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Criminal Law Policy Reform for Teacher Protection in Indonesia Based on International Legal Principles

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Abstract: The teaching profession in Indonesia increasingly faces criminalization risks due to normative and administrative legal gaps that fail to provide comprehensive protection. This research aims to reformulate criminal law policies to ensure security and justice for teachers by aligning national frameworks with international standards. Employing a normative legal approach—incorporating statutory, conceptual, and comparative methods—the study analyzes national regulations against UNESCO and ILO principles. The results indicate an urgent need for policy shifts that harmonize legal frameworks, strengthen professional autonomy, and implement international principles such as balanced sanctions and the best interests of students. Consequently, a responsive criminal law policy is essential to balance teacher protection with student rights within the national education system. This study contributes to legal science by offering an interdisciplinary framework that integrates criminal and educational law, providing a novel prescriptive model for professional protection that transcends traditional administrative boundaries. This reformulation fosters a more equitable educational environment, ensuring educators can perform their strategic roles without the chilling effect of irrelevant legal threats.

Keywords: *criminal law; international legal principles; policy reformulation; teacher criminalization; teacher protection*

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INTRODUCTION

The teaching profession, particularly teachers, is a key pillar of the national education system and plays a strategic role in shaping the quality of human resources. Teachers not only deliver material but also serve as moral guides, helping students think critically, evaluate information objectively, and make decisions guided by ethical values such as honesty, fairness, and responsibility (Robi'ah et al., 2025). In the context of national development, teachers function not only as transmitters of knowledge but also as character builders and instillers of social values. This view treats the teaching profession as multidimensional, with responsibilities spanning pedagogical, moral, and social aspects, and therefore requires comprehensive legal protection to ensure optimal professional functioning. This ability is crucial for shaping students' character, helping them become not only academically intelligent but also possess integrity and social awareness (Yuliani et al., 2024).

However, in practice, a growing trend is criminalizing teachers for performing their duties. Violence can occur and be experienced by any component of society, with various triggers and underlying objectives. Actions that are inherently within pedagogical authority, such as issuing reprimands, enforcing discipline, or imposing educational sanctions, are often interpreted as criminal acts. This phenomenon reflects a shift in normative and sociological constructions of the teacher-student relationship, in which educational actions are reduced to repressive measures with criminal-law implications (McMahon et al., 2017). This situation not only creates legal uncertainty for teachers but also risks chilling the implementation of education.

Empirical findings indicate that threats and violence against teachers constitute a real phenomenon within educational settings and therefore require a systematic threat assessment approach to understand their prevalence and impact. Internationally, teachers also face various forms of threatening behavior from students. In New Zealand, approximately 16% of teachers consider student threats to be a serious issue involving verbal and physical violence. Meanwhile, in the United States, the prevalence of threats against teachers ranges from 7% to 10%, with physical threats identified as the dominant form of intimidation experienced by educators (Maeng et al., 2020). In Indonesia, threats against teachers are not only associated with violence, but also with legal criminalization, with approximately 20–30% of cases reported to the Indonesian Child Protection Commission (KPAI, 2021, 2022, 2023). These findings demonstrate that violence and criminalization against teachers constitute a global educational concern requiring comprehensive legal protection. Normatively, various national legal instruments, particularly education laws and regulations, regulate protection for the teaching

profession. However, existing regulations still pose several problems. First, clear, measurable normative parameters are lacking to distinguish legitimate pedagogical actions from those that could be classified as criminal acts. Second, there is a tendency to overuse criminal law to resolve educational conflicts when administrative mechanisms or non-penal approaches should be pursued. This demonstrates a misalignment between the legal regimes governing education and criminal law in protecting the teaching profession. Similarly, in Indonesia, teachers should be legally protected in their teaching and learning process. Komara (2016) emphasized that legal protection for teachers in Indonesia remains suboptimal. In practice, teachers facing legal issues, particularly those related to performing their professional duties, often have to handle them individually without adequate support. Although Law Number 14 of 2005 concerning Teachers and Lecturers provides legal protection, it has been implemented ineffectively. The protection it should provide includes measures to safeguard teachers against various forms of threats, whether from students, parents, the community, or the bureaucracy. These threats can include acts of violence, physical and psychological intimidation, discriminatory treatment, pressure, and even unfair treatment.

