

**Policy for the Establishment of a Task Force for the Protection of Educators and Education Personnel as a Mandate of Minister of Education and Culture  
Regulation Number 10 of 2017 concerning Protection for Educators**

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**ABSTRACT**

Educators and Education Personnel who are local government apparatus and are obliged to carry out their duties and educators education. Legal protection for the teaching profession and educational staff will provide a sense of comfort and security for teachers and educational staff in innovating to carry out their profession to educate. In some instances, a teacher has been abused or faced legal cases for only minor matters. The purpose of this study was to find out the implementation of the implementation policy for the formation of the PTK Legal Protection Task Force in the Secretary General of the Ministry of Education and Culture No. 6 of 2018 and find out the obstacles and obstacles. The type of research used is an empirical legal research method supported by a statutory approach. The research data were collected by interview, observation and documentation methods and then the data were analyzed using the order of data reduction, data display and conclusion drawing. The results of research in the field show that (1) Implementation of the formation of the PTK Legal Protection Task Force, based on Permendikbud No. 10 of 2017 which is explained through technical instructions in the Secretary General of the Ministry of Education and Culture No. 6 of 2018, has not been realized to date. Currently, (2) Obstacles and obstacles to the formation of the PTK Legal Protection Task Force occur in the field of (a) Budget, where there is no specific budget for the establishment of the PTK Legal Protection Task Force. So far, funds for legal protection for PTK exist, but they are only for each time a case is handled. (b) Coordination is also an obstacle, because there is no specific budget yet, so it is difficult to coordinate with relevant stakeholders.

**Keywords: Education Officer, Protection, Teacher, Profession**

**ABSTRAK**

Pendidik dan Tenaga Kependidikan yang merupakan aparatur pemerintah daerah berkewajiban menjalankan tugas dan fungsinya sebagai pendidik dan tenaga kependidikan. Perlindungan hukum terhadap profesi guru dan tenaga kependidikan akan memberikan rasa nyaman dan aman bagi guru dan tenaga kependidikan dalam berinovasi menjalankan profesinya untuk mendidik. Dalam beberapa peristiwa, seorang guru mendapat penganiayaan atau menghadapi kasus hukum hanya persoalan kecil. Tujuan penelitian ini adalah untuk mengetahui pelaksanaan kebijakan implementasi pembentukan Satgas Perlindungan Hukum PTK dalam Persekjen Kemendikbud No. 6 Tahun 2018 dan mengetahui kendala serta hambatan. Jenis penelitian yang digunakan adalah metode penelitian hukum empiris didukung pendekatan perundang-undangan. Data penelitian dikumpulkan dengan metode wawancara, observasi dan dokumentasi lalu data dianalisis dengan urutan data *reduction*, data *display* dan *conclusion drawing*. Hasil penelitian di lapangan menunjukkan bahwa (1) Pelaksanaan pembentukan Satgas Perlindungan Hukum PTK, berlandaskan Permendikbud No. 10 Tahun 2017 yang dijabarkan melalui petunjuk teknis dalam Persekjen Kemendikbud No. 6 Tahun 2018, masih belum terealisasi hingga saat ini. (2) Kendala serta hambatan pembentukan Satgas Perlindungan Hukum PTK terjadi di bidang (a) Anggaran, dimana belum ada anggaran khusus untuk pembentukan Satgas Perlindungan Hukum PTK. Selama ini, dana untuk perlindungan hukum PTK ada, tetapi sifatnya hanya setiap ada penanganan kasus. (b) Koordinasi juga menjadi kendala, karena belum ada anggaran khusus, sehingga sulitnya koordinasi dengan *stakeholders* terkait.

**Kata Kunci : Tenaga Pendidik, Perlindungan, Profesi, Guru.**

## A. Introduction

Education is a key factor in the success of a nation. Without a good and well-planned education system, the nation's future generations will lose the ability to continue running good government because they do not have qualified and adequate human resources. In the Preamble to the 1945 Constitution, it is stated that the aim of the Indonesian government is "to protect the entire Indonesian nation and all of Indonesia's blood, and to promote general welfare, educate the life of the nation, and participate in implementing world order based on freedom, eternal peace and social justice". So it is clear that education is one of the goals of the Republic of Indonesia to make the nation's life more intelligent in accordance with the observations of the Preamble to the 1945 Constitution.<sup>1</sup>

