



# Education as a Human Right: An Analysis of The Compulsory Education Program as an Effort to Fulfill The Right to Education

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**Abstract.** This study aims to evaluate the implementation of the compulsory education program in Bekasi City, identify its challenges, and propose solutions to ensure the fulfillment of citizens' educational rights as a part of human rights. The urgency of this research arises from significant disparities in education completion rates across primary, junior, and senior education levels, as highlighted by national statistics. Despite clear regulatory frameworks, such as Government Regulation No. 47/2008 on Compulsory Education, the program's effectiveness remains questionable, particularly at the senior secondary level. Bekasi City, with its high population density, faces numerous issues, including economic barriers, school access limitations, and inadequate public support, resulting in thousands of children dropping out of school. The study employs an empirical legal research methodology with a socio-legal approach to analyze the practical implementation of the compulsory education program. Primary data was gathered through interviews with stakeholders, such as the Bekasi City Education Office and schools, while the normative legal analysis reviewed relevant laws, including Law No. 20/2003 on the National Education System and Government Regulation No. 47/2008. The findings indicate that the compulsory education program in Bekasi City has not been fully effective due to economic constraints, inaccurate targeting of financial assistance, and administrative disconnections between local and provincial governments. While the law guarantees free basic education, hidden fees and financial burdens on families undermine its implementation. The study highlights the need for better budget transparency, improved transportation access, and increased public awareness of education's importance. The novelty of this research lies in its comprehensive evaluation of compulsory education through legal and empirical lenses, offering concrete recommendations for strengthening education policies to achieve equity and accessibility in Bekasi.

**Keywords:** *Human Rights; Compulsory Education Program; Education.*

## 1 Introduction

The strategic basis of development is education.[1] Government education policies must also be implemented consciously and systematically because the improvement of quality and equality in education is a conscious and systematic effort, as stipulated in Government Regulation No. 47/2008 on Compulsory Education. Article 1 of

Government Regulation No. 47/2008 states that the implementation of the compulsory education program is the responsibility of the government. Therefore, the central and local governments must ensure that through the compulsory education program, Indonesians can enjoy quality education. Children as the next generation of the nation can obtain proper education equally. Therefore, the compulsory education program is present as a form of improvement in increasing access and equitable distribution of quality basic education services that can be reached by every community.[2] However, it is necessary to review the implementation of the compulsory education program, because based on Susenas 2023 data, the national education completion rate for primary / equivalent education levels is 97.83 percent, the junior / equivalent level is 90.44 percent, while for senior / equivalent levels it is only 66.79 percent.[3] This means that there is a considerable gap between the levels of education completion in primary school, junior secondary school and senior secondary school, so it can be said that the implementation of the compulsory education program as a whole needs to be reviewed.

Previous research conducted by Iis Margiyanti and Siti Tiara Maulia found that the 12-year compulsory education program has not run optimally in certain areas, such as in Bogor district, where access to education is not very supportive of the implementation of the program due to regional autonomy policies, the number of students that do not match the number of schools and the culture that affects students' learning activities. Therefore, the researcher took one example of a region that is used as a case study related to the implementation of a compulsory education program as part of fulfilling human rights, namely Bekasi City, which is one of the regions in West Java Province that organizes a 12-year compulsory education program and is part of an autonomous region including the Education section. In 2023, the population of Bekasi City based on the results of the SP 2020 projection is estimated to reach 2.63 million people. Consisting of 1.32 million men and 1.63 million women.[4] From this data, it is known that as many as 1,349 children have dropped out of school. This is based on the Basic Education Data (Dapodik) for the 2020/2021 school year submitted by the Bekasi City Education Office. Thousands of children who dropped out of school consisted of elementary and junior high school education levels, where with the level of public elementary school: 342 children, private: 303 children and public junior high school: 257 children, private: 446 children. Based on the news presented, the cause of children dropping out of school is parents who are negligent in education and economic factors.[5] So it can be said that the effectiveness in the implementation of the compulsory learning program implemented in Bekasi City must be reviewed.

