

## Potret of Basic Education in Indonesia (A Legal Political Study)

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### Abstract

The national education system should be able to ensure equal distribution of educational opportunities, quality improvement and the relevance and efficiency of education management to face challenges in line with the changing demands of local, national, and global life so that education reforms are planned, directed and sustainable. The importance of education in addition to the intellectual life of the nation, to promote human rights in Indonesia, education is also an important tool to advance knowledge, and the dignity and dignity of the Indonesian nation. In addition to education as a right given under the constitution, education also becomes a given obligation by the state to its people. Therefore, it is necessary to have a legal politics that seeks to provide broad opportunities for the participation of the community to determine the desired style and content of the law, especially in the field of education, so that the future direction of Indonesian education can be better so that it directly affects the readiness of Indonesia to answer the global challenge.

**Keywords:** Basic Education, Legal Political Study, Indonesia

### I. Introduction

The political objectives of national law include two interrelated aspects: (1) As a tool and a step that can be used by governments to create a desired national legal system; and (2) with the national legal system will be realized the ideals of a larger Indonesian nation. The national legal system is a union of law and legislation consisting of many interdependent components, built to achieve the state's objectives based on the basic and legal ideals of the State contained in the Preamble and Body of the 1945 Constitution.<sup>1</sup> Thus, it can be asserted that the Preamble and Body of the 1945 Constitution is the source of the whole politics of Indonesian national law. The assertion of both as a source of national legal politics is based on two reasons, as follows:

1. The Preamble and Articles of the 1945 Constitution of the Republic of Indonesia contains the objectives, basic, ideals and norms of the state of Indonesia which should be the objectives and the foothold of the legal politics in Indonesia;
2. The Preamble and Articles of the 1945 Constitution of the Republic of Indonesia contain the distinctive values derived from the views and culture of the Indonesian people inherited by the ancestors since centuries ago.<sup>2</sup>

In an effort to make the law as a process of achieving the ideals and goals of the state, the politics of national law must stand on the following basic framework:

1. The politics of national law should always lead to the ideals of the nation, namely a just and prosperous society based on Pancasila;
2. National legal policy should be aimed at achieving the state's objectives: protecting the entire nation and the whole of Indonesia's blood sphere, promoting the common prosperity, educating the life of the nation, implementing the world order based on independence, eternal peace and social justice;
3. The politics of national law should be guided by the values of Pancasila as the basis of the state, namely: moral-based religion, respecting and protecting human rights without discrimination, unifying all elements of the nation with all its promordial ties, putting power under the people, social justice;
4. National political law must be guided by the necessity to: protect all elements of the nation for the integration or integrity of the nation that includes ideology and territory, realizing social justice in the economy and society, realizing democracy (sovereignty of the people) and nomocracy (rule of law), creating tolerance of life religious based on civilization and humanity;
5. The national legal system to be built is the legal system of Pancasila, the legal system that takes or integrates the various values of interests, social values, and the concept of justice into a prismatic law bond by taking the elements of good.

Such a legal system, bringing together the good elements of the three values system and putting it in a balance relationship, namely: the balance between individualism and collectivism, the balance between

<sup>1</sup> Mahfud MD, 2010, *Membangun Politik Hukum Menegakkan Konstitusi*, Rajawali Pers, Jakarta, p.22

<sup>2</sup> *Ibid.*, p. 23

rechtsstaat and the rule of law, the balance between law as a tool for advancement and the law as a mirror of value living in society, the balance between a religious state and a secular state (theo-democratic) or a religious nation.<sup>1</sup> National law politics as the basic guidance for all forms and processes of formulation, establishment and development of law in the country. If the politics of national law is a basic guideline for all forms and processes of formulation, establishment and development of law in the country, it is certain that national legal politics should be formulated in a fundamental law and regulation, not a technical regulation.

Progress of a nation is determined by the quality of its human resources. One strategy to improve the quality of human resources of Indonesian society is education. Education is expected to give birth to human resources capable of dealing with the increasingly complex problems of life, whether faced by each individual, as well as faced by the masses, nations, and countries. National Education function to develop the ability and form the character and dignity of a dignified nation in order to educate the nation. The purpose of national education is the development of the potential of learners to become human beings who; (1) be faithful and devoted to God Almighty, (2) be noble, healthy, knowledgeable, capable, creative, independent, and (3) be a democratic and responsible citizen.

