guide and not as a tool of

²⁸ Stanly Muaja Harly, "Corporal punishment by teacher to students in school," *Lex Et Societatis* IX, no. 3 (2021): 41–66, <https://ejournal.unsrat.ac.id/index.php/lexetsocietatis/article/view/35091>.

²⁹ Faisol Faisol, "The Application of Progressive Law in the Enforcement of Crimes of Violence Against Children Committed by Teachers Against Students," *Journal of Education and Religious Studies* 1, no. 03 (2021): 115–26, <https://doi.org/10.57060/jers.v1i03.51>.

³⁰ Dedi Mulyadi, "Reconstruction of Law Number 35 of 2014 concerning Child Protection of Teachers in Educating Students," *Journal Presumption of Law* 3, no. 2 (2021): 221–36, <https://doi.org/10.31949/jpl.v3i2.1506>.

oppression against educational actors. The protection of children and teachers that run in harmony is an important foundation for the creation of an education system that is fair and has character for the future of the nation.

3. Disharmony of Regulations in the Protection of the Teacher Profession

Law Number 14 of 2005 concerning Teachers and Lecturers is a legal instrument that comprehensively regulates the position, rights, obligations, and legal protection for educators in Indonesia. This law was born from the realization that the teaching profession has a great social and moral responsibility in educating the nation's life.³¹ Teachers in this law are not only positioned as implementers of education policies, but also as professionals who have autonomy, competence, and professional honor that must be maintained. Article 39 emphasizes that teachers have the right to obtain legal protection in carrying out their professional duties. This formulation shows that the state is obliged to provide guarantees for the safety, welfare, and legal security of every teacher in carrying out his responsibilities in the field of education.

The application of the Law on Teachers and Lecturers in the context of the criminalization of teachers shows the inequality between legal ideals and practice in the field. The legal protections mandated in the law are often not implemented concretely when teachers are faced with legal cases due to disciplinary action against students.³² Many teachers are reported to law enforcement officials without any assistance or advocacy from educational institutions or professional organizations.³³ The case of criminalization of school principals at Sekolah Menengah Negeri 1 Cimarga in Banten, madrasah teachers in Demak, honorary teachers in South Konawe, and elementary school teachers in Sidoarjo show that the implementation of this law is still weak at the institutional level.³⁴ The absence of a structured legal protection mechanism causes teachers to face criminal proceedings without protection from the state. This condition indicates that the promised legal protection is still normative and has not been able to provide real guarantees in the field.

The juridical aspect of the Law on Teachers and Lecturers emphasizes that legal protection for teachers is not a form of privilege, but the state's obligation to ensure academic freedom and the integrity of the educational profession. Teachers have a distinctive role because their actions in the learning process are based on moral, ethical, and pedagogical values.³⁵ The assessment of the teacher's actions cannot be equated with

³¹ peraturan.bpk.go.id, *Law Number 14 of 2005 concerning Teachers and Lecturers*, 2005, <https://peraturan.bpk.go.id/Details/40266/uu-no-14-tahun-2005>.

³² Oben, A.I., Hui, X. Teachers' justifications for using corporal punishment in Cameroon secondary schools: contribution to a cycle of violence. *Humanit Soc Sci Commun* 12, 1770 (2025). <https://doi.org/10.1057/s41599-025-05373-y>

³³ Gazali, "Legal Protection for Teachers Who Give Physical Sanctions Within Reasonable Limits to Students."

³⁴ Ahmad Fatchudin, "The World of Education, Emergency for Teacher Protection! Don't you dare to be a teacher anymore? Afraid of being reported for disciplining students at school."

³⁵ Soli Deo Glory o Wagiu et al., "Legal Protection for Teachers Against Criminal Acts of Persecution Committed by Preliminary Students Is Actually Something That Has an Important Role in

the assessment of general criminal acts, because the activities of educators must be seen from the perspective of science and the intention to educate. The principle of *lex specialis derogat legi generali* places the Teachers and Lecturers Law as a special rule that precedes general criminal law when it comes to actions carried out in the context of education. When teachers who have the intention of educating are treated the same as perpetrators of violence, the principle of substantive justice becomes neglected and the law loses its moral essence as a protector of human values.