From a criminal law theory perspective, this situation represents a deviation from the principle of *ultimum remedium*, which holds that criminal law is a last resort in law enforcement. In practice, however, criminal law is used as the primum remedium to respond to teachers' pedagogical actions. This shift has given rise to overcriminalization, namely the widespread use of criminal law for acts that are substantially unsuitable for criminalization. As a result, criminal law has lost its fundamental character as a subsidiary and proportional instrument (Widodo et al., 2025). Education is one of the main instruments in supporting a country's sustainable development. Deviance in education can be viewed not only as an ethical violation but also as a potential legal violation with quite serious consequences. Therefore, criminal law is necessary to address and minimize various forms of deviance that can damage National Education (Lubis, 2021). Although Lubis (2021) discusses the protection of the teaching profession within the context of national law, it has not fully incorporated international legal principles as a basis for analyzing criminal law policy reform. This gap underlies this study's analysis of the protection of the teaching profession in Indonesia from an international law perspective. Therefore, this research's novelty lies in integrating international legal principles into the analysis of criminal law policy reform to strengthen protection for the teaching profession. From an international legal perspective, various international standards and instruments affirm the need to protect the teaching profession. Principles developed by UNESCO and the International Labor Organization (ILO) emphasize the importance of protecting professional autonomy, professional dignity, and teachers' safety in carrying out their educational functions. In the context of the increasing trend of criminalizing teachers in Indonesia, these standards are relevant as a reference for assessing whether national legal policies provide proportional protection for teachers or risk encouraging overcriminalization. Therefore, UNESCO and ILO principles can serve as a normative basis for criminal law policy reforms that balance protecting students' rights with protecting the teaching profession.

According to Demir (2023), policymakers often view teacher autonomy skeptically because it is associated with a form of "teacher power" in professional practice. Conceptually, this autonomy refers to the space of authority and freedom teachers have to make decisions about their professional practice. However, external accountability, legal regulations, and top-down administrative pressures also limit teachers' professional freedom. This situation can undermine educational quality if teachers are more tied to external demands than to their own professionalism and academic community. These limitations also reveal a broader gap in legal scholarship on protecting the teaching profession. Previous studies on protecting the teaching profession have generally focused on the legal dimension of education. Existing research focuses more on how educational regulations, such as the Teachers and Lecturers Law and administrative policies, provide guaranteed protection for teachers. However, these studies have not fully linked the protection of the teaching profession to criminal law policy, despite the strategic role criminal law instruments play in preventing and addressing the potential criminalization of pedagogical actions. This limitation creates a significant research gap. Teacher criminalization is essentially a cross-legal regime issue that cannot be understood solely from an educational law perspective. Therefore, an interdisciplinary approach is needed that integrates criminal law with educational law, so that professional protection for teachers can be formulated in a more proportional, effective, and equitable manner. This research aims to fill this gap by reformulating criminal law policy grounded in international legal principles, while also addressing the need for more comprehensive legal protection for teachers in performing their professional duties.

This research aims to conduct an in-depth study and reformulate the criminal law policy framework for protecting the teaching profession in Indonesia. The primary focus is on efforts to secure the teaching profession's legal protection while balancing pedagogical authority and student rights. This policy reformulation is grounded in the national legal context and also draws on international legal principles that emphasize professional autonomy, justice, and the protection of teachers' dignity as educators. This approach is expected to create a more comprehensive, effective, and proportional legal protection system. This protection must address the increasingly complex challenges of educational practice while ensuring that teachers are not criminalized for actions committed within the framework of their professional duties. Based on the issues

outlined, the urgency of reformulating criminal law policy to protect the teaching profession in Indonesia is increasingly apparent and cannot be postponed. This reformulation aims to establish a legal framework that provides proportional protection for teachers while balancing pedagogical authority with the fulfillment of student rights. This protection is not only normative at the regulatory level but must also be consistently implemented in practice, so teachers have legal certainty when carrying out their professional duties. From an academic perspective, this policy reform is expected to produce a legal system that not only emphasizes legal certainty but also prioritizes the core values of justice and the benefit of all stakeholders in implementing education. Within this conceptual framework, it is hoped that teachers can carry out their strategic role as educators and character builders without risking criminalization unrelated to their professional duties so that the national education system can function optimally.