The development of national education in the future is based on the paradigm of "Building a fully Indonesian man" who functions as a subject and has the capacity to actualize the potential and human dimension optimally. The dimensions of humanity include the three most basic things, namely (1) affective reflected in the quality of faith, piety, noble character including noble character and superior personality, and aesthetic competence; (2) the cognitive reflected in the capacity of thought and intellectual power to explore and develop and master the science and technology; and (3) psychomotor reflected in the ability to develop technical skills, practical skills, and kinesthetic competence (Law of the Republic of Indonesia Number 20 Year 2003 on National Education System).

The essence of education is a systematic process to increase the dignity of human beings holistically which allows the three dimensions of humanity mentioned above can develop optimally. Thus, formal education should be strategic for the effort to develop all students potential. The implementation strategy of education is essentially a conscious and planned effort to create a conducive learning system so that learners can actively develop their potential to have spiritual strength, self-control, personality, intelligence, noble character and skills needed for themselves, nation and state.

A number of research results indicate that Indonesia's education management system is very "poor and underdeveloped", compared to other education systems in other Asian countries. National education services are still oriented to the philosophy of "Academic Stress" that impose, suppress, even threaten. It does not create a conducive learning atmosphere to provide wide space for children to develop their creativity. Though creativity is needed to innovate and compete in the future.<sup>2</sup> The current bureaucratic impasse and educational conditions in Indonesia are especially highlighted by Anies R. Baswedan who explained that the bureaucracy and the national education condition have been very serious. A number of facts of deterioration of education in Indonesia are disclosed below:<sup>3</sup>

1. 75% of schools in Indonesia do not meet minimum service standards;
2. Of the 50 countries surveyed on the Mapping of Higher Education Quality, Indonesia was ranked 49;
3. The results of mapping of TIMSS (Trends in International Mathematics and Science Studies) in 2011 in the field of science literacy, from 42 countries surveyed, Indonesia ranked 40th;
4. PISA mapping results in 2012, from 65 countries surveyed, Indonesia ranked 64<sup>th</sup>;

Based on the background of the above problem, then according to the author there must be a genuine effort to improve the national education system as a product of legal politics and its implementation in basic education. With such efforts will be obtained the quality of human resources of the nation's children who are able to compete globally with the advanced nations in this world.

## II. Research Method

This type of research uses a type of legal research that is socioyuridis. This research is conducted by examining the concepts, doctrines and theories (legal principles) and the provisions of existing legislation. The research approach is the method or method used in conducting this research later. From the phrase the concept is clear that what is desired is an information in the form of legal studies studied in depth, comprehensive and interdisciplinary. In accordance with the type of research that is socioyuridis research that studies the problem from the perspective of normative legal studies and empirical legal studies, it can be used several approaches, namely statute approach, conceptual approach, and comparative approach. After the data collected, then the

<sup>1</sup> *Ibid.*, p. 30-32.

<sup>2</sup> Abin Syamsuddin Makmun, *Psikologi Kependidikan*, Rosda Karya, Bandung, 2003.

<sup>3</sup> Anies R. Baswedan (Former Minister of Education and Culture of the Republic of Indonesia, December 1, 2014) in Gathering the Ministry with Heads of Service throughout Indonesia.

analysis is descriptively qualitative, with the intention to analyze the primary legal material and secondary legal material that has been collected based on the topic of problems that have been formulated and classified according to the source and hierarchy which will be explained next according to the results of the research object studied.

### III. Result and Discussion

#### A. Human Rights and Education

The United Nations drafted a declaration known as the General Declaration of Human Rights. Since its declaration in 1948, the issue of human rights has been warmly discussed up to now, whether by academics, the press, government organizations, non-governmental organizations, and human rights activists at all domestic, regional and international levels. One of the rights contained in the General Declaration of Human Rights is the right to education, and it is subsequently implemented in the International Covenant on Economic, Social and Cultural Rights established by the General Assembly of the United Nations on December 16, 1966, as a rule which is binding on every Member State which is a member of the United Nations in the context of upholding human rights, and Indonesia as a member of the United Nations is bound by the International Covenant. Education is one of access to welfare, and the enforcement of human rights comes from education, therefore the right to education is a human right to achieve a welfare and enhancement of human dignity, therefore must obtain guarantees and protection from the state against the basic rights of citizens countries in the field of education.<sup>1</sup>

The right to education, including various aspects of freedom of education and academic freedom, is an important part of human rights law. Although the right to education is generally regarded as a cultural right, it also deals with other human rights. Because so closely between education and other human rights, so education is a prerequisite for the implementation of human rights. The enjoyment of civil rights and political rights, such as freedom of information, freedom of expression, assembly and association, the right to vote and the right to be elected, or the right to equal opportunity for public service, depends on at least a minimum level of education, including literacy. Correspondingly, many economic, social and cultural rights such as the right to choose a job, the right to receive equal pay for equal work, the right to form trade unions, or the right to take part in cultural life, to enjoy the benefits of scientific progress and to get a higher education based on ability, can only be implemented significantly after a person obtains the minimum level of education.

