



Legal protection of the teaching profession in enforcing student discipline at SMKN PP 1 Kualuh Selatan North Labuhanbatu

Ahmad Irwansyah Sipahutar, Taufik Siregar, M Ridha Haykal Amal
Master of Law, Universitas Medan Area, Indonesia

Abstract

This study aims to understand the legal arrangements for the protection of the teaching profession in disciplining students, explore the legal protection provided to teachers in these contexts, and identify legal barriers that may be faced in carrying out disciplinary tasks. The research method is normative juridical legal research with a focus on analyzing legal principles related to overcoming violence in the educational environment. The respondents were teachers at SMKN PP 1 Kualuh Selatan. Data collection is carried out through document studies and interviews with competent respondents. The results show that legal arrangements related to the protection of the teaching profession are governed by various laws and regulations, but there are still problems between teachers and students, especially in the context of reports made by parents to the KPAI or the education office. The main obstacle factor is Law No. 35 of 2014 concerning child protection.

Keywords: Protection of the teaching profession, legal arrangements, disciplining students, legal barriers, educational environment

Introduction

Education is a right of every citizen that must be obtained easily without hindrance. School is a place of interaction between teachers and students in the teaching-learning process. As a full educational institution recognized by the government, schools have an important role in educating every child. Education is also the most important means for the progress of the nation, creating quality human resources, and achieving national goals as stated in the Preamble of the 1945 Constitution. However, the implementation of the education law still has not fully achieved the essence of education for all (Ardi, 2013) ^[1].

Education is faced with various problems which include social, economic, religious, teaching, and political aspects. The success of social and state life depends largely on the discipline of citizens towards rules and customs, which are influenced by spiritual, moral, and social factors (Fadilah *et al.*, 2020 ^[7]; Suharyanto, 2015) ^[20]. The role of the teacher is very important in determining the success of the learning process with effective and applicable learning planning and the development of life values and personality to students. Teachers act as directors and main actors in the learning process, responsible for planning and carrying out duties as teaching staff and educators in schools (Hasima, 2020) ^[9].

The school seeks to instill a spirit of discipline to strengthen respect for the rules. Teachers play a key role in this process, responsible not only in applying disciplinary punishments, but also in teaching moral values to students (Yustan *et al.*, 2019) ^[22]. Disciplinary punishment is not simply to intimidate, but rather to give students an understanding of their mistakes and foster responsibility for their actions. However, not all students always respect teachers, as can be seen from disrespectful behavior such as sleeping, eating, or talking when teachers teach (Yustan *et al.*, 2019) ^[22].

Teachers have the right to protection in carrying out their duties, including intellectual property rights, which are regulated in Law Number 14 of 2005 concerning Teachers and Lecturers. This protection covers legal, professional,

safety, occupational health, and Intellectual Property Rights (IPR) aspects. Legal protection aims to protect teachers from various forms of threats or unfair treatment they may receive from various parties, thus creating a safe and supportive work environment for them (Hasima, 2020) ^[9].

Protection of the teaching profession covers various aspects, including protection against termination of employment that is not in accordance with the law, fair remuneration, restrictions on expressing opinions, and occupational safety and health. Regulations such as Government Regulation (PP) No. 74 of 2008 and Regulation of the Minister of Education and Culture (Permendikbud) No. 10 of 2017 regulate the rights of teachers in carrying out their duties. The role of teachers is very important in shaping the character of the nation's young generation and providing education from elementary to high levels (Hasima, 2020) ^[9]. Teachers often face financial and well-being challenges that are not worth their responsibilities. As they deal with students' declining behavior, but often more protected by the government, enforcing discipline becomes difficult. Cases such as BK teacher Adriana who faced problems with students bringing mobile phones to school, or Pak Raja Taufik Murni who sanctioned students for serious violations, reflect the difficulty of teachers in carrying out their duties without excessive risk. Legal protection is very important for teachers in carrying out their duties. However, it is also important to understand humanity and treat all parties with the dignity they deserve. Law enforcement officials must maintain a balance between protecting individual rights and the interests of the wider community (Kaligis, 2006) ^[12].

