

Educator Management Policy from the Perspective of Education Law: Between Professionalism and Rights Protection

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Abstrak

Penelitian ini menganalisis keseimbangan antara tuntutan profesionalisme dan perlindungan hak dalam kebijakan pengelolaan tenaga pendidik di Indonesia. Penelitian menggunakan metode hukum normatif yang dipadukan dengan systematic literature review (SLR) berkerangka PRISMA. Bahan hukum primer dipetakan menurut hierarki dan relevansinya sampai cut-off 15 Agustus 2026, sedangkan temuan praktik dibaca sebagai sintesis penelitian terdahulu, bukan data empiris yang dikumpulkan langsung. Setelah penapisan ulang, sebelas artikel jurnal terverifikasi dianalisis secara tematik. Hasil kajian menunjukkan bahwa standar profesionalisme guru dan dosen relatif jelas melalui kualifikasi, kompetensi, sertifikasi, dan kewajiban keprofesian. Pada sisi perlindungan, regulasi tahun 2026 telah memperkuat mekanisme perlindungan bagi pendidik dan tenaga kependidikan pada pendidikan dasar dan menengah, tetapi fragmentasi tetap muncul pada perbedaan status kepegawaian, jaminan kesejahteraan, perlindungan dalam tindakan disiplin pedagogis, serta relasi dosen perguruan tinggi swasta dengan badan penyelenggara. Artikel ini menawarkan kerangka keseimbangan kebijakan yang menempatkan standar profesionalisme dan jaminan perlindungan sebagai kewajiban yang saling menguatkan. Implikasinya adalah perlunya implementasi konsisten terhadap hukum yang berlaku sekaligus harmonisasi regulasi sektoral untuk kelompok pendidik yang belum memperoleh perlindungan setara.

Kata Kunci: kebijakan pendidikan; hukum pendidikan; profesionalisme pendidik; perlindungan hukum; tenaga pendidik.

Abstract

This article examines the balance between professional standards and rights protection in Indonesia's educator-management policy. It combines normative legal research with a PRISMA-informed systematic literature review (SLR). Primary legal materials are mapped by hierarchy and relevance up to a 15 August 2026 cut-off, while evidence concerning practice is treated as a synthesis of prior studies rather than original empirical data. Following re-screening, eleven verified journal articles are included in the thematic synthesis. The analysis shows that professionalism is comparatively well structured through qualification, competence, certification, and professional-duty requirements. On the protection side, the 2026 regulatory framework has strengthened legal, professional, occupational-safety, and related protection for educators and education personnel in primary and secondary education. Fragmentation nevertheless remains across employment status, welfare guarantees, protection in pedagogical disciplinary action, and the institutional position of private-university lecturers. The article therefore proposes a policy-balance

framework in which professional standards and legal safeguards are treated as mutually reinforcing obligations rather than competing interests. The implication is twofold: existing protective rules should be implemented consistently, while sector-specific gaps affecting non-ASN teachers and private-university lecturers require further regulatory harmonization.

Keywords: education policy; education law; educator professionalism; legal protection; educational personnel.

INTRODUCTION

The Indonesian education-law framework positions teachers and lecturers as professionals and, at the same time, as rights-holders entitled to protection in performing their duties. Law Number 14 of 2005 on Teachers and Lecturers links professional status to qualifications, competence, certification, remuneration, career development, and legal protection. This relationship raises an important normative issue: raising professional standards cannot be separated from the obligations of the state and education providers to guarantee employment-status certainty, adequate welfare, safety in performing professional duties, and a professional sphere free from unlawful interference.¹²

The literature underlying this study shows that the points of vulnerability differ according to employment status and level of education. In schools, pedagogical disciplinary measures may lead to legal complaints when the limits of authority and protection procedures are not understood consistently. Non-ASN or honorary teachers face uncertainty concerning employment relationships and remuneration, while lecturers at private universities face issues involving termination of employment, academic independence, and relations with the organizing body or foundation. These findings are not treated as field data generated by this study, but as secondary evidence indicating a gap between relatively structured norms of professionalism and protection practices that vary across employment and institutional regimes.³⁴⁵

The research gap does not lie merely in combining normative legal research with an SLR. Previous studies tend to discuss teacher protection, the status of honorary teachers, termination of private-university lecturers, or professional development separately. Few studies place differences in employment status and education level within a single normative map to test whether professional demands are matched by equivalent protection for each group of educators. This article

¹Ilman Sungsang, Israhadi, dan Ahmad Redi, "Legal Protection for Teachers in Implementing Student Disciplinary Assignments," *Jurnal Indonesia Sosial Sains* 4, no. 5 (2023): 457.

