

# Examining the Basic Educational Rights in the Newly-Implemented School Zoning Policy in Indonesia

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**Abstract** ~ School zoning policy is one of the government's efforts to fulfill the rights of education for citizens. Indonesia has implemented this policy based on Permendikbud Law No. 14 of 2018. In the Indonesian context, this policy has provided easy access to the public to get an education, so that people who are in areas near schools can go to school with lower transportation costs. Because the zoning system in Indonesia prioritizes the distance radius from the place of residence to school. The enactment of the new policy certainly cannot be separated from the obstacles encountered. On the ground, there are still polemics that occur between policies and the community. This is due to the dissemination of information dissemination that is still lacking among the public. The pros and cons of implementing this policy become an evaluation material for the implementation of the following year. Through this policy, the government has long-term planning that can fulfill the rights of every citizen in getting an education. The article aims to determine the establishment of the foundation in the zoning policy fulfills the right to education for citizens in Indonesia.

**Keywords:** *educational rights, zoning policy*

## I. INTRODUCTION

Education as an important component in improving the quality of human resources has so far not been successful. Not all citizens have the same rights in obtaining an education. This is still often found in school-age who are not accommodated in getting an education and there are still many students who have not received full attention from the government [1]. In the implementation, there are still gaps between individuals and individuals as well as groups and groups. Based on the analysis of SES PISA shows that students who come from high socioeconomic groups can show greater achievement than colleagues from families with lower socioeconomic groups [2]. This makes it difficult for people who come from low economic backgrounds to get their education rights. In the United States context, the composition of SES students in schools influences their learning outcomes, and the effect is greater than the gap between individual students according to SES in one school. The gap between school has more impact than the gap between the students [3]. Gaps like this that can hinder a country from achieving a goal. So, the

government issued a zoning policy through Permendikbud No. 14 of 2018 [4].

The zoning system in Indonesia is a policy as an attempt by the government to solve the problems of education. School zoning is the process of identifying geographical areas to assign school-age children living in the area to several public schools for social purposes supported by political forces [5]. The zoning system was first implemented in the United States in 1954 by the Supreme Court, to reduce racial segregation [6]. Developed countries like Europe, the United States, and Finland have used the zoning system for a long time with the ideal goal of breaking the poverty chain. By increasing the fulfillment of education, a way to improve the quality of its human resources. Referring to the success of these countries in minimizing education problems, so that Indonesia has implemented a zoning system on new student admissions starting in the 2018/2019 school year.

According to Muhadjir, the zoning system in Indonesia aims to facilitate access to education, eliminate exclusivity in public schools and improve the quality of schools [7]. However, in its implementation, it has not yet achieved its objectives, as evidenced by the many problems that have arisen. Based on research conducted by Wahyuni, the application of the zoning system still found many problems, including the priority of the distance of residence of prospective students to schools as the main determinant of PPDB, this is a problem because the number of school graduates with school availability for all regions is not yet balanced. Another problem is the debate in the interpretation of the distance from home to school, this is based on the prospective student's residence following the parent's KK to the nearest school [8]. These conditions indicate that the zoning policy has not been implemented to the maximum. Problems in the implementation of zoning policies which until now are still not following the objectives. So, the authors are interested in studying more about fulfilling the rights of citizens to obtain an education through the zoning system. This writing aims to find out the basis for the formation of zoning policies in fulfilling the educational rights of all citizens in Indonesia.

#### *A. Fulfilling the Education Rights in the school Zoning*

The development of a Negara a determined once by Education human resources. The following are some countries that have used the zoning system in solving education problems, especially in obtaining education justice. one of the countries that have implemented the zoning system in Nigeria. The State of Nigeria suffers from economic stress that is so severe that the allocation of funds for education has drastically shrunk. This resulted in not achieving educational goals [9]. Efforts made by one of the states namely Adamawa to innovate in achieving educational goals by introducing the zoning system. The zoning system in Nabawa is carried out by grouping schools based on the distance to schools that are adjusted to the region [10]. Thus, making it easier to access education for the community.

The zoning system that has been implemented in Adamawa since 1991 has several goals including being able to help disadvantaged people in the economic field, increasing participation in development and increasing social justice for citizens in obtaining education rights. The implementation of the group zoning system in Adamawa was responded effectively because it could achieve the goal in the economic field of alleviating a society whose economy was weak so that it could include children to continue schooling [9]. This shows that the role of zoning policies can solve educational problems in Adamawa.

The zoning system has an important role in saving people to get easier access to education. Zoning was implemented in the United States in addition to reducing racial segregation can also help break down entrenched economic problems [10]. Closer access to education can help poor families to go to school. Families with poor backgrounds can be helped from closer aspects of transportation.