In relation to the reason why children do not receive education is for economic reasons, based on the laws and regulations, especially in Government Regulation No. 47/2008 on Compulsory Education Program, the contents of the regulation are clearly known what are the restrictions in the compulsory education program implemented by the government. Therefore, based on the legal basis, it can be concluded that all Indonesians have the right to obtain basic education free of charge. It should be noted that this research aims to assist the government in the formulation of ideal compulsory education regulations for the community with the aim of being able to fulfill the community's right to education equally.

## 2 Method

The research conducted in this study employs an empirical legal research methodology, which focuses on primary data obtained directly from fieldwork. Primary data collection involves a series of interviews conducted with stakeholders, including the Bekasi City Education Office and representatives from schools. The study adopts a socio-legal approach, which allows for an analysis of the interaction between law and society, particularly in relation to the implementation of compulsory education programs. This approach enables the researchers to examine how these programs operate in practice and identify challenges or successes based on empirical findings from the field.

To complement the empirical component, the study also incorporates a normative legal research method. This method involves a legal analysis of laws and regulations relevant to compulsory education programs in Indonesia, with a specific emphasis on their application in Bekasi City. By reviewing legal frameworks, policies, and statutory provisions, the research provides a comprehensive understanding of the legal foundation for compulsory education. Combining empirical data with normative analysis ensures a holistic examination, highlighting both the practical realities in the field and the legal structures underpinning the implementation of these programs.

## 3 Results And Discussion

### 3.1 Compulsory Education Program

Soedijarto in Ishaq (2006) states “Compulsory Education refers to a policy that requires citizens of school age to attend school education to a certain level and the government seeks to provide full support, so that citizens participating in compulsory education can attend school education.[6] To support the improvement of human resource quality, the Government has designed a compulsory education program through Government Regulation No. 47/2008 on Compulsory Education as a minimum education program that must be followed by Indonesian citizens, managed by the government and local governments. The compulsory education program for 12 years continues the previous 9-year program. In accordance with the Minister of Education and Culture Regulation No. 80 of 2013 on the Universal Secondary Education Program, this is referred to as the Universal Secondary Education Program(PMU).

Article 6 Paragraph 1: “Every citizen aged seven to fifteen is obliged to attend basic education”. Article 11 Paragraphs 1 and 2: (1) “The Government and Regional Governments shall provide services and facilities, and ensure the implementation of quality education for every citizen without discrimination”. (2) “The government and regional governments shall guarantee the availability of funds for the implementation of education for every citizen aged seven to fifteen years”. Article 34 Paragraphs 2 and 3: (2) “The Government and Regional Governments guarantee the implementation of compulsory education at least at the basic education level without charging fees”. (3) “Compulsory education is the responsibility of the state and is organized by educational institutions of the government, regional governments and communities”. Regarding compulsory education, it is further regulated in Government Regulation No 47/2008 on

Compulsory Education, Article 12 states (1) “Every Indonesian citizen of compulsory education age is obliged to follow the compulsory education program”. (2) “Every Indonesian citizen who has children of compulsory education age is responsible for providing compulsory education to their children”. (3) “District/city governments are obliged to make efforts so that every Indonesian citizen of compulsory school age participates in the compulsory education program”.

From all of these regulations, it can be said that the compulsory education program is the responsibility of the State which aims to fulfill the community's right to education. The compulsory education program is held to be a manifestation of the concept of education.

### **3.2 Education as a Human Right**

In accordance with Law No. 11 of 2005 on the Ratification of the International Covenant on Economic, Social, and Cultural Rights, Indonesia is obliged to participate in this Agreement, which recognizes the right of every person to receive education. The countries that are part of this convention agree that education should be focused on the development of human personality and dignity as a whole, as well as strengthening respect for human rights and fundamental freedoms.

