

Local Government Responsibility in Ensuring Legal Protection for Teachers: A Case Study of Jambi Province

Hartati¹✉, Ratna Dewi¹, Ivan Fauzani Raharja¹,
Dimas Subekti²

¹Faculty of Law, Universitas Jambi, Jambi, Indonesia

²Government Science Study Program, Department of Social and
Political Science, Universitas Jambi, Jambi, Indonesia

✉ Corresponding email: hartatiffb@unjia.ac.id

Abstract

This study examines the role of the Jambi Provincial Government in providing legal protection for teachers in performing their professional duties. Using a combined normative and empirical legal approach, the study finds that legal protection remains structurally weak due to the absence of local regulations, lack of legal aid institutions, and poor inter-agency coordination. These conditions create legal uncertainty and contribute to a “culture of legal fear” among teachers. The study proposes a regional-based legal protection model involving regulatory reform, institutional strengthening, and cross-sectoral coordination. This model contributes to the development of responsive governance and reinforces the implementation of substantive regional autonomy.

Keywords

Local Government, Legal Protection, Teachers, Jambi Province

A. Introduction

Teaching is not just a profession, but the central pillar in building a nation's civilization¹. In the hands of teachers lies the constitutional responsibility to enlighten the nation's life, as stated in the Preamble of the 1945 Constitution. Article 1, paragraph 1 of Law Number 14 of 2005 concerning Teachers and Lecturers, states that teachers are professional educators whose primary duties are to educate, teach, guide, direct, train, assess, and evaluate students at early childhood education, primary education, and secondary education levels. Teachers are the spearhead of national education implementation and play a strategic role in enlightening the nation's life². However, when carrying out their educational, social, and professional functions, teachers often face a dilemma between enforcing discipline on students and the risk of criminalization for corrective actions taken in the classroom³.

Empirical data show that violence in educational settings is a serious problem that also involves teachers, both as perpetrators and victims. The Indonesian Education Monitoring Network (JPPI) recorded 573 cases of violence in educational institutions in 2024, with 43.9% of these cases being committed by educators or teachers, meaning approximately 251 cases directly involved teachers.⁴ On the other hand, the Indonesian Teachers' Union Federation (FSGI) reported 15 cases of violence in educational units handled by the police during the period January–July 2024, with approximately 20% of the perpetrators being teachers⁵. Meanwhile, the Ministry of Education and the Legal Aid Institute recorded that between 2015 and 2020, there were over 150 cases of teacher criminalization, most of which occurred due to disciplinary actions against students that were later legally challenged

¹ A Reis Monteiro, "Teaching as a Profession BT -," in *The Teaching Profession: Present and Future*, ed. A Reis Monteiro (Cham: Springer International Publishing, 2015), 61–100, https://doi.org/10.1007/978-3-319-12130-7_5.

² M S Buchory, *Guru: Kunci Pendidikan Nasional* (LeutikaPrio, 2012).

³ Siti Ari Mursalina, Zulfah Zulfah, and Nurkolis Nurkolis, "Konflik Antara Penerapan Undang-Undang Perlindungan Anak Dengan Penegakan Kedisiplinan Sekolah," *Cetta: Jurnal Ilmu Pendidikan* 8, no. 3 (2025): 176–85, <https://doi.org/https://doi.org/10.37329/cetta.v8i3.4254>; Nofil Gusfira, "Perlindungan Hukum Terhadap Guru Dalam Melakukan Penegakan Disiplin Terhadap Siswa Di Sekolah," *Innovative: Journal Of Social Science Research* 4, no. 6 (2024): 135–44, <https://doi.org/https://doi.org/10.31004/innovative.v4i6.16085>.

⁴ Trisna Wulandari, "573 Kasus Kekerasan Di Sekolah Dan Pesantren Di 2024, JPPI: Naik 100% Dari 2023," Detiknews.com, 2024.

⁵ Fahri Zulfikar, "15 Kota Yang Terlibat Kasus Kekerasan Di Sekolah Tahun 2024 Menurut Data FSGI," Detiknews.com, 2024.

⁶. The data shows that teachers are not only potential perpetrators of violence, but also frequently victims of a legal system that is disproportionately biased against their profession.

In Jambi Province, in 2022, six cases of teachers were reported to the authorities for disciplinary actions against students. One example that has drawn public attention in Jambi is the case of an elementary school teacher who was reported to the police for allegedly using violence when reprimanding students who did not complete their assignments ⁷. Although the actions did not involve severe physical violence, the report was still filed by the students' parents, causing the teacher in question to experience psychological and administrative pressure. In this case, the Jambi Provincial Education Office was late in providing legal assistance, causing the clarification process to proceed disproportionately. This condition highlights the weakness of the legal protection system for teachers in this area, particularly in terms of the local government's prompt response to legal disputes involving educational personnel.

In fact, various regulations have provided strong guarantees for the teaching profession, both normatively and substantively. Article 39 of Law No. 14 of 2005 explicitly states that local governments are obligated to give protection to teachers, including protection for their legal, professional, and occupational safety and health. Additionally, the Regulation of the Minister of Education and Culture (Permendikbud) Number 10 of 2017 emphasizes the forms of legal protection, including legal counsel assistance in criminal, civil, and administrative cases related to the performance of duties. However, in practice, many teachers in Jambi have never received legal assistance or guidance from the local government when facing cases. This gap suggests that the local government's function in ensuring the legal rights of teachers has not been operating optimally.