Some previous research that can be presented, first is Albert Butar-Butar, a graduate law student at Medan Area University, examining the protection of teachers in the educational process related to violent crimes. This study focuses on the analysis of Supreme Court Decision No. 1554 K/PID/2013 (Butar-Butar, 2019) ^[4]. Second, Erick Herlambang, a graduate law student at Universitas Airlangga, conducted research on legal protection of

teachers in enforcing student discipline in schools. This study seeks to understand legal issues related to disciplinary actions in the school environment (Herlambang, 2020) ^[10]. Third, Muhammad Djibril, a graduate student at IAIN Palopo, examines legal protection for teachers and children as students, taking into account the perspective of laws and Islamic law (Herlambang, 2020) ^[10]. This study aims to investigate how legal protection is regulated within the framework of national law and Islamic law related to teachers and children as learners.

This research highlights the complexity of the relationship between legal protection of the teaching profession and child protection, which is often contradictory in practice. Regulated by various laws such as Law No. 14 of 2005 concerning teachers and lecturers, PP 74 of 2008 concerning teachers, and Permendikbud No. 10 of 2017, teachers often encounter difficulties in carrying out their duties due to conflicts with Law No. 35 of 2014 concerning child protection. The purpose of this study is to understand the legal arrangements towards the protection of the teaching profession in disciplining students, explore the legal protection afforded to teachers in this context, and identify legal barriers that may be faced in carrying out disciplinary tasks. This research aims to identify and analyze the legal framework governing the roles and responsibilities of teachers, as well as explore challenges and efforts to overcome these barriers.

Research methods

This research is a normative juridical legal research, also known as library research or document studies (Efendi *et al.*, 2016) ^[6]. This research focuses on the analysis of legal principles and aims to provide appropriate regulation (*das sollen*) and solve legal problems related to combating violence in the educational environment. The respondents or informants in this study were teachers at SMKN PP 1 Kualuh Selatan. Methods used in collecting information and data include document studies, where related legal documents are collected and analyzed, as well as interviews with respondents/informants who have competence in their fields. Interviews are conducted to obtain more in-depth information as needed in research.

Data analysis in this study uses qualitative rather than quantitative approach methods, because without using statistical formulations, while the use of numbers is only limited to percentage numbers so that a clear and comprehensive picture of the problem under study is obtained. Data analysis in research according to Moleong is the process of organizing and sorting data into patterns, categories and basic description units so that themes can be found and in accordance with what is suggested by the data (Bah *et al.*, 2020b ^[3], 2020a ^[2]).

Data obtained both during data collection in the field and after the data is collected, then the collected data is processed to be systematic. The data will be processed starting from editing data, classifying, reducing, presenting and concluding (Moleong, 2018) ^[14]. In this study using qualitative methods, namely by describing and explaining the data obtained during the research processed by analysis and techniques used according to the stages proposed by Miles and Humbermen in Moleong with an interactive model which is a cycle of data collection, data reduction and presentation and conclusions (Moleong, 2018) ^[14].

Discussion

Legal Regulation of the Protection of the Teaching Profession in Disciplining Students

Teachers, in accordance with Law Number 14 of 2005 concerning Teachers and Lecturers, have the main task as professional educators which includes educating, teaching, guiding, directing, training, assessing, and evaluating students in various educational paths. Teachers not only act as teachers, but also as educators who provide assistance, encouragement, supervision, coaching, and discipline students in accordance with school rules and community norms. Seeing the many responsibilities of teachers, they deserve adequate appreciation and protection in order to carry out their duties optimally. These various rights and protections have been regulated in laws and regulations (Muhammad Djibril, 2019) ^[15].

Law No. 14 of 2005 concerning teachers and lecturers provides an important legal foundation to maintain the quality and dignity of the teaching profession in Indonesia. As an illustration, national development in the field of education aims to improve the quality of Indonesian people who have faith, noble morals, and adequate knowledge. Teachers and lecturers have a strategic role in achieving this goal.

Although it only briefly explains the legal protection of teachers, Law No. 20 of 2003 can also be used as a basis / reference in protecting the teaching profession contained in article 40 paragraph 1 part d that legal protection in carrying out duties and rights to intellectual property results. Government Regulation (PP) No. 74 of 2008 provides a clear legal basis related to the role and rights of teachers in carrying out educational duties and the protection they receive.