²Buna'i, "Prospek Guru Agama Pasca Pemberlakuan Undang-Undang Guru dan Dosen Nomor 14/2005," *Tadris: Jurnal Pendidikan Islam* 1, no. 1 (2006): 1.

³F. R. D. Miarsa et al., "Legal Analysis of Disciplinary Sanctions by Teachers to Students at School," *Anayasa: Journal of Legal Studies* 1, no. 2 (2024): 99–100.

⁴Andri Nurdiansyah, Tanti Kirana Utami, dan Dedi Mulyadi, "Perlindungan Hukum Bagi Guru Honorer Di Lingkungan Dinas Pendidikan Kabupaten Cianjur," *Indonesian Journal of Public Administration Review* 3, no. 2 (2026): 3–5.

⁵Albi Mahardian et al., "Tinjauan Yuridis Mengenai Aturan Hukum Pemutusan Hubungan Kerja Terhadap Dosen Perguruan Tinggi Swasta," *Perspektif Hukum* 19, no. 2 (2019): 309–312; Permai Yudi dan Krista Surbakti, "Perlindungan Hukum Hak dan Kewajiban Dosen Terhadap Intervensi Yayasan Pada Perguruan Tinggi," *Jurnal Ekonomi, Sosial & Humaniora* 2, no. 03 (2020): 87.

contributes a policy-balance framework that distinguishes: (1) professional standards that constitute educators' obligations; (2) safeguards already available *de lege lata*; and (3) sectoral gaps that still require harmonization *de lege ferenda*. In this way, the article goes beyond counting themes in the literature and connects research findings with the applicable legal norms.⁶

On the basis of this gap, the study addresses two questions:

1. How does the national education-law framework regulate professionalism and the protection of educators' rights across different employment statuses and levels of education?
2. How does the literature synthesis portray the tensions and balancing mechanisms between professional demands and rights protection, and what are the *de lege lata* and *de lege ferenda* implications for educator-management policy?

RESEARCH METHOD

This study combines normative legal research (doctrinal legal research) with a PRISMA-informed systematic literature review (SLR). The normative analysis is used to identify legal norms, the hierarchy of regulations, protected subjects, forms of obligation, and the relationship among education and employment regimes. The SLR is used to identify and synthesize journal articles explaining how educator professionalism and protection have been debated or reported in prior research. Because this study does not collect primary data, all statements concerning implementation in practice are expressly limited to a synthesis of findings from the included studies.

Research Design

The research design consists of two stages. The first stage maps primary legal materials according to hierarchy and relevance up to the cut-off date of 15 August 2026. The principal materials include Law Number 20 of 2003 on the National Education System; Law Number 14 of 2005 on Teachers and Lecturers; Law Number 12 of 2012 on Higher Education; Law Number 20 of 2023 on the State Civil Apparatus, which repealed Law Number 5 of 2014; Government Regulation Number 49 of 2018 on the Management of Government Employees under Work Agreements (PPPK); Government Regulation Number 74 of 2008 on Teachers as amended by Government Regulation Number 19 of 2017; and Regulation of the Minister of Primary and Secondary Education Number 4 of 2026 on the Protection of Educators and Education Personnel. The second stage is an SLR of journal articles concerning professionalism, employment status, legal protection, pedagogical discipline, and the professional rights of teachers and lecturers. The regulations were selected because they directly govern professional status, ASN/PPPK status, teachers' and lecturers' rights and obligations, or protection mechanisms relevant to the research questions.

⁶Sitti Hartinah dan Basukiyatno, "Pengembangan Kompetensi Profesionalisme Dosen Tetap UPS Tegal," *Cakrawala: Jurnal Pendidikan* 1, no. 1 (2022): 1–2; E. Komara, "Perlindungan Profesi Guru di Indonesia," *MIMBAR Pendidikan: Jurnal Indonesia untuk Kajian Pendidikan* 1, no. 2 (2016): 151–153.

PICO Framework

The PICO framework is used as an organizing device rather than a causal model. PICO was selected because the research questions compare educator groups by employment status and level of education (Comparison/Context) and assess two distinct normative outcomes: professionalism and rights protection (Outcome). This adaptation helps derive search terms consistently from the research questions. Population/Problem yields the terms 'teacher', 'lecturer', and 'educator'; Intervention/Issue yields 'legal protection', 'professionalism', 'employment status', and 'professional rights'; Comparison/Context yields terms such as 'PNS', 'PPPK', 'honorary teacher', 'private-university lecturer', and 'foundation'; while Outcome yields 'competence', 'certification', 'welfare', 'status certainty', and 'legal security'. PICO is not used to infer intervention effects as it would be in clinical research.