Universally based on the General Declaration of Human Rights education is the right of every human being. The importance of education is aimed at strengthening human rights. Education is one of the important tools to promote human rights. Tolerance and respect for human rights is not only an important goal of education. The educational objectives and targets relating to human rights are recognized internationally, set forth in Article 26 paragraph (2) of the Declaration of Human Rights. The basic educational objectives contained in the Universal Declaration of Human Rights are implemented in the International Covenant on Economic, Social and Cultural Rights contained in Article 13 paragraph (1) of the International Covenant on Economic, Social and Cultural Rights as ratified by the Government of the Republic of Indonesia in Law Number 11 Year 2005.

The most detailed provisions on the goals and objectives of the right to education in international law may be specified in Article 29 paragraph (1) of the United Nations Convention on the Rights of the Child. This Convention has been ratified by most UN member states and as such, may be regarded as the most universally accepted standard of human rights in the field of education. States parties agree that the education of the child should be addressed to:

- a. Develop the child's mental and psychic personality, talents and abilities for the full development of their abilities.
- b. Developing respect for human rights and fundamental freedoms and for the principles set out or expressed in the Charter of the United Nations.
- c. Developing children's respect for parents, their cultural identity, their language, and their own values, and for the national values of the country in which the child lives, or of the country in which he is living and for civilizations different from those he possesses.
- d. Preparing children to live responsibly in a free society, with a spirit of mutual understanding, peace, tolerance and equality of sex, and friendship among all people, ethnic, national and religious groups and people of genuine origin.
- e. Develop respect for the natural environment.

Looking at the convention about the child mentioned above, then the general consensus is honest about the main objectives and targets of the right to education:

- a. Education allows one to develop personality and dignity freely;
- b. Education allows one to participate actively in a free society with a spirit of mutual respect and

<sup>1</sup> [www.wordpress.com](http://www.wordpress.com), "Konsep Hak Asasi Manusia terhadap Pendidikan", accessed February 6, 2016.

- tolerance towards other cultures, civilizations and religions;
- c. Education develops respect for one's parents, on the national values of a nation, and on the natural environment;
  - d. Education develops respect for human rights, basic freedoms with peace. The importance of education progress in a country is very important considering education is one important tool to promote human rights.

Education is a constitutional right, which is guaranteed its national implementation based on the constitution. In Indonesia, this right is recognized and guaranteed in the 1945 Constitution of the Republic of Indonesia. The responsibility of the state in education is set forth in the articles of the 1945 Constitution of the Republic of Indonesia, and the objectives of education in concrete terms are "... to educate the life of the nation ..." as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia. Actually, long before the establishment of the General Declaration of Human Rights in 1948. The founders of the State of Indonesia have realized that education is an access to intelligent and dignified nation life, therefore the right to education is guaranteed in the 1945 Constitution of the Republic of Indonesia as set forth in Article 28 C, Article 28 E Paragraph (1), and Article 31.

The 1945 Constitution provides assurance that education is the right of every Indonesian citizen to get an education. Access to education is set forth in Law of the Republic of Indonesia Number 20 Year 2003 on National Education System, people's access to education is set forth in Article 5 Law of the Republic of Indonesia Number 20 Year 2003 on National Education System which states:

1. Every citizen has the same right to obtain quality education.
2. Citizens with physical, emotional, mental, intellectual, and/or social impairments shall be entitled to special education.
3. Citizens in remote or underdeveloped areas and remote indigenous peoples are entitled to special service education.
4. Citizens who have the potential of intelligence and special talents are entitled to special education.
5. Every citizen shall be entitled to an opportunity to improve his or her lifelong education.

In addition to the right to education guaranteed by the constitution of the 1945 Constitution of the Republic of Indonesia, the right to education is also implemented in Law of the Republic of Indonesia Number 11 Year 2005 on the Ratification of the International Covenant on Economic Social and Cultural Rights.

