

SCHOOL DISCIPLINE MANAGEMENT:  
LEGAL RESTRICTIONS AND THE  
IMPORTANCE OF LEGAL LITERACY  
AMONGST DISCIPLINE TEACHERS

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## **SUPERVISOR'S DECLARATION**

We hereby declare that we have checked this thesis and in our opinion, this thesis is adequate in terms of scope and quality for the award of the degree of Doctor of Philosophy in Humanities Technology.

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## **STUDENT'S DECLARATION**

I hereby declare that the work in this thesis is based on my original work except for quotations and citations which have been duly acknowledged. I also declare that it has not been previously or concurrently submitted for any other degree at Universiti Malaysia Pahang or any other institutions.

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## ABSTRAK

Hari ini, ibu bapa dan murid lebih menyedari hak mereka. Trend sedemikian boleh membawa kepada peningkatan jumlah litigasi dalam pendidikan. Bidang ini telah berkembang menjadi subjek penting kerana peningkatan tuntutan mahkamah oleh murid-murid akhir-akhir ini dan jangkakan bahawa guru mengetahui undang-undang ini semasa mereka menangani kes salah laku murid. Sebagai penguatkuasa undang-undang sekolah, guru-guru juga perlu menghadapi sekatan undang-undang yang telah ditetapkan had tertentu terhadap mereka dalam melaksanakan tugas dalam pengurusan disiplin. Untuk melaksanakan tugas dengan berkesan, mereka perlu mengabaikan sekatan dan menanggung risiko secara individu. Kejahilan undang-undang juga mengakibatkan guru terlepas pandang beberapa peruntukan undang-undang dalam menggubal peraturan-peraturan dan dokumen disiplin sekolah. Mereka tidak menerima latihan undang-undang di dalam program pra-perkhidmatan dan pengetahuan undang-undang mereka adalah cetek. Oleh itu, kesedaran dan pemahaman tentang undang-undang adalah sebahagian daripada pengetahuan profesional yang diperlukan untuk mereka. Mereka harus memahami undang-undang pendidikan bagi melindungi hak mereka dan memastikan keselamatan anak-anak murid mereka. Kajian ini bertujuan untuk mengukur tahap kecelikan undang-undang di kalangan guru-guru disiplin di Malaysia dan pengetahuan mereka dalam pengurusan disiplin sekolah dan untuk meneliti sama ada peraturan dan undang-undang yang sedia ada menjadi sekatan kepada mereka dalam menguruskan disiplin murid. Model campuran digunakan untuk menjalankan penyelidikan ini. Instrumen penyelidikan yang digunakan untuk prosedur pengumpulan data kualitatif adalah protokol temuduga dan soal selidik untuk data kuantitatif. Kajian ini melibatkan 161 guru disiplin dari 23 sekolah dan 3 pengetua dari 3 sekolah yang berbeza di daerah Kuantan. Hasil dari analisis ini didapati mengesahkan antara satu sama lain atau bertumpu kepada satu arah yang sama, dengan itu membenarkan satu kesimpulan yang kukuh mengenai isu-isu yang dibincangkan dalam penyelidikan ini. Analisis inferensi menunjukkan terdapat hubungan yang signifikan antara tahap pengetahuan undang-undang guru disiplin dan pengurusan disiplin sekolah dengan korelasi 0.317 pada 0.01 (dua-hujung) yang memberi makna bahawa pengetahuan yang baik dalam undang-undang menyumbang kepada pengurusan disiplin sekolah yang lebih baik. Manakala analisis data kualitatif menunjukkan keputusan yang seiring dengan analisis data kuantitatif. Nilai min bagi pengetahuan guru tentang undang-undang yang berkaitan dengan pendidikan adalah sederhana (3.395). Oleh yang demikian, hasil dari kajian ini menyokong pandangan bahawa pengetahuan undang-undang di kalangan guru sekolah adalah cetek dan mereka menghadapi banyak halangan dalam pengurusan disiplin sekolah. Penyelidikan ini diharap dapat menyumbang ke arah meluaskan pengetahuan guru dalam bidang undang-undang sekolah dan pengurusan disiplin sekolah yang lebih baik.

## ABSTRACT

Today, parents and pupils are more aware of their rights. Such a trend could lead to the increasing number of litigation in education. As school law enforcers, teachers face legal restrictions which spell out certain limits to them in discharging their duties in discipline management. In order to perform their duties effectively, they have to ignore the restrictions and bear the risks individually. Ignorance of law too, has resulted in teachers to overlook some relevant legal provisions in the preparation of rules and documents pertaining to school discipline. They received no legal training in their pre-service program and they are legally illiterate. An awareness and understanding of the law, therefore, is part of the professional knowledge required for them. They should understand educational law so that they can both protect their rights and ensure the safety of young people. This research was aimed to gauge the level of legal literacy among discipline teachers in Malaysia and their knowledge in the management of school discipline and to examine whether the existing or present rules and regulations/law become restrictions to them in managing pupils' discipline. Mixed model was used to carry out this research. The research instrument used for the qualitative data collection procedure was the interview protocol and questionnaire for quantitative data. This study involved 161 discipline teachers from 23 schools and 3 principals from 3 different schools in the Kuantan district. From the analysis, the results were found to be confirming to each other or converging in the same direction, thereby permitting a strong conclusion to be drawn regarding the issues discussed in this research. The findings from inferential analysis discovered that there were significant relationship between the level of discipline teachers' knowledge in law and the management of school discipline with 0.317 correlation at 0.01 two-tailed which means better legal knowledge may contribute to better management of school discipline. The results in the qualitative analysis too, showed they were corresponding with the quantitative analysis. The mean score (3.395) for teachers' knowledge in law related to education showed that teachers had moderate level of legal knowledge. Therefore, the findings from this study support the propositions that school teachers are lack of legal knowledge and they encounter many restrictions in managing school discipline. The research is hoped to contribute towards widening teachers' knowledge in the area of school laws and better management of school discipline.

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## LIST OF ABBREVIATIONS

<b>Abbreviation</b>	<b>Actual term in Bahasa Melayu or English</b>
SPI	Surat Pekeliling Ikhtisas
CL	Circular Letter
EO	Education Ordinance
BPG	Bahagian Pendidikan Guru
GPK	Guru Penolong Kanan
JPN	Jabatan Pelajaran Negeri
KPM	Kementerian Pelajaran Malaysia
PPD	Pejabat Pelajaran Daerah
R	Researcher
P	Principal
SMK	Sekolah Menengah Kebangsaan
SPSS	Statistical Packages for Social Sciences
BPPDP	Bahagian Perancangan dan Penyelidikan Dasar Pendidikan
ALB	Section (A) Legal Restriction
ALK	Section (A) Legal Knowledge
BLB	Section (B) Legal Restrictions
IPGM	Institut Pendidikan Guru Malaysia

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