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The Existence of the Right to Discipline (*Tuchtrecht*) Teachers in Applying Corporal Punishment

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ABSTRACT

The right to educate (*tuchtrecht*) teachers in giving corporal punishment (corporal punishment) to their students can be a justification for eliminating extrajudicial wrongdoing with certain reflections. The aim of the research is to analyze the existence of teachers (*tuchrecht*) and to analyze the form of regulations regarding the right to discipline teachers (*tuchrecht*) as a justification in the Indonesian criminal regulation framework. The research method utilizes a normative juridical approach. Research Determinations, this research is analytical descriptive. Data collection was carried out through library research (Library Research) on secondary data. The results of the research, that the existence of the teacher's right on the whole correct to train (*tuchrecht*) in imposing corporal punishment (corporal punishment) on students perceived as a teacher's right to discipline their students despite the fact that there is no boundary how much the teachers/educator can give disciplinary discipline to their students. The form of regulations regarding the right to discipline (*tuchrecht*) teachers as a justification in the Indonesian criminal regulation framework is given with the thought that, the behavior of teachers who are within the scope of good educational professionalism, is carried out fairly by taking into account the physical health and psychological conditions of students.

Keywords: Existence, *tuchtrecht* teachers, corporal punishment

INTRODUCTION

Education is the most essential field in public turn of events. Working on the nature of Indonesia's HR is a subject of improvement arranged to take part during the time spent economical public turn of events (Gunakaya, n.d.). Teachers and students are elements in supporting the

formation of learning and showing exercises with regards to learning in the homeroom and outside the study hall. The teacher occupies a respectable position in society and becomes an example, a figure who is respected for his authority so that people don't question the teacher's figure. The community believes that with a teacher, they can educate, instruct and shape the personality and character of their students well so they have high intellect keenness and a dependable initiative soul.

Regarding the advancement of data innovation in the 21st 100 years, I am not being aware of for unrivaled human asset improvement, one of which is the development of professional teacher competencies which will determine the competence of their students through the learning process as an effort to improve teacher competence. 16 of 2007 concerning Standards for Academic Qualifications and Teacher Competencies which states that teachers should have pedagogic competence, social competence, personality competence and professional competence.

Pedagogical competence requires that teachers in the 21st century at least have the ability to understand the character of students from the physical, social, cultural, emotional and intellectual aspects, understand family and community backgrounds so that learning needs can be identified in the context of cultural diversity, understand learning difficulties and find effective learning styles, facilitating the development of student potential, mastering learning principles and theories, developing curricula that encourage student involvement in learning, designing, implementing and evaluating educational learning processes and outcomes.

Thus, to be able to understand the character of students which is the embodiment of the teacher's pedagogic competence, it can be carried out by approaching students and interacting more openly (open-minded), establishing communication with student's parents not only when students have problems but also regularly. to recognize the character of students, make observations outside the classroom about the behavior and character of students because it will provide information about the diverse character of students which will be seen spontaneously when students interact with other students.

In ancient times, well before the period of data technology globalization, the teaching profession in the eyes of the community was very high, authoritative and honorable so that parents of students were also grateful assuming their children were pinched, pinched, told to push up, strapped or punished assuming they accomplished something less, instructive, devious and annoying. According to Murray A. Strauss, "the use of corporal punishment as a means of disciplining or controlling the behavior of children has been experienced by humans for centuries" (Strauss, 2010).

Among all the phenomena of punishment that befall children at school, namely the use of corporal punishment as a means of discipline, hereinafter referred to as corporal punishment, is generally not considered an act of violence, but as a means of quick and effective learning to discipline or demand that children obey. Based on data from the Indonesian Child Protection Commission (KPAI), during 2019, KPAI monitored and received 153 cases of complaints regarding physical and psychological violence in schools. KPAI data shows that 44% of perpetrators of violence are teachers or principals to students, then 13% of violence by students to teachers, 13% of violence by parents of students to teachers or students, and 30% of violence between fellow students (Soeharno, 2019). National Coordinator of the Indonesian Education Monitoring Network (JPPI) Ubaid Matraji said teachers make up the majority of perpetrators of "violence" in schools. From JPPI data, throughout 2022, there were 117 cases of violence in schools where the perpetrators were teachers (J. J. M. van Hoek, 2020).