The national education system must also be able to guarantee equal distribution of educational opportunities, improve the quality and relevance and efficiency of education management to face challenges in accordance with the demands of changes in local, national and global life so that it is necessary to reform education in a planned, directed and sustainable manner. The National Education System has also been established in Law No. 2 of 1989 which was later replaced by Law Number 20 of 2003 concerning the National Education System. In Law Number 20 of 2003, it is stated that education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have religious spiritual strength, self-control, personality, intelligence, noble morals, and the skills they need. , society, nation and state. In order to ensure the quality of education, the role of teaching staff is needed to provide quality education for students.<sup>2</sup>

Educators are educational personnel who are qualified as teachers, lecturers, counselors, tutors, lecturers, tutors, instructors, facilitators, and other titles appropriate to their specialty, and participate in providing education. <sup>3</sup> Meanwhile, educational personnel are members of the community who dedicate themselves and are appointed to support the provision of education. Based on this understanding, the role of educators and education

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<sup>1</sup> Amran Suadi, *Filsafat Hukum Refleksi Filsafat Pancasila* (Jakarta: Prenada Media., 2019), hlm. 260.

<sup>2</sup> Mokh. Thoif, *Tinjauan Yuridis Pendidikan Nonformal Dalam Sistem Pendidikan Nasional* (Surabaya: Scopindo Media Pustaka, 2021), hlm. 74.

personnel is vital in educating the nation's life in accordance with the objectives of the Unitary State of the Republic of Indonesia. The education system in Indonesia has undergone several changes, these changes are government policies that must be aware of and the education system in Indonesia has undergone several changes which are followed by all elements of society, but the problem is that not all policies issued by the government receive a positive response, in fact There are many educational circles and elites who have carried out critical studies so that they reject this policy because it is considered not in accordance with the values of the Indonesian nation. The National Education System Law has a very basic function, namely how the law is able to channel the vision and mission of National education, the success of education will be determined by how the education system displays its existence in an effort to improve the quality of human resources, catch up with all aspects of life and adapting to global changes and developments in science and technology.<sup>3</sup>

The Indonesian nation through the House of Representatives (DPR) and the President on June 11 2003 passed the new National Education System Law, as a replacement for the National Education System Law Number 2 of 1998. National Education System Law Number 20 of 2003 which consists of 22 These chapters and 77 articles are the embodiment of one of the demands for reform that has been widespread since 1998. The fundamental changes outlined in the new National Education System Law include, among other things, the promotion of the principles of democratization, decentralization of education, equality, balance, as well as the involvement and active role of the community. in education. The National Education System through Law number 20 of 2003 concerning the National Education System is an effort to achieve common goals through political efforts, where the government formulates this law with the intention of lifting the nation in a nobler direction, the existence of globalization as a concrete reason for government to formulate these laws. Basically, the formulation and implementation of a national education system is a strategic

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<sup>3</sup> Arman Paramansyah., *Manajemen Pendidikan Dalam Menghadapi Era Digital* (Medan: Fakultas Ekonomi Universitas Pembangunan Panca Budi, 2020), hlm. 76.

step for the government to keep pace with changing times, education is currently required to be able to compete both in the national and international context.<sup>4</sup>

Therefore, the government's efforts in the context of education certainly lead to a development process where development requires all educational institutions to follow the national education system and standards that have been determined by the government, this is as mandated by Government Regulation number 19 of 2005 concerning National Education Standards. which is abbreviated as (SNP), which substantively contains minimum standards for all educational institutions from primary, secondary to tertiary education levels. Education and education personnel spread throughout Indonesia according to the mandate of Law Number 22 of 1999 concerning Regional Government have made (State Civil Apparatus) regional government ASN under the authority of the regional government. Regional Autonomy according to Law Number 22 of 1999 is the authority of an autonomous region to regulate and manage the interests of the local community according to its own initiative based on community aspirations in accordance with statutory regulations..<sup>7</sup>

In this way, regional governments are considered to be more aware of regional needs and conditions as well as the desires of the people in their respective regions compared to the central government. 8 Regional governments are also expected to be able to realize the income they have by spending Regional Government Budget (APBD) funds in accordance with needs. communities in their respective areas. This law was then replaced by Law Number 32 of 2004 concerning Regional Government and was revoked and amended by Law number 23 of 2014 which explains that in article 12 paragraph 1 it is stated that education is a mandatory government affair relating to basic services shared between the Government. Central and provincial and district/city regions.

