

# Legal Phenomenons of the Discontinuation of Students of SMA Negeri 1 Semarang in an Interpretive Approach

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**Abstract.** Education, a person's need to improve the standard of life by obtaining the knowledge needed to be applied in work. However, the unequal distribution of the population in Indonesia creates social, economic, cultural, and educational disparities. SMAN 1 Semarang, one of the schools that excels in academic and non-academic terms, has drawn a controversy after dismissing one of its students named Anindya Puspita Helga Nur Fadhlila due to a bullying case. However, the decree of Anindya's dismissal was accompanied by the fact that she was a 12th grader who will take the national exam. This caused controversy, and many parties opposed this decision and became Anindya's sympathizers. The legal phenomenon that occurred in the Anindya case at the SMAN 1 Semarang is discussed in an interpretive approach, so that a solution can be drawn from the legal phenomena that arise in society. In this case, the writer takes the interpretive approach introduced by William Laurence Neuman. By answering ten questions in the interpretive social science proposed by Neuman, the writer identifies the problem and looks for a solution.

**Keywords:** Legal Phenomenon, Interpretive, Education, SMA N 1 Semarang

## 1. Introduction

Indonesia is a large country, one of the countries with the fourth largest population density in the world. It will undoubtedly impact Indonesian citizens, ranging from economic, social, cultural to educational issues. Especially on the topic of education, it is a need that the state must meet as the organizer of government functions that, in this case, are implemented by the executive. The issue of education that must be improved continuously is one of the symbols of the state can carry out its program so that it can be said to be able to be a welfare state.

Education is a need for a person to improve the standard of living by obtaining the necessary knowledge to be applied in work. However, the uneven distribution of the population in Indonesia makes gaps from social, economic, cultural to education. It is usually filled with schools that can be excellent schools and even international standards in major cities. However, in the village or the corners of the area, some schools are still not viable even closed, because there are no students who want to go to school.

In Semarang there is a notorious school, known for its graduates that mainly accepted at the best universities in Indonesia. So it is not strange if the school becomes the primary choice of parents who hope that their child to be one of the school's students. The school is 'Sekolah Menengah Atas Negeri (SMAN) 1 Semarang' located on Menteri Supeno street, Semarang City, Central Java. Therefore, the school can be said to be the flagship school of Semarang city in both academic and non-academic achievements.

SMA Negeri 1 Semarang, which has a myriad of achievements in the academic and non-academic fields, is slightly tarnished because of the case of dismissal of one of its students named Anindya Puspita Helga Nur Fadhlila or commonly called Anin fired or dismissed based on the Decree of the Principal of State High School 1 on The Letter of Return of Students to Parents / Guardians Number 422/104/II/2018 dated February 14, 2018. This case became a remarkable polemic because, in the issuance of the decree / *berhickking*, Anindya Puspita Helga Nur Fadhlila was a 12<sup>th</sup> grader student at SMA Negeri 1 Semarang.

The publication of the decree is based on a video that went viral when Anin did *bullying* against her class sister. Even in some parts of the video, it is clear that Anin committed abuse against her

classmates. The act was unbeknownst by the teacher and not in the hours of learning to do mental education to his classmates. This is what the school considered, because this is an act that can no longer be tolerated and subject to severe sanctions based on the school's rule book. As a result of the recorded actions, Anin was penalized in the form of the return of students to parents, or it can be said that Anin was dismissed as a student of SMA Negeri 1 Semarang.

The problem that arises is the dismissal of Anin as a student of SMA Negeri 1 Semarang occurred when Anin was already a 3<sup>rd</sup> grader, which means that she was struggling to take the National Examination (UN), with that decision letter, Anin could not be recognized as one of the students at SMA Negeri 1 Semarang. So, Anin was unable to carry out the national exam as a student of SMA Negeri 1 Semarang. It was feared that it would disturb Anin's mentality when carrying out the national exam with the case.

The decree became such a significant legal phenomenon; many people judged that the rule is considered not concerned with the value of justice and benefit. For investigators, the case did not bring justice because he said not all *perpetrators* of bullying got the same sanctions as Anin. Also, it does not bring benefits because Anin is already class 12, which means by completing the national exam, Anin will leave the school as an alumnus.

