

## **STUDENTS' PERCEPTIONS TOWARDS THE APPLICATION OF LAW AND GOVERNANCE IN EDUCATION: REGULATIONS AND LEGAL RIGHTS**

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### **ABSTRACT**

There were several mainstream media coverages and court judgements that reported cases of educator misconduct and educational malpractice made by parents and students against educators for offences, involving incompetency in teaching, evaluation, negligent supervision, commission of criminal offences and impropriety with students. Thus, with the rise in court litigations involving educators and educational institutions the authority has taken a firm stand to resolve the issues. Students and educators share the conception that most all legal education develops students' skills to argue and express their reason opinion, to collaborate and solve problems rationally, legal education promotes and strengthens a person's respect of themselves and others, tolerance and responsibility. The neglect of children by parents and guardians are increasing in Malaysia despite the existence of legal provisions. The purpose of this study is to investigate the students' knowledge towards law and governance in education. There were 100 forms which will be distributed for 50 Science Students and 50 Art Students. The questionnaires were divided into 5 sections. Section A is the students' background, Section B is the students' knowledge on aspects of negligence in school, Section C is the students' knowledge on individual legal rights, Section D is the students' knowledge on regulations and procedure related to school discipline and Section E is the students' knowledge on corporal punishment.

**Key Words:** *negligence, governance, law, legal rights, punishments, regulations*

## INTRODUCTION

There can be little doubt that the quality of education is a major concern of the government, society, parents and students. The trend nowadays in educational malpractice committed by educators has been reported by the press and court reports. The demands from commercialization of education, the imposition of mandatory teaching standards, quality assurance and professionalism in education will increase future success of legal suits.

Educators as a private citizen are confronted with all kinds of legislations. Hence, the educators do not know what laws that directly or indirectly affect them while discharging their duties and responsibilities. Thus, it is imperative that this gap in the legal knowledge in the awareness and understanding of the pertinent laws is remedied. The major legislations that govern the national system of education include the Education Act 1996(Act 550) and Perintah-Perintah Am 1980 (General Orders) regulates the general conduct of public servants.

Disciplinary rules are necessary for students to benefit from education and training activities without any problems or shortcomings in the school environment. Legal education is described as an activity where a person has possibilities to acquire legal knowledge and skills is acquainted with legal regulations and the actual legal system, human rights, freedom, responsibilities and the ways of protection of human rights. It shapes formation of students' personal competences in a way that students are enabled in their everyday life to follow the law, morality and other social rules, determined by internalized legal culture and consciousness.

## **LITERATURE REVIEW**

Some of researchers blamed Malaysian Educational System which is more examination oriented and gives lots attention in cultivating the students who can excel in the examination as the benchmark of successful in life. The situation makes the students live under pressure and brings the students to the negative attitudes. Mohd Ismail (2006) stated that this situation tends to make emotional hijacking among the students. The students do not interest and focus in learning anymore. Sohami (2004) said that gangsters among the students was the result of their unbalanced situation of intellectual and spiritual.

Duflo (2015) stated that the inclusion of students in the governance of schools is a practical way to promote democratic values and develop democratic school governance. Fischer, Schimmel and Stellman (2012) further commented that today's schools operate in a complex legal environment and a wide range of legal issues influence the lives of educators, students, parents and administrators. As this trend continues, more and more questions of educational policy and practice become converted into legal disputes affects the daily lives of educators, students and parents.

Thomas Kok (2018 ) opinioned that there is now a trend among parents , especially from the upper class society to demand for the abolition of corporal punishment in favour of counselling for their children. Therefore, with parents not showing exemplary behaviour as law-abiding citizens and seeking special treatment for their pampered children. It will be worst when principals also are having lack professional skills to deal with tough discipline cases. In the past, such children could be expelled or sent to reform schools. At best, principals who find their hands tied with bureaucratic constraints normally with permission from the district education office, transfer hard-core or incorrigible students to other schools.

## **METHODOLOGY**

There were 100 forms which will be distributed for 50 Science Students and 50 Art Students. After 2 days, I have collected the survey forms and on the forms collected, I kept in data using the SPSS and analyzed them.