METHODS

This study employs a normative legal research method with a descriptive-analytical character to examine the legal protection of the teaching profession in Indonesia. Legal research is classified as normative as it investigates positive legal norms within a specific legal system and temporal framework. The study adopts a juridical perspective to scrutinize the intersection of educational law and criminal law, particularly concerning teacher protection. Furthermore, this research interrogates the practical operation of legal norms and the manner in which inconsistencies between different legal regimes, specifically child protection and criminal law, contribute to the criminalization of teachers. The normative approach is pertinent as the inquiry centers on legal principles, statutory instruments, and international standards governing professional immunity and autonomy (van Gestel, 2023). Using a descriptive-analytical framework, this study systematically identifies legal lacunae and offers prescriptive recommendations for legislative reform (Majeed et al., 2023). Consequently, the research integrates doctrinal legal analysis with interdisciplinary considerations regarding educational governance.

This research primarily analyzes structural weaknesses and normative inconsistencies in existing legal protection frameworks for Indonesian teachers (Negara, 2023). It specifically targets the tensions between the Teachers and Lecturers Law and Child Protection regulations. The study seeks to identify normative gaps that expose educators to criminal liability while performing their professional duties. Furthermore, this research aims to formulate a criminal law policy model that is proportional, effective, and responsive to the unique exigencies of the teaching profession. To do so, the study incorporates international legal principles, such as professional autonomy and the best interests of the child, as articulated by UNESCO and the International Labor Organization (ILO). By benchmarking national regulations against these international standards, the study helps harmonize educational and criminal law policies to prevent unjust criminalization.

This research uses the statutory and conceptual approaches. The statutory approach is employed to evaluate a hierarchy of regulations, including Law No. 20 of 2003 on the National Education System, Law No. 14 of 2005 on Teachers and Lecturers, Law No. 35 of 2014 on Child Protection, and various implementing regulations such as Government Regulation No. 19 of 2017 and Ministerial Regulation No. 46 of 2023. This conceptual approach facilitates analysis of legal doctrines and theories on professional protection, professional autonomy, and criminal law policy. Furthermore, the study employs gap and harmonization analyses to assess the conformity of Indonesia's domestic legal framework with international legal principles and standards developed by UNESCO and the International Labor Organization (ILO), and to identify normative gaps requiring legal reform. The study relies on secondary data consisting of primary, secondary, and tertiary legal materials, including legislation, judicial decisions, scientific literature, and peer-reviewed journal articles indexed in Scopus and SINTA. The research collected data through library research and document analysis. The collected legal materials were subsequently examined using qualitative juridical analysis, harmonization analysis, gap analysis, and prescriptive analysis to identify normative inconsistencies and formulate recommendations for criminal law policy reform concerning teacher protection in Indonesia.

RESULT AND DISCUSSION

Criminal law policy (penal policy) is an important part of criminal policy, serving as a means to address crime through criminal law instruments. Criminal law policy is essentially a rational step policymakers take in determining which acts are criminal and how the criminal law enforcement process is carried out (Arief, 2017). This view emphasizes that criminal law policy does not focus solely on the normative aspects of defining an act as a crime (criminalization), but also encompasses operational dimensions of the criminal justice system. As Martinez et al. (2016) note, the complexity of teacher victimization requires a nuanced understanding of contextual correlates that should ideally inform how criminal law is applied in educational settings. Criminal law policy encompasses two main aspects: determining which acts constitute criminal acts (criminal law formulation) and determining the mechanisms or procedures for criminal law enforcement (criminal law application). Therefore, because criminal policy cannot be separated from other policies, every effort to protect the public must be viewed holistically to avoid conflicting policies and achieve the goal of protecting the public and welfare.

Thus, criminal policy is essentially an integral part of social policy, namely, policies or efforts for social welfare (Arief, 2021). Figure 1 presents the relationship between the two.

