Teachers under Child Protection Act

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Abstract. The birth of a law aims to provide justice, order, and welfare in society, but the fact is sometimes when the law is present it can caused anxiety, which can binding an individual. Research that the author did in 2014 entitled: Suitability of sanctions against violations of students in the perspective of child protection law for teachers in SMP / MTs Negeri Kec. Barebbo Kab. Bone, South Sulawesi In 2014, the results shows that: Child protection laws make teachers fearful of punishment for students who violate school rules. Based on the data analysis there were 36 people from 45 teachers or 80% of respondents answered that the existence of child protection law makes them afraid to impose the punishment. This condition occurs because teachers, parents and the community at large do not fully understand the conception of punishment. Professional teachers should have professional, pedagogic, personality, and social competences. It should also supported by the theory of giving punishment. Punishment should be in harmony with error, fair, quickly decide, and applying the principle of giving trust to the student before punishment, punishment is standardized on behavior (students), punishing without emotion, and punishment has been agreed.

1. Introduction

A law which has been established automatically binds everyone as a legal subject, the birth of a law is nothing but to create an orderly, equitable, and prosperous order of society. But in fact it is not all the rules or legislation can guarantee the establishment of justice, order as well as welfare, because not a few community that feel inequity, and uselessness of that Act. It could be just and Act made only to benefit certain people, even the presence of a law can make someone be chained and even give rise to fears, rigidity, and ignorance.

For teachers, the presence of Act No. 35 year 2014 about Child Protection, is a terrible scourge, because not a few teachers who already feel the verdict due to give punishment to students who are judged as an act of violence.

In the world of education, awarding punishment still be pros and cons, some legal experts says the granting of punishment on the students is not allowed, but some said the awarding of the penalty is okay. As advanced A.L. Gary Gore in [12] one of the characters who cons against beating, quoted in the writings of Rozali Mohammed (7th March 2012) downloaded March 7th 2014 says “Children should not be taught with fear. Do not built them by force that they did not understand”.

While the experts who support the awarding of punishment expressed by John Locke, was quoted in the writings of Rozali Mohammed (7th March 2012) downloaded March 7th 2014 “It is true that physical punishment is sometimes necessary. But it should be realized that the purpose of an education is to educate in the planting of moral values. All we have to do is make the children embarrassed doing
naughty and not even the fear of punishment. A severe punishment will only train children to become obedient outwardly”.

Related to the issue of sanction or punishment given by the teacher to the students, a research that the author conducted in 2014 entitled: Propriety of sanctions against violations of students in the perspective of Child Protection Act for teachers in SMP/MTs Barebbo, Bone District, South Sulawesi, the results indicate that: Child Protection Act make teachers fearful of punishment for students who violate school rules. For the data analysis there were 36 people from 48 teachers of 80% of respondents answered that the existence of Child Protection Act makes them afraid to impose the punishment.

The existence of Child Protection Act psychologically affects the teacher (respondent) to imposed the punishment on the students who commit offences. This condition will certainly affect the moral development and character of students, when a deed is assessed against the rules and then not given sanctions.

2. The essence of Act no. 35 year 2015 on Child Protection
In Child Protection Act set in Article 1 (1) the child is someone who hasn’t aged 18 (eighteen) years of age, including children who are still in the womb. (2) all activities of child protection is to secure and protect children and their rights in order to live, grow, evolve, and participate normally in accordance with the dignity and the dignity of humanity, as well as the protection from violence and discrimination.

Children’s rights are part of human rights which are enshrined in the Constitution of The Republic of Indonesia Year 1945 and the United Nations Convention on The Rights of The Child. From the life of a nation and a country, children are the future of the nation and the next generation the ideals of the nation, so that every child has the right to survival, grow, and develop, participate, and it is entitled to protection from violence and discrimination and civil rights and freedoms.

Child protection in all its aspects are part of the national development activities, in particular in furthering the life of nation and state. Parents, families, and society including teachers responsible for keeping and maintaining the appropriate rights the duty charged by law as well as providing facilities and accessibility to children especially in ensuring growth and development of optimally and directional.