The purpose of this study is to investigate the students' knowledge towards law and governance in education. The questionnaires were divided into 5 sections. Section A is the students' background, Section B is the students' knowledge on aspects of negligence in school, Section C is the students' knowledge on individual legal rights, Section D is the students' knowledge on regulations and procedure related to school discipline and Section E is the students' knowledge on corporal punishment.

### **Study Objectives**

The objectives of this study are:

- a) to seek the students' knowledge on aspect of negligence.
- b) to investigate students' knowledge on individual legal rights.
- c) to know the students' knowledge on regulations and procedure related to school discipline.
- d) to seek the students' knowledge on corporal punishment.

### **Study Questions**

There are 6 items for each section. The respondents were given four choices of answers using Likert Scale. Here are the questionnaires for each section.

**BAHAGIAN A/ PART A**

JANTINA/ <i>GEN DER</i>	LELAKI/ <i>M ALE</i>		PEREMPU AN/ <i>FEMAL E</i>	
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BANGSA/ <i>RACE</i>	MELAYU/ <i>MALAY</i>		CINA/ <i>CHIN ESE</i>		INDIA/ <i>I NDIAN</i>		LAIN- LAIN/ <i>OTHER S</i>	
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ALIRAN/ <i>STREA M</i>	SAINS/ <i>SCI ENCE</i>		SASTERA/ <i>ART</i>	
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PENDAPATAN KELUARGA/ <i>FAMILY INCOME</i>	BAWAH RM1000/ <i>UNDER RM 1000</i>		RM 1000- RM 3000		RM 3000- RM 5000		ATAS RM 5000/ <i>ABOVE RM 5000</i>	
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TAHAP PENDIDIKAN IBU/ <i>MOTHER'S EDUCATION LEVEL</i>	SPM		SIJIL/ <i>CERTI FICATE</i>		DIPLO MA		IJAZAH/SARJ ANA/ <i>PHD DEGREE/MAS TER/<i>PHD</i></i>	
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TAHAP PENDIDIKAN BAPA/ <i>FATHER 'S EDUCATION LEVEL</i>	SPM		SIJIL/ <i>CERTI FICATE</i>		DIPLO MA		IJAZAH/SARJ ANA/ <i>PHD DEGREE/MAS TER/<i>PHD</i></i>	
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Section B :

**BAHAGIAN B/PART B**

ITEM	SANGAT PASTI/ <i>VERY SURE</i>	PASTI/ <i>SURE</i>	KURANG PASTI/ <i>NOT REALLY SURE</i>	TIDAK PASTI/ <i>NOT SURE</i>
1. PIHAK SEKOLAH MENYEDIAKAN RUANG BELAJAR YANG SELESA DAN SELAMAT./ <i>SCHOOL ADMINISTRATION PREPARED STUDY AREAS THAT ARE COMFORTABLE AND SAFE.</i>				
2. GURU SEGERA MEMBAWA PELAJAR KE KLINIK UNTUK MENDAPATKAN RAWATAN SEKIRANYA BERLAKU KECEDERAAN./ <i>TEACHERS WILL IMMEDIATELY BRING ANY STUDENTS TO HOSPITAL IN CASE OF EMERGENCY.</i>				
3. BANTUAN YANG DISALURKAN KE SEKOLAH DIAGIHKAN SAMA RATA KEPADA MURID YANG MEMERLUKAN BANTUAN TANPA MEMILIH KASIH./ <i>DONATIONS GIVEN TO SCHOOL WILL BE DISTRIBUTED EVENLY TO THE NEEDY FAIRLY.</i>				
4. PELAJAR DIBERI HAK MENYUARAKAN PENDAPAT DAN PANDANGAN BERHUBUNG ISU YANG BANGKIT DI SEKOLAH./ <i>STUDENTS ARE GIVEN RIGHTS TO VOIVE OUT ANY ISSUE AT SCHOOL</i>				
5. MAKLUMAT DAN DATA SALAHLAKU DISIPLIN DI KALANGAN MURID DIRAHSIAKAN OLEH PIHAK SEKOLAH./				