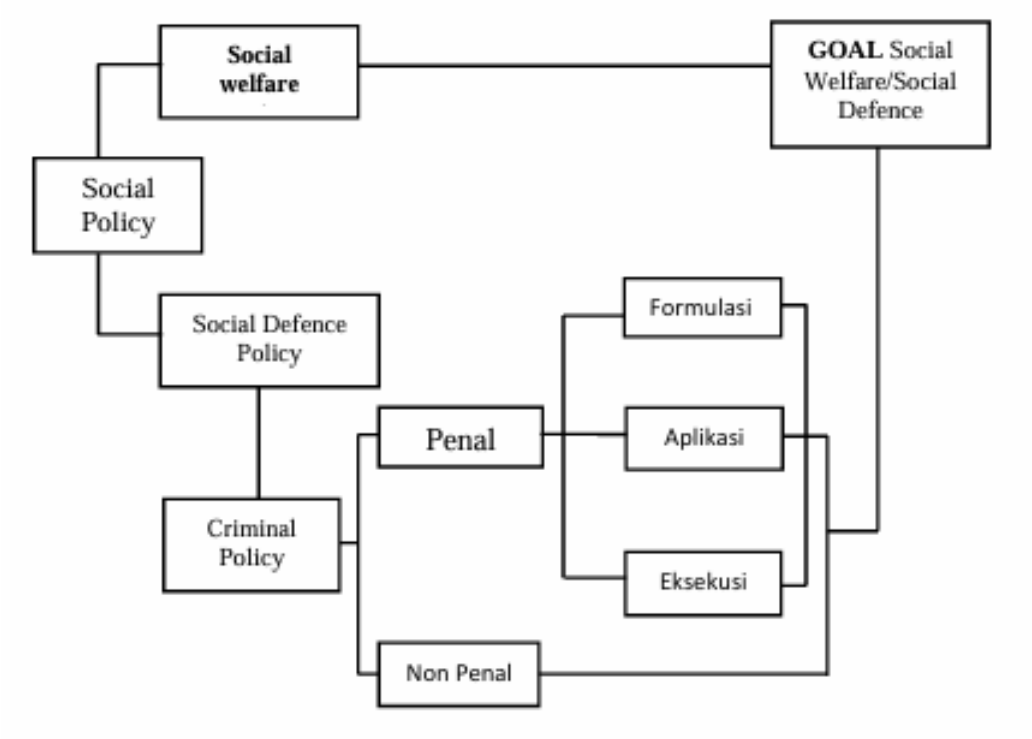


Figure 1. Relationship between Criminal Policy and Social Policy (Arief, 2021)

Criminal law policy is part of a rational and systematic crime-prevention policy and cannot be separated from the goal of protecting society and achieving justice (Persak, 2019). Within this framework, criminal law must be applied carefully and proportionally, given its repressive nature and its direct implications for human rights. In the context of protecting the teaching profession, criminal law policy serves as the basis for determining the boundary between a teacher's professional actions and criminal acts. This is crucial because, in practice, disciplinary actions taken by teachers often risk criminalization. Therefore, criminal law policy must provide legal certainty for implementing teachers' professional duties, prevent excessive criminalization, and protect students (Reddy et al., 2018). Efforts to reform criminal law policy to protect the teaching profession must aim to balance legal protection for teachers as professionals with the protection of students' rights, thereby realizing a legal system that is fair, proportional, and grounded in substantive justice. Legal protection for the teaching profession in Indonesia is regulated in various laws and regulations, as shown in Table 1.

Table 1. Law and Regulations Regarding Legal Protection for the Teaching Profession in Indonesia

Law and Regulation	Description
Law No. 20 of 2003 concerning the National Education System	It provides a normative basis for regulating teachers' position, role, and rights as professionals in implementing the national education system. It comprehensively regulates the foundations, functions, and objectives of education, principles of implementation, rights and obligations of the parties, levels and types of education, as well as provisions regarding national standards, curriculum, educators, facilities, funding, management, community roles, evaluation, accreditation, certification, establishment of educational units, supervision, and criminal provisions.
Law No. 14 of 2005 concerning Teachers and Lecturers	It is the normative basis for regulating the position, role, and rights of teachers as professional personnel in implementing the national education system. Article 39, paragraph (3), states that educational personnel, namely teachers and lecturers, have the right to obtain legal protection against acts of violence, threats, discriminatory treatment, intimidation, or unfair treatment by students, parents of students, the community, the bureaucracy, or other parties.