The weakness of the implementation of this law lies in the absence of a derivative regulation that describes the legal protection mechanism for teachers and lecturers in detail. The government has not provided operational guidelines that regulate the stages of legal protection, ranging from assistance during examinations, professional advocacy, to the mediation process. Many educational institutions do not have a special structure in charge of handling teachers' legal cases.³⁶ As a result, when teachers are involved in legal matters, they have to face criminal proceedings without adequate institutional protections. This structural weakness causes the legal guarantees written in the articles of the law to be symbolic and have not had a real impact on the protection of the educator profession.

This condition also has social implications for the authority of the teacher profession in the school environment. The loss of strong legal guarantees makes teachers reluctant to act decisively in enforcing discipline in the classroom. A survey by the Federation of Indonesian Teachers' Unions in 2023 showed that most teachers were afraid to reprimand students for fear of being reported legally.³⁷ This excessive cautious attitude causes a crisis of authority in the educational environment and reduces the effectiveness of the teacher's role as a moral guide. The world of education loses its balance when teachers no longer have the courage to uphold disciplinary values. The law, which is supposed to be a protector of the profession, is actually a source of fear that weakens the function of education as a character formation process.

The juridical implications of this condition confirm the importance of establishing new regulations that can strengthen legal protection for the educator profession. The Draft Law on the Protection of Teachers and Lecturers needs to be drafted and passed immediately to close the legal vacuum that has caused the weak position of teachers before the judicial system. This draft law is expected to regulate preventive and repressive legal protection mechanisms, including the provision of legal assistance, professional defense, and protection of educational actions carried out in good

Human Life with the main purpose of becoming a medium in carrying out development" 6, no. 2 (2025): 627–33.

³⁶ D R Okti, F Firman, and ..., "Legal Protection of Teachers Part of a Reflection of the Upholding of the Rule of Law in the Education Sector," *Socius: Journal of Research...* 3 (2025), <https://ojs.daarulhuda.or.id/index.php/Socius/article/view/2105%0Ahttps://ojs.daarulhuda.or.id/index.php/Socius/article/download/2105/2255>.

³⁷ Hidayati Hidayati et al., "Legal Protection of Honorary Teachers in Beating Cases Based on the 2005 Law on Teachers and Lecturers," *Indonesian Law Journal* 4, no. 1 (2025): 214–28, <https://doi.org/10.58344/jhi.v4i1.1626>.

faith.³⁸ This regulation must also contain clear boundaries between violence and corrective pedagogical actions so that there is no misunderstanding in law enforcement. The establishment of the Teacher and Lecturer Protection Bill will provide legal certainty and strengthen the position of teachers and lecturers as professionals who have special protection in carrying out their duties.

The ratification of the Draft Law on the Protection of Teachers and Lecturers is expected to bring fundamental changes in the governance of national education law. The regulation may include the establishment of an Educator Professional Protection Institute that functions as an advocacy, consultation, and legal aid institution for teachers and lecturers facing legal cases.³⁹ This institution needs to be given the authority to provide an initial assessment of cases involving teachers, in order to determine whether the actions taken are ethical or criminal violations. This mechanism will prevent the early criminalization of teachers who act in the context of education. The existence of this institution will strengthen the sense of security among educators while increasing professionalism and responsibility in the implementation of professional duties. Strengthening legal policies must be accompanied by increasing the professional capacity of teachers in implementing a humanist disciplinary approach. Teachers need to be equipped with positive discipline-based classroom management skills, empathic communication, and an understanding of educational psychology to avoid the practice of physical and verbal violence. This kind of training can be included in the Teacher Professional Education curriculum or an ongoing training program under the Ministry of Education.⁴⁰ Teachers who have non-violent skills will be better able to deal with student violations without creating legal conflicts. The strengthening of professional competence will complement the legal protections provided for in the law, since competent teachers tend to be more aware of the ethical limits of their profession and better prepared to deal with complex social situations in schools.