<i>INFORMATIONS AND DATA OF DICIPILINARY ACTION AMONG STUDENTS ARE WELL KEPT BY THE SCHOOL.</i>				
6. PIHAK SEKOLAH MENYEDIAKAN RUANG DAN PELUANG PENGLIBATAN YANG SAMA RATA KEPADA SEMUA MURID DALAM PROGRAM DAN AKTIVITI YANG DIANJURKAN./ <i>SCHOOL ADMIN GAVE STUDENTS A FAIR CHANCE TO PARTICIPATE IN ALL ACTIVITIES AND PROGRESS AVAILABLE.</i>				

Section C:

BAHAGIAN C / PART C

ITEM	SANGAT PASTI/ <i>VERY SURE</i>	PASTI/ <i>SURE</i>	KURANG PASTI/ <i>NOT REALLY SURE</i>	TIDAK PASTI/ <i>NOT SURE</i>
1. PELAJAR YANG BERPAKAIAN TIDAK KEMAS SELEPAS WAKTU SEKOLAH BOLEH DIARAHKAN MENINGGALKAN KAWASAN SEKOLAH./ <i>STUDENTS WITH UNTIDY SCHOOL UNIFORMS CAN BE ASKED TO LEAVE THE SCHOOL PREMISES.</i>				
2. PELAJAR YANG MENIRU TANDATANGAN PENJAGA BOLEH DIKENAKAN HUKUMAN ROTAN./ <i>STUDENTS WHO FALSIFIED</i>				

<p><i>SIGNATURE OF THEIR GUARDIANS CAN BE CANNED.</i></p>				
<p>3. PELAJAR YANG TIDAK HADIR KE SEKOLAH 5 HARI DALAM SEBULAN TANPA SEBAB BOLEH DIGANTUNG SEKOLAH./ <i>STUDENTS WHO MISSED HIS/HER CLASS FOR 5 DAYS IN A MONTH WITHOUT A REASON, CAN BE SUSPENDED.</i></p>				
<p>4. HUKUMAN GANTUNG SEKOLAH TIDAK BOLEH MELEBIHI 14 HARI PERSEKOLAHAN./ <i>SUSPENSION OF STUDENTS CAN NOT BE MORE THAN 14 SCHOOL DAYS.</i></p>				
<p>5. HANYA PENGETUA/GURU BESAR SAHAJA YANG BOLEH MENGGANTUNG ATAU MEMBUANG MURID DARI SEKOLAH./ <i>ONLY PRINCIPAL CAN SUSPEND OR DISMISS A STUDENTS FROM SCHOOL.</i></p>				
<p>6. HANYA IBUBAPA ATAU PENJAGA YANG SAH SAHAJA DIBENARKAN MEMBUAT RAYUAN KE SEKOLAH SEMULA SETELAH DI BUANG SEKOLAH./ <i>ONLY PARENTS OR LEGAL GUARDIAN ALLOWED TO APPEAL</i></p>				



<i>TO SCHOOL DISMISSAL.</i>				
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Section D:

**BAHAGIAN D/ PART D**

ITEM	SANGAT PASTI/ <i>VERY SURE</i>	PASTI/ <i>SURE</i>	KURANG PASTI/ <i>NOT REALLY SURE</i>	TIDAK PASTI/ <i>NOT SURE</i>
1. TIDAK MENGHORMATI LAGU-LAGU, BENDERA, JATA SEKOLAH, NEGERI DAN KEBANGSAAN ADALAH KESALAHAN BERAT./ <i>NOT RESPECTING ANTHEMS, FLAGS, SCHOOL BADGE, STATE AND NATIONAL EMBLEM IS A SERIOUS OFFENCE.</i>				
2. AMARAN DAN SESI KAUNSELING PERLU DIBERIKAN BAGI KESALAHAN RINGAN./ <i>WARNING AND COUNSELLING MUST BE GIVEN TO THE UNSERIOUS OFFENCE.</i>				
3. MEROKOK DI KAWASAN SEKOLAH ADALAH KESALAHAN BERAT./ <i>SMOKING IN SCHOOL PREMISES IS A SERIOUS OFFENCE.</i>				
4. PELAJAR YANG MEWARNA RAMBUT BOLEH DIGANTUNG SEKOLAH JIKA MENGULANG PERBUATAN SAMA SETELAH DINASIHATI BERULANG-KALI./ <i>STUDENTS WITH DYED</i>				

