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TEACHER CAREER DEVELOPMENT LAW IN THE NEW NORMAL ERA: A CASE STUDY OF PUBLIC TEACHER DEVELOPMENT IN INDONESIA

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Article	Abstract
<p>Keywords: career development, law, public teacher.</p> <p>History of Article: Received: April 04, 2022; Reviewed: April 07, 2022; Accepted: April 16, 2022; Published: April 30, 2022.</p> <p>DOI: https://doi.org/10.56282/slr.v1i1.55</p>	<p>The spreading of the Covid-19 pandemic to many countries in the world since December 2019, including Indonesia, has made teaching and learning policies happen online. This creates many challenges, including the career development of teachers, especially in public schools. This must be handled considering that the positions filled with potential are based on the leadership's subjectivity, and government agencies' performance must be objective and based on results with measurable quantity and quality. Based on the normative juridical study, two conclusions were drawn. First, developing a teaching career during the Covid-19 pandemic requires individual abilities and emotional maturity of above-average levels to make quick, accurate, and accountable decisions. Second, to produce maximum organizational performance, the government must regulate the concept of teacher career development whose quantity and quality are measurable, such as an analysis of strengths, weaknesses, opportunities, and threats (SWOT) and the Quantitative Strategic Planning Matrix (QSPM).</p>

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1. INTRODUCTION

The existence of the Covid-19 pandemic since December 2019 and spread to many countries in the world, including Indonesia, has made the teaching and learning policy online. This led to many challenges, including those, directly and indirectly, related to the career development of teachers in public schools.

The need and urges him to improve the career development of teachers, especially teachers who have the status of the state civil apparatus (*ASN*) as his role model, during the pandemic has been widely stated in several studies. Ayunda's study (2021) confirms that teacher performance has declined during the pandemic due to various obstacles, such as difficulty delivering learning materials directly. Teachers are more oriented toward achieving material targets, and pursuing high score targets on repeats (both midterms, end-of-semester replays, and school exams) has led to the neglect of the quality of the learning process and caused the quality of the learning process to be low and Less

meaningful to students¹. Then, research from SMERU in 2019-2020 found that policies related to the ASN teacher profession were not able to encourage the achievement of high competency standards and minimal incentives in developing careers, where the weak policy was seen from the training stage, when processing in school, to when trying to rise at the teacher's career level².

Of course, as the main element in the implementation of learning, teachers must continue improving their performance so that students can understand knowledge and still develop self-productivity in this new average era. But the demands of improving teacher performance must be in line with career development, considering that the career improvement of teachers will spur each teacher to compete healthily, including doing some capacity building and working hard to achieve their individual and organizational targets. Thus, answering the two formulations of existing problems is necessary and urgent. First, why is it essential to update the legal policy related to teacher career development in the current Covid-19 pandemic? Second, what is the ideal legal concept for developing a teacher's career in the new average era in Indonesia?

2. METHODS

Considering the purpose of this study, it is essential to answer why it is necessary to update the legal policy related to teacher career development in the Covid-19 pandemic situation; it is hoped that there is an ideal legal concept for the development of teacher careers in the new average era in Indonesia. So, this study adequately uses normative juridical methods, namely the study of law conducted on juries that are not connected with human behavior, so it is expected to produce an ideal conception of the law as normative and evaluative propositions occupy a central position in specific moral values, namely justice. This is also in line with the fundamentals of this research are philosophical and juridical studies, which allow the flow of thinking in the form of prescriptive and evaluative. Prescriptive refers to his efforts to obtain suggestions for addressing the problems raised in the study, while evaluative refers to this research effort to assess the provisions of the study³.

¹ Aretsa Zana Ayunda, Unique Hanifah Salsabila, Nawal El Zuhby, and Santi Mahmuda Ur-ban-ingkrum, "Improving Teacher Performance during a Pandemic Period with an Online System", *Scientific Journal of Teacher Professional Education*, Vol. 4, no. 3, Pp. 429-436, pp. 430, DOI: <http://dx.doi.org/10.23887/jippg.v4i3>. 2021.