Table 1. Adapted PICO Framework for the Study of Educator-Management Policy

Component	Operational Description in This Study	Derived Search Terms
Population/Problem (P)	Educators (teachers and lecturers) in primary, secondary, and higher education, including civil servants (PNS), government employees under work agreements (PPPK), honorary/non-ASN teachers, and permanent/non-permanent lecturers at private universities.	guru; dosen; tenaga pendidik; teacher; lecturer; educator
Intervention/Issue (I)	Policies and regulations concerning qualifications, certification, employment status, professional rights, and legal-protection mechanisms.	perlindungan hukum; profesionalisme; status kepegawaian; hak profesi; legal protection; professionalism
Comparison/Context (C)	Comparison across employment statuses and education levels to assess differences in the scope of protection.	PNS; PPPK; honoror; dosen PTS; yayasan; private university lecturer
Outcome (O)	Clarity of professional standards and the level of rights protection as discussed in the literature.	kompetensi; sertifikasi; kesejahteraan; kepastian status; keamanan hukum; competence; certification; welfare

Source: prepared by the authors; PICO is used as a query-organizing device, not as an effect-estimation model.

Table 1 shows that the PICO elements are translated directly into search terms. This linkage reduces the risk of selecting keywords unrelated to the research questions, although it does not eliminate the need for substantive assessment during full-text screening.

Data Sources and Search Strategy

The literature search was conducted in August 2026 through Google Scholar, GARUDA, SINTA, and DOAJ; ResearchGate was used only to locate full texts or verify

publication traces and not as a primary indexing database. The initial research log recorded 54 database records and 6 additional records identified through backward and forward snowballing, but it did not retain the distribution of records by database. This article therefore does not artificially reconstruct database-specific counts. To improve replicability in future updates, the initial keywords were normalized into the core Boolean string: ("guru" OR "dosen" OR "tenaga pendidik") AND ("perlindungan hukum" OR profesionalisme OR "status kepegawaian" OR "hak profesi") AND Indonesia; additional strings included "guru honorer" AND "perlindungan hukum", "dosen perguruan tinggi swasta" AND (PHK OR "hak dosen" OR yayasan), and the English equivalent (teacher OR lecturer OR educator) AND ("legal protection" OR professionalism OR "employment status") AND Indonesia. Syntax was adjusted to the capabilities of each platform. The limitations of the original search log are explicitly acknowledged as a methodological limitation.

Inclusion and Exclusion Criteria

The inclusion and exclusion criteria used to screen the retrieved records are presented in Table 2.

Table 2. Inclusion and Exclusion Criteria

Criterion	Inclusion	Exclusion
Topic	Directly addresses teacher/lecturer professionalism and/or legal protection and contains a legal or policy dimension.	Topics outside the educator context or studies addressing only performance/compensation without a legal or policy dimension.
Publication Type	Scholarly journal articles with verifiable publication metadata.	Personal repositories, unpublished papers, unpublished theses/dissertations, media opinion pieces, or manuscripts without verifiable publication status.
Methodology	Explicitly states the research method or approach.	Method is not explained or the text is purely opinion-based.
Language	Indonesian or English.	Languages other than Indonesian or English.
Time Period	2005-2026, with priority given to recent studies for issues affected by regulatory change.	Published before 2005 without explicit historical relevance to the Teachers and Lecturers Law regime.
Verification	Author, journal, volume/issue/year and/or DOI/journal URL can be verified.	Metadata cannot be verified or the manuscript is available only as a repository upload without clear journal publication.

Source: prepared by the authors.

Table 2 uses exclusion reasons that can be observed for each record. Similarity of theme is not treated as an exclusion criterion; two articles addressing similar themes may both be included provided that they satisfy the publication, methodology, object, and legal-policy relevance criteria.

PRISMA Flow

The selection process follows four PRISMA stages. The initial records comprised 54 database records and 6 additional records identified through snowballing, for a total of 60. After 10 duplicates were removed, 50 records were screened by title and abstract; 28 were excluded because they did not address the legal-policy focus on educators. Twenty-two full texts were then assessed for eligibility. In this revision, the Sofyang (2025) source, previously included as a repository manuscript, was excluded because it did not satisfy the criterion of a journal article with verifiable publication metadata. Reapplication of the objective criteria resulted in 11 full-text exclusions: five because metadata or publication type could not be verified as a journal article, three because the object was not teachers, lecturers, or education personnel, and three because full-text assessment showed that they did not address the legal-policy dimension central to the study. The final corpus therefore consists of 11 journal articles. Because the original log did not retain an individual record-by-reason exclusion list, the revised classification of exclusion reasons is treated as a methodological normalization and the limitation is disclosed transparently.