From the explanation of PP No. 74 of 2008, it can be concluded that teachers have legally regulated rights and obligations in providing disciplinary action to students who violate regulations. This shows that disciplinary action taken by teachers is based on a clear legal basis, not solely on personal wishes. In addition, this PP also emphasizes that teachers must be legally protected in carrying out their profession, so that they can carry out their duties without hesitation and get proper protection from the state.

Regulation of the Minister of Education and Culture (Permendikbud) Number 10 of 2017 provides a clear framework related to protection for educators and education personnel. From the explanation of Permendikbud Number 10 of 2017, it can be concluded that protection for educators and education personnel covers various aspects, ranging from law, profession, work safety, to intellectual property rights. In addition, these protection obligations involve various parties and require good coordination to be implemented effectively.

From the explanation of PP number 2017 concerning protection for educators and education staff, we can conclude that the Ministry of Education as the highest institution in the education environment has made a very helpful regulation, especially for all educators and education personnel in carrying out their profession, especially in terms of protection of teachers and in article 5 it is clearly said that the Ministry of Education can coordinate both to Local governments, education units, professional organizations and communities mean that if there is a problem between teachers and students, the Ministry of Education must protect education personnel in carrying out their profession.

Legal Protection of the Teaching Profession in Disciplining Students

The theory of legal protection is a development of the concept of recognition and protection of human rights (HAM) that developed in the 19th century. The direction of the concept of recognition and protection of human rights is the limitation and laying of obligations to the community and government (Purba *et al.*, 2023) [18].

Legal protection is divided into two, namely preventive and repressive legal protection. Preventive legal protection is legal protection that aims to prevent disputes, which directs government actions to be prudent in making decisions based on discretion, while repressive legal protection is legal protection that aims to resolve disputes (Hadjon, 1987) [8].

Legal protection for teachers is contained in Law of the Republic of Indonesia Number 14 of 2005 concerning teachers and lecturers in this section explains a lot about how teachers are legally protected, but legal protection for teachers in Indonesia has not been fully implemented properly. When teachers are exposed to legal problems, especially those related to their duties as teachers, it seems as if they have to fend for themselves. Teachers must have guaranteed legal protection in carrying out professional duties (Inayati *et al.*, 2023 [11]; Sinaga & Zainudin, 2013) [19].

In Law Number 14 of 2005 teacher protection has been expressly and specifically regulated in Article 39 part seven concerning protection which states as follows:

1. The government, local government, communities, professional organizations, and/or education units must provide protection for teachers in carrying out their duties.
2. Protection as referred to in paragraph (1) includes legal protection, professional protection, and occupational safety and health protection.
3. Legal protection as referred to in paragraph (2) includes legal protection against acts of violence, threats, discriminatory treatment, intimidation or unfair treatment on the part of students, parents of students, society, bureaucracy, or other parties.
4. Professional protection as referred to in paragraph (2) includes protection against termination of employment that is not in accordance with laws and regulations, provision of unreasonable rewards, restrictions on expressing views, harassment of the profession, and other restrictions / prohibitions that can hinder teachers in carrying out their duties.
5. Protection of occupational safety and health as referred to in paragraph (2) includes protection against the risk of occupational safety disturbances, work accidents, fires during work time, natural disasters, occupational environmental health, and/or other risks of the Republic of Indonesia, Law Number 14 of 2005 concerning Teachers and Lecturers, Chapter IV, Article 39, paragraphs 1-5.

Legal protection for teachers in carrying out their duties, as stipulated in Law of the Republic of Indonesia Number 14 of 2005 concerning teachers and lecturers, especially in Article 39 which affirms the protection of teachers from threats and acts of violence. However, if a teacher gives corporal punishment to students, this often leads to complaints from parents and causes problems in the teaching and learning process.

In an unnamed case, a teacher named Hera Manurung had a case where she gave a slap to a student on September 3, 2022. This case was then processed and followed up by the Head of Education and Education, by bringing together the principal, related teachers, parents of the students, and the students to solve the problem in a familial manner. The settlement process is carried out with a mediation approach, with the hope that similar events will not be repeated in the future.

From this case, it can be concluded that the task of being a teacher is not easy, especially in giving corporal punishment to students which can have an undesirable impact. However, it is important to find effective solutions in guiding problematic students to improve their behavior without having to involve acts of violence (Hasima, 2020) [9].