## **B. Focus of Problem**

The problem formulation is a benchmark for thinking in conducting legal research. The benchmark for thinking can be taken from identifying the problem of each research. Thus, identifying the problem of a research becomes a sufficient reason to determine an appropriate

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<sup>4</sup> Suhendi Syam, dkk, *Pengantar Ilmu Pendidikann* (Medan: Yayasan Kita Menulis., 2021), hlm. 72

problem formulation in solving or finding a solution in the form of assumptions from a research. Therefore, the problem formulation in this research is as follows::

1. How to implement the implementation policy for the formation of a legal protection task force as a mandate of the national education system through the Regulation of the Secretary General of the Ministry of Education and Culture Number 6 of 2018 concerning Technical Instructions for the Protection of Educators and Education Personnel?
2. What are the obstacles and constraints in establishing a legal protection task force as a mandate of the national education system through the Regulation of the Secretary General of the Ministry of Education and Culture Number 6 of 2018 concerning Technical Instructions for the Protection of Educators and Education Personnel?

### **C. Research Method**

The type of research used is the empirical legal research method, an approach that includes legal research on the facts that exist in a society, legal entity or government agency. Empirical legal research is an approach carried out by field research by looking at and observing what happens in the field, the application of these regulations in practice in society.<sup>5</sup> Research on statutory regulations is carried out by reviewing and analyzing all laws and regulations related to the legal issue being handled, namely the study of Minister of Education and Culture Regulation number 10 of 2017 concerning protection for educators and educational staff whether it is in accordance with Law Number 20 2003 concerning the National Education System or Law number 14 of 2005 concerning Teachers and Lecturers. The data used is primary data in the form of data collection by interviews (Interviews). According to Esterberg in Sugiyono, an interview is a meeting of two people to exchange information and ideas through questions and answers, so that meaning can be constructed on a particular topic..<sup>6</sup>

By using purposive sampling, researchers can ensure that the information obtained from interviews is a good representation of the population they wish to study. As well as secondary data, namely primary legal materials consisting of legislation: (1) the 1945

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<sup>5</sup> Bachtiar, *Mendesain Penelitian Hukum*. (Yogyakarta: Deepublish, 2021), hlm. 82

<sup>6</sup> Ibid

Constitution; (2) Law Number 20 of 2003 concerning the National Education System; (3) Law Number 14 of 2005 concerning Teachers and Lecturers; (4) Government Regulation Number 74 of 2008 concerning Teachers; (5) Regulation of the Minister of Education and Culture of the Republic of Indonesia number 10 of 2017 concerning Protection for Educators and Education Personnel; (6) Regulation of the Secretary General of the Ministry of Education and Culture number 6 of 2018 concerning Technical Instructions for the Protection of Educators and Education Personnel in the Implementation of Duties.<sup>7</sup> As well as secondary legal materials in the form of opinions from legal experts related to the research material..

#### **D. Results & Discussion**

1. Implementation of the Implementation Policy. Establishment of a Legal Protection Task Force as a Mandate of the National Education System through Regulation of the Secretary General of the Ministry of Education and Culture Number 6 of 2018 concerning Technical Instructions for PTK Protection. The formation of a PTK legal protection task force should have been carried out. Considering that there are already technical instructions through the Secretary General of the Ministry of Education and Culture No. 6 of 2018. But in reality until now it has not been realized. This shows that in implementation in the field there are various kinds of obstacles and obstacles faced. The following are the obstacles and barriers faced by the Ministry of Education and Culture in establishing the PTK legal protection task force:

a. Budget

There is no adequate budget available to implement the policy of establishing a legal protection task force through the Secretary General of the Ministry of Education and Culture No. 6 of 2018. This became a problem at the last meeting. The process of forming a Legal Protection Task Force for PTK has experienced problems related to budget, so the team has not yet been formed. Proposed funding so that the legal protection task force for PTK is not formed continuously but only on a case by case basis and per educational program. Currently there is no budget allocated specifically for the formation of a task force. However, there is a budget used to advocate for protection for PTK and services for teacher complaints which are

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<sup>7</sup> Ibid.

managed by the Human and Cooperation Bureau of the Ministry of Education and Culture.<sup>8</sup>

Several things that can be done to develop a budget for the formation of a task force.