Law and Regulation	Description
Government Regulation of the Republic of Indonesia No. 19 of 2017 concerning Amendments to Government Regulation No. 74 of 2008 concerning Teachers	It defines teachers' professional status and establishes their rights, obligations, and protections in carrying out their duties.
Regulation of the Minister of Education and Culture of the Republic of Indonesia No. 10 of 2017 concerning Protection for Educators and Education Personnel	It specifically regulates legal protection, profession, and occupational safety for teachers.
Regulation of the Minister of Education, Culture, Research, and Technology No. 46 of 2023 concerning Prevention and Handling in Educational Units	It regulates teacher protection in educational environments.
Law No. 35 of 2014 concerning Child Protection	Law No. 35 of 2014 concerning Child Protection, particularly Articles 76C and 80, prohibits all forms of violence against children and provides criminal sanctions for violations. In practice, these provisions are frequently applied in cases involving teachers' disciplinary actions toward students, potentially creating a normative conflict with Article 39 paragraph (3) of Law No. 14 of 2005 concerning Teachers and Lecturers, which guarantees legal protection for teachers in carrying out their professional duties.

Regarding the laws in Table 1, various regulations recognize teachers' professional authority and legal protection. However, a normative conflict exists between Article 39 paragraph (3) of Law No. 14 of 2005 concerning Teachers and Lecturers, which guarantees teachers' legal protection, and Articles 76C and 80 of Law No. 35 of 2014 concerning Child Protection, which criminalize acts of violence against children. In practice, disciplinary actions undertaken by teachers may be interpreted as violence, creating legal uncertainty and increasing the risk of teacher criminalization. Table 2 presents empirical data on cases of teacher violence and criminalization in Indonesia from 2021 to 2023 to support this description.

Table 2. Cases of Violence and Criminalization Against Teachers in Indonesia 2021-2023

Year	Violence Against Teachers	Criminalization Against Teachers	Source
2021	17	8	KPAI, FSGI
2022	21	12	KPAI, FSGI, PGRI
2023	27	15	KPAI, FSGI, LKBH PGRI

(Source: Processed from KPAI, FSGI, PGRI, & LKBH PGRI, 2021–2023)

Based on Table 2, cases of violence in educational settings and the criminalization of teachers increased between 2021 and 2023. Data collected from the Indonesian Child Protection Commission (KPAI), the Indonesian Teachers' Association (FSGI), and the Indonesian Teachers' Association (PGRI/LKBH PGRI) indicate that not only have cases of violence increased, but the number of teachers facing legal proceedings has also increased. This phenomenon indicates an increasing reliance on criminal law instruments to resolve educational conflicts. In some cases, teachers' pedagogical actions, such as enforcing discipline, may be interpreted as unlawful. This reinforces the unclear line between a teacher's professional actions and criminal acts (Burnette et al., 2018). In this regard, although various regulations protect teachers, these provisions remain general and do not provide sufficient legal security from a criminal law perspective. Therefore, efforts are needed to consolidate and strengthen legal policies that provide more concrete, organized, and enforceable protection for teachers in performing their professional duties.

Internationally, the teaching profession also faces risks from various threats and criminal acts that can disrupt its primary task of providing education. In Kenya, female teachers face various structural challenges (Small et al., 2024). These challenges are influenced by gender-based violence, social inequality, and strong local cultural norms. The main problem is criminal acts against teachers while they carry out their teaching

duties. Teachers, who should be able to address student misconduct, often face legal problems, especially if their actions are deemed inconsistent with child protection regulations. In this regard, Law No. 35 of 2014 concerning Child Protection, specifically Article 9 paragraphs (1) and (1a), states that every child has the right to receive an education and protection in the school environment from all forms of violence, including that perpetrated by educators. This norm shows that the state strongly guarantees children's safety and protection during the educational process. However, in practice, this regulation can be interpreted differently, particularly when distinguishing between acts of violence and disciplinary measures aimed at learning.