Even though the punishments given by teachers to students contain violence, both physical and psychological, such as pinching, hitting, pinching the ears, standing in class or ceremonies, and various other forms of unfair distribution (Windari, 2015). This is under the prevalence of norms that apply in society if it is a teacher who takes punitive action to discipline his students.

Conservatists argue that corporal punishment is the most appropriate punishment and is considered capable of changing student behavior. This punishment is more focused on the goal "so that students become deterrent and do not repeat their actions" (Munawwir, 1997). Punishment or in Arabic terms is called ta'jir which means to reject and prevent crime, also means to strengthen, glorify, help. According to the fuqoha', ta'zir is a punishment not prescribed by the Qur'an and As-

Sunnah related to crimes that violate the rights of Allah and the rights of servants whose function is to teach the convicted person a lesson and prevent him from repeating similar crimes (J. J. M. van Hoek, 2022).

Basically, corporal punishment is intended so that students experience pain but not to cause injury and aims to educate students to improve their behavior (Straus, 2010). However, practices corporal punishment that are used as a response to student behavior undisciplined directly or indirectly will teach students that acts of violence are the right way to solve the problem. Even if the resulting impact is positive, the tendency is that Student obedience arises because of a fear of this type of punishment given, not being awareness of mistakes done.

In spite of the fact that there is a justification for the nullification of criminal represents the option to teach, yet on the off chance that the demonstration of rebuffing understudies with flogging can be kept away from so it will lessen the gamble of criminal demonstrations, it will surely satisfy benefits in different perspectives. What should be possible is to figure out discipline the executives for students who abuse discipline, specifically by giving support positive or negative. This administration plan can be the reason for lawful change by thinking about psycho-social angles for teachers, students, parents or guardians of students and the community, so methodologies in instructing and educating are claimed by teachers, yet additionally by parents and the community.

In light of the foundation of the issue above, it very well may be formed the ID of the issue from this examination is the means by which the presence of the right to discipline (tuchrecht) teacher's regarding the application of corporal discipline to student depends on the right of the teacher's position as an expert teacher and the type of guideline of the option to train (Tuchtrecht.) As a Justification in the Indonesian Criminal Law System. The methodology utilized in this study is a normative juridical methodology, in particular a legitimate exploration strategy led by looking at library materials or optional information. The material concentrated on in legitimate examination normative is library material or auxiliary information. This research is in many cases additionally called doctrinal legitimate research, to be specific legitimate examination that utilizes optional information, by considering and evaluating lawful standards, particularly certain lawful guidelines got from library materials, regulations and guidelines.

RESEARCH METHOD

The research methodology employed in this study is a normative juridical approach, specifically adopting a legal research method that involves the examination of library materials or secondary data. Normative juridical research focuses on analyzing legal principles and regulations derived from available library materials, regulations, and statutes. This approach is often referred to as doctrinal legal research, emphasizing the evaluation and interpretation of legal norms.

The material under scrutiny primarily consists of library materials or secondary data related to the legal aspects of teachers' rights to discipline students, particularly in the context of corporal punishment. The study relies on legal principles stipulated in laws such as Law No. 14 of 2005 concerning Teachers and Lecturers, Government Regulation No. 74 of 2008 concerning Teachers, and Law No. 20 of 2003 concerning the National Education System. The absence of specific parameters regarding the extent to which teachers can impose disciplinary penalties on students is examined within the legal framework, and potential boundaries between acceptable corporal punishment and abuse are considered.

Furthermore, this research follows an analytical descriptive approach to provide a comprehensive understanding of the existence and application of the right to discipline (tuchtrecht) teachers. The analysis includes an exploration of various legal aspects and parameters that may guide or limit teachers in exercising their disciplinary authority (Abdullah, 2021). The data collection process relies on library research, emphasizing secondary data to analyze and interpret legal norms related to the right to discipline teachers and the application of corporal punishment in the educational context.