Another country implementing the zoning system in New Zealand. Sadia Baru has been implementing school zoning since 1989 under a law governing school entry based on geographical location. The zoning of schools in New Zealand only applies to public or government-funded schools. Initially, people who lived in rural areas had difficulty in getting an education because of very far access. With this zoning, all students who live in certain zones can get access to education more easily. To increase student attendance at school. The regulation was issued to facilitate students in obtaining educational rights. The education system has been categorized as fair because it has provided many changes in fulfilling the educational rights of citizens. New Zealand, which has been implementing the zoning system for a long time, is currently the subject of debate is on house prices. The zoning system prioritizes the distance from home to school so that those who will buy a house are considered the distance from the school [12]. House prices in New Zealand near the school area are becoming more expensive.

Unequal conditions of fulfilling education rights are found in Australia. A country that experiences imbalances in education. this is because of the location of the school between urban and urban. The condition Australian family background influence on the selection of schools. High

family economic status can choose the school as you wish. Whereas the economically disadvantaged suburbs can only go to school in the suburbs [13]. Cases that occur in high-income families can afford to buy a house around a school that is considered favorite [14]. Inequality arises in families on the margins and low-income, they can only stay in that position and cannot spell certain schools.

Weak education in Australia due to the distance to schools that are very far with limited access. So even though there are already compulsory education regulations, not all students can access education [15]. The difference between private and public schools in Australia is used to explain inequities in education [16]. Private schools have good infrastructure while government or state schools are still not evenly distributed. In 2008 education leaders hope that all students will have access to quality education and freedom from certain socioeconomic backgrounds and geographical locations [17]. Zoned schools are implemented as an effort in Australia to expand access to education. Based on Lubienski's observations from the results of NAPLAN that transportation, distance, physical and social considerations can provide great opportunities for students to access education more easily [18]. So that through the way there is a difference to the students' school attendance and increasing students who finish school. The reform of the education system carried out in Australia has now produced changes. Therefore, it can reduce the dropout rate.

## II. RESULTS AND DISCUSSION

### *A. Education Rights in Indonesia*

Education is a basic element of human rights. The right to education contains various elements, that every human being has economic, social and cultural rights, as well as civil and political rights contained in Law No. 39 of 1999 [19]. The right to education is an absolute human right to be carried out to fulfill the rights of others. In the context of the state, the fulfillment of the basic right to education from the perspective of international human rights law is categorized as a positive rights group. These rights will not be realized properly if there is no State intervention [1]. Cooperation between the two parties is very much needed in achieving the fulfillment of the appropriate rights of every citizen.

The important role of education has strong legality in the 1945 Constitution article 31. Article 31 paragraph 1 states that every citizen has the right to education. while the right to education is contained in article 31 paragraph 3 which reads " the government strives and organizes a national education system that enhances faith and piety and noble character in the context of the intellectual life of the nation. Based on this foundation, every citizen has the right to get a proper education.

Education carried out certainly has a goal to be achieved, the goals of education in Indonesia have been included in the National Education System Law No.20 of 2003 for the development of the potential of students to become human beings who have faith and are devoted to God YME, having noble, healthy, knowledgeable, competent, creative, independent, and become democratic and responsible citizens. Creating a democratic society in

Indonesia is a big task and responsibility because Indonesia is a multicultural country. So even though different races, ethnicities, and religions, all students are entitled to get the same opportunity in obtaining an education. This has also been stated in Law No. 20/2003 of the National Education System in Article 5 paragraph 1 explaining that every citizen has the same right to obtain a quality education. So that the government's responsibility for the state in financing and providing education funding because of the implementation of Article 31 of the 1945 Constitution.

In the implementation of the objectives of education in Indonesia cannot be achieved fully. This is because education in Indonesia still faces many obstacles to progress, including uneven education and the presence of superior and non-superior literacy schools. Problems like this become obstacles in the development of education in a country. The purpose of education is *designed* as a liaison in dealing with differences but instead becomes a gap between the differences that exist. Among children from families able to get the school " favorite " while the relatively poor families will get a relatively low school quality [20]. Thus, economic factors are a factor causing educational inequality in Indonesia.

The education system in Indonesia has not met the needs of a large, diverse, widespread population with different levels of participation between regions. The educational phenomenon that is happening in Indonesia today is that there is a clear gap with the rise of favorite labeled schools [21]. School inputs originating from exclusive schools make a lot of privileges given to favorite schools such as the fulfillment of learning the infrastructure, more competent teaching staff, and the main priority in granting access to participate in competitions at regional, national and international levels. This opens the gap for non-favorite schools. The gap between superior and non-superior schools can have an impact on the uneven distribution of students, there are schools with many students and there are schools with fewer students [22]. This inequality will not have a good impact on national education.

The dimension of educational inequality in schools is not always in the community. There are two important aspects of assessing inequality in education. First, the constraints that come from inputs are the opportunity to obtain a quality education, inequality at the level of groups (economic groups) and groups of students who come from cities and villages. Second, inequality originates from educational output or results, such as student achievement [20]. Both aspects show that inequality that occurs in education occurs in a complex manner from input to outcome.

The disparity in economic status between rich and poor is still difficult to resolve [20]. This is closely related to school quality. students who come from well-off backgrounds have great opportunities in gaining their favorite schools. While students who come from disadvantaged groups do not tend to get schools that are of relatively good quality. This is because most of the qualifications to enter favorite schools are children of relatively well-off families who are smarter.

The implementation of education can run optimally supported by adequate facilities and infrastructure. In reality, the gap is quite large related to the quality of education between schools in cities and remote areas. Schools in remote areas tend to be of low quality if based on existing facilities and infrastructure [23]. The number of damaged and inadequate facilities is one of the low qualities of education. This results in learning often constrained and influencing the success of educational providers.

The role of the government in solving educational problems has tried several efforts including implementing 12-year compulsory education policy. The program is the responsibility of the state organized by the government, regional government and the community [24]. But the compulsory education policy issued by the government has not been implemented to the maximum. Despite had no such policy but need special attention regarding affordability (accessibility) education for many parents, especially in developing countries with less economic circumstances can hinder the entry of children into the school [25]. the existence of compulsory education policies does not guarantee the fulfillment of the right to education. According to the judge [1], the implementation of compulsory education is inseparable from efforts to solve poverty. This shows that the link between compulsory education and poverty needs to have a set of development priorities.

Government's efforts in making education evenly distributed by giving Indonesia Smart Cards (KIP) to students who come from underprivileged families. Equitable education is carried out by striving for all levels of society to enjoy education regardless of their age, time, place of residence both in the city and in the village. People who get KIP are those who have a Healthy Indonesia Card (KIS) so that this card is given to people who need help in improving their quality of life. Various efforts by the government in carrying out educational equality have been carried out but have not yet eliminated gaps in schools [26]. The effort that has been implemented is an evaluation for the next policy update.

#### *B. Fulfilling Education Rights in the School Zoning in Indonesia: Current and future*

The role of the government in responding to public issues regarding school disparities in the form of caste superior and superior schools in public schools and education has not been evenly distributed so that through the Ministry of Education and Culture issued a new policy No. 14 of 2018 which is about accepting new students using the zoning system. The system comes from the Latin (system) which means an integrated whole consisting of interconnected components and cooperation to achieve goals. So that the zoning system is a component or element in education that is used for equitable distribution within an area, this is to realize an equal distribution of education. The zoning system is a government effort in the distribution of the quality of education in various parts of Indonesia, also, students who have above average academic ability can spread in various schools so that they do not gather in several schools which are often called superior schools [7]. This equalization aims to improve the

quality of all schools because, with equal distribution of students who excel, all can compete equally.

The zoning system is a new policy issued by the government. This system provides equal opportunities for all students to get an education without being limited by the distinguishing line between superior and non-excellent schools. In the zoning system consider the acceptance of new students using the closest distance scale from home to school. Based on Article 16 paragraph 1, schools organized by the regional government are required to accept prospective students who live in the closest zone radius of the school, at least 90% of the total number of students received. a percentage of 5% for students who excel from outside the zoning and 5% for students whose parents work in the zone.

This general zoning system is implemented for several reasons. The reason for applying Zoning is to equalize education [27]. Without zoning, students who have high achievements will have the freedom to choose schools, while those who have no achievements cannot compete in getting quality schools. Another factor is the equalization of public schools in Indonesia so that they have the same strata. The purpose of the zoning system in Indonesia is like that applied in other countries, that the zoning system is for the equal distribution of education for every citizen [28]. This condition is prepared by the government for long-term success.

The zoning system can facilitate students in accessing education because it is influenced by the distance from the residence to the school. The benefits of the zoning system (1) encourage the creativity of educators in learning with heterogeneous student conditions, (2) Assist local governments in providing targeted assistance or affirmations in the form of school facilities and infrastructure, as well as improving the quality of personal education, (3) leveling the distribution of smart students who gathered at one school, (4) encouraging local government and community participation inequitable education [29]. Hope from the Minister of Education and Culture all Indonesian people can feel the benefits of zoning, this is all to achieve a better Indonesian education. The zoning system implemented in Indonesia as a form of educational equity. the system can provide a great opportunity for students to get an education. besides, it can help families with economic backgrounds who are less able, through the zoning system which is considered at a distance so that it will reduce the burden of transportation to school.

The implementation of the zoning system in Indonesia raises the pros and cons. The pro because through this policy can help the community in gaining access to education, viewed from the economic aspect of helping the underprivileged with the distance from home to school that is close to reducing transportation costs. Seen from the political aspect, namely transparency in registration is clearer so that it reduces someone's opportunity to carry out nepotism. The social aspect can create educational equality and equitable distribution of smart students in various schools so as not to group in one school. In addition to the pros of the zoning system, the implementation has several contras impacts that are

causing students who are not accommodated for schools in public schools due to the geographical aspect of the uneven distribution of SMP. Also, people who still do not fully understand the zoning system due to lack of social access [30]. Residential communities in rural areas and far from cities are still lack of knowledge in getting information using social media.

Indonesia applies a zoning system that has similarities with developed countries aimed at equality in education but has not been fully able to implement it optimally. The difference in the implementation of the zoning system in Indonesia and other countries is in terms of spatial policy [31]. In Indonesia, the distribution of students is not completely even. Whereas the zoning policies developed in other countries have linked urban planning in terms of population settlements and ecological facilities, especially at the earliest (primary and secondary) levels. This is a reference to evaluating new policies in Indonesia that the application of policies can consider the spatial structure in Indonesia.

Pros and cons in accepting new students with the principle of the zoning system prove that the implementation of national education still finds complex problems. The complexity of this problem will affect the performance of education nationally. Education is not only focused on education policy but needs to consider social justice and the fulfillment of the rights of every citizen. Education reform has failed in responding to community problems. The failure of renewal of education in Indonesia is not solely in the form of renewal of education itself is erratic (patchy), but rather caused by the dependence of educational policymakers on the paradigm of the role of education in obsolete social change [20]. Likewise, it is supported by Dwiningrum's research that decentralized education policies in the educational unit on the dynamics of the school are determined by structural, structural, individual, cultural and political aspects [32]. So, it can be concluded that the occurrence of pros and cons in implementing policies is influenced by differences in structure and culture that each school has.

The principle of fairness in implementation zoning that is accelerating the equalization system in the education sector. However, the intended distribution has not been reflected in the purpose of admitting new students in Law No. 14 of 2018 which states that the PPDB aims to ensure the acceptance of new students in an objective, transparent, accountable, non-discriminatory and just manner in order to encourage increased access education services. To uphold justice, we must pay attention to the two principles of justice. First, giving equal rights and opportunities for the most basic freedoms as wide as the same freedom for everyone, both can rearrange the socio-economic inequalities that occur to provide mutual benefits for everyone [33]. Based on the principle of justice, the implementation of the zoning system in Indonesia also needs to consider guarantees for prospective students to get equal education services both in villages and cities but also related to facilities and infrastructure of a school [34]. This can be interpreted that the success of the policy is influenced by the readiness of the local government in preparing it.

The purpose of the zoning system related to educational equality will be effective, if supported by the government in the distribution of public schools in each region or region, it can be adjusted to the balance of the population. Implementation zoning system susceptible to the occurrence of *blank spots* then the future is feared many learners cannot apply to any public school. If left unchecked it will certainly add to the serious problem. This triggers an increase in school dropout rates because parents cannot enroll in private schools [34]. Thus, it can be concluded that the zoning system that was implemented for the first time has not completely solved the problem of education.

The zoning policy is a way to guarantee wider access to education, including for students coming from non-equal families and people with disabilities. The long-term education in Indonesia will take place more evenly and the fulfillment of education rights can be achieved. although in the initial implementation still found several obstacles. The policy objectives to equalize education in Indonesia can be achieved when it can be well socialized to the community. The background to the problems that occur in the community is largely due to a lack of understanding of the new policies that are put in place.

### III. CONCLUSION

Human Rights is a state regulation that regulates the rights of citizens, one of which is the right to education. Every citizen has the same right to getting an education. but not all citizens have these rights. This is because education in Indonesia still faces many obstacles to progress, including uneven education and the presence of superior and non-superior literacy schools. Problems like this become obstacles in the development of education in a country. Responding to these problems, the government issued a new policy, namely the zoning system that is applied to the acceptance of new students. This policy prioritizes students based on the distance from the residence to the school. The zoning system implemented in Indonesia has had a positive impact, which can facilitate the community in getting access to education. through a radius of distance can help people around the school can send their children to school closely, so they can monitor their children's development. However, in addition to these conditions in the field still causing problems, there are schools whose quota is met and there are also schools that experience *blank spots*. This is due to Indonesia's uneven geographical location. Besides that, the socialization that was carried out was still lacking, so that the public was not yet familiar with the zoning system. The pros and cons of this policy can be as an evaluation in the future to achieve the expected goals. According to the Ministry of Education and Culture the existence of this system to reform schools. Ease of access to schools that are facilitated and close to government objectives can fulfill the rights of citizens to get an education

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