3. Teachers Competence In Enforcing Child Protection
Professional teachers are teachers who have the competencies required to perform the tasks of education and teaching. Teacher’s competence covers the knowledge, attitudes, and skills of professionals, whether personal, social, or academic.

Professional teachers are essentially teachers who have the required competencies to perform educational and teaching tasks.

3.1. Professional Competence
In Government Regulation Number 19 year 2005 about National Education Standards, the explanation of Article 28 Paragraph (3) item c, expressed that the definition of professional competence is the ability of mastery learning material is wide and deep, which allows guiding learners meet the standard of competence specified in the national standards of education. [8] stated that professional teacher competencies include:
1) To understand and can apply the educational base of philosophy, psychological, sociological.
2) To understand and can apply the theory of learning according to the level of development learners.
3) To be able to handle and develop the field of study he/she is responsible for.
4) To understand and be able to apply varied learning methods.
5) To be able to develop and use various relevant tools, media, and learning resources.
6) To be able to organize and implement the learning program.
7) To be able to carry out evaluation of learners’ learning outcomes.
8) To be able to cultivate the personality of learner.

3.2. Pedagogic Competence
In national education standards, the explanation of Article 28 Paragraph (3) item a, expressed that the pedagogic competency is the ability to manage the learning learners that includes an understanding of learners, learning design and implementation, evaluation of the results of the study and development of learners to actualize the various potential. Pedagogic competence includes the following:
1) Understanding insights or educational foundations.
2) Understanding of students.
3) Development of curriculum/syllabus.
4) Learning design.
5) Implementation of educational and dialogical learning.
6) Utilization of learning technology.
7) Learning outcomes evaluation.
8) Development of learners to actualize the various potentials they had.

3.3. Personality Competencies
In Government Regulation Number 19 Year 2005 on National Education Standards, the explanation of Article 28 Paragraph (3) item b, expressed that what is meant by personality competence is a steady, stable, mature, wise, and authoritative personality skill that becomes a role model for learners, and noble character. Teachers have a very big contribution to the success of education, especially in learning activities. This is in line with the nature of human being who likes to imitate, including the example of his teacher in shaping his personality.

3.4. Social Competence
In Government Regulation Number 19 Year 2005 on National Education Standards explaining Article 28 Paragraph (3) item d, it is argued that what is meant by social competence is the ability of teachers as part of the community to communicate and get along effectively with learners, fellow educators, parents/guardians of learners, and the surrounding community. These social competence includes:
1) Communicating orally, writing, and gesturing;
2) Using communication and information technology functionally;
3) Socialize effectively with learners, fellow educators, education personnel, parents/guardians of learner;
4) Get along well with surrounding community;

The four professional competence of teachers as has been stated, namely the professional competence of a teacher should be able to grow a personality, in the context of pedagogic competence teachers must possess an understanding of students and be able to elaborated learners to actualize the various potential, on the competence of a teacher’s personality had a considerable participation in the shaping of the character and personality of learners, while the social competence of a teacher can get along effectively with learners becomes the identity of a teacher to educate the students and by itself becomes the director in providing protection to the students, in other words a professional teacher will not commit violence to students or protégés.

4. Awarding Punishment in Education
Education is a planned and conscious effort to create and atmosphere of learning and the learning process so that learners are actively develop their potential to have a religious, self-control, personality, intelligence, noble character, as well as the skill needed by themselves, the society, the nation, and the state. The national education goals as stated in Act Number 20 Year 2003, a goal that needs to be cultivated attitude of discipline, responsibility, daring introspective, believers and others.
The punishment often accepted by students when they violate the code of conduct that has been agreed upon. The punishment is intended as an effort to discipline students against the rules that applied.

If the punishment sanction is not held inevitably the behavior of students will be more chaotic, even when the punishment is exist, there are still a lot of student who violate the rules, especially if the punishment penalty is eliminated. If the punishment was held demanding consequences for the educators themselves. That is, educators should really be as role models for their students.

