

The impact of accepting new students with the zoning system on the right to children's education

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Abstract

Education is a human right. Everyone has the right to receive educational rights without restrictions. Everyone has the right to get the education and level of education they will attend. The government has an education equalization plan with the issuance of the Minister of Education and Culture Regulation No. 14 of 2018. The Minister of Education and Culture mentioned above applies a zoning system. The Minister of Education and Culture does not rule out the possibility of impacts for prospective students who wish to continue their education. The problem is how the impact of the PPDB zoning system on education rights in Kajen Subdistrict, Pekalongan Regency. The approach method used is a sociological juridical approach method. PPDB has positive and negative impacts. According to researchers, PPDB is