Cases of violence or strong action taken by a teacher against students are of serious concern, especially in the context of reporting and legal protection. In the case at SMP N 1 Kualuh Selatan, a teacher cut off a student's pants deemed inappropriate for hanging and there was no money to buy a new one. Although this action was taken after repeated reprimands, the teacher was still reported by the student's parents.

Something similar happened in another case where a teacher did not raise a student's grade, accused of grudges, although the reasons are not always clear. This shows that strict action by teachers often leads to reporting by parents, either to the education office, KPAI, or the police.

Legal protection for teachers has actually been regulated in laws and regulations, such as Law Number 20 of 2003 concerning the National Education System, Law Number 14 of 2005 concerning Teachers and Lecturers, Government Regulation Number 74 of 2008 concerning Teachers, and Regulation of the Minister of Education and Culture Number 10 of 2017 concerning Protection for Educators and Education Personnel.

The role of teachers in the advancement of education is very important, with the task not being easy. Law Number 20 of 2003 concerning the National Education System affirms that national education aims to develop abilities and shape the character of a dignified nation. Teachers are not only teachers, but also as educators who are responsible for shaping students' personalities, including aspects of attitudes and behavior. Indonesia's national education development is strengthened by the passing of this law, which provides legal protection to teachers in carrying out their duties and intellectual property rights.

Law of the Republic of Indonesia Number 14 of 2005 concerning Teachers and Lecturers provides protection to teachers without distinguishing between public and private teachers. Article 36 affirms the obligation of the Government, communities, professional organizations, and education units to provide protection to teachers in carrying out their duties. Although these laws emphasize improving teacher welfare, protection of the teaching profession is often overlooked. Changes in Government Regulation Number 74 of 2008 concerning Teachers, which is regulated in Government Regulation Number 19 of 2017, also recognize the protection of the teaching profession. The PP describes teachers as professional educators with the main task of educating students on various educational paths.

Teachers normatively, have indeed received protection, as stipulated in Article 39 of Law Number 14 of 2005 concerning Teachers and Lecturers 1. The government, local

governments, communities, professional organizations and/or education units must provide protection to teachers in their duties. Also in paragraph 2 it explains the scope of protection which includes protection as in paragraph 1 includes law, professional protection, and protection of occupational safety and health. This provision distinguishes unequivocally about the difference between legal protection, professional protection, occupational safety protection and occupational health protection (Nawawi, 2019)^[17].

A teacher has the right to give strict action to students who violate the rules, such as by hitting or slapping, as long as the action is done for a clear reason and is based on a legal basis. The legal basis is stated in the Government Regulation of the Republic of Indonesia Number 74 of 2008 concerning Teachers, especially in the section that discusses protection in carrying out duties. The cited articles state that teachers have the right to protection in carrying out their duties, including legal protection, profession, occupational safety and health, and intellectual property rights. This means teachers have a legal basis to provide disciplinary action to students who violate the rules, and they are also legally protected from actions that might harm them in carrying out their duties.

There are two types of preventive measures taken by teachers in maintaining student discipline. First, teachers provide disciplinary action to students who do not bring practice materials, such as drying in the field, to prevent the recurrence of similar mistakes in the future. Second, the guidance counseling teacher takes preventive steps by calling students who are caught unplugging during class hours, based on the class secretary's report, to stop their actions and impose appropriate sanctions.

In addition to preventive measures, there are also repressive measures taken by teachers to resolve student violations. Teachers issue summonses to parents of students who have committed violations, such as frequent absences without permission, to provide information to parents about their child's behavior at school. The goal is for parents to also be involved in guiding their child about the right behavior, both at home and at school. This act is based on the principle of repressive legal protection aimed at resolving disputes or violations.

Legal Barriers to the Protection of the Teaching Profession in Disciplining Students

Law enforcement processes related to the protection of teachers who carry out the task of enforcing discipline in schools often face challenges. This is because in cases of disputes, teachers tend to be the losers in the eyes of the law. While not all cases show teachers are guilty, and vice versa, sometimes students also engage in inappropriate behavior. The main inhibiting factor in the legal protection of teachers in disciplining students is the provision in Law Number 35 of 2014 concerning child protection. According to this law, every student must be protected from physical, psychological, and other crimes committed by educators, education staff, fellow students, and other parties. Therefore, teachers are required not to use corporal punishment in the process of disciplining students, since such actions can be considered a violation of child protection laws. Article 54 of Law Number 35 of 2014 specifically states the obligation to protect children in schools from various forms of violence, both physical, psychological, and sexual, that may be committed by teachers, education staff, or fellow students. Such protection

must be carried out by all relevant parties, including educators, education personnel, government officials, and the public in general. However, Government Regulation Number 74 of 2008 concerning Teachers affirms the freedom of teachers in sanctioning students, so that this kind of conflict situation should be avoided (Mulyasa, 2004)^[16].