<i>HAIR CAN BE SUSPENDED IF REPEATING THE SAME OFFENCE AFTER BEING ADVISED REPEATEDLY.</i>				
5. SEMUA HUKUMAN YANG DIJALANKAN OLEH PIHAK SEKOLAH HENDAKLAH DIREKOD DAN DISIMPAN SECARA SULIT./ <i>ALL PUNISHMENTS BY SCHOOL ADMINISTRATION MUST BE RECORDED AND KEPT SECURELY.</i>				
6. HUKUMAN YANG DIKENAKAN HENDAKLAH DIREKOD DENGAN MENYATAKAN JENIS SALAH-LAKU, BILANGAN SEBATAN, BAHAGIAN ANGGOTA DIROTAN, NAMA DAN TANDATANGAN PEROTAN DAN SAKSI SEMASA HUKUMAN ROTAN DILAKSANAKAN./ <i>PUNISHMENTS MUST MENTION THE OFFENCES, HOW MANY LASHES, BODY PART THAT HAS BEEN LASHED, NAME AND SIGNATURE OF THE LASHER AND WITNESSES DURING PUNISHMENT.</i>				

Section E:

**BAHAGIAN E/ PART E**

ITEM	SANGAT PASTI/ VERY SURE	PASTI/SURE	KURANG PASTI/NOT REALLY SURE	TIDAK PASTI/NOT SURE
1. PENGETUA MEMPUNYAI KUASA MENJALANKAN HUKUMAN ROTAN				

<p>KEPADA PELAJAR YANG MELANGGAR DISIPLIN SEKOLAH./ <i>PRINCIPAL HAS THE POWER TO LASH STUDENTS WHO VIOLATES THE RULES.</i></p>				
<p>2. HUKUMAN ROTAN DIBENARKAN HANYA DI TAPAK TANGAN ATAU DI PUNGGUNG YANG BERLAPIK./ <i>LASHES ONLY ALLOWED ON THE PALM OR AT THE BUTTOCK.</i></p>				
<p>3. MURID PEREMPUAN DIKECUALIKAN DARIPADA HUKUMAN ROTAN./ <i>GIRLS ARE EXEMPTED FROM LASHES.</i></p>				
<p>4. HUKUMAN ROTAN DI KHALAYAK RAMAI SEPERTI DI TAPAK PERHIMPUNAN ATAU TEMPAT BERLANGSUNGNYA PROSES PENGAJARAN DAN PEMBELAJARAN ADALAH TIDAK DIBENARKAN SAMA SEKALI./ <i>PUBLIC CANNING LIKE AT THE ASSEMBLY AREA OR IN CLASS ROOMS ARE NOT ALLOWED.</i></p>				
<p>5. PELAJAR YANG MELAKUKAN KESALAHAN SEDERHANA DIBENARKAN HUKUMAN ROTAN DI TAPAK TANGAN MAKSIMA 3 KALI SEBATAN./ <i>STUDENTS WITH LESS SERIOUS OFFENCE ARE ALLOWED TO BE</i></p>				

<i>LASHED ON THE PALM WITH MAX 3 TIMES.</i>				
6. HANYA PENGETUA/GURU BESAR ATAU GURU YANG DIBERIKAN KUASA SAHAJA YANG BOLEH MELAKUKAN HUKUMAN ROTAN./ <i>ONLY PRINCIPAL OR TEACHERS WITH SPECIAL PERMISSION ARE ALLOWED TO DO THE LASHING.</i>				

## **FINDINGS AND DISCUSSION**

The school was selected for this study because it had multi-racial races students which are Malays, Chinese and Indians. It offers three courses in this school for Form 4 and 5 students. They are Science Stream, Art Stream and Account Stream. It is suitable for this assignment as it requires the survey form to be delivered to Science Stream and Art Stream students. The survey purpose is to investigate the knowledge of the students towards Law and Governance Act in Education. 100 respondents were selected from Form 4 students and they were given questionnaires to be answered.

Based on the survey, it was found that the respondents were 64 or 64.0 % Malays, 21 or 21.0% were Chinese and 15 or 15.0% of them were Indians. According to the gender, there were 42.0 % of them male and 58.0 % female. Frequencies of Gender and Race shows that 50.0% of them are from Science Stream and 50.0 % are from Art Stream. According to their family income, 7.0 % of them are having below RM 1000 per month, 20.0 % are having RM 1000-RM 3000 per month, 33.0 % are having RM 3000-RM 5000 per month and 40.0 % of them are having above RM 5000 per month.