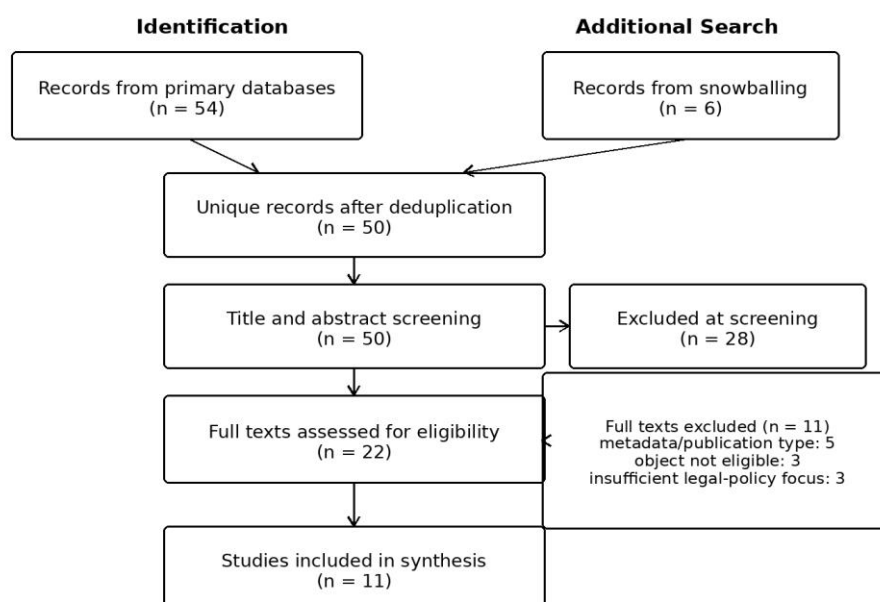


Figure 1. PRISMA Flow Diagram of the Study-Selection Process after Re-screening

Source: processed by the authors from the original selection records and the 2026 re-screening.

Figure 1 highlights an important change at the eligibility stage: one repository manuscript previously included was removed, leaving a final corpus of 11 journal articles. Exclusion reasons based on metadata, object, and substantive relevance replace the overly subjective category of 'thematic duplication'.

Data Extraction

Data from the 11 included studies were extracted using a form containing: (1) publication identity; (2) method; (3) focus or object of study; (4) the legal norm or legal issue addressed; (5) principal findings concerning professionalism and/or protection; and (6) policy recommendations. The addition of a 'legal norm or issue'

field ensures that the synthesis does not stop at theme frequency but can be connected to primary legal materials in the discussion.

Study Quality Assessment

The methodological eligibility of each study was assessed using a transparency checklist developed by the authors and not claimed to be a validated JBI instrument for legal research. Five indicators were used as a minimum responsibility check: (1) the research question or focus is clearly stated; (2) the research method or approach is explained; (3) the cited regulation is relevant to the study period or any limitation concerning currency is disclosed; (4) the data source or legal materials can be identified; and (5) journal publication status can be verified. A score of 1 was assigned when an indicator was explicitly identifiable in the article or official metadata and 0 when the information was unavailable or unverifiable. Scores of 4-5 were treated as 'adequate for synthesis', 2-3 as 'limited and requiring caution', and 0-1 as 'inadequate'. The checklist is used for transparency and sensitivity reading, not to equate the methodological quality of normative, empirical, and qualitative studies, which operate under different epistemic standards.

Data Analysis

The analysis was conducted in two layers. First, the findings of each study were manually coded into four categories traceable to the focus and conclusions of the article: professional standards/competence; employment status and welfare; legal protection in the performance of duties/discipline; and professional rights and institutional relations. A study could be coded into more than one category when its principal findings genuinely covered multiple issues. Second, the coding results were compared with primary legal norms to determine whether an issue represented an implementation problem under existing law (*de lege lata*) or indicated a gap requiring new rules or regulatory harmonization (*de lege ferenda*). All coding was conducted by a single author. To reduce inconsistency, coding was performed twice with a time interval and rechecked against each article's abstract, method, and conclusion. Because there was no second coder and no inter-rater reliability measure, the theme mapping is treated as an auditable analytical interpretation through the study-theme matrix rather than as a statistical prevalence measure.

RESULTS AND DISCUSSION

Research Findings

The characteristics of the eleven studies included in the synthesis are presented in Table 3.