RESULT AND DISCUSSION**The Existence of the Right to Discipline (Tuchrecht) Teachers Regarding the Application of corporal Punishment to Students**

In the growing experience, discipline and award are one instructive device, the ongoing condition is that numerous students are progressively considering contradicting the principles of the school or overlooking the teacher's requests that affect the teacher's feelings so they unintentionally do things that ought not be finished (Friele et al., 2013).

To the implementation of disciplinary action in the school environment, the International Committee on the Rights of the Child also affirms the prohibition of corporal punishment as outlined in General Comment No. 1 (2001), namely the fulfilment of children's rights must be guaranteed while undergoing education at school. Thus, education must be provided while taking into account that children also have dignity as human beings, must be motivated so that children can express their opinions freely and participate in the school environment (Article 12 point (1)). In article 28 point (2) it is stated that education must be given with respect. Strict restrictions on discipline in schools are promoted through disciplining without resorting to violence.

In addition to the Convention on the Rights of the Child, an international instrument that is also considered appropriate that can be used as a basis for protecting children from all forms of violence is the International Covenant on Economic, Social, and Cultural Rights (ICCPR). Similar to the Convention on the Rights of the Child, the ICCPR recognizes that freedom, justice and peace in the world are founded on the foundation of human dignity and the existence of equality of human rights which are also shared by children. Thus, children also have the right to be given protection from all forms of violence including disciplinary punishment, especially those that deviate from inhumane and degrading behavior.

Techniques that can be utilized to give discipline should in any case apply need, to be specific giving certainty to students, in particular by not cornering students for their slip-ups, all in all, the teacher has confidence ahead of time that the missteps committed by students withdrew from errors or because of outside impacts. By and by, this giving of trust can be acknowledged through remarks that show that the educator accepts that the understudy didn't purposefully commit an error or doesn't realize that the blunder has deadly outcomes.

Discipline should likewise be joined by a standard perspective on conduct, not "the perpetrator", in light of the fact that the way of behaving of the student may not come from him, and not his characteristics. Assuming it is observed that the miscreant is an understudy who has been named a 'terrible kid' and this has turned into a 'typical' thing, then, at that point, around then the teacher as of now has a standard perspective on the perpetrator, not conduct, despite the fact that assuming we look at the qualities of the child, there should be the justification for why he has conduct that doesn't depend on the standard like different students, and teacher must investigate and teach the child starting with changing the teacher's point of view.

The mistake that is most often made by teachers when giving punishment to students is the inclusion of emotions or anger towards students, even those emotions that trigger the cause of the desire to punish. Whereas based on relevant theories, punishment is aimed at making students aware of their mistakes and not repeating them, as well as being an example for other students not to make the same mistakes. However, with the presence of emotions that underlie the provision of punishment, efforts to achieve these goals will be ineffective, and even students will tend to have an assessment that the teacher is not a good role model because of temperament, and from these emotions, it is not impossible to give birth to actions that are included in the punishment. crime or crime.

The slip-up that is most frequently made by teachers while giving discipline to students is the incorporation of feelings or outrage towards students, even those feelings that trigger the reason for the longing to rebuff. While in light of important hypotheses, discipline is pointed toward committing students mindful of their errors and not rehashing them, as well just like a model for different students not to mess up the same way. In any case, with the presence of feelings that underlie the arrangement of discipline, endeavors to accomplish these objectives will be insufficient, and even understudies will quite often have an evaluation that the teacher is definitely not a decent good example in light of

disposition, and from these feelings, it isn't difficult to bring forth activities that are remembered for the discipline or wrongdoing.

Moreover, with the inclusion of feelings, botches that are likewise frequently made are while giving disciplines, joined by extensive counsel that will in general be pestering and keeps on raising students botches, which makes discipline inadequate, in light of the fact that students who are getting discipline are obviously close to home circumstances, is additionally shaky, so what he feels will in general be as disturbance and harmed and, surprisingly, the exhortation given by the educator won't be felt for him.