Solving the problem of teacher criminalization also requires improving the communication system and legal culture between schools, students, and parents. Schools need to develop a restorative justice-based mediation system to resolve conflicts before they develop into legal reports.⁴¹ This mediation process provides an opportunity for teachers, students, and parents to seek a joint solution that is oriented towards moral development, not punishment. The school ethics forum can function as a forum for internal assessment of teachers' actions so that every problem is resolved professionally

³⁸ 2025 Fadli, Ilham et al., "Legal Considerations Regarding Educators Who Apply Disciplinary Measures Against Students" 4, no. 3 (2025): 1974–85.

³⁹ Year About, Guru Dan, and Adinda Rana Nabila, "Victims of Physical Violence in Carrying Out Their Duties Based on Law Number 14" 2, no. 1 (2022): 1–16.

⁴⁰ Kuswandi, "Criminalization of Pre- and Post-Jurisprudence Teachers of the Supreme Court of the Republic of Indonesia regarding Teachers Cannot Be Punished When," *Journal of Law of the Pulpit Justitia* 8, no. 1 (2022): 1–15, <https://jurnal.unsur.ac.id/jmj>.

⁴¹ Rizky Yudha Bramantyo and Fitri Windradi, "Principles of Discipline in the Physical Approach of Teachers to Students in the View of the Principles of Certainty and Legal Protection," *Morality: Journal of Law* 11, no. 1 (2025): 139, <https://doi.org/10.52947/morality.v11i1.972>.

before involving law enforcement officials. This restorative approach is more reflective of educational values that emphasize the restoration of social relationships and character learning.

Harmonization between the Law on Teachers and Lecturers, the Child Protection Law, and the Draft Law on Teacher Protection will create a fair education legal system. Child protection guarantees the right of students to grow up in a safe environment, while teacher protection guarantees the right of educators to carry out their duties with dignity and a sense of security. The legal balance between the two will result in a conducive, ethical, and humane educational order. The state needs to ensure that the law does not become a frightening tool for teachers, but serves as a protector that maintains moral values and professionalism. Education will achieve its goals if law, professional ethics, and social culture work in a balanced manner in forming a generation of character, justice, and civility.

The ratification of the Teacher Protection Bill is a fundamental step that must be taken immediately to strengthen the position of teachers in the national legal system. The regulation will provide a firm legal umbrella for educators in facing professional risks while restoring public trust in the teaching profession as a guardian of the nation's moral values. A state that respects and protects its teachers will give birth to a civilized education system, because the protection of educators means the protection of the future of civilization itself.

CONCLUSION

The results of this study show that the reporting of parents of students to teachers in disciplinary practices has given rise to legal implications in the form of blurring the meaning of "violence against children" as stipulated in Article 76C jo. Article 80 of Law Number 35 of 2014 concerning Child Protection. The absence of strict normative limits on forms of violence in the context of education, especially related to physical disciplinary actions, opens up space for excessive interpretation and is not in line with the purpose of establishing the law. As a result, pedagogical actions carried out by teachers in the framework of moral and student discipline development are often equated with acts of violence, without considering the intention, proportionality, and educational context of the action. Furthermore, this study found that there is an overlap of regulations between the Child Protection Law and Law Number 14 of 2005 concerning Teachers and Lecturers, especially Article 39 paragraphs (1) and (2) which guarantee legal protection for teachers in carrying out their profession. This disharmony of regulations creates legal uncertainty and weakens the position of teachers as educators who have a moral and professional mandate. The contribution of this research lies in affirming the urgency of reformulating education law policies that place child protection and teacher protection in a balanced manner, through affirming the conceptual boundaries between violence and pedagogical disciplinary actions, as well as strengthening the principle of substantive justice in law enforcement in the field of education.

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