Table 3. Characteristics of Studies Included in the Synthesis (n = 11)

No.	Author (Year)	Journal	Focus	Method
1	Buna'i (2006)	Tadris: Jurnal Pendidikan Islam	Impact of the Teachers and Lecturers Law on religious-education teachers	Normative legal

No.	Author (Year)	Journal	Focus	Method
2	Mahardian et al. (2019)	Perspektif Hukum	Termination of private-university lecturers	Normative legal
3	Yudi & Surbakti (2020)	Jurnal Ekonomi, Sosial & Humaniora	Foundation interference with lecturers' rights	Normative legal
4	Hartinah & Basukiyatno (2022)	Cakrawala: Jurnal Pendidikan	Lecturer professional development	Descriptive qualitative
5	Aliyyah et al. (2017)	Didaktika Tauhidi	Management of primary-school educators	Quasi-qualitative
6	Nanang et al. (2022)	Nommensen Journal of Legal Opinion	Legal complaints against teachers	Normative legal
7	Miarsa et al. (2024)	Anayasa: Journal of Legal Studies	Teacher disciplinary sanctions toward students	Normative legal
8	Sungsang et al. (2023)	Jurnal Indonesia Sosial Sains	Legal protection in teachers' disciplinary duties	Normative legal
9	Lubis et al. (2025)	Ngabari: Jurnal Studi Islam dan Sosial	Juridical aspects of teachers' professional duties	Normative legal
10	Nurdiansyah et al. (2026)	Indonesian Journal of Public Administration Review	Legal protection of honorary teachers	Empirical legal
11	Komara (2016)	MIMBAR Pendidikan	Protection of the teaching profession	Descriptive qualitative

Source: authors' data extraction, 2026.

Table 3 shows the heterogeneity of research designs: normative legal studies predominate, while a smaller number use empirical or qualitative approaches. This heterogeneity explains why the article does not conduct a meta-analysis and does not treat the evidentiary strength of different designs as equivalent.

The principal findings and recommendations extracted from each study are presented in Table 4.

Table 4. Extracted Principal Findings and Policy Recommendations (n = 11)

Study	Principal Findings	Recommendation/Implication
Buna'i (2006)	Law No. 14/2005 elevates teachers to professional status with new rights and obligations, including religious-education teachers.	Harmonize implementing regulations across ministries so professional recognition is applied consistently.

Study	Principal Findings	Recommendation/Implication
Mahardian et al. (2019)	Employment rules for private-university lecturers are not fully synchronized with the Teachers and Lecturers Law in termination cases.	Clarify the rights of private-university lecturers following termination of employment.
Yudi & Surbakti (2020)	Interference by private-university foundations may undermine academic independence and lecturers' rights.	Strengthen foundation governance so that it aligns with lecturers' professional rights.
Hartinah & Basukiyatno (2022)	Policies for developing permanent lecturers' professionalism exist but are not implemented optimally or periodically.	Conduct periodic evaluation of permanent teaching-staff development policies.
Aliyyah et al. (2017)	Primary-school educator management covers processes, rights and obligations, and competence development, but mismatches between expertise and assignment remain.	Periodically evaluate educator management on the basis of competence alignment.
Nanang et al. (2022)	Teachers are vulnerable to legal complaints arising from actions undertaken in the course of teaching.	Provide legal-assistance mechanisms for teachers who are reported or complained against.
Miarsa et al. (2024)	Teacher disciplinary sanctions may generate legal problems when not grounded in clear rules.	Standardize guidelines for educational disciplinary sanctions in schools.
Sungsang et al. (2023)	The guarantee in Article 39(2) of Law No. 14/2005 lacked clear implementing rules in the period examined, creating legal uncertainty.	Develop technical implementing rules on teacher protection.
Lubis et al. (2025)	Legal protection is important because teachers face risks of criminalization and external pressure.	Strengthen professional organizations as teacher-advocacy bodies.
Nurdiansyah et al. (2026)	Legal protection for honorary teachers in local settings remains constrained by budgets, staffing formations, and non-uniform wage standards.	Harmonize central-local policies and minimum honorarium standards.
Komara (2016)	Protection of the teaching profession requires simultaneous strengthening of legal, social, and economic dimensions.	Use a multidimensional approach to professional-protection policy.

Source: authors' data extraction, 2026.

Table 4 shows a pattern in which studies of professionalism generally emphasize competence standardization and evaluation of professional development, while protection studies are distributed across employment relations, legal complaints, pedagogical discipline, and institutional interference. This distinction provides the basis for the policy-balance analysis in the discussion.

The conceptual framework linking the dimensions of professionalism and rights protection in educator-management policy is illustrated in Figure 2.