For the education level of their mother, it was found that 7.0 % of them are having SPM Level, 30.0 % are having Certificates Level, 38.0 % are having Diploma Level and 25.0 % of them are having Degree, Master or PHD Level.

Whereas for the education level of their father, it was found that 11.0 % of the are having SPM Level, 26.0 % are having Certificates Level 39.0 % are having Diploma Level and 24.0 % of them are having Degree, Master or PHD Level.

### **THE FINDINGS BASED ON THE PERCEPTIONS OF THE STUDENTS**

Based on the survey questions, the students were investigated their knowledge on:

- a) Aspects of negligence in school
- b) Individual legal rights
- c) Regulations and procedure related to school discipline
- d) Corporal punishment

### **IMPLICATIONS OF THE FINDINGS**

The purpose of this study is to investigate the students' knowledge towards law and governance in education. The questionnaires were divided into 5 sections. Section A is the students' background, Section B is the students' knowledge on aspects of negligence in school, Section C is the students' knowledge on individual legal rights, Section D is the students' knowledge on regulations and procedure related to school discipline and Section E is the students' knowledge on corporal punishment.

Based on the data, in Section B there are 6 items which is to get the students' knowledge on aspects of negligence in school. Here is the summary of the data.

Students' Choices	Percentage
Very Sure	14.0%

Sure	40.0%
Not Really Sure	39.7%
Not Sure	6.3%

According to the data above, 54.0% of the students were having knowledge on aspects of negligence in school. Anyhow, the percentage of the students who were not alert of the aspects of negligence in school still high and something must be done to this group. School administration with the help of the teachers must expose and tell the students of their rights in school in order to get balance in education system.

Based on the data in Section C, there are 6 items which is to get the students' knowledge on individual legal rights. Here is the summary of the data.

Students' Choices	Percentage
Very Sure	14.7%
Sure	36.0%
Not Really Sure	31.3%
Not Sure	18.0%

It was found that 50.7 % of the students were sure and 49.3 % of them were not sure of their choices of answer. It shows that the students still did not have enough knowledge on individual legal rights.

Based on the data, in Section D there are 6 items which is to get the students' knowledge on regulations and procedure related to school discipline. Here is the summary of the data.

Students' Choices	Percentage
Very Sure	22.8 %
Sure	31.8 %
Not Really Sure	40.6 %
Not Sure	4.8 %

The data shows that 54.6 % of the students were sure and 45.4 % of them were not sure of their choices of answers. It means the students still did not have good knowledge on regulations and procedure related to school discipline.

Based on the data, in Section E there are 6 items which is to get the students' knowledge on corporal punishment. Here is the summary of the data.

Students' Choices	Percentage
Very Sure	16.8 %
Sure	36.0 %
Not Really Sure	40.8 %
Not Sure	6.4 %

It was found that 52.8 % of them were sure and 47.2 % of them were not very sure of the choices made. It means the students were not having good knowledge on corporal punishment.

Based on the findings above, we can conclude that most students are not really sure about laws and regulations at school. Good governance creates a strong future for an organization by continuously steering towards a vision and making sure that day to day management is always lined up with the organization's goals. At its core, governance is about leadership. An effective

board will improve the organization's results both in financial and social and make sure the owner's assets and fund are used appropriately.

Law in educational system applies to schools, teachers and students to provide the right to public education. Schools must adhere to local, state and federal education laws. School issues have grown more complicated in recent years. For this reason, state legislatures continually create and amend laws. School leaders familiar with current educational laws can refer to applicable laws when dealing with challenges that arise. Understanding these laws will also help them stave off potential problems. Federal laws relating to education specify must meet the needs of students. Although school administration cannot create laws, it can provide guidelines and terms to staff and student body conduct.

The pervasiveness of technology has taken bullying beyond face to face situations and into the digital world. Cyberbullying likes bullying via text, email, social media and digital become a major problem for students, teachers and administrations. Now, not only students can bully each other at school, but they can also do it from anywhere at any time of day or night.