4.1. Understanding Punishment
It is well known that the implementation of education and teaching will not be separated from how to achieve the objectives that have been formulated from the beginning and/or how to teach in order to run smoothly based on the methods or tools that will be used. Educational tools is an action or situation that deliberately held for the achievement of a certain educational purposes.

In using this educational tool, the person who uses it is so important that the use of the educational tool is not just a mere technical issue, but concerning the child's inner or personal issues. Punishment as one of the classroom management techniques actually continues to be a matter of debate. However, whatever the reason, the actual penalty is still required in a state of great need, say a kind of emergency exit that may someday be necessary. Punishment is a repressive educational tool, also called a corrective education tool, which aims to awaken the child back to things that are true and/or orderly.

4.2. The Nature of Punishment
Some definitions of punishment have been put forward by some experts, among them:

1. Punishment is an act inflicted upon the child consciously and deliberately causing sorrow, and in the wake of that child will become aware of his actions and promise in his heart not to repeat it. [4]
2. Punishment is to give or make intentional deliberate/suffering to the child who is in our care with the intention that the suffering is really perceived to lead to improvement [13].

4.3. The Principle of Punishment
In giving a punishment, educators should be guided by the principle of "Punitur, Quia Peccatum est" meaning punishment for being guilty, and "Punitur, ne Peccatum" meaning to be punished in order not to make mistakes anymore. If we follow these two principles, we will get two kinds of point of view, as stated by [4], namely:

1. The point of view which holds that the punishment is the result of a violation mistakes that were made. Thus, this view has a backward point of view, an overview of the past, the view of "Punitur, Quia Peccatum est";
2. The point of view which holds that the punishment is as a starting point for improvement. Thus, this view has an advance or future viewpoint, ie the view of "Punitur, ne Peccatur".

4.4. Punishment Theory
Based on the above point of view, there are several theories about punishment, among which are:

4.4.1. Natural Law Theory
a) The theory of natural law is proposed by advocates of Natural Education, namely J.J. Rousseau. Rousseau does not want a fabricated punishment. Let his own nature punish him. What is meant here is that the punishment should be the natural result of an act, the punishment must be natuur according to the laws of nature, a logical consequence not contrived. [4]
b) J.J. Rousseau with the genre of negativism in education, argues that education for human children is useless. All the child's nature is good. He let children develop themselves and submit it to nature. If children do wrong, let nature punish it, children will suffer as a result. This kind
of punishment is called the law of nature [2]

4.4.2. Theory of Indemnification
a) In this case, the child is required to be responsible or bear the risk of his actions, such as a child who impregnates or tear off a book belonging to his/her friend, then must replace it. [4]
b) The theory of compensation, in which the child must compensate for his wrongdoing, such as the child breaking the window glass of a neighbor, then he must replace with his money savings [13].

4.4.3. Theory of Frighten
a) Punishment is given to frighten the child so that the child does not commit a violation or a prohibited act, in this case the value of the educator has been there, just noted that this should be kept lest the child does not make mistakes again just because of fear alone, but made no mistake again because of the consciousness [14]
b) [13] argues that the frighten theory is to punish fear for fear;
c) While the opinion of [2], that this theory aims to cause fear to others. Usually the punishment is held in public. The second offense is punished more heavily, because the repetition of the offense means the offender's violation. That's how punishment gets more and more severe, so that others become more afraid. The punishment function with the theory of this terrifying punishment against others is also preventive.

4.4.4. Revenge Theory
[4], suggests that the worst kind of punishment, the most sinister and least accountable in the world of education is punishment based on sentiments. These sentiments can be generated by disappointment (frustration) experienced by the teacher, either about his relationship with others, or his relationship with the students directly.

4.4.5. Improving Theory
a) The only punishment that can be accepted by the world of education is a punishment that is corrective, a punishment that can awaken the child to the conviction of the wrong he has done. The existence of this conviction, the child will promise in his own heart will not repeat his mistakes again. Such punishment is what the education world wants. This corrective punishment is also called a punishment worthy of educational or pedagogical punishment [4]
b) This theory is what we should use as educators, meaning to correct the actions of children who are bad/wrong [13]
c) This theory aims to improve. What needs to be improved is the relationship between the holder of power and the offender and the attitudes and actions of the offender. The relationship between the ruler and the public that had been corrupted by the offense by the wrongdoer and wrongdoing needs to be corrected again. The destruction of that relationship resulted in the loss of the ruler's trust in The penal function with corrective theorizing is corrective and educative.