Mistakes made by teachers to give discipline to students can be sorted as criminal demonstrations on the off chance that they contain components of blunder comprising of two kinds, in particular deliberate (*dolus/upset*) and carelessness (*culpa*) (Hamzah, 2017). Deliberate per Indonesian lawful hypothesis, there are three sorts of purposefulness, in particular as follows:

1. Deliberate purposeful intent that the perpetrator can be accounted for and easily understood by the general public.
2. Intentional with the conviction of certainty,
3. intentional awareness of possibility, is carried out

While negligence lies between intentional and accidental and is considered lighter than intentional, therefore the offence of *culpa* is pseudo so that a reduction in punishment. *Culpa* offences contain two kinds, namely negligence offences that cause consequences, but what is threatened with a crime is the act pseudo self, the difference between the two is very easy to understand, namely, negligence that causes consequences with the occurrence of consequences, an negligence offence is created, for those who don't need it. result in negligence itself is punishable by a criminal offence. (Hamzah, 2017; Ravena, 2010)

Giving rewards and diciplines to students must be preceded by agreement, at least students know about both and it is better if the two educational tools are discussed and discussed first so that when students make mistakes (Marlina, 2014), they can already think and are ready to accept punishment and more broadly, students will feel appreciated because there is recognition when talking about regulations governing rewards and punishments that he can receive when participating in the education process at school and its implications, students will feel the need to respect teachers and school components.

The right to discipline children according to JM Vam Bemmelen is the right of parents, teachers and those in charge of educating, in the form of the right to deprivation of liberty in a limited manner and the right to punish which is carried out in an educational manner (B. van Hoek & Roorda, 2022; Windari, 2015). Meanwhile, according to Jan R Emmelink, several behaviours are generally criminal offences but lose their character and are punishable under disciplinary law. Disciplinary laws that are carried out by parents as well as educators or teachers, can even result in persecution if the principle of proportionality is ignored. If the punishment has exceeded the purpose of discipline, then there has been persecution that can be prosecuted and punished based on the crime of persecution (R Emmelink & Moeliono, 2003).

The juridical consequences of doing corporal punishment by teachers to students can be said to be not absolute and there is a possibility that the action cannot be accounted for with *tuchtrecht* as a justification, and the possibility of such action can be accounted for based on the principle of loss and benefit. Corporal punishment is said to be an action that cannot be accounted for with *tuchtrecht* as a justification reason because the justification reason is the reason for eliminating the crime by eliminating the unlawful nature of an act. The reason for the abolition of a crime is the basis used for not being convicted of a criminal act. A teacher who takes disciplinary actions to certain limits, and in the context of achieving educational goals cannot always be held accountable (punished), even though formally the teacher has committed an unlawful act (criminal act). This is because there is a justification that accompanies his actions, namely reasons that eliminate the unlawful nature of an act.

The teacher's actions that go beyond the limit cannot be justified even with good reasons (educational reasons). So, for the teacher's actions that exceed the limit, considerations *Tuchrecht's* cannot be used as a justification, so that the teacher can be subject to criminal penalties for his actions.

Advocacy efforts are carried out not only when teachers stumble on legal cases, but from the past, namely by providing legal understanding to teachers, so that it will reduce the negative impact on the psychology of teachers in carrying out their work to teach and educate students. This negative impact can come from the fear of being imprisoned or labelled as a criminal. This is related to the theory of labelling in criminological studies which states that the label attached to a person usually appears on deviant behaviour that existed the first time (primary deviance) and psychological reorganization of one's experience as a result of arrest and label as a criminal (secondary deviance).

If examined from the cases that have occurred, cases of violence perpetrated by teachers can be categorized as educational violence that cannot be tolerated in Indonesian positive law, therefore progressive law is needed based on human values and conscience. Progressive law is a form of legal reform which is a process of testing various formulations of applicable laws and regulations and implementing several changes to achieve efficiency, justice and also opportunities for positive Indonesian law, therefore progressive law is needed, which is based on human values and conscience. Progressive law is one form of legal reform which is a process of testing various formulations of legal provisions and applicable laws and regulations and implementing some changes to achieve efficiency, justice and also the opportunity to obtain justice according to applicable law (Harianto, 2021).