This condition is also exacerbated by some teachers' poor understanding of the legal limitations on applying discipline in schools. Based on the results of interviews conducted during the socialization event of the Faculty of Law at Jambi University, it was found that many teachers still consider mild physical actions, such as pinching or patting students on the shoulder, as part of character education. In fact, Law Number 35 of 2014 concerning Child Protection, especially Article 54, explicitly prohibits all forms of physical and psychological violence

⁶ Alfi Salamah, "Mendikdasmen Tegaskan Perlindungan Guru Dari Kriminalisasi," *onews.id*, 2024.

⁷ Gunikj, "Kasus Oknum Guru SMA 14 Jambi Diduga Ditutup-Tutupi, BKD Bungkam Soal Sanksi," *infokabarjambi.com*, 2025.

against children, including by educators. This is what often creates legal loopholes in case reporting, leading to the criminalization of teachers.

This phenomenon highlights an imbalance between the legal protection afforded to children and that afforded to teachers. In various cases, law enforcement agencies tend to act more quickly on reports filed by parents of students without going through mediation mechanisms or restorative justice approaches⁸. However, the restorative approach is a more appropriate solution for resolving educational disputes, as it emphasizes restoring social relationships between teachers, students, and parents, rather than mere punishment⁹. Therefore, the role of local government becomes crucial in facilitating the fair and equitable resolution of educational conflicts. However, previous studies have not specifically examined the role of local governments in operationalizing legal protection mechanisms for teachers at the regional level, particularly in Jambi Province.

This research is essential for analyzing the extent to which the Jambi Provincial government has carried out these functions and the effectiveness of the legal protection provided to teachers in carrying out their professional duties. The research findings are expected to contribute academically and practically to formulating legal protection policies based on restorative justice, as well as strengthening synergy between the Education Department, law enforcement agencies, and professional organizations such as the Indonesian Teachers Association (PGRI) in creating a safe, fair, and dignified work environment for teachers in Jambi Province.

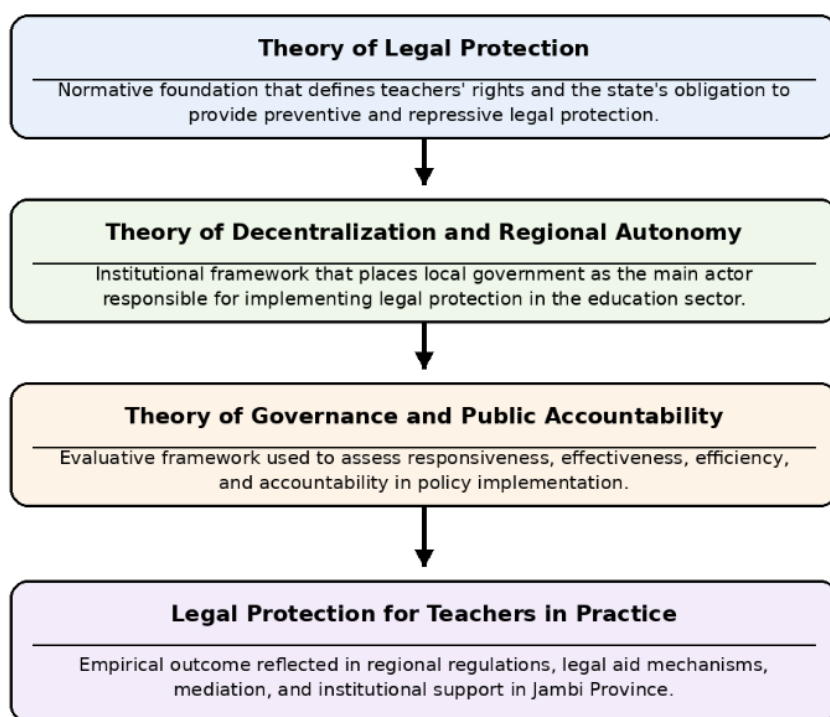
B. Theoretical Framework

This research is based on three interconnected main theoretical frameworks: Legal Protection, Decentralization and Regional Autonomy, and Governance and Public Accountability. All three are used as the basis for analysis to understand the role and responsibilities of local governments in ensuring legal protection for teachers as implementers of education policy in the region. The relationship among these theoretical frameworks is illustrated in Figure 1.

⁸ Shafira Aurel, “Ditemui Mendikdasmen, Polri Utamakan Kasus Guru-Murid Lewat Mediasi,” kbr.id, 2024.

⁹ Salamah, “Mendikdasmen Tegaskan Perlindungan Guru Dari Kriminalisasi.”

Figure 1. Conceptual Framework of Legal Protection for Teachers



First, the theory of legal protection serves as the primary foundation for explaining the state's position toward its citizens, especially those who perform public functions, such as teachers. Law not only serves as an instrument for regulating social behavior, but also as a tool for the state to protect the dignity, rights, and safety of every individual. According to ¹⁰, legal protection has two main dimensions: a preventive function and a repressive function. The preventive function aims to prevent violations through clear regulations and effective institutions, while the repressive function aims to provide justice for parties harmed by arbitrary actions or legal uncertainty.