² Ulfa Alifia, Rezanti Putri Pramana. "Career development support for teachers in Indonesia is fragile and makes ASN status only a 'comfort zone'", 5 October 2021, accessed on March 30, 2022, <https://rise.smeru.or.id/id/blog/support-career-development-for-teachers-in-indonesia-very-weak-and-making-asn-only-status>.

³ Soekanto, Soerjono, *Introduction to Legal Research*, Jakarta: UI Press, 2010.

3. ANALYSIS AND DISCUSSION

a. Applicable Policies (Laws) Related to Teacher Career Development in Indonesia

The definition of teachers, according to Article 1 angka (1) of the Regulation of the Minister of Education and Culture (*Kemendikbud*) Number 43 of 2015 concerning Competency Tests of Teachers or Other Educators and Education Personnel, as "professional educators with the task of educating, teaching, guiding, directing, training, assessing, and evaluating learners on early childhood education pathways to formal education of primary and secondary education" indicates that teachers are professionals who are professionals who entitled to have a career pattern in his work environment, including teachers who are ASN.

More specifically related to the career pattern of teachers who are *ASN*, Article 2 of the Ministry of Education and Culture Regulation Number 19 of 2018 concerning Career Patterns of Civil Servants in the Ministry of Education and Culture stipulates that career management must consist of career development, competency development, and career patterns. Career development is carried out by the Civil Service Supervisory Officer (*PPK*) based on qualifications, competencies, performance assessments, and the needs of government agencies. Then, competency development is an effort to meet the competency needs of teachers with job competency standards and career development plans. At the same time, the career pattern is an archetype regarding the order of placement and transfer of teachers in and between positions in each type of position on an ongoing basis. Furthermore, Article 3 and Article 4 of the Ministry of Education and Culture Regulation Number 19 of 2018 formulates that the career pattern of teachers must be implemented with the principle of certainty⁴, professionalism⁵, and transparent⁶ aims to ensure the alignment of teacher potesnsi with the needs of organizing the duties and functions of the Ministry of Education and Culture and provide equal opportunities for each teacher to develop a career by their competence.

Furthermore, Article 7 of Government Regulation No. 11 of 2017 concerning Civil Servant Management, as amended last by Government Regulation No. 17 of 2020, stipulates those positions in the scope of civil servants (PNS) consist of administrative (JA), functionalist (JF)⁷, and high leadership (JPT)⁸. By the definition of teachers and the De-cree

⁴ Article 4 paragraph (2) of the Regulation of the Minister of Education and Culture Number 19 of 2018 reflects the principle of certainty as a career pattern that will provide career clarity for teachers as long as they comply with applicable regulations.

⁵ Article 4 paragraph (3) of the Regulation of the Minister of Education and Culture Number 19 of 2018 reflects the principle of professionalism as a career pattern that will encourage the improvement of teacher competence and work performance.

⁶ In accordance with Article 1 point 9 of Government Regulation Number 11 of 2017 concerning Management of Civil Servants as last amended by Government Regulation Number 17 of 2020, it is a group of positions containing functions and duties related to public services and government administration and development.

⁷ In accordance with Article 1 number 11 of Government Regulation Number 11 of 2017 concerning Management of Civil Servants as last amended by Government Regulation Number 17 of 2020, it is a group of positions containing functions and duties related to functional services based on certain skills and expertise.

of the Minister of State Apparatus Utilization No. 26 of 1989 as revised by the De-cree of the Minister of State Apparatus Utilization No. 84 of 1993 and amended lastly by the Regulation of the Minister of State Apparatus Utilization and Bureaucratic Reform No. 16 of 2009, the position of teacher is JF. Thus, his first appointment must be award-ed Article 75 paragraph (1) of Government Regulation No. 17 of 2020, namely civil servant status, have good integrity and morality, healthy body and mind, give the lowest degree of undergraduate or diploma IV (D-IV) according to the qualifications needed, follow and pass the test of technical competence, managerial competence, and social, cultural competence, the value of work achievement is at least reasonable value in the past year, other conditions set by the relevant Minister. More specifically, with JF teachers, civil servant teachers can be the first functional officials if they have a unique number of educators and education personnel (NUPTK) and the parent number for educators or education personnel. Of course, JF carried by a teacher can improve his knowledge and skills, contribute directly to the improvement of the quality of learning carried out, and help the development of teachers' careers as professionals, the end of which is the quality of education will continue to improve and evenly⁹.