The Form of Regulation of the Right to Discipline (*Tuchtrecht*) as a Justification in the Indonesian Criminal Law System

Teachers in carrying out the educational process have the right to supervise and educate students, which within certain limits have the right to deprive children of the freedom of minors or their protégés. This right in legal language is referred to as *Tuchtrecht*, which is one of the reasons for eliminating criminals outside the law (Andario, 2017). Teachers who practice punishments that are judged to be over the limit of reasonableness but are a reflection of the discipline carried out by the teacher while carrying out their duties can refer to the fact that the nature of being against the law as a justification is acceptable. The teacher will not be penalized if there is a justification in the form of *Tuchtrecht* as the reason for the abolition of the crime, provided that the actions taken are still within reasonable limits and in the context of achieving educational goals. Although formally the teacher has committed legal actions in the form of criminal acts, such as giving stern warnings, giving assignments, suspensions, giving physical punishment and others, but because of the justification that accompanies his actions, namely the actions were taken care of in the context of achieving educational goals, it will eliminate the unlawful nature of the material from his actions.

The philosophical aspect of giving disciplinary punishment to students is to remind the student that he has committed a violation or mistake and must receive compensation for his actions. However, what happened was that many students and parents did not accept the teacher's actions in applying disciplinary punishment so that they reported the teacher's actions as acts of violence and were threatened with criminal penalties. Philosophically, protection for teachers who have given disciplinary punishment to their students and including acts of persecution can be given based on the rights inherent in the teacher's position and become the reason for the abolition of the crime.

An example of a case in Indonesia regarding corporal punishment which is included in *Tuchtrecht* is Decision No. 1045/Pid.B/2010/PN. Bwi where there is a teacher who was charged with Article 80 paragraph (1) of the Child Protection Act for punishing his student by hitting his student with a wooden ruler 10 times. In the decision the judge gave a verdict of not guilty and released the defendant from all charges with the judge's consideration that the sanctions for beating the teacher to his students were carried out to educate his students not to repeat acts that violated the norms of decency, namely hitting his friend until his lips were injured until they were swollen and bleeding (Dagilaha, 2020). In addition, the punishment of beatings is considered not to interfere with teaching and learning activities, both in general in class and specifically experienced by students. The panel of judges thinks that the imposition of sanctions in the form of hitting the right and left-back of the calf 5 times each using a wooden ruler is by educational rules.

However, there are other cases, namely in the form of Decision No. 240/Pid.Sus/2016/PN SDA where a teacher was charged with the same article, namely Article 80 paragraph (1) of the Child Protection Act for punishing students by hitting and pinching students who did not perform the Duha

prayer at school. In the judge's decision, the teacher was found guilty with the consideration that in addition to giving pain, the consequences of the teacher's actions, even though to educator foster, had a psychological impact on students, namely fear of teachers, whereas according to the Teacher's Code of Ethics, teachers must continuously strive to create, maintain and develop a pleasant school atmosphere as an effective and efficient learning environment for students.

In the two examples above, it can be seen that although on the same basis the teacher punishes his students, namely only as an effort to educate, the final result of the decision is different, so it can be said that the limit for corporal punishment carried out by the teacher as his right to educate students is still not clear.