Protections afforded to children are often enforced strictly, regardless of the classroom situation, making teacher actions intended to teach seem like violations. This leaves teachers feeling confused: they must continue to carry out their teaching duties effectively or risk being reported to the courts. This situation also highlights the difficulty of balancing the protection of children's rights with teachers' freedom to teach. Teachers play a crucial role in shaping the next generation of competent, well-rounded individuals. However, in carrying out their duties, teachers often face conflicts with students and parents, as in the case of Supriyani, an honorary teacher in South Konawe, who was charged with a criminal offense for allegedly assaulting a student (Wulandari & Thoif, 2024). This case has drawn public attention and raised questions about how far the law can protect teachers while they perform their duties. The case not only raises legal issues but also underscores the urgent need to protect the teaching profession from irrelevant criminal accusations. Given these issues, criminal law in the educational context is often misused, even though, in principle, it should be used only as a last resort (*ultimum remedium*). However, in practice, teachers' pedagogical actions are often dealt with legally immediately, without prior administrative or ethical consideration. Furthermore, the legal approach typically used ignores the educational context, resulting in disciplinary actions being assessed only formally, without considering education's true purpose. As a result, teachers' roles are diminished from educators to legal subjects vulnerable to prosecution.

In international law, soft law refers to instruments or rules that are not legally binding. Unlike hard law, which has the force of law and is accompanied by sanctions, soft law typically takes the form of declarations, recommendations, guidelines, or international standards created by international organizations. Although these rules are not legally binding, soft law still plays an important role in international legal practice, particularly as global guidelines that guide countries in formulating national policies. In this context, soft law also guides the establishment of protection standards, including in education and the professional lives of teachers. To protect the teaching profession, flexible laws and regulations give governments a legal basis to incorporate international principles into national legal systems. As Boyle (2014) explains, soft law is a non-binding instrument that still helps shape international law. This occurs because soft law shapes state practices and legal beliefs and serves as an initial step in forming binding legal instruments (Evans, 2010). Table 3 compares the characteristics of soft law and hard law.

Table 3. Soft Law dan Hard Law

Soft Law	Hard Law
Flexible	Rigid
Not subject to strict rules of interpretation	Subject to strict rules of interpretation
Responsive to changing or evolving circumstances	Limited in responding to changing or evolving circumstances
Prescriptive, that is, usually binding on individuals through contracts such as mediation agreements	Can be prescriptive or mandatory
Involves multiple actors and regulatory experts	Involves a narrower field of regulatory actors, especially in the final stages of law-making

(Source: Alexander & Steffek, 2016)

UNESCO and the ILO have developed international rules on teachers' work to improve the quality of teaching and learning and safeguard their interests. The 1966 ILO/UNESCO Recommendation concerning the Status of Teachers, adopted in Paris on 5 October 1966, outlines teachers' rights and duties, including initial preparation, additional education, recruitment processes, working conditions, and teaching and learning methods. It also emphasizes teacher involvement in educational decision-making through collective discussion and deliberation. After years of collaboration with the ILO, the UNESCO General Conference adopted the 1997 UNESCO Recommendation Concerning the Status of Teaching Personnel in Higher Education. This instrument complements the 1966 recommendation by establishing standards for teaching staff in higher education institutions, including academic freedom, professional conduct, and decent working conditions. UNESCO and the ILO jointly implement and monitor both recommendations through the Joint ILO/UNESCO Committee of Experts (CEART) (UNESCO, 2008). International provisions on the teaching profession emphasize teachers' role in advancing education and contributing to human development and contemporary society. Therefore, protection is needed to ensure teachers have a status commensurate with their crucial role. In an international context, regulating the teaching profession also considers differences in legal systems, regulations, and teaching

methods across countries. Furthermore, these standards encompass various international instruments, particularly those relating to human rights, such as the International Labor Organization's conventions on freedom of association, the right to organize and bargain, equal pay, and the prohibition of discrimination, as well as the UNESCO convention on the elimination of discrimination in education (International Labor Organization, 1966). The 1966 UNESCO/ILO Recommendation concerning the Status of Teachers recognizes teachers as professionals whose pedagogical responsibilities require professional autonomy and protection from undue interference in carrying out educational functions (UNESCO/ILO, 1966). Teachers play a crucial role in implementing educational policies and facilitating students' learning processes; therefore, restrictions affecting their professional judgment may have broader implications for educational quality.