In the context of the teaching profession, legal protection is not a form of special treatment, but rather a consequence of the state's responsibility toward a profession that plays a strategic role in educating the nation's future. Teachers are not only educators, but also moral agents and shapers of national character. Therefore, when educational actions such as discipline or reprimands toward students are interpreted as legal violations, the state must be present through fair policies and protection systems. This theory asserts that legal protection is a

¹⁰ Satjipto Rahardjo, *Penegakan Hukum Progresif* (Penerbit Buku Kompas, 2010).

concrete manifestation of the state's presence in guaranteeing the rights and sense of security of the teaching profession. Second, Decentralization and Regional Autonomy¹¹. Legal protection for teachers must be understood within the context of Indonesia's governmental system, which adheres to the principle of decentralization. Following the Reformation, regional autonomy is understood not only as the delegation of administrative authority, but also as an effort to bring the functions of the state closer to the needs of society at the local level. According to Law Number 23 of 2014 concerning Regional Government, education is a mandatory matter related to basic services that the regions must provide. This means that teachers, as implementers of educational policy, are the responsibility of local governments, both in terms of their professional development and legal protection.

However, in practice, many local governments have not yet performed this function optimally. Most areas only focus on administrative aspects such as school management and budgets without adequately addressing legal protection for teachers. In fact, regional autonomy grants both the authority and the moral responsibility to protect teachers through the establishment of regional regulations, legal assistance units, and dispute resolution mechanisms based on mediation and restorative justice. The absence of such a policy indicates a local legal vacuum (*rechtsvacuum*) and administrative omission, which contradicts the spirit of decentralization. Within this theoretical framework, the function of legal protection becomes a benchmark for the success of regional autonomy, not only in terms of authority, but also in the structural and moral sensitivity of local governments to public needs.

Third, governance and public accountability are used to examine how local governments effectively, transparently, and responsibly fulfill their role in protecting teachers as part of public service¹². Good governance is not just about administrative procedures, but also about how the government responds to public issues and substantively guarantees the rights of its citizens. In the context of legal protection for teachers, this theory measures the extent to which the principles of

¹¹ Ir H Juniarto Ridwan and S H Achmad Sodik, *Hukum Tata Ruang: Dalam Konsep Kebijakan Otonomi Daerah* (Nuansa Cendekia, 2023).

¹² B. Guy Peters and Jon Pierre, "Citizens Versus the New Public Manager: The Problem of Mutual Empowerment," *Administration & Society* 32, no. 1 (March 2000): 9–28, <https://doi.org/10.1177/00953990022019335>; Janet V Denhardt and Robert B Denhardt, "The New Public Service Revisited," *Public Administration Review* 75, no. 5 (2015): 664–72, <https://doi.org/https://doi.org/10.1111/puar.12347>.

good governance are implemented, including: Responsiveness, which is the local government's ability to respond to the legal issues faced by teachers by providing legal assistance and mediation mechanisms; Effectiveness and efficiency, which is the extent to which legal protection policies are accessible and actually function (e.g., the existence of legal assistance SOPs, complaint service units, or legal aid budgets); Accountability, which is the moral and institutional responsibility of local governments to ensure a sense of security and justice for educators, not only in financial reports, but also in public policies adopted. Thus, governance theory helps assess whether the legal protection system for teachers in the region has been implemented in accordance with the principles of good governance and public accountability¹³.

In analyzing the data, the theory of governance and public accountability is applied to evaluate the quality of the implementation of legal protection policies for teachers. Data from interviews, documents, and institutional practices are examined to determine whether local governments are responsive to cases involving teachers, whether functional systems are in place, and whether policies can be publicly justified. Thus, this theory helps determine whether the system of legal protection for teachers at the regional level has been implemented in accordance with the principles of good governance and public accountability.

C. Methods

This research employs a socio legal approach and is categorized as empirical legal research. This type of research was selected because the issue of legal protection for teachers cannot be adequately understood solely through statutory regulations or doctrinal analysis, but must also be examined through the realities of its implementation in society and within government institutions. The problem of criminalization against teachers involves not only the normative structure of the law, but also the social, institutional, and administrative context in which the law operates. Therefore, this research combines normative legal analysis with empirical field inquiry in order to capture both the legal framework and its practical enforcement.

This research is based on a study of various relevant regulations, including Law No. 14 of 2005 concerning Teachers and Lecturers, Law No. 23 of 2014 concerning Regional Government, and Law No. 35 of 2014 concerning Child Protection. Additionally, principles in state

¹³ Oscar Radyan Danar, S AP, and M AP, *Teori Governance* (Deepublish, 2022); Manggaukang Raba, *Akuntabilitas Konsep Dan Implementasi*, vol. 1 (UMMPress, 2006).

administrative law, such as *bestuurszorg* and the general principles of good governance (AUPB), also serve as key analytical instruments. This approach aims to systematically outline how legal construction regulates the obligations and responsibilities of Local Governments in ensuring legal protection for the teaching profession, as well as to identify normative gaps, legal vacuums, and regulatory conflicts that hinder its implementation.

Meanwhile, an empirical approach was employed to capture the reality of implementing legal protection policies in the field, particularly in Jambi Province, which served as the primary research location. This area was purposefully selected because it lacks explicit regional policies regarding legal protection for teachers, and in some cases, demonstrates the systematic absence of the Regional Government in responding to the threat of criminalization against educators. Data collection was conducted through in-depth interviews with several teachers who had experienced or were potentially facing legal processes, officials from the Department of Education, law enforcement officers such as the police and prosecutors, as well as representatives from teacher professional organizations. This interview aims to explore perceptions, experiences, barriers, and expectations related to an ideal legal protection system.