Teachers as professional educators have rights based on their position, especially in educating students, even if they have to give punishment to their students, the teacher must do so for educational purposes. Based on the results of research and assessment of the various theories, the author argues that the need for rules and mechanisms and a barometer that can be used as a reference in awarding punishment to a student who commits an offence, among others:

Each found violations, teachers should not immediately give a penalty, because every sentence What will be given must be accountable, this is related to the pedagogical competence of the teacher in understanding the character of his students. Thus, two advantages will be obtained. When there is a pause between the occurrence of a violation and the provision of punishment, namely the student is allowed to explain the reason for the violation, the teacher also has time to control his emotions so that the punishment given is intended to educate, not as retaliation that will damage the relationship between teacher and student

1. With the time lag between the occurrence of a violation and determining whether punishment should be implemented or not, the teacher can consider the following (Andario, 2017):
 - a. teacher must determine the goals to be achieved because every violation, of course, has a predetermined regulatory basis, thus it can be determined later, whether the violation should be given direct punishment or given reinforcement. For example, if a student makes an educatorsnoise in class with the excuse of being bored and the student is known as a noisemaker in class, the teacher can consider punishment or reinforcement that can be done. Punishments can be given, for example by giving additional assignments that lead to mastery of their competencies, so that students will not feel bored with the teaching methods they receive in class. Thus, the actual punishment given is also positive reinforcement because the student's activities are directed to be positive for him.
 - b. After determining the strategy of punishment or reinforcement to be given, the teacher then determines the intensity, frequency and duration of the punishment or reinforcement to be given, so that there are definite standards for both the teacher and the student concerned. When the teacher feels that punishment or reinforcement needs to be stopped, it can be stopped immediately.
 - c. Before during and after the punishment or reinforcement process is carried out, the teacher must continue to accompany the student and communicate effectively to provide positive reinforcement, so that the student will feel that his behaviour is indeed wrong, violates the rules and he immediately realizes and makes a promise to himself. not to do it again.
2. Corporal punishment is carried out as a last resort if there is no other choice of punishment that can deter students who violate discipline. The physical punishment given needs to be limited as follows (Remmelink & Moeliono, 2003):
 - a. Considering the student is a child who needs to be educated so that the level of acceptance of the physical punishment given must be different for each individual, it can be based on the age limit and the condition of the student both physically and psychologically. One student may be strong enough to run around the field but another student may not be able to do it.
 - b. Considering the impact on the development and emotions of students, it is necessary to give understanding in advance to students that the punishment given is as compensation for the actions they have committed, thus there is no gap for students to become vengeful to the teacher and will not interfere with their development, both physically and psychologically. ,

especially making it a trauma for students. For example, an elementary school student becomes afraid and embarrassed to go to school for fear of being punished because previously he was punished by standing in front of the class and being ridiculed by his friends.

- c. If you have to give physical punishment in the form of twisting, hitting or anything related to direct contact with the student's body, it is necessary to stipulate that it is not permissible to hit the student's face, or twist without pulling it, but only as a warning, not to hurt the student, especially the degree of pain every time. Individuals are different and cannot be legitimized with the words "that's just how much it hurts". Physical punishment with direct contact like this must be a last resort and be carried out with careful consideration, in a calm state and aimed at educating students so that it will not have an impact on pain, physical injury, disability and even death which will result in death. criminal penalties for teachers who do so.

With this reference, it is hoped that teachers in carrying out their duties as professional educators can take advantage of their position rights to further develop their competencies, especially pedagogical competencies, namely understanding the character of students so that they can determine teaching and educational strategies that are by the needs of their students. Nevertheless, the stigma that teachers currently do not have the "fans" to act as educators who can discipline students is still an obstacle for teachers to carry out their obligations. The existence of *tuchtrecht* does not necessarily legitimize that corporal punishment may be carried out by every student who commits a violation. In this dissertation, corporal punishment is carried out as a last resort, so that teachers will also be spared from criminal prosecution, because not all corporal punishment can be categorized as *tuchtrecht* and abolishes punishment even though it is carried out to educate. When there are problems in the law, what must be reviewed and corrected is the law, not humans who are forced to enter into the legal scheme (Ravena, 2010).

Practically speaking, despite the fact that a few principles or rules can be utilized as a gauge in giving discipline or support to students, teachers are as yet confronted with the gamble of being trapped by criminal regulation for their activities.