Then, the career development of state teachers cannot be separated from the performance of individuals and the performance of their work units, so the performance carried out individually and organizationally in each region must meet the mandate of Presidential Regulation No. 29 of 2014 on the Performance Accountability System of Government Agencies, and the Regulation of the Minister of State Apparatus Utilization and Bureaucratic Reform Number 53 of 2014 concerning Technical Instructions for Performance Agreements, Performance Reporting, and Review Procedures for Reporting Government Agency Performance. Based on the definition of Performance in Article 1 number (2) of Presidential Regulation No. 29 of 2014, it is stated that "performance is the output/result of activities that have been or are to be achieved in connection with the use of budgets with measurable quantity and quality," so it can be affirmed that for the career development of each employee to run objectively, it should be based on the performance of the quantity and quality measurable. The formulation proves that all government agencies in Indonesia, including teachers with civil servant status, must be guided by budget-based performance. The performance indicator is based on the measure of success to be achieved from the performance of the program and activities that have been planned, where the program performance indicator is a measure of the outcome (outcome) of a program, while the activity performance indicator is a measure of the output (output) of an activity (Article 1 number 6, 8, and number 9 of Presidential Regulation No. 29 of 2014).

⁸ In accordance with Article 1 point 7 of Government Regulation Number 11 of 2017 concerning Management of Civil Servants as last amended by Government Regulation Number 17 of 2020 is a group of high positions in government agencies.

⁹ Ministry of Education and Culture, "Teacher Functional Position for Teacher Career Awards", August 19, 2019, accessed on March 31, 2020, <https://www.kemdikbud.go.id/main/blog/2019/08/jabatan-fungsional-guru-untuk-penghargaan-karir-guru>.

b. The Ideal (Legal) Concept of a Teacher's Career in the New Average Era in Indonesia

The applicable rules require that teachers' careers be determined according to staffing regulations, which must be achieved by performance cascaded from the highest to the lowest. Of course, with the number of teachers in one school so many but with a limited structural place, namely, there is only one principal position, it will spur each teacher to compete hard and healthy, including doing some capacity building such as trying to improve his formal education, trying to achieve targeted performance by critical key performance indicator (*KPI*) that the office has set, follow the training of officialdom to the maximum, actively pour his thoughts through scientific work, and so on. Career development that the organization has established will target short-term and long-term benefits for the organization. Short-term benefits for organizations include that every employee tries to achieve KPIs by their performance contracts, which will automatically lead to the achievement of organizational IKU every year. The long-term benefits for the organization, among others, can always make improvements to some existing problems in the future, can immediately improve and or update the current system so that employees are always consistent with the commitments that have been built together, and can achieve the targets as stipulated in the five-year Strategic Plan Document (North Sumatra Provincial Education Office, 2018).

Previous analysis and discussions show that there is still uncertainty about the career level of ASN teachers in Indonesia, as the evolution of his career so far still follows the system of promotion and class ASN for all professions – not unique to the teaching profession. The Regulation of the Minister of State Apparatus Utilization and Bureaucratic Reform Number 16 of 2009 only regulates the promotion of teachers' promotion through credit numbers in four ways, namely education, learning or guidance, sustainable professional development, and supporting teacher duties; there is no roadmap and criteria for fulfilling clear competencies for teacher career advancement¹⁰. In some countries, teachers can choose several career paths with salary incentives. In Singapore, teachers can choose three career paths: the teaching track, leadership track, or specialist track, which must achieve specific competencies at each career stage. At the same time, in some countries, such as Ecuador, Thailand, and some European countries, salary incentives are also part of teacher career development efforts, where well-performing teachers get the same pay as low-performing teachers¹¹. There is even a tendency that currently, there are still positions filled by certain teachers still based on the subjectivity of the leadership.