In the analysis phase, normative and empirical data are processed descriptively and qualitatively, with an emphasis on revealing the relationship between norms and practices. The analysis begins with a critical reading of existing regulations, which is then contextualized with field findings that reveal implementation gaps and potential violations of the principles of administrative law. The absence of teacher protection regulations at the local level, the lack of structured legal assistance procedures, and weak inter-agency coordination are essential indicators in building the argument about systemic administrative negligence.

Data validity is maintained through source triangulation, which involves confirming information obtained from various actors and documents, as well as through discussions of preliminary findings with academics and education policy practitioners. Thus, the methodology used not only relies on the strength of legal logic but also on the wealth of empirical data that reflects the real pulse of the issues on the ground. This strategy enables research to encompass not only the textual dimension of the law, but also the administrative practices that are often the focal point of the success or failure of legal protection for teachers. Through this methodological approach, this research aims to construct a robust and multifaceted argument, one that is both normative in its legal substance and empirical in its practical application. The

combination of the two serves as the foundation for formulating a legal protection model that is not only ideal in conception but also applicable within the autonomous authority structure of Local Governments.

D. Results and Discussion

1. *The Role and Authority of Local Governments in Formulating and Implementing Legal Protection Policies for Teachers in the Performance of Their Duties*

In Indonesia's rule of law system, the principle of decentralization serves as the primary basis for the administration of local government. Based on Law Number 23 of 2014 concerning Regional Government, regional governments not only function as implementers of central policies, but also as public legal entities with original competence to independently regulate and manage certain governmental affairs. One of the mandatory responsibilities of the regions is education, which falls under the category of basic services for the community¹⁴. This authority cannot be interpreted solely as an administrative delegation, but also as public legal responsibility¹⁵, which includes the obligation to protect and ensure the continuity of the education system, including providing legal protection for teachers as the primary implementers of educational functions. As stated by Nurhayati, S.Pd.I., M.Pd., Head of the GTK PKLK Section of the Jambi Provincial Education Office, teachers are not merely technical implementers, but rather executors of a constitutional mandate who must be guaranteed legal protection so they can carry out their professional duties safely. This view aligns with Article 31 of the 1945 Constitution, which emphasizes the state's responsibility to educate the nation's youth. This means that the authority over education held by local governments cannot stop at the administrative level, but must transform into a tangible form of constitutional legal responsibility.

From the perspective of administrative law, every authority granted to public officials is inherently linked to the principle of "Pflicht zur Tätigkeit" or the obligation to act¹⁶. This principle means that when local governments are granted the authority to administer education, they also have a legal obligation to take concrete steps when there is a

¹⁴ Karimatul Khsuna and Achmad Muchsin, "Politik Hukum Pembagian Urusan Pemerintahan Di Bidang Pendidikan Menengah Dalam Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah," *Manabia: Journal of Constitutional Law* 5, no. 01 (2025): 49–70.

¹⁵ Nils Jansen, "The Idea of Legal Responsibility," *Oxford Journal of Legal Studies* 34, no. 2 (2014): 221–52, <https://doi.org/https://doi.org/10.1093/ojls/gqt031>.

¹⁶ W Riawan Tjandra, *Hukum Administrasi Negara* (Sinar Grafika, 2021).

threat to the functioning of education, including when teachers face legal issues due to the performance of their professional duties. Ballisshada, S.H., M.H., Head of Human Rights Enforcement and Legal Education Sub-Division of Jambi Province, emphasized that local governments should have a rapid mechanism to provide legal advocacy for teachers who are criminally reported in the context of student guidance, as the government's absence in such situations can be categorized as legal negligence¹⁷ In the Indonesian administrative law system, regional government authority encompasses not only the right to regulate but also the obligation to act in the best interests of citizens. Failure to perform this protective function can be categorized as a violation of the principle of *bestuurszorg*—namely, the government's obligation to protect its citizens (*zorgplicht*)¹⁸.

Normatively, the legal framework for teacher protection has been regulated in Law Number 14 of 2005 concerning Teachers and Lecturers, Law Number 20 of 2003 concerning the National Education System, and Law Number 35 of 2014 concerning Child Protection. Based on an interview with Dr. Adhithiya Diar, he explained that these three laws are not contradictory, but rather complementary. Teachers have the right to impose educational and proportionate sanctions on students as part of their pedagogical function, while students remain protected from physical and psychological violence. This balance confirms that legal protection for teachers is not a form of legal impunity, but rather an effort to affirm the professional context in disciplinary actions. In Supreme Court Decision Number 1554 K/Pid/2013 (Aop Saopudin), the Supreme Court affirmed that a teacher's actions in disciplining students proportionally are part of their professional duties, not criminal acts. This decision reinforces the legal doctrine that disciplinary actions of an educational nature are an exercise of official authority and cannot be criminalized.

In an empirical context, conditions in Jambi Province suggest that legal protection for teachers remains unstructured. Based on field interviews and the minutes of socialization activities organized by the Faculty of Law of Jambi University in collaboration with the Education Department, the Legal Division of the Jambi Provincial Government, and high school and vocational school teachers in Jambi City and Muaro Jambi Regency in 2025, it is known that to date, there are no Regional Regulations or Governor's Regulations that explicitly regulate legal

¹⁷ Haji Rachmad Ridwan, *Hukum Administrasi Negara* (Rajawali Pers., 2018).

¹⁸ Lutfil Ansori, "Diskresi Dan Pertanggungjawaban Pemerintah Dalam Penyelenggaraan Pemerintahan," *Jurnal Yuridis* 2, no. 1 (2015): 135–50, <https://doi.org/https://doi.org/10.35586/v2i1.165>.

primary function of good governance is to ensure that every policy is oriented toward protecting the rights of citizens ²².