Moreover, because there is no legal protection against teacher actions, there are no technical guidelines for protection so that the teacher's position is very weak. This shows that teachers will be very vulnerable to receiving inappropriate treatment from both students and their guardians. The teacher protection regulations so far seem to clash with the articles in the Child Protection Act, where there is a lack of synchronization between the child protection law, with Law Number 14 of 2005, the seventh part of article 39 and PP No. 74 of 2008 the ninth part of article 40.41 and 42.

Therefore, it is necessary to strengthen technical guidelines in teacher protection, which can be realized in the form of regulations, as exemplified by Purwakarta Regency which issued Decree (SK) Number 424.05/Kep. 576-Disdikpora/2016 dated 9 June 2016 concerning the Formation of the Purwakarta Regency Teacher Defender Team. The background of the issuance of the decree is that teachers must be calm in carrying out their duties, there is no need to be afraid of getting acts of violence and criminalization which will ultimately support the fulfilment of the rights of other teachers.

The technical realization of the protection of teachers can be carried out nationally, through legal reconstruction based not only on the existing construction of positive legal science but also on developing thinking construction oriented to national legal values. Fulfilment of this can be carried out through compliance with the guidelines of the judicial system regulated in the Constitution and the Law on Judicial Power, including the recognition and respect for customary law and its traditional rights, then that all court decisions must contain reasons and the basis of the decision, it also contains certain articles of relevant laws and regulations or unwritten sources of law which are the basis for adjudicating, as well as the obligation of judges to explore, understand and follow legal values and a sense of justice that lives in society.

Based on this explanation, in the context of the existence of the right to discipline by teachers against their students related to teacher protection, it is necessary to have a legal reform that explains the limits of the fairness of punishment that can be given by teachers to students as an effort to educate discipline.

Moreover, to protect teachers before a case occurs, references or guidelines that can be utilized as cutoff points in giving discipline or support to understudies should be quickly settled and mingled. In the event that it doesn't satisfy the guidelines to be utilized as a guideline, then, at that point, another work that should be possible rapidly on the grounds that there is a premise is by mingling and fortifying the character of teachers as professional educators who prioritize pedagogical competence, in particular comprehension the personality of understudies all in all so it turns into a skill that can be teamed up with 21st-century skills, with the goal that it will uphold the formation of successful learning and training methodologies and strategies.

CONCLUSION

The existence of the right to discipline (*tuchrecht*) by teachers about the application of corporal *punishment* to students is recognized as the right of teachers in disciplining their students as regulated in Law No. 14 of 2005 concerning Teachers and Lecturers, Government Regulation No. 74 of 2008 concerning Teachers, to Law No. 20 2003 concerning the National Education System, although there are no parameters for the extent to which teachers can impose disciplinary penalties for their students. The boundaries between the form of *corporal punishment* and the form of abuse can be seen from the parameters of the weight of the wound, the age limit and condition of the child, the way of discipline, the impact on the emotions and development of the child, and the motivation of the maker. However, in various regulations including the Child Protection Act and various Conventions on the Rights of the Child, it is stated that the practice of giving corporal punishment to children in any environment is a form of violence against children, and states that school discipline is carried out in a manner that is under human dignity and by With this Convention. It can be interpreted that each participating country is asked to prohibit the use of corporal punishment and all forms of disciplinary punishment that harm children in the context of education. The form of regulation of the right to discipline (*tuchrecht*) teachers as a justification in the Indonesian criminal law system is given with the consideration that the teacher's actions are carried out within the scope of work and responsibilities, based on a good goal in the implementation of education, and carried out rationally, at the limit -the limits of reasonableness by minimizing the loss felt by students and taking into account the physical and psychological conditions of students.

Suggestion

There is a need for regulations that contain the government's role in providing legal assistance to teachers who are involved in criminal cases of corporal punishment, limits on the extent to which teachers can impose sanctions, the right of immunity for teachers who impose sanctions on students which is aligned with the rights and obligations of teachers as well as rights and the obligations of students based on statutory regulations so that legal certainty is realized in the form of guidelines capable of being a reference for schools and teachers so that the reasonable limits of punishment given to students who violate the rules are clear and rational

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