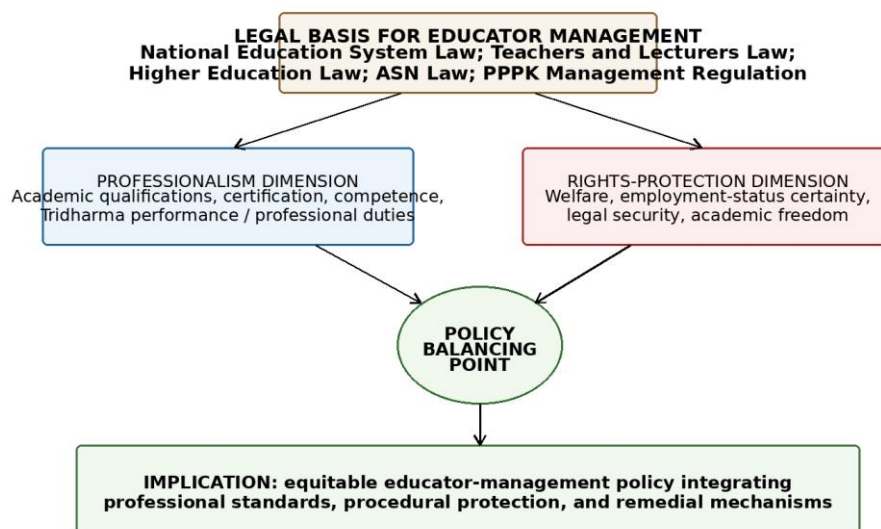


Figure 2. Conceptual Framework for Balancing Professionalism and Rights Protection in Educator-Management Policy

Source: developed by the authors from the synthesis of 11 studies and the regulatory review up to 15 August 2026.

Figure 2 should be read as a two-way relationship. Professional standards define the expectations educators must meet, while rights protection provides the legal and institutional conditions necessary to meet those expectations without excessive uncertainty. Imbalance can produce two forms of failure: high professional demands without protection create vulnerability and disincentives, while protection without professional accountability may weaken quality standards. The balancing point is therefore not a compromise that reduces either side, but an alignment of obligations, authority, procedures, and remedial mechanisms.

To preserve the auditability of coding, the frequency distribution used in the earlier manuscript has been replaced by a study-theme matrix. The matrix marks only themes directly reflected in the focus or principal findings of each article and is therefore not used as a statistical measure of the magnitude of a problem in the educator population.

Table 5. Study-Theme Matrix for Coding Audit

Study	Professional Standards	Status & Welfare	Legal Protection	Professional Rights & Relations
Buna'i (2006)	X			

Study	Professional Standards	Status & Welfare	Legal Protection	Professional Rights & Relations
Mahardian et al. (2019)		X		X
Yudi & Surbakti (2020)				X
Hartinah & Basukiyatno (2022)	X			
Aliyyah et al. (2017)	X			
Nanang et al. (2022)			X	
Miarsa et al. (2024)			X	
Sungsang et al. (2023)			X	
Lubis et al. (2025)			X	
Nurdiansyah et al. (2026)		X	X	
Komara (2016)		X	X	

Source: authors' recoding based on the focus and principal findings in Table 4; X = principal theme identified. Themes are not mutually exclusive.

The methodological eligibility checklist for the 11 studies is presented in Table 6.

Table 6. Methodological Eligibility Checklist Results (n = 11)

Study	Research Focus	Method	Current Law	Data Sources	Journal Check	Score	Eligibility
Buna'i (2006)	1	1	0	1	1	4	Adequate
Mahardian et al. (2019)	1	1	1	1	1	5	Adequate
Yudi & Surbakti (2020)	1	1	1	1	0	4	Adequate
Hartinah & Basukiyatno (2022)	1	1	1	1	1	5	Adequate
Aliyyah et al. (2017)	1	1	0	1	1	4	Adequate
Nanang et al. (2022)	1	1	1	1	1	5	Adequate

Study	Research Focus	Method	Current Law	Data Sources	Journal Check	Score	Eligibility
Miarsa et al. (2024)	1	1	1	1	1	5	Adequate
Sungsang et al. (2023)	1	1	1	1	1	5	Adequate
Lubis et al. (2025)	1	1	1	1	1	5	Adequate
Nurdiansyah et al. (2026)	1	1	1	1	1	5	Adequate
Komara (2016)	1	1	0	1	1	4	Adequate

Source: authors' assessment of methodological transparency, 2026. Score 1 = indicator satisfied; 0 = indicator not satisfied; 4-5 = adequate for synthesis, 2-3 = limited, 0-1 = inadequate.

After the repository source was excluded, all 11 included articles satisfied at least four of the five transparency indicators. This does not mean that all studies have equal epistemic quality; the score indicates only that their focus, method, sources, and publication status are sufficiently clear to be considered in the synthesis with due regard to each study design.