Therefore, local governments have a positive obligation to create a concrete legal protection system for teachers. These efforts can be realized through the drafting of Regional Regulations on Teacher Protection, the establishment of teacher legal aid service units under the Department of Education, cooperation with legal aid institutions and professional organizations such as PGRI and PERADI, and the allocation of a special budget for teacher legal advocacy in the Regional Budget. These steps align with the ²³ recommendation regarding education governance in developing countries, which emphasizes the importance of a teacher's legal protection mechanism to ensure the stability of the public education system. The implementation of such policies is not only a form of administrative responsibility but also a concrete manifestation of the principle of good governance, where local governments act responsively, transparently, and accountably toward the needs of public professions ²⁴.

Thus, legal protection for teachers is not merely a sectoral issue within the education sector, but a tangible indicator of the functioning of the rule of law and just local governance. Local governments have a legal, moral, and constitutional responsibility to ensure that every teacher is protected from disproportionate criminalization, allowing them to carry out their constitutional duty of educating the nation's youth without fear. Strong legal protection will strengthen the stability of the education system, increase public trust in local governments, and reinforce the essence of regional autonomy, which is truly oriented toward protecting citizens and providing fair public services.

2. Structural-Regulatory Constraints in the Implementation of Legal Protection for Teachers

²² Maulidhiyo Aprarel Ashilsyah, Eko Nuriyatman, and Rodiyah Rodiyah, "Can Reforming Dismissal Procedures in State Administrative Courts Enhance Transparency and Accountability? The Rule of Law in Indonesia Does Not Only Apply to Citizens in General, but Also," *Indonesian State Law Review* 7 (2024): 31–44, <https://doi.org/https://doi.org/10.15294/islrev.v7i1.18862>.

²³ OECD, "An OECD Learning Framework 2030 BT -," in *The Future of Education and Labor*, ed. Gerald Bast, Elias G Carayannis, and David F J Campbell (Cham: Springer International Publishing, 2019), 23–35, https://doi.org/10.1007/978-3-030-26068-2_3.

²⁴ Raphael Bertrand Mayaka, Tri Sulistiyono, and Moh Imam Gusthomi, "Can the Erga Omnes Principle Revolutionize State Administrative Courts? A Challenge Through Lawrence M. Friedman's Legal System Theory," *Indonesian State Law Review* 7 (2024): 75–92, <https://doi.org/https://doi.org/10.15294/islrev.v7i2.18870>.

Legally and formally, local governments have been granted broad authority in education management based on the principle of decentralization as stipulated in Law Number 23 of 2014 concerning Regional Government. However, in practice, a significant gap remains between the authority held and the responsibilities actually carried out. In the context of legal protection for teachers, local governments often face not only technical challenges but also a crisis of understanding regarding the proper mandate of autonomy²⁵.

The authority that should be used to strengthen the quality of public services is often narrowly understood, limited to administrative matters. This view was expressed by Ballisshada, S.H., M.H., Head of Sub-Division for Human Rights Enforcement and Legal Education at the Jambi Provincial Law Bureau, who emphasized that many regions have not yet been able to interpret autonomy as a substantive responsibility to protect the leading actors in the education system, namely, teachers. In practice, this authority stops at the administrative and reporting level, without being followed by affirmative policies that provide legal certainty and protection for educators.

The fundamental obstacle that emerges is the unpreparedness of the regional bureaucratic structure to meet the need for legal protection for teachers. The Department of Education, as a technical agency, has not previously had an institutional design aimed at addressing the legal aspects of teachers' educational duties and based on the interview results and socialization activities recorded in the minutes, Nurhayati, S.Pd.I., M.Pd., as the Head of the GTK PKLK Section of the Jambi Provincial Education Office, admitted that there is currently no legal assistance unit or legal complaint desk available within the Education Office.

Additionally, there is no systematic coordination between the Department of Education and the local government's legal department, nor with law enforcement agencies such as the police and the prosecutor's office. This leaves teachers facing legal issues, whether related to student discipline or administrative matters, without a formal mechanism for legal protection or assistance. The absence of these institutions raises two serious problems. First, teachers become institutionally unprotected subjects in carrying out their public duties, even tho their actions are based on professionalism and state regulations. Second, there is a vacuum of structural responsibility at the local level, as no institution explicitly holds the mandate for the legal protection of teachers. From an administrative law perspective, this

²⁵ Mohammad Zainuddin, "Reformasi Pendidikan Di Era Otonomi Daerah," *Wawasan Pendidikan Indonesia: Perspektif Indonesia, Menggagas Pendidikan Masa Depan* 73 (2015).

situation can be interpreted as a form of omission of administrative function—or a failure to fulfill the state's basic service obligations²⁶.

The next problem is the lack of local legal norms. Based on research and confirmation from the Jambi Provincial Legal Bureau, no Regional Regulations, Regional Head Regulations, or Circular Letters from the Head of the Department were found that specifically regulate the form, mechanism, and legal protection standards for teachers. As a result, there is no legal certainty (*rechtszekerheid*) for both teachers and policymakers. Teachers are often unaware of the limits of their authority to act, for example, in enforcing discipline or handling student misconduct, which puts them at risk of being criminalized for their professional actions. On the other hand, local government officials also lack formal guidelines for determining when to take legal action against teachers who are criminally reported.