In this regard, Lyon (2021) highlights the importance of protecting teachers' professional roles in educational policymaking, while Iyengar et al. (2019) show how limits on collective professional voice can weaken teachers' ability to advocate for their professional interests. Hirschman (2023) suggests that when professional voice mechanisms are weakened, teachers may be more likely to exit the profession, potentially disrupting educational stability. These findings support the principle embedded in the UNESCO/ILO Recommendation that teachers should be able to exercise professional judgment in matters relating to teaching, classroom management, and educational decision-making without fear of disproportionate sanctions. Consequently, criminal measures imposed on teachers for actions taken within the legitimate scope of pedagogical duties should be carefully assessed to ensure accountability does not become excessive criminal interference, thereby preserving both teachers' professional authority and the quality of education.

International standards and principles on protecting the teaching profession serve as guidelines in Indonesia's legal system. While not legally binding, instruments developed by UNESCO and the International Labor Organization can serve as a reference point for evaluating the extent to which national legal regulations provide professional protection, recognition, and guarantees for teachers. These international standards also form the basis for legal harmonization, aligning national regulations with globally applicable principles. This harmonization is expected to strengthen existing regulations to better meet teachers' work needs and align with international education standards. Therefore, international standards serve not only as mandatory rules but also as a crucial tool in encouraging improvements to the national legal system and enhancing protection for the teaching profession.

The criminal law policy development phase must focus on establishing clear and firm norms to protect the teaching profession, particularly by defining pedagogical actions and the limits of criminal liability. Generally, pedagogy is defined as the theory and practice of teaching activities (Ward-Seidel & Bentley, 2025). This term refers to the methodologies and processes educators use to implement learning, using a specific curriculum designed to achieve specific learning objectives. Furthermore, clear limits on punishment must be established, emphasizing that pedagogical actions are not punishable as long as they are carried out in a balanced manner (Fisher et al., 2019), do not involve excessive violence, and comply with professional standards, laws, and regulations. In this regard, criminal law must allow justification and excuse for teachers' actions in carrying out their professional duties (Lubis, 2021). Clarity in these rules is crucial to prevent the criminalization of teachers and to provide legal security in carrying out their teaching duties. Therefore, appropriate reformulation of criminal law policies will help balance protecting teachers' professional positions with protecting students' rights within the national education system. At the application stage (judicial policy), law enforcement against teachers cannot be applied uncompromisingly simply because it fulfills the elements of a criminal offense. It must employ an approach that considers the chronological context, including the educational conditions and environment in which the incident occurred. In this regard, teachers' actions must be viewed as part of a learning process aimed at teaching, nurturing, and shaping students' character. Therefore, these actions cannot be assessed the same way as ordinary actions in a general environment.

Furthermore, restorative justice is an important alternative for resolving problems, focusing on restoring relationships among teachers, students, and all parties involved rather than imposing harsh, punitive penalties. This approach helps achieve a fairer, more balanced resolution while maintaining students' best interests and protecting teachers' jobs. Therefore, law enforcement must consider not only formal legal aspects but also the educational context, the values taught, and the learning objectives. Thus, each case can reflect real justice without disrupting education itself. In an effort to reform criminal law policy, it emphasized that judges' decisions, as instruments of legal reform, arise from a combination of legal factors and extralegal variables concerning the perpetrator's conditions and background. Restorative justice has developed into a mature and integrated approach, particularly within the UK criminal justice system (Hobson & Payne, 2025). This approach is implemented at various stages, such as out-of-court settlements, correctional institutions, and probation services, to redress the harm caused by the crime. The study also explains that restorative justice develops through two approaches: bottom-up, community-based, and top-down, institution-based. Both approaches have their respective advantages and disadvantages, particularly in terms of resources, legitimacy, and community participation. Internationally, restorative justice is increasingly recognized as a global paradigm in modern justice systems, focusing on victim recovery, perpetrator reintegration, and broader social improvement. In comparison,

Gregory et al. (2026) found that strategically implementing restorative justice practices can drive comprehensive change in schools. These practices not only repair harm but also prevent future harm, build relationships, and affect the entire school system. Implementation requires a major shift in school thinking, practices, and policies, shifting from a harsh punitive system to a more inclusive approach based on shared community responsibility. Restorative justice in the Republic of Ireland is still in its early stages of system formation and development (Marder, 2022). However, the government and relevant stakeholders are showing greater commitment to strengthening restorative justice implementation, including by integrating it into victim assistance policies and criminal law reform. More broadly, restorative justice in Ireland reflects global reform of the approach, although each country is at a different stage of formal implementation. This shows that restorative justice continues to evolve internationally as part of efforts to make criminal justice systems more inclusive, participatory, and focused on recovery.