It is necessary to manage maximum organizational performance by applying career development concepts whose quantity and quality are measurable, such as analyzing strengths, weaknesses, opportunities, and threats (SWOT) and the Quantitative Strategic Planning Matrix (QSPM). It is essential to implement it in teachers because the SWOT matrix means that it has used efficient, structured planning methods used in terms of strategic planning in identifying potentials and priorities for the achievement of

¹⁰ Loc.cit.

¹¹ Loc.cit.

development strategies, as Ghorbani et al. (2015) have asserted that although SWOT analysis is a research method commonly used in the field of business, SWOT analysis has now been expanded to resource management nature to assess policy decisions and directives systematically¹². This has also been confirmed by Hezarjribi and Bozorgpour (2017), who, based on their studies, concluded that SWOT analysis would be more useful when assisted by QSPM devices because of the many alternative strategies in the scope of strengths, weaknesses, opportunities, and threats in the organization must be more selected into only a few alternatives that will be implemented on the goals that the organization wants to achieve¹³.

Strengths and weaknesses (regional analysis) are internal factors, while opportunities and threats (global analysis) are external. Evaluating internal and external environmental factors is an integral part of strategic planning that plays a role in adopting strategies and becoming a component of sustainable teacher management. Then, the number of alternatives in the SWOT analysis must be evaluated to choose the best design that best suits the internal conditions of the company and the external environment. The evaluation and selection in the SWOT component use QSPM, which according to Puspitasari et al. (2013), in creating the QSPM matrix must be followed by the following steps, namely¹⁴:

- a) Compiling the same list of strengths, weaknesses, opportunities, and threats as the SWOT matrix. Give weight to each of their strengths, weaknesses, opportunities, and threats. Devise alternative strategies to be evaluated.
- b) Establishing an Attractiveness value can be done by giving values ranging from 1 to 4. The value 1 = Has no traction, 2 = the attraction is low, 3 = the attraction is medium, 4 = the attraction is high.
- c) Calculating the Total Alternative Score (TAS). Next, multiply the weight by the attractiveness value of each external/internal factor on each strategy.
- d) Calculating the total number of attraction values. Alternative strategies that have the most significant total value are the best.

¹² Ghorbani, Amir, Valiollah Raufirad, Parisa Rafiaani, Hossein Azadi. 'Ecotourism sustainable development strategies using SWOT and QSPM model: A case study of Kaji Namakzar Wetland, South Khorasan Province, Iran'. *Tourism Management Perspectives* Vol. 16, p. 290–297. 2015.

¹³ Hezarjribi, H.N., and Z. Bozorgpour, 'Optimized Business Management by Using SWOT and QSPM Matrices (Case Study: Mazandaran Wood and Paper Industries)'. *Journal of Administrative Management, Education and Training* Vol. 13, Special Issue (1), p. 409-422. 2017.

¹⁴ Puspitasari, Nia Budi, Rani Rumita, and Gilang Yuda Pratama. 'Selecting a Business Strategy Using the QSPM (Quantitative Strategic Planning Matrix) and the MAUT (Multi Attribute Utility Theory) Model (Case Study at the Kasongan Pottery Industry Center, Bantul, Yogyakarta)'. *J@TI Undip*, Vol. 8, No. 3, p. 171-180. 2013.

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4. CONCLUSION

Two conclusions from the discussion and analysis were based on case studies on ASN status teachers. First, teacher career development in the Covid-19 pandemic requires individual abilities and above-average levels of emotional maturity to make quick, appropriate, and accountable decisions. So, it is essential to formulate teacher competency standards more clearly as a basis for designing teacher career structures and developing teachers' professional capacity to produce qualified and competent teachers. Second, to deliver maximum organizational performance, the government must regulate the concept of teacher career development whose quantity and quality are measurable, such as strengths, weakness, opportunities, and threats analysis and the Quantitative Strategic Planning Matrix. Currently, the career development of civil servant teachers in Indonesia has not directly regulated the implementation of SWOT analysis and QSPM Matrix.

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