Dr. Adhitya Diar, S.H., M.H., emphasized that the absence of these local regulations creates a dangerous normative vacuum. He stated, "When there are no *lex specialis* norms in the area, legal protection for teachers becomes inconsistent and discriminatory. Some cases are handled because they receive political attention, while others are left without advocacy. This statement illustrates that the law does not operate objectively and systematically, but depends on political and situational factors. This kind of condition contradicts the principle of the rule of law, which requires clarity, equality, and the binding of norms to every government action²⁷. Without clear regulations, the implementation of legal protection for teachers in Jambi Province is sporadic and unsustainable.

Without clear regulations, the implementation of protection, besides normative obstacles, is another fundamental issue: the lack of political will from local governments. In strategic planning documents, such as the Regional Medium-Term Development Plan (RPJMD) and the Strategic Plan of Regional Government Organizations (OPD), the issue of legal protection for teachers is not identified as a performance indicator or priority program. This indicates that the teacher protection agenda has not yet been recognized as a strategic part of human resource development. According to Dinda Syufradian Putra, S.Sos., M.Si., a member of the Community Service team from the Faculty of Law at Jambi University, the low attention given to the legal protection aspect for teachers is due to "the bureaucratic mindset that still views teachers solely as technical implementers, not as legal subjects entitled

²⁶ Ridwan, *Hukum Administrasi Negara*.

²⁷ Lord Bingham, "The Rule of Law," *The Cambridge Law Journal* 66, no. 1 (2007): 67–85, <https://doi.org/https://doi.org/10.1017/S0008197307000037>.

to state protection." He added that without political support and specific budget allocation, teacher protection policies would only be administrative symbolism, not addressing the root of the problem on the ground.

From a governance perspective, this suggests a lack of integration between education policy and local legal policy. The absence of priority programs also means there is no budget allocation for establishing legal assistance units, disseminating regulations, or providing legal risk mitigation training for teachers. In fact, as Nurhayati emphasized, if teachers are left without protection, they will tend to avoid risks, become passive in disciplining students, and ultimately lower the quality of character education in schools.

Based on the analysis above, it can be concluded that the challenges to legal protection for teachers in Jambi Province are not solely legal in nature, but also structural, political, and institutional cultural. Bureaucratic unpreparedness, a lack of norms, and weak political will create a vacuum of responsibility, where teachers' rights to legal protection are ignored, despite being nationally guaranteed in Law Number 14 of 2005 concerning Teachers and Lecturers and Government Regulation Number 74 of 2008 concerning Teachers. Legal protection for teachers in Jambi Province is sporadic and unsustainable.

3. Formulating a Legal Protection Model Based on Regional Authority

In addressing the complexity of legal protection for teachers, a purely normative approach has proven inadequate. So far, the protection provided by national regulations—such as Law Number 14 of 2005 concerning Teachers and Lecturers, Government Regulation Number 74 of 2008 as amended by Government Regulation Number 19 of 2017, as well as Minister of Education and Culture Regulation Number 10 of 2017 and Minister of Education, Culture, Research, and Technology Regulation Number 46 of 2023—is still general and does not yet address contextual needs at the regional level. Teachers often find themselves in a dilemma when carrying out disciplinary duties toward students. On the one hand, they have the professional right and obligation to guide and enforce school rules; on the other hand, such actions could potentially be interpreted as a violation of the Child Protection Act (Law No. 35 of 2014) if not carried out proportionally.

As explained by Dr. Adhithiya Diar, S.H., M.H., the laws of Law and Child Protection should be understood complementarily, not contradictorily. Teachers have the right to discipline students educationally without violence, and in that context, the state is obliged

to provide definite legal guarantees. However, at the local implementation level, there is no structured mechanism to bridge these two legal regimes. Therefore, this research formulates a model of legal protection based on local authority, which is structural, systemic, and applicable. This model aims to address three fundamental issues: the absence of norms (normative gap), the lack of implementing structures (institutional gap), and the minimal cross-sectoral response mechanisms (coordination gap). This model is designed to be adaptable to regional characteristics while remaining grounded in the national legal framework and the constitutional principle of protectionism.

First, the Normative Foundation: Regional Regulations as the Basis for Protection. The first step in this model is to establish Regional Regulations or Regional Head Regulations as the primary normative foundation for Teacher Legal Protection. This regional regulation serves not only a declarative function but also as an operational technical rule that regulates:

- Definition of legitimate educational actions, so that there is a clear legal distinction between disciplinary actions and violence against children, as regulated in Law 35/2014 and the Criminal Code;
- Rights and obligations of teachers in the legal process, including the right to legal counsel, psychological protection, and legal assistance from the investigation stage;
- Legal assistance mechanisms by local governments, which are standardized so that they do not depend on situational policies;
- Administrative sanctions against local officials who are negligent or do not provide protection according to the mandate of the regulations.

Thus, this Regional Regulation will serve as a *lex specialis* for the implementation of Article 39 of the Teacher and Lecturer Law, which affirms the state's and regions' obligation to provide legal, professional, and occupational safety protection for teachers. Additionally, this model also adopts the principle of due process of law²⁸ As stipulated in Article 28D paragraph (1) and Article 28I paragraph (2) of the 1945 Constitution, which guarantees fair legal certainty and non-discriminatory treatment toward citizens, including teachers.