The case is phenomenal in law; many parties support Anin in many forms, such as conducting demos, poetry reading actions to assist in the area of law to several parties. Especially in law, many parties accompany Anin to report the case that occurs to several agencies, such as the National Commission on Human Rights, to make a lawsuit to the court to seek justice. Anin even got a support from national legislators and support from candidates for governor of Central Java.

Represented by her father, Suwondo, asked for legal assistance to the Advocacy Team of Peduli Anak Bangsa, which consists of 9 (nine) advocates/lawyers hand a lawsuit to the Semarang State Administrative Court (PTUN Semarang) in the hope that the Decree of the Principal of State High School 1 on Student Return Letter To Parents / Guardians No. 422/104/II/2018 dated February 14, 2018, can be revoked/canceled so that Anin can return to school and take national exams as a student of SMA Negeri 1 Semarang. In such cases, there is a ubiquitous legal phenomenon that is very interesting it is examined through several approaches; for example, interpretive approach can assess the case more holistically and more objectively.

## **2. Method**

This study used juridical-empirical research. This study can also be regarded as field research regarding whether regulation was properly implemented. Laws review or examine the existing phenomena, including how they affect individuals' or institutions' legal acts [1].

## **3. Result and Discussion**

### **3.1 Chronological of Events**

At the beginning of November 2017, SMA Negeri 1 Semarang held a student leadership training for 5 (five) days, while at the time of her class. Anin followed the activity as a participant held for 2 (two) weeks, so Anin and other seniors felt that the lesson that should be given for 2 (two) weeks was not enough in 5 (five) days only so that additional materials were needed outside the 5 (five) days. After the 5 (five) days of the event were completed, they trained the mentality of the class sister and impacted the death of one of the students on January 7, 2018. Then, 3 (three) parents of students urged the school to investigate the end of one of the SMA Negeri 1 Semarang students.

On January 30, 2018, the school conducted a surprise inspection of the student's mobile phone and found a video containing physical contact/slaps done by Anin and Afif towards the class sister. Following the discovery of an Anin's and Afif's slap video, on February 5, 2018, Anin's and Afif's parents were called by the school. In the meeting, Anin got a letter containing material about her resignation as an SMA Negeri 1 Semarang student for violating the school's rule and was dismissed as an SMA Negeri 1 Semarang student. Until the issuance of the decree that later became the object of the dispute.

This is what made Anin, through his parents, filing a lawsuit against SMA Negeri 1 Semarang at the Semarang State Administrative Court (PTUN Semarang) and became an extraordinary legal phenomenon in Semarang in general and the world of education in particular.

### 3.2 Legal Phenomena in Interpretive Approach

The legal phenomenon in Anin at SMA Negeri 1 Semarang is fascinating when we discussed it in an interpretive approach. The solution can be drawn from legal phenomena that happen in the community. In this case, the author took the interpretive approach expressed by William Laurence Neuman and tried to describe the issue as tailored as Neuman's indset.

If taking the thought of William Laurence Neuman, then have to answer the ten questions posed by Neuman to recognize it as an interpretive approach. Neuman conveys this as *an interpretive social science*. Here are the interpretive questions of *social science* are:

1. The primary purpose of the interpretive approach is a *meaningful action*: in the case of Anin dismissal at SMA Negeri 1 Semarang is a significant action that is expected that with the issuance of the decision letter of discharge of the student has profound meaning that the deterrent effect caused the other students to avoid the same actions.
2. The underlying nature is a social reality. In such cases, the social fact that occurs in society is the general public's agreement that acts of *bullying* cannot be justified in any form, and the culprit should be punished for such acts. But on the other hand, the social reality is that Anin is a student of SMA Negeri 1 Semarang class 12<sup>th</sup>, which means that in a matter of months will face a national exam that will undoubtedly impact the psychological of the child. So that is the controversial pros and cons of the publication of the object of the dispute.
3. Human nature, in such cases, the spirit of some parties is very felt in the system of meaning that produces *make sense*. It makes sense if the principal and the school give a deterrent effect by sanctioning the perpetrator of *bullying* while rationally a father. He wants to defend the interests of the child issued through the decision letter of the principal. The father tried with all kinds of efforts to support his daughter to attend a school and remain a student of SMA Negeri 1 Semarang as a form of love. All actions have been carried out; one of his best efforts is to register a lawsuit to the state administrative court Semarang (PTUN Semarang).
4. The view of human choice, in this case, the decision taken by his father to sue is the choice of man as a parent to seek justice for his child. As well as on the school side, the choice of the principal as a human being to issue a decree that is the object of dispute aims to create a deterrent effect as well as anticipatory as a leader so the same action won't occur again in the environment that is his authority in leading. However, from the side of the outsider who is not in dispute, they see the choice taken by the principal is too much considering Anin time in the school is just carrying out a national exam, so it will certainly disturb the mentality of Anin.
5. In this case, the relationship between common sense the decision of dismissal against Anin already with good common sense so that it will have a good impact in the future. However, it was responded differently from the side of an Anin's family and all supporters of Anin because it is considered inappropriate because Anin will face the national exam period. Of course, there is a controversial point because for anin, LKS training is standard in the mental training of the class sister.
6. Explanation of social reality: in social fact, the law is not sterile from other societal subsystems. An interpretive approach needs an *ideographic* explanation which means we must take a deep look in the case.[2] In the case of "special training" provided by seniors, and one of them is Anin, there is no benefit with the mental training to the to the juniors. In addition, it is necessary to see informal events that are done viewed in social reality because it will not bring any benefits.
7. The truth of a theory, in this case, is sought based on the fact of actions came both from the school and from Anin. From the school side, the issuance of a decision on the dismissal of the school can be said to be true in theory because it was to the conflict in the school so that there will be no more *bullying* in the school. However, the actions taken by Anin and his father can

also be justified because all the means that are passed by the legislation are well taken, and the court is a means of *ultimum remedium* so that the procedure can be justified by legal theory.

8. Form of *Good Evidence*, in this case, the information received by the school at the time of carrying out a sudden inspection is to find good information or evidence to reduce the level of the subjectivity of researchers (taken *for granted*). Seen from the video, it can be ascertained that only Anin deserves sanctions because only Anin and Afif are recorded because of *good evidence*.
9. *Transcendent Perspectives*, in an interpretive approach, inner lives aspect of the object is required. In an Anin case, the intimate familiarity is so visceral in terms in terms of feelings. Forms of feeling, such as likennes and empathy are shown when when one of the friends was fired/dismissed as one of the students at SMA Negeri 1 Semarang. Therefore, it is familiar if anyone performs actions in the form of demos, poetry actions to provide legal aid to seek justice based on the provisions of the applicable law. The law is the law, or better yet, a complex piece of legislation.[3]
10. Socio-Political Values, the law should be seen as the result of a political process(law as a product of political process) in Anin's case, the social-political nuances is very thick. The media made this situation terrible that it made a big wave of empathy because Anin was already in class 12th at SMA Negeri 1 Semarang. But, on the other hand, the political situation is due to the state's role represented by SMA Negeri 1 Semarang, which not only neglect the direct responsibility as an educational institution by returning Anin to her parents but also by transferring anin to another school.[4]

## 4 Conclusion

The case of the dismissal of SMA Negeri 1 Semarang on behalf of Anindya Puspita Helga Nur Fadhila was based on *bullying* act done by Anin and Afif to the class sister and recorded in a video which has gone viral. The object of the dispute is the Decree of the Principal of SMA Negeri 1 Semarang concerning The Letter of Return of Students to Parents / Guardians No.422/104/II/2018 dated February 14, 2018, which was then filed a lawsuit against the State Administrative Court (PTUN Semarang). This legal phenomenon is approached with an interpretive approach according to Lawrence Neuman in *meaningful action*, moral reality, human nature, *human agency*, relationship with *common sense*, explanation of social reality, true a theory, form of *good evidence*, *transcendent perspective*, socio-political value.

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