Discussion

Professionalism Dimension within the Education-Law Framework. The Indonesian legal framework treats professionalism as a relatively structured normative obligation. Article 8 of Law Number 14 of 2005 requires teachers to possess academic qualifications, competence, an educator certificate, physical and mental health, and the capacity to realize the goals of national education. For lecturers, the same statutory regime associates professional status with academic qualifications, competence, certification, performance of the Tridharma of Higher Education, and continuing professional development. The synthesized literature supports the view that this dimension already has recognizable management instruments: qualification-based recruitment, competence development, certification, performance evaluation, and assignment according to field of expertise. The existence of standards, however, does not automatically ensure uniform implementation. Studies on lecturer development show that competence-enhancement policies may exist without being implemented periodically, while studies at the primary-school level identify continuing mismatches between expertise and assignment. Professionalism is therefore more accurately understood as a problem of variation in implementing relatively clear norms rather than an absence of legal basis.⁷⁸⁹

⁷Undang-Undang Republik Indonesia Nomor 14 Tahun 2005 tentang Guru dan Dosen (Lembaran Negara Republik Indonesia Tahun 2005 Nomor 157, Tambahan Lembaran Negara Republik Indonesia Nomor 4586), Pasal 8.

⁸Hartinah dan Basukiyatno, "Pengembangan Kompetensi Profesionalisme Dosen Tetap UPS Tegal," 5-6.

⁹Rusi Rusmiati Aliyyah, Siti Aisyah Lutfah, dan Zahra Khusnul Lathifah, "Pengelolaan Tenaga Pendidik Pada Sekolah Dasar," *Didaktika Tauhidi: Jurnal Pendidikan Guru Sekolah Dasar* 4, no. 2 (2017): 75.

Rights Protection Dimension: Fragmentation Across Employment Status and Sectors. The earlier manuscript concluded that educator protection lacked implementing regulations; that conclusion requires updating. By the cut-off date of 15 August 2026, protection for educators and education personnel in primary and secondary education had been strengthened by Regulation of the Minister of Primary and Secondary Education Number 4 of 2026, which regulates legal, professional, occupational-safety and health, and intellectual-property protection and establishes a protection task-force mechanism. This development shows that the *de lege lata* problem can no longer be described merely as the absence of implementing rules. The more accurate problem is uneven coverage across status and sector. Non-ASN teachers do not automatically fall within the ASN regime; only those appointed as civil servants (PNS) or government employees under work agreements (PPPK) hold ASN status under Law Number 20 of 2023. Government Regulation Number 49 of 2018 remains one legal basis for PPPK management, but that scheme cannot be equated with all employment relationships involving honorary teachers. In private higher education, employment relations and interference by organizing bodies are likewise distinct from the issues faced by honorary teachers. Studies of termination of private-university lecturers and foundation interference show that post-employment rights, academic freedom, and the limits of the organizing body's authority must be analyzed within the relevant higher-education and employment-law regimes. Accordingly, 'fragmentation' in this article refers to different legal entry points and protection mechanisms, not to an assumption that all educator groups fall under a single employment regime.¹⁰¹¹¹²¹³¹⁴

Balancing Point and Policy Implications. The relationship between professionalism and protection is functional. Teachers' authority to maintain discipline, assess learning, and manage the classroom requires procedural limits so that it does not become arbitrary, but teachers also need certainty that lawful pedagogical actions will not immediately be treated as violations without due process. In this context, Regulation of the Minister of Primary and Secondary Education Number 4 of 2026 strengthens *de lege lata* protection, while the studies on teacher complaints, disciplinary sanctions, and professional protection underscore the importance of internal procedures, assistance, documentation of

¹⁰Andri Nurdiansyah, Tanti Kirana Utami, dan Dedi Mulyadi, "Perlindungan Hukum Bagi Guru Honorer Di Lingkungan Dinas Pendidikan Kabupaten Cianjur," *Indonesian Journal of Public Administration Review* 3, no. 2 (2026): 3–8; Undang-Undang Republik Indonesia Nomor 20 Tahun 2023 tentang Aparatur Sipil Negara (Lembaran Negara Republik Indonesia Tahun 2023 Nomor 141, Tambahan Lembaran Negara Republik Indonesia Nomor 6897).

¹¹Peraturan Pemerintah Republik Indonesia Nomor 49 Tahun 2018 tentang Manajemen Pegawai Pemerintah dengan Perjanjian Kerja (Lembaran Negara Republik Indonesia Tahun 2018 Nomor 224, Tambahan Lembaran Negara Republik Indonesia Nomor 6264).

¹²Mahardian dkk., "Tinjauan Yuridis Mengenai Aturan Hukum Pemutusan Hubungan Kerja," 315–318.

¹³Yudi dan Surbakti, "Perlindungan Hukum Hak dan Kewajiban Dosen," 88–90; Undang-Undang Nomor 14 Tahun 2005 tentang Guru dan Dosen, Pasal 51.