At the executive policy implementation stage, teacher protection necessitates a synergistic integration of legal assistance and institutional immunity as a primary obligation of the state and educational entities. Although administrative frameworks such as the Memorandum of Understanding (MoU) between the National Police and educational stakeholders exist, this study argues that such soft-law instruments are insufficient to prevent the recurring criminalization of teachers. This policy failure stems from the subordinate status of these agreements when law enforcement applies the Child Protection Law rigidly at the grassroots level. Empirical evidence suggests that non-civil servant teachers in peripheral regions remain particularly disenfranchised and often lack access to competent legal counsel (Budoyo & Pramesti, 2025). This research adds novelty by exposing the protection gap and proposing a paradigm shift toward statutory immunity, where professional pedagogical actions are legally defined as grounds for justification within the national criminal code. By elevating teacher protection from a discretionary administrative policy to a mandatory statutory protection (Moriyasu et al., 2025), Indonesia can better align its national legal system with international principles of professional autonomy (Pratama et al., 2025).

Criminal law in education must strictly adhere to the principle of *ultimum remedium*, positioning punitive sanctions as a measure of last resort. The National Education System Law should include a provision stating that pedagogical actions undertaken in good faith and in accordance with professional standards do not constitute criminal acts unless they involve intentional violence resulting in serious harm. This research argues that criminalization should only occur when an act unequivocally exceeds professional prerogative and inflicts egregious harm, thereby preventing the over-criminalization of pedagogical discipline (Burhanudin, 2018). Unlike previous studies that focus solely on student rights, this study offers a novel balanced-protection model that harmonizes the teacher's right to professional security with the student's right to a safe learning environment (Srivastav et al., 2026). By examining global shifts—such as Mexico's procedural reforms that limit pre-trial detention—this analysis demonstrates that limiting coercive legal instruments is essential for maintaining human rights equilibrium (Cepeda-Francese & Ramírez-álvarez, 2023). In the context of teacher protection, this principle underscores the importance of preventing disproportionate criminal intervention in pedagogical actions and prioritizing professional, administrative, or restorative mechanisms before imposing criminal sanctions. Furthermore, modern penology emphasizes that criminal sanctions must prioritize rehabilitation over mere retribution to ensure societal security (Mears & Stafford, 2026). The scientific impact of this study lies in its advocacy for a reformulated legal framework that transforms institutional protection from a defensive shield into a proactive statutory mandate, preserving the sanctity of the educational process while upholding the integrity of the national criminal justice system.

CONCLUSION

Based on the research results, it can be concluded that the protection of the teaching profession under criminal law in Indonesia still lacks adequate legal certainty. Existing regulations are normative and fragmentary and do not clearly distinguish between teachers' professional actions and punishable conduct, potentially leading to the criminalization of teachers. International legal principles such as professional protection, proportionality, and the best interests of students have also not been fully adopted. This study examines efforts to reform criminal law policy by strengthening legal norms, affirming the limits of criminal liability, and aligning regulations with international legal principles. As recommendations, lawmakers should add specific provisions for teacher protection in criminal law; law enforcers should adopt a contextual approach oriented towards real justice; and educational institutions should strengthen codes of ethics and oversight systems, and provide support and legal protection for teachers in carrying out their professional duties.

DECLARATION OF GENERATIVE AI

The authors declare that no generative AI or AI-assisted technologies were used in the writing process of this manuscript.

CONFLICTING INTEREST STATEMENT

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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Sapto Budoyo: Conceptualization, Methodology, Writing - Original Draft. Nurul Fatimatus Sholihah: Data curation, Validation. Fahrinda Khansa Pramesti: Supervision, Writing - Review & Editing.

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