Second, the establishment of the Teacher Legal Aid Service Unit (ULBHG). The second aspect of this model is the establishment of the Teacher Legal Aid Service Unit (ULBHG) as the implementing body

²⁸ Simon Butt, "Judicial Reasoning and Review in the Indonesian Supreme Court," *Asian Journal of Law and Society* 6, no. 1 (2019): 67–97, <https://doi.org/DOI:10.1017/als.2018.26>.

for legal protection at the operational level. This unit serves as an extension of the local government, providing legal advocacy and assistance to teachers. Based on the legal protection practices described by Dr. Adhithiya Diar, protection for teachers can be substantive, procedural, institutional, and socio-moral. However, in the regional context, this form of protection has not yet been institutionally integrated. Therefore, the ULBHG is designed with the following structure and function:

- **Position and Authority:** Under the coordination of the Education Department, but with a coordinating line to the Regional Government Legal Bureau and teacher professional organizations such as PGRI.
- **Main Functions:** Providing legal assistance, litigation and non-litigation advocacy, and ensuring protection for teachers from the police report stage to the legal decision.
- **Coordinating Authority:** ULBHG has the right to coordinate directly with the prosecutor's office, police, and judicial institutions to ensure a fair legal process for teachers.
- **Human Resources:** Consisting of education advocates, legal analysts, and professional counselors who understand education law and teacher professional ethics.

The existence of this unit also strengthens the implementation of the PGRI–Polri Memorandum of Understanding in 2022 (Number PGRI 606/Um/PB/XXII/2022 and NK/26/VIII/2022), which emphasizes that legal processes against teachers must be carried out in coordination with the Teacher Honor Council (DKG) and provide teachers with full legal assistance.

Third, Cross-Sectoral Standard Operating Procedures (SOP): Building a Rapid Response Mechanism. This model also requires cross-sectoral Standard Operating Procedures (SOPs) that are administratively binding between educational institutions, law enforcement agencies, and professional organizations. This SOP ensures a rapid, coordinated, and proportionate response when a teacher faces legal issues. The SOP must regulate:

- The official communication flow between schools, the Department of Education, the Legal Bureau, and law enforcement agencies.
- The stages of legal response, starting from internal consultation, school mediation, restorative justice, and culminating in litigation as a last resort.

- The involvement of professional organizations (PGRI, IGI) as partners of the local government in providing moral, experienced, and legal advocacy support for teachers.
- Digital reporting and documentation mechanisms, to prevent trial by social media, which often distorts public perception of teachers.

Thus, this SOP strengthens the coordination system and prevents overlapping authority or neglect between agencies. Additionally, this cross-sectoral approach aligns with the principles of restorative justice²⁹, which is now a significant paradigm in resolving legal cases within the education sector.

Fourth, Budget Integration in the Regional Budget and Strengthening Teacher Capacity. The sustainability of this model can only be ensured if a specific budget allocation is made in the regional budget to support it. Therefore, this study recommends that local governments allocate funds for legal protection of teachers through programs already recognized in the Ministry of Home Affairs' nomenclature, such as the Educational Personnel Quality Improvement Program, the Education Service Bureaucracy Reform Program, or the Non-Violent Legal Literacy and Classroom Management Training Sub-activity.

This budget is not only used for legal assistance in litigation cases, but also covers preventive activities, such as: legal and professional ethics training for teachers; development of socialization materials and school law education modules; development of a digital-based internal legal reporting system; and procurement of education law experts at the Education Office. This budgeting approach emphasizes that legal protection for teachers is not a reactive activity, but rather part of a systemic investment in the development of local human resources.

Furthermore, this authority-based legal protection model not only addresses existing structural and normative gaps but also strengthens the position of local governments as entities responsible for implementing constitutional obligations in the field of education. From the perspective of administrative law³⁰ The responsive rule of law³¹ The implementation of this model is a concrete form of substantive regional autonomy—namely, autonomy that prioritizes the values of justice, human rights protection, and public accountability. Teachers are no

²⁹ Carrie Menkel-Meadow, "Restorative Justice: What Is It and Does It Work?," *Annu. Rev. Law Soc. Sci.* 3, no. 1 (2007): 161–87, <https://doi.org/https://doi.org/10.1146/annurev.lawsocsci.2.081805.110005>.

³⁰ Ridwan, *Hukum Administrasi Negara*.

³¹ Philipe Nonet and Philipe Selznick, *Hukum Responsif* (Nusamedia, 2019).

longer positioned as passive parties dependent on the mercy of policy, but as legal subjects protected legally, structurally, and morally. The state, through its regional apparatus, is genuinely present in ensuring a sense of security, justice, and the dignity of the teaching profession. Overall, this model reflects the principle of constitutional protectionism, where legal protection for teachers is an integral part of the state's duty to protect all citizens (Article 28G and Article 31 of the 1945 Constitution). Through this model of regional authority-based legal protection, it is hoped that a system will be formed that is: Legally institutionalized, Procedurally standardized, and Integrated into regional education governance. Thus, legal protection for teachers is no longer incidental or political, but has become a permanent part of local government policy in building an education system that is just, humane, and quality-oriented.

E. Conclusion

This study demonstrates that, normatively, local governments possess both the authority and the constitutional and administrative responsibility to provide legal protection for teachers as primary actors in the education system. However, empirically, legal protection for teachers in Jambi Province remains weak, unstructured, and ineffective. The main findings reveal three core issues: a normative gap reflected in the absence of specific regional regulations on teacher legal protection, an institutional gap indicated by the lack of legal aid units and formal complaint mechanisms, and a coordination gap characterized by weak interagency collaboration in addressing legal issues involving teachers. These conditions generate legal uncertainty, place teachers in a vulnerable position, and foster a culture of fear that discourages them from exercising disciplinary authority in schools. Therefore, legal protection for teachers is not merely a sectoral issue within education, but a critical indicator of the effectiveness of regional autonomy, good governance, and the state's presence in ensuring security for the teaching profession.