4.4.6. Protecting Theory
Protecting Theory, children are punished to protect the environment or society against wrongdoings that damage/harm the environment [13]

4.4.7. Deterrent Theory
The theory aims to let violators after running his punishment would be deterrent and will not run the offense again. The penalty is a preventive function, namely to prevent the recurrence of the offence after the violators are punished. Of all the punishment theory that can be applied in giving punishment to a person is not all applicable in the world of education, in the world of education, educators do not adhere to other theories than the theory of correction. This is in accordance with the task of educators, namely to
guide students to act and be noble. Not in the place of educators to scare and avenge the portage. Students who feared the educator to close himself and not willing to receive instructions. Educators who avenged his protégé thinks his protégé as the enemy, not as their child [2].

[4] mentions examples of pedagogical punishment such as children who violate the discipline can be punished by refraction, supervision, awareness directed at self-establishment.

The theory of punishment refinement is what should underlie the teacher in giving punishment or sanction to students or his protégé, theoretically punishment is still very relevant to be enforced only what kind of types and forms of punishment that can be done by teachers to be judged not to violate Child Protection Act.

5. Types of Punishment in Education
Educational leader Ki Hajar Dewantara expressed his opinion that in punishing the students, an educator must pay attention to 3 rules:

a) Punishment should be aligned with the error. For example, the penalty for smashes a glass is to replace the broken glass. No need to have an extra slap or insult. If a student comes too late 5 minutes then the penalty is by adding 5 minutes extra in class. It's called alignment. It is not relevant when the student comes late for 5 minutes and they were punished by run on the field as much as 5 times. This is not relevant. It's called the punishment of torture.

b) Punishment must be fair. Fairness must be based on an objective sense, impartial one and discarding subjective feelings. For example, the other students clean the classroom there are students who just sitting while singing and does not participating to clean the classroom. So the punishment to work in accordance with his friends with adding the same amount of delayed time regardless of which students do it.

c) Punishment should be quickly decided. It aims to make the students immediately understand the relationship of their mistakes. The educator must also clearly indicate the violation committed by the student. Hoping that students soon know and consciously prepare for improvement. Educators are not allowed to give punishment so that students are confused to respond.

In giving punishment should use some principle as follows:

a) Trust before punishment. The best method that should still be prioritized is to give confidence to the child. Giving confidence to the child means not cornering them with their faults, but instead we acknowledge that we believe they have no intention of making those mistakes, they are merely mistaken or influenced from the outside.

b) Punishment is standardized in behavior. Just as giving a reward has to be standardized in behavior, so is punishment, that punishment must begin with an assessment of the child's behavior, not the 'offender'.

c) Punish without emotion. The most common mistake parents and educators make when they punish the child is accompanied by anger emotions. Even the emotion of anger is the cause of the desire to punish.

d) Punishment has been agreed upon. Just as the reward-giving method should be discussed and dialogue first, so it must be done before punishment. It is a prohibition of punishment for children, in which the child does not expect to receive punishment, and he is in an unprepared state.

6. Conclusion
Studies relating to the awarding of the penalty in the world of education shows that it still relevant to be carried out with the aim to give understanding to student/protégé validity of their acts in accordance with the prevailing norms.

The philosophy of the birth of the Child Protection Act is, to give protection to children including student/portage at school who suffered violent acts, not as a threat to the educator and the euphoria for parents and students so that cause problems in the world of education.

The giving insights to teachers, parents, students, and society regarding Child Protection Act is very necessary, because actually administering the punishment or sanctions to the students or protégé is a process of education, which certainly in accordance with the awarding of the penalty to correct the
child’s behavior (Improving theory) and so the punishment should be aligned with the error, fair, quickly decided, and using principle of administering trust before punishment, punishment standardized by students behavior, punishing without emotions, and penalties already agreed.

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