Article 54 of Law No. 35 of 2014 concerning child protection is often used by parents, KPAI, and the Education office to reprimand teachers who give strict sanctions to students. They argue that minors should not be subjected to corporal punishment, even though Government Regulation No. 74 of 2008 on teachers affirms teachers' freedom in sanctioning offending students. Teachers generally give sanctions after giving a previous warning, but if students still violate, teachers feel the need to give strict sanctions. The inhibiting factors of teachers in enforcing discipline are the role of parents who resist punishment of their children and the KPAI's view on the prohibition of giving corporal punishment to students. Parents should play an important role in supporting children's education both at home and at school. They provide examples and understanding to children and guide them in living their daily lives. Parents are also the first source of knowledge for children and play a role in the formation of children's emotions and thoughts in the future.

According to (Daradjat, 2017)^[5] Parents are the main and first educators for their children, because they are the first source of children's education. Education in the family is not only due to awareness, but also because of the natural relationship between parent and child that allows the creation of educational situations at home. According to (Maunah, 2009)^[13], parents are the first and main educational institution for children, as well as the oldest informal educational institution. They are responsible for the maintenance, care, protection, and education of children so that they can grow and develop properly. Factors that influence children's personal development include family life, such as socioeconomic status, family life philosophy, family lifestyle, and environmental and hereditary influences (Suryono, 2000)^[21].

Parents have an important role in helping children grow and develop, especially in terms of education. All aspects of parental roles, such as maintenance, care, protection, and education, complement each other and influence the child's survival. Reporting teachers to the authorities can hinder the educational process, as teachers become hesitant to sanction students who violate the rules. The purpose of education is to create success in the future, and the state is responsible for providing education that is easily accessible to the people.

The Indonesian Child Protection Commission (KPAI) is an institution tasked with protecting children from various forms of violence in the community, family, and education. KPAI was established based on Law Number 23 of 2002 which was later amended by Law Number 35 of 2014. Although it has an important role in maintaining children's rights, sometimes the handling of cases by KPAI can make problems that were initially small become large, such as the case at SMA N 1 Kualuh Hulu. The case involved a student's alleged non-grade uplift because the teacher did not give grades. Parents reported to KPAI because they suspected a grudge from the teacher against their child. This case shows that KPAI's handling of cases of teacher violence against students can have an impact on the quality of teacher teaching.

Conclusion

Legal regulations for the protection of the teaching profession in disciplining students are contained in Law No. 14 of 2005 concerning teachers and lecturers, Law No. 20 of 2003 concerning the national education system, PP (government regulation) No. 74 of 2008 and Regulation of the Minister of Education and Culture (Permendikbud) number 10 of 2017 concerning protection for educators and education staff, which is explained in 2 laws and regulations, 1 government regulation (PP) and 1 ministerial regulation Education and Culture (Permendikbud) explained that teachers in carrying out their duties and professions get legal protection both through laws and regulations, PP, and Permendikbud.

Legal protection for teachers in disciplining students is that there are still many problems that occur between teachers and students, this can be seen from the many cases that occur in the author's research place between teachers and students when there is a report made by parents to the KPAI and the education office on actions taken by unscrupulous teachers in disciplining students if it is related to physical, surely the teacher will be blamed and not yet Effectively implemented regulations related to legal protection of the teaching profession in carrying out their duties and responsibilities.

Legal obstacles to teachers in disciplining students in schools, namely Law No. 35 of 2014 concerning child protection, are factors that inhibit the difficulty of children or students to be given strict action, especially when they have violated regulations outside the limits of regulations that have been set by the school and Law No. 35 of 2014 is used as a strong legal basis to provide punishment to teachers when reported for their actions in punishing students to the KPAI and the service education or even the police.

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