#### **B. Politics of Indonesian National Law in the Field of Education**

William Zevenbergen<sup>1</sup> argued that the politics of the law tried to answer the question, which legal rules should be legal. The legislation itself is a form of legal policy. Understanding legal policy, including the process of making and implementation of law that can indicate the nature and direction of which the law will be built. Legal politics provides a foundation for a more appropriate process of law formation, situations and conditions, culture and values that evolve in society by taking into account the needs of society against the law itself.<sup>2</sup> According to Sunaryati Hartono<sup>3</sup>, the factors that will determine the politics of the law are not solely determined by what we aspire to or depend on the will of law-makers, practitioners or theorists only, but also determined by the facts and developments of law in other countries and developments international law. Political differences in the law of a certain country with other countries that later led to what is called the National Political Law.

Political formation and good law enforcement must be accompanied also by the politics of human resources development, work procedures and organizing and infrastructure and facilities. It also determines the success of political establishment and law enforcement. Legislation will basically reflect the most influential political thoughts and policies that can be sourced to a particular ideology. For example, the doctrine of socialism will be different from the doctrine of capitalism in the economic field. The legal politics of a democratic country will seek to provide a broad opportunity for the participation of the community to determine the style and content of the law in question. Indonesia based on Pancasila and based on kinship will have its own legal policy in accordance with the *rechtsidee*; which is contained in Pancasila and the 1945 Constitution of the Republic of Indonesia.

There are 3 levels of political policy legislation contained in the framework and paradigm *staatsidee* or *rechtsidee*, as follows:

1. In the political order, the goal of Indonesian law is the establishment of a democratic legal state
2. In the social and economic order, political law aims at realizing social justice for all Indonesian people
3. In the normative order, political law aims at upholding justice and truth in every aspect of public life. These three objectives are in a national law that is sourced and based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

<sup>1</sup> Abdul Latif and Hasbi Ali, 2011, *Politik Hukum*, Sinar Grafika, Jakarta, p. 19

<sup>2</sup> Mahfud MD, 2009, *Politik Hukum di Indonesia*, Rajawali Pers, Jakarta, p. 9

<sup>3</sup> Sunaryati Hartono, 1991, *Politik Hukum Menuju Satu Sistem Hukum Nasional*, Alumni, Bandung, p. 23

The opening of the 1945 Constitution of the Republic of Indonesia mandates the Government of the State of Indonesia to protect the entire Indonesian nation and the whole of Indonesia's blood and to promote the common prosperity, to educate the nation, and to carry out the world order based on freedom, eternal peace and social justice. The 1945 Constitution of the Republic of Indonesia mandates the Government to undertake and organize a national education system that enhances faith and piety to God Almighty and noble character in order to educate the life of the nation which is regulated by law.

National education functions to develop the ability and form the character and civilization of dignified nation in order to educate the nation's life, aims to develop the potential of learners to become human beings who believe and piety to God Almighty, noble, healthy, knowledgeable, capable, creative, independent, and become a democratic and responsible citizen. Principles of Education; (1) education is conducted in a democratic and fair and non-discriminatory manner by upholding human rights, religious values, cultural values, and national pluralism. (2) Education is organized as a systemic entity with an open and multi-meaning system. (3) Education is organized as a process of culture and empowerment of learners that lasts for life. (4) Education is organized by giving exemplary, build willingness, and develop the creativity of learners in the learning process. (5) Education is organized by developing a culture of reading, writing, and arithmetic for all citizens. (6) Education is organized by empowering all components of society through participation in the implementation and quality control of education services.

In social perspective, education will give birth to educated people who have an important role in the process of social change in society. Education becomes a determinant factor in promoting the acceleration of community mobility, leading to the formation of new social formations. This new social formation consists of a layer of educated middle class society, which is an important element in strengthening social cohesion. The education that gave birth to the educated society layer became the glue force that linked social units within the society: family, community, community associations, and social organization which later became a large organization of state institutions. Education can thus make an important contribution to strengthening social integration.

In a cultural perspective, education is an important vehicle and an effective medium for teaching norms, socializing values, and instilling ethos among citizens. Education can also be an instrument to nurture the nation's personality, strengthen national identity, and establish national identity. Even the role of education becomes even more important when the flow of globalization is so strong, which brings the influence of values and culture that are often contrary to the values and personality of the Indonesian nation. In this context, education can be a strategic vehicle for building collective conscience as citizens and strengthening social ties, while respecting cultural, racial, ethnic and religious diversity so as to solidify national unity.