Here are some suggestions that can be done :

1. Advocacy on the Importance of Forming a Task Force.

Carry out advocacy to related parties regarding the importance of establishing a task force for PTK protection. This can be done by disseminating information about cases that have occurred in the field and the negative impacts caused by the absence of a task force that can provide protection to PTK.

2. Budget Needs Analysis.

Carry out a comprehensive budget needs analysis for the formation of a task force. This includes costs for recruiting task force members, training, equipment and task force operations. By conducting a detailed budget needs analysis, it can be easier to submit the required budget. Meanwhile, for services regarding teacher complaints, the budget needs to be increased in order to improve the quality and effectiveness of the services provided.

3. Collaboration with Related Institutions

Collaborating with related institutions such as NGOs or government agencies that have the same programs or activities. By collaborating, you can increase your chances of getting the support and budget you need.

4. Make a clear and detailed proposal.

Make a clear and detailed proposal regarding the plan to form a task force along with an analysis of budget needs. A good proposal will make it easier for related parties to understand and consider providing the required budget.

b. Coordination.

To implement the Secretary General of the Ministry of Education and Culture No. 6 of 2018, good coordination is needed between all stakeholders involved in PTK protection. Coordination steps that must be taken regarding the implementation of the Secretary General of the Ministry of Education and Culture No. 6 of 2018 is to involve

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<sup>8</sup> M. Sulaiman Jajuli. *Kepastian Hukum Gadai Tanah Dalam Islam*. (Yogyakarta: Deepublish, 2015), hlm. 51.)

all stakeholders mentioned in the regulations.<sup>9</sup> This is important to do so that perceptions and goals in PTK protection can be aligned and the vision expected by the regulations can be achieved. In this coordination process, the stakeholders involved include the Ministry of Education and Culture, school principals, teachers, administrative staff, parents, and community organizations.

In the process of establishing a legal protection task force for PTK, there are several obstacles that can be faced. These obstacles include.

1. Barriers to Coordination Between Stakeholders

Poor coordination between the various parties involved can hamper the formation and implementation of a legal protection task force. Non-uniformity in understanding and interpretation of policies can give rise to differences of opinion and disputes between stakeholders.

2. Accuracy in Service.

The formation of a legal protection task force requires appropriate and quality services. Lack of alertness and expertise in providing appropriate service can result in slow and less than optimal service..

3. *Awareness in the Urgency of Policy Implementation*

PTK protection policies that are still new and not yet well understood by all parties can hamper awareness and the desire to implement these policies seriously. This can result in a lack of support and participation in the formation of a legal protection task force.

Coordination steps taken regarding the implementation of the Secretary General of the Ministry of Education and Culture No. 6 of 2018 involves all stakeholders mentioned in the regulations. Coordination is carried out to align perceptions and objectives of protection so that the formation of the task force is in accordance with the vision expected by the regulations.

2. Constraints and Obstacles in the Formation of a Legal Protection Task Force as a Mandate of the National Education System through Regulation of the Secretary General of the

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<sup>9</sup> Ario Nur Cahyadi, S.Kom, *Analisis Pengembangan Karier PTK Dit Guru PAUD Dan Dikmas Kemdikbudristek.*



Ministry of Education and Culture Number 6 of 2018 concerning Technical Instructions for PTK Protection.

The obstacles encountered in conveying information regarding the policy for establishing a legal protection task force for PTK are related to stakeholder awareness regarding the urgency of protection and coordination between stakeholders that is not yet optimal. The following are some suggestions for coordination steps that can be taken:

a. *Stakeholderss* Identification

First of all, it is necessary to identify stakeholders involved in PTK protection in accordance with regulations. These stakeholders include the Ministry of Education and Culture, school principals, teachers, administrative staff, parents and community organizations.

b. *Aligning* Perceptions and Goals.

After stakeholders have been identified, coordination needs to be carried out to align perceptions and objectives of PTK protection. This aims to ensure that all stakeholders understand and have the same vision in implementing PTK protection, including the formation of a task force.

c. Formation of a Coordination Team.