¹⁴Ilman Sungsang, Israhadi, dan Ahmad Redi, "Legal Protection for Teachers in Implementing Student Disciplinary Assignments," *Jurnal Indonesia Sosial Sains* 4, no. 5 (2023): 460–462; Undang-Undang Nomor 14 Tahun 2005 tentang Guru dan Dosen, Pasal 39 ayat (2); Peraturan Menteri Pendidikan Dasar dan Menengah Nomor 4 Tahun 2026 tentang Perlindungan bagi Pendidik dan Tenaga Kependidikan.

actions, and legal literacy. The balancing mechanism proposed in this article consists of four elements: clear task standards; proportionate procedures for action and complaints; assistance or remedy when disputes arise; and organizational evaluation so that individual incidents become inputs for policy improvement. This framework avoids two extremes: protection understood as immunity from accountability, and accountability imposed without procedural protection. For lecturers, the same mechanism must be translated into guarantees of academic freedom, governance of relations with foundations or organizing bodies, objection procedures, and procedural certainty in employment decisions.¹⁵¹⁶¹⁷

De Lege Lata and De Lege Ferenda Policy Implications. De lege lata, the policy priority is not to create one new uniform status for all educators but to ensure that existing rules are applied to the appropriate subjects. At school level, education units and local governments should operationalize protection mechanisms, assistance, and dispute-handling procedures in accordance with educator-protection regulations and the relevant employment rules. For PPPK personnel, employment certainty must be read through the ASN regime and PPPK management rules; for non-ASN teachers, employment relations, financing, and protection mechanisms must be arranged according to the legal basis actually binding the provider. At private universities, organizing bodies should adopt internal rules that respect lecturers' professional rights and academic freedom and provide reviewable objection procedures and employment decisions. De lege ferenda, harmonization needs must be differentiated by group: strengthening minimum protection standards for non-ASN teachers is not identical to regulating non-civil-servant or private-university lecturers; similarly, expanding protection in higher education cannot be achieved merely by extending the PPPK scheme. A more appropriate reform direction is to establish minimum cross-status guarantees—procedural certainty, access to assistance, protection against arbitrary action, and objection mechanisms—and then regulate them through sectoral instruments suited to the legal character of each relationship.¹⁸¹⁹

CONCLUSION

The study answers the first question by showing that national education law has established comparatively clear professional standards for teachers and lecturers, but the accompanying guarantees of protection operate through several different legal regimes. Regulatory changes in 2026 strengthened protection for educators and education personnel in primary and secondary education, making it inaccurate to state that protection simply lacks implementing rules. The remaining

¹⁵Nanang, Manullang, dan Esther, "Perlindungan Hukum Bagi Guru Yang Mengalami Pengaduan Akibat Tindakan Guru," 50–52.

¹⁶Komara, "Perlindungan Profesi Guru di Indonesia," 155–158.

¹⁷Peraturan Menteri Pendidikan Dasar dan Menengah Republik Indonesia Nomor 4 Tahun 2026 tentang Perlindungan bagi Pendidik dan Tenaga Kependidikan (Berita Negara Republik Indonesia Tahun 2026 Nomor 13); Peraturan Pemerintah Nomor 74 Tahun 2008 tentang Guru sebagaimana diubah dengan Peraturan Pemerintah Nomor 19 Tahun 2017.

¹⁸Nurdiansyah, Utami, dan Mulyadi, "Perlindungan Hukum Bagi Guru Honorer," 6–8; Lubis, Nova, dan Habibi, "Perlindungan Hukum Bagi Guru: Menelaah Aspek Yuridis," 70–74.

¹⁹Yudi dan Surbakti, "Perlindungan Hukum Hak dan Kewajiban Dosen," 90–91; Miarsa dkk., "Legal Analysis of Disciplinary Sanctions," 108–110.

gaps principally concern differences in employment status, employment relationships, education level, and institutional mechanisms. The second question is answered through the proposed policy-balance framework: professionalism and protection are not mutually exclusive interests. Professional standards require procedural safeguards so that they can be performed safely, while protection must remain accompanied by accountability, limits of authority, and corrective mechanisms.

The *de lege lata* recommendation is to strengthen implementation of the protective rules already in force, establish internal assistance and objection procedures, and ensure that each educator group is placed under the appropriate legal regime without equating honorary teachers, PPPK personnel, and private-university lecturers. The *de lege ferenda* recommendation is to formulate minimum cross-status guarantees concerning procedural certainty, access to legal protection, and remedial mechanisms, and then translate those guarantees into sectoral regulations for schools and higher education. This study has limitations: the original search log did not preserve record counts by database or an individual record-by-reason exclusion list; coding was conducted by a single author without inter-coder reliability measurement; and the entire synthesis of practice derives from prior studies rather than primary field data. Future research should conduct searches with fully documented logs from the outset, involve more than one coder, and empirically examine how the 2026 protection mechanisms are implemented across regions and how protection for private-university lecturers operates within the governance of organizing bodies.

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