In an economic perspective, education will produce reliable humans to be the subjects of national economic development. Therefore, education should be able to give birth to qualified graduates who have knowledge, master technology, and have adequate technical skills and life skills. Education should also be able to produce professionals who have entrepreneurial skills, which became one of the main pillars of national economic activity. Even the role of education becomes very important and strategic to improve national competitiveness and build the independence of the nation, which becomes the absolute prerequisite in entering the competition among nations in the global era.

In today's global era, various nations of the world have developed a knowledge-based economy (KBE), which requires quality human support. Therefore, education is absolutely necessary to sustain the development of knowledge-based economy (EKE). In this context, educational institutions should also serve as centers of research and development, resulting in superior research products that support the KBE. The availability of qualified human beings that dominate science and technology greatly determines the nation's ability to enter global competence and free market economy, which demands high competitiveness. Thus, education is expected to lead the nation of Indonesia to achieve excellence in global competition.

In a political perspective, education should be able to develop the capacity of individuals to become good citizens, who have an awareness of rights and responsibilities in the life of society, nation and state. Therefore, education should be able to give birth to individuals who have the vision and idealism to build a common strength as a nation. Vision and idealism must be referring to and derived from the ideology of national ideology, embraced by all components of the nation. In the long run, education will undoubtedly give birth to a layer of educated society which then forms a critical mass, which is a key element in the effort to build a civil society. Thus, education is a major undertaking to lay a solid social foundation for the creation of a democratic society, which is based on an educated, middle class society that forms the main pillar of civil society, which is one of the pillars for the realization of the development of a democratic society.

In the next five years, the development of national education is faced with serious challenges, especially in efforts to improve performance that includes (a) equity and the expansion of access; (b) improvement of quality, relevance, and competitiveness; (c) governance arrangements, accountability and public image; and (d) increased financing. In an effort to improve the performance of national education, a comprehensive reform that has begun with the decentralization and education autonomy policy as part of the government's political reforms. The

political reform of this government is marked by a radical change of governance from the centralized system to the decentralistic system, granting wide autonomy to the regions governed by Law of the Republic of Indonesia Number 22 Year 1999 which is then re-established with Law of the Republic of Indonesia Number 32 Year 2004 on Regional Government. Education which initially became the authority of the central government then diverted into the authority of local government. Management of education which is the authority of local government is intended to improve the efficiency and effectiveness of education management, so it is expected to improve the performance of national education.

In the era of autonomy and decentralization, the national education system is required to make changes, adjustments, and reforms in order to bring about an autonomous and democratic education, which focuses on diversity and encourages community participation, without losing national insight. In this context, the government together with the House of Representatives has drafted Law of the Republic of Indonesia Number 20 Year 2003 on National Education System as a manifestation of the determination in conducting educational reform to address various challenges in the life of society, nation and state in the era of global competition.

According to Winarno<sup>1</sup>, there are four causes of the deterioration of education in Indonesia, namely (1) political intervention in the world of education, (2) no serious effort from the government to fix education, (3) education orientation focused on service function, and (4) weak human resources manager education. Political intervention in education is seen in government policy. The government "stifles" the creativity, freedom, and independence of learners. The government's earnest effort to improve the quality of education is not done optimally.

The World Bank says that the development of education in Indonesia for decades has been serious and serious, due to the centralized management of education management. The policy has a significant effect on program planning and cost of education.<sup>2</sup>

United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2012 illustrates the position of applying the education system (mainly primary education) in Indonesia among other countries in the world. The primary education enrollment rate in Indonesia is ranked 45<sup>th</sup> out of 45 countries. While the quality of basic education Indonesia ranked 44<sup>th</sup> of 45 countries above the level of India. The low level of basic education services in Indonesia contributes greatly to the position of learning outcomes in the next level of education.

Based on the results of PISA (Program for International Student Assessment, 2012), the ability of Indonesian children aged 15 years in the field of mathematics, science, and reading is still low compared with other children in the world. PISA 2012 results, Indonesia is ranked 64<sup>th</sup> out of 65 countries participating in the test. The average math score of Indonesian children is 375, the average reading score is 396, and the average score for science is 382. Whereas, the average OECD score (the Organization for Economic Cooperation and Development) is 494 (mathematics), 496 (science), and 501 (read). The logical consequence of low human resources makes Indonesia overwhelmed in the face of global competition. The Indonesian nation is unable to respond to the progress of science and technology. The world of education is very difficult to produce excellent graduates.