To facilitate coordination, it is necessary to form a coordination team consisting of representatives from all stakeholders involved in PTK protection. This coordination team is tasked with facilitating communication and coordination between stakeholders in implementing regulations.

d. Determination of Work Plans.

After the coordination team is formed, it is necessary to establish a clear and detailed work plan to implement these regulations. This work plan includes the formation of a task force, preventive and responsive actions, and handling cases of violence against PTK.

e. Evaluation and Supervision.

Finally, it is necessary to carry out regular evaluation and supervision of the implementation of the regulations and work plans that have been established. This aims to ensure that the implementation of regulations and work plans goes as expected and can provide effective protection for PTK.

Coordination steps taken regarding the implementation of the Secretary General of the Ministry of Education and Culture No. 6 of 2018 is to remind the Work Unit that has the task of forming a Task Force to carry out discussions in order to accelerate the formation of the Task Force. In this case, the Secretariat General of Teachers and Education Personnel is the party responsible for ensuring that the formation of the Task Force is carried out optimally. Minister of Education and Culture Regulation No. 10 of 2017 is expected to be a guide for teachers in implementing inclusive education. With clear and concrete guidelines, it is hoped that teachers will be more calm and confident in implementing learning for students with special needs. Apart from that, the implementation of inclusive education is also expected to create an inclusive and friendly learning environment for all students, without exception. In this way, learning objectives can be achieved better and all students can reach their potential optimally. The Ministry of Education and Culture is trying to create a safe and comfortable atmosphere in schools and improve the teaching and learning climate so that students can learn happily and calmly. This action is in line with the government's Nawacita vision to provide a sense of security to citizens and revolutionize the nation's character through education.

In the theory of delegation of authority, Henc van Maarsrveen emphasizes the importance of delegating authority from officials or government bodies to other parties to speed up the implementation of tasks. However, the delegation of authority must be carried out optimally and taking into account the obstacles and constraints that may occur in the field. In this case, the work unit that has the task and function of forming the PTK Legal Protection Task Force is the Secretariat General of Teachers and Education Personnel. Despite facing various obstacles and constraints, one effort that can be made is to carry out good coordination with relevant stakeholders,

## **E. Conclusion**

### **1. Implementation of the formation of a Protection Task Force.**

PTK law, based on Minister of Education and Culture Regulation no. 10 of 2017 which is explained through technical instructions in the Secretary General of the Ministry of Education and Culture No. 6 of 2018, has still not been realized to date. Currently, to handle complaints from PTK they still use very limited internal ULT with human resources only from the Ministry of Education and Culture. This is

different from the PTK Legal Protection Task Force whose membership consists of elements from ministries, legal practitioners, academics and other elements, who are of course more competent in handling various PTK complaints ranging from legal, professional, occupational safety and health risks, and rights. on intellectual property..

2. Obstacles and barriers to forming a Task Force.

CAR Legal Protection occurs in the field of (a) Budget, where there is no special budget for the formation of a PTK Legal Protection Task Force. So far, funds for PTK legal protection exist, but they are casuistic or only provided whenever there is a case handling that requires a special budget. (b) Coordination is also an obstacle, because there is no special budget yet, making coordination with relevant stakeholders difficult. Apart from that, stakeholders have also not received any socialization regarding the formation of the PTK Legal Protection Task Force. This means that the policy for establishing a PTK legal protection task force is not yet understood by all parties, thus hampering commitment, awareness and desire to implement this policy seriously.

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Undang-Undang :

1. Undang-Undang Dasar 1945;
2. Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional;
3. Undang-Undang Nomor 14 Tahun 2005 tentang Guru dan Dosen;
4. Peraturan Pemerintah Nomor 74 Tahun 2008 tentang Guru;
5. Peraturan Menteri Pendidikan dan Kebudayaan Republik Indonesia nomor 10 tahun 2017 tentang Perlindungan bagi Pendidik dan Tenaga kependidikan;
6. Peraturan Sekretaris Jenderal Kementerian Pendidikan dan Kebudayaan nomor 6 tahun 2018 tentang Petunjuk Teknis Perlindungan Pendidik dan Tenaga kependidikan dalam Pelaksanaan Tugas. Serta bahan hukum sekunder berupa pendapat dari para ahli hukum yang terkait dengan materi penelitian.