The implications of these findings suggest that decentralization must be understood not only as the distribution of administrative authority, but also as the capacity of local governments to translate that authority into responsive, accountable, and operational policies. Accordingly, this study recommends that local governments establish specific regional regulations governing legal protection for teachers, develop legal aid service units under the coordination of the education sector, implement cross sectoral standard operating procedures involving law enforcement agencies and professional organizations, and

allocate dedicated budgetary support for legal advocacy and capacity building. In addition, the issue of teacher legal protection should be integrated into regional development planning documents to ensure its sustainability and institutionalization. Through these measures, legal protection for teachers is expected to become structured, standardized, and consistently implemented within the framework of regional governance.

F. References

- Ansori, Lutfil. "Diskresi Dan Pertanggungjawaban Pemerintah Dalam Penyelenggaraan Pemerintahan." *Jurnal Yuridis* 2, no. 1 (2015): 135–50. <https://doi.org/https://doi.org/10.35586/.v2i1.165>.
- Ashilsyah, Maulidhiyo Aprarel, Eko Nuriyatman, and Rodiyah Rodiyah. "Can Reforming Dismissal Procedures in State Administrative Courts Enhance Transparency and Accountability? The Rule of Law in Indonesia Does Not Only Apply to Citizens in General , but Also." *Indonesian State Law Review* 7 (2024): 31–44. <https://doi.org/https://doi.org/10.15294/islrev.v7i1.18862>.
- Aurel, Shafira. "Ditemui Mendikdasmen, Polri Utamakan Kasus Guru-Murid Lewat Mediasi." kbr.id, 2024.
- Bingham, Lord. "The Rule of Law." *The Cambridge Law Journal* 66, no. 1 (2007): 67–85. <https://doi.org/https://doi.org/10.1017/S0008197307000037>.
- Buchory, M S. *Guru: Kunci Pendidikan Nasional*. LeutikaPrio, 2012.
- Butt, Simon. "Judicial Reasoning and Review in the Indonesian Supreme Court." *Asian Journal of Law and Society* 6, no. 1 (2019): 67–97. <https://doi.org/DOI:10.1017/als.2018.26>.
- Danar, Oscar Radian, S AP, and M AP. *Teori Governance*. Deepublish, 2022.
- Denhardt, Janet V, and Robert B Denhardt. "The New Public Service Revisited." *Public Administration Review* 75, no. 5 (2015): 664–72. <https://doi.org/https://doi.org/10.1111/puar.12347>.
- Gunikj. "Kasus Oknum Guru SMA 14 Jambi Diduga Ditutup-Tutupi, BKD Bungkam Soal Sanksi." infokabarjambi.com, 2025.
- Gusfira, Nofil. "Perlindungan Hukum Terhadap Guru Dalam Melakukan Penegakan Disiplin Terhadap Siswa Di Sekolah." *Innovative: Journal Of Social Science Research* 4, no. 6 (2024): 135–44. <https://doi.org/https://doi.org/10.31004/innovative.v4i6.16085>.
- Jansen, Nils. "The Idea of Legal Responsibility." *Oxford Journal of Legal Studies* 34, no. 2 (2014): 221–52. <https://doi.org/https://doi.org/10.1093/ojls/gqt031>.

- Ridwan, Ir H Juniarto, and S H Achmad Sodik. *Hukum Tata Ruang: Dalam Konsep Kebijakan Otonomi Daerah*. Nuansa Cendekia, 2023.
- Salamah, Alfi. "Mendikdasmen Tegaskan Perlindungan Guru Dari Kriminalisasi." *onews.id*, 2024.
- Thoif, Muhamad. "Perlindungan Hukum Bagi Guru Dalam Menjalankan Tugas: Tinjauan Kasus Supriyani Di Konawe Selatan." *Indonesian Journal of Intellectual Publication* 5, no. 1 (2024): 44–50.
<https://doi.org/https://doi.org/10.51577/ijpublication.v5i1.590>
- Tjandra, W Riawan. *Hukum Administrasi Negara*. Sinar Grafika, 2021.
- Wulandari, Trisna. "573 Kasus Kekerasan Di Sekolah Dan Pesantren Di 2024, JPPI: Naik 100% Dari 2023." *Detiknews.com*, 2024.
- Zainuddin, Mohammad. "Reformasi Pendidikan Di Era Otonomi Daerah." *Wawasan Pendidikan Indonesia: Perspektif Indonesia, Menggagas Pendidikan Masa Depan* 73 (2015).
- Zulfikar, Fahri. "15 Kota Yang Terlibat Kasus Kekerasan Di Sekolah Tahun 2024 Menurut Data FSGI." *Detiknews.com*, 2024.

Acknowledgment

We would like to thank the Faculty of Law, Universitas Jambi, for providing adequate facilities that enabled the completion of this research.

Funding Information

This research was funded by Universitas Jambi with contract number: 236/UN21.11/PT.O1.05/SPK/2025

Conflicting Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Generative AI Statement

The authors maintain full accountability for the final content. No original data analysis or interpretations were performed by the AI without human oversight.