An interesting analysis of these findings, according to the authors, is that the policy of the national education system on the basic education system (especially grades 1 and 2) does not take into account the child's "capacity and power of the brain." From birth, every child has been given the potential of intelligence (200 billion more) that the child brought since birth. Potential intelligence can be developed ages 3-8 years to a higher level.

The less accommodated potential of intelligence is shown in the Curriculum Content of Education Unit Level (KTSP) primary school education consists of 11 subjects with a load of 30-36 hours per week. The enormous number of subjects at elementary level, emphasizing only cognitive competence (remembering/memorizing, understanding, and applying). This tendency also occurs in the next education level. The results show that the curriculum content is only able to digest 30% of all learners and as many as 70% of students unable to meet the target of national education curriculum. The impact of such basic education policy resulted in students experiencing the so-called "Academic Stress" until the third grade of high school.

The occurrence of "Academic Stress" is exacerbated in the implementation of education in various regions is also causing problems ranging from shortages of teachers, educational facilities that have not been adequate until the difficulty of the community to follow education because of economic problems and the necessities of life.

The orientation of the implementation of national education is also nowadays become a business industry that is no longer oriented to efforts to educate the life of the nation. It can be observed with the occurrence of the practice of buying and selling titles, sale-purchase diplomas, to the sale and purchase of value. Not to mention

<sup>1</sup> Winarno Surakhmad, 2011, *Pendidikan Nasional: Strategi dan Tragedi*, Penerbit Kompas, Jakarta.

<sup>2</sup> Kompas, 1 Mei 2008.

the lack of government support for the needs of a complete and comfortable study place. Improved education can only be enjoyed by a group of people who have a strong economy, while for the poor, education is just a dream.

The above conditions must be overcome, given the existence and development of a nation lies in the quality of its people not dependent on natural resources. It is important to understand that having knowledge is not or less able to help one's existence if not supported by creative ability, critical thinking, and other positive character. Education at every level must play a role not only transferring knowledge but also transferring the value/character.

According to the author, should the concept and policy of national education is based on the basic rights of the child mentioned above. Referring to the basic rights of children, education should provide space for optimal capacity of the nation's children. Starting with a way of view that education is part to develop the potential, thinking power and reasoning and the development of creativity. However, if observed nationally, especially on the level of practice, it turns out the current education system actually castrate the basic rights of the child, so that the current education system will ultimately lead to the collapse of human resources owned by this nation. Children who are educated and produced by formal educational institutions in such an educational system have not shown encouraging results, low academic achievement, and their positive personality traits are extremely poor. If this continues to happen, and no serious efforts and remedial action, then the quality of human resources of Indonesian society will remain far from other nations.

Law of the Republic of Indonesia Number 20 Year 2003 on National Education System in Chapter XIII Article 46 paragraph (1), which in essence is that education funding is a joint responsibility between the government, local government and society. As well as Government Regulation of the Republic of Indonesia Number 48 Year 2008 in Article 2 paragraph (1), it is clearly stated that education funding is a shared responsibility between the government, local government and the community; and (b) the learners, parents or guardians of the students and (c) other parties who have a concern and role in the field education. The second regulation of education is different from that set forth in the 1945 Constitution of the Republic of Indonesia, Article 31 paragraph (2) which reads "Every citizen is obliged to follow basic education and the government must finance it". So it is the obligation and responsibility of the state about education and not the obligations and responsibilities of society, so the political direction of our basic education law has changed from the real purpose.

#### IV. Conclusion

Education is a constitutional right, which is guaranteed its national implementation based on the constitution. In Indonesia, this right is recognized and guaranteed in the 1945 Constitution of the Republic of Indonesia. The responsibility of the state in education is set forth in the articles of the 1945 Constitution of the Republic of Indonesia, and the objectives of education in concrete are "... to educate the life of the nation ..." as set forth in the Preamble to the 1945 Constitution. National education functions to develop capabilities and shape the character and civilization of the nation dignified in order to educate the life of the nation, aims to develop the potential of learners to become human beings who believe and fear Allah Almighty, have a noble character, healthy, knowledgeable, capable, creative, independent, and become citizens of a democratic and responsible.

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