Teachers have a legal duty to supervise students in the same way that a sensible, careful parent would do in similar circumstances. If students are hurt because of negligent supervision, their parents might be able to pursue a personal injury lawsuit against.

In addition to self-preservation, obedience to school policies and procedures shows that you respect your peers and consider their personal safety to be the utmost importance. Obedience also demonstrates you believe the education of your peers is vital to their future well-being. For example, rules governing your appearance are designed to minimize classroom distractions. When you dress in a manner that doesn't draw undue attention to yourself, it



allows your classmates to focus on their studies instead of your clothing. When you exercise self-control and respect for your peers, the community atmosphere is better for everyone.

## **CONCLUSION**

As a conclusion, educational administrators must understand the law to ensure everyone is held accountable and to protect the school, staff and students. Teachers both new and experienced also need to understand state and federal laws to make sure they are in compliance.

We live in a litigious society in which students or parents who feel their rights have been infringed upon by educational institutions often take legal action. Educators who understand education law can ensure their staff follow the law to limit problems and litigation.

The students should know the law at school to build awareness and real life skills that can be add value to children lives and help them navigate the world better. Law in education has become an important part of basic learning that any individual should have. Especially since the world is becoming more polarized and complicated.

Every day when parents send kids off to school, they trust teachers and other school officials to care for their children's safety and well-being as their learning. Teachers have a wide range of responsibilities to students that come from a variety of federal, state and local laws and regulations. If they don't meet these standards, parents might be able to file complaints and force changes or even to sue the school in some circumstances. Parents may have legal options if teachers don't meet their obligations to students under the law and ethical rules.

In addition to the legal requirements, teachers are obligated to observe ethical standards in codes of professional responsibility adopted by local school districts and state education departments.

Of course, most people would say that a teacher's first responsibility is to teach well. Beyond that the teachers must provide high quality instructions and ensure that all students have the opportunity to learn. It's not new, however that many schools and teachers fail to meet those standards

Both state and federal laws protect the privacy of school records. Schools must get permission from parents before revealing information from students' records to anyone other than certain school officials and others with an educational or legal need to see the information.

Teachers also learn things about students that might not be in their records. For instance, children might tell their teachers private information about families. Ethical rules typically forbid teachers from passing on any information about students that they learn in the course of their work unless the disclosure is legally required or is necessary for purposes of the child's education.

One legal exception to privacy rules stands out, state laws require teachers and other school employees to report when children are being mistreated. These laws vary from state to state but teachers usually have to make a report whenever they suspect that a child has been abused or neglected.

In order to ensure that all students have a safe and productive learning environment, teachers have a responsibility to discipline any students who disrupt the classroom and endanger other children. But, state laws and regulations set limits on what teachers can do to carry out that discipline. Most states outlaw spanking or other types of physical discipline in schools but a significant majority still allow it.

Rules and regulations in a school are important for these enable discipline for students, make a school orderly, and maintain the quality of the school. The main reason why schools have rules and regulations is to discipline students. These regulations enable students to behave well inside the school premises. Policies are important because they help a school establish rules and procedures and create standards of quality for learning and safety as well as expectations and accountability. Without these, schools would lack the structure and function necessary to provide the educational needs of students.

The golden rule of teaching is simply that teachers should treat their students as they would have their own instructors treat them. They learn best when treated with courtesy and respect and when encouraged to learn in the way that suits them best.

Sometimes, rules are burden to obey. Rules may occasionally seem unimportant or useless, but it's important to obey the rules even if you feel they are unnecessary. Even if you think no one notices or appreciates your good behavior, rest assured your instructors do notice when you follow the rules and they appreciate it. Obedience to the rules at school improves your relationships with your teachers and demonstrates that you care about your education. Showing your respect, the academic rules of the school helps build a trust with your teachers. By maintaining a strong academic reputation, your teachers also know you are serious about learning.

When you follow the rules at school, you show that you understand the importance of rules and you respect the governing authority. We are faced the numerous rules not only in school but in daily life, and obedience to those rules shows we care about those who create the rules, whether it be a principal, teacher or police officer. Obedience to school rules also shows your

teachers and principal you trust their decision even if you don't understand the purpose behind a specific rule.

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