Indonesia is one of the countries that ratified the ICESCR, so it is required to be responsible for implementing human rights protection, in this case the right to education. Therefore, the central and local governments must carry out their responsibilities by implementing various policies to achieve the fulfillment of the right to education. It is hoped that Law No. 20/2003 on the National Education System can achieve the fulfillment of children's right to education equally by ensuring the continuity of the provision of compulsory basic education at no cost for children of primary school age, in accordance with Articles 13 and 14 of the ICECR.[7]

Article 1 Paragraph 1 of Government Regulation No 47/2008 on Compulsory Education defines “Compulsory Education is a minimum education program that must be followed by Indonesian citizens under the responsibility of the Government and local governments”. Therefore, people are required to attend basic education because young children's experiences in the first five years of life are critical to their well-being and provide a foundation for lifelong learning.[8] So the role of the government and the role of parents is needed to fulfill this basic education, especially the role of parents in educating children in the first five years because children's first education is obtained from the family environment. Seel revealed that “compulsory education refers to the most crucial period of formal education required by law of all children between certain ages in a given country”.[9] Therefore, as a state that ratifies international human rights provisions, it is obliged to respect, to protect and to fulfill. The obligation to fulfill human rights refers to the obligation of the state to take legislative, administrative, judicial and practical policy measures to ensure that the rights it is obliged to fulfill can be fulfilled to the maximum achievement, the obligation to fulfill is a positive obligation that requires the state to take steps for the fulfillment of human rights.[10] In succeeding the compulsory education as an effort to fulfill the basic rights of every citizen, the government is obliged to implement a policy of compulsory education

programs that are affordable, quality, and equitable so that they can be enjoyed by all layers of society.

### **3.3 Effectiveness of the Compulsory Education Program in Bekasi City**

APM and APK which are quite perfect can be seen at the SD/MI/equivalent and SMP/MTs/equivalent levels of education, while at the SMA / SMK / MA / equivalent level it is still quite low, it can be seen that the Pure Participation Rate in 2023 at the high school level is 70.58 and the Gross Participation Rate in 2023 at the high school level is 103.08. When viewed from the APM at the equivalent high school level, it can be said that there are still a minimum of school-age children at the equivalent high school level who have not experienced the 12-year compulsory education program in Bekasi City. At The central and local governments bear the cost of education at the elementary level, and in accordance with the law, both local and central governments are required to allocate a minimum of 20% for the purpose of organizing education. This means that education funding comes from the APBN and APBD, but it is managed directly by the Bekasi City government, in contrast to funding at the high school level which is managed by the West Provincial Government.

Regulatory regulations have outlined what is prohibited in the implementation of the compulsory education program, but schools have not really been able to implement what has been stated in the law, this is due to constraints in costs and the existence of unscrupulous games within the school, the people of Bekasi City find it very difficult to distinguish which is a levy and which is a voluntary contribution, in other words, the uniform money and money for school needs mentioned earlier are a form of smoothed levies, this can only happen for two reasons, namely, the school is playing or the funds issued by the government are insufficient to meet the needs of the school. The entire community has the right to free basic education, but the word free is only a discourse, in the scope of implementation there are still many school needs that must be met by parents of students, this results in many parents choosing not to send their children to school due to economic limitations, inaccurate targeting of assistance for the poor is also a major problem, so in this case extra strength is needed from the government and the community so that the community, especially the Bekasi City community, is able to get their rights, especially in the field of education.

## **4 Conclusion**

The regulatory mechanism of the compulsory education program has not been implemented properly, this is because there are still many people who deliberately play for their own satisfaction, meaning that there is a disconnected power relationship due to restrictions on school stakeholders who receive guidance, supervision and budget directly from the central government with schools that are regulated, managed and supervised by the local government in this case the district /city government so that the disconnection of administrative management from the local government with the provincial government results in a lack of information and transparency of budget data. And regarding the compulsory education program, which should be part of the

fulfillment of human rights, it has not been implemented properly because of the unequal access to education, the reach of schools, and the lack of public transportation facilities which are the causes of the non-achievement of the compulsory education program, and the community's awareness of the importance of education must still be grown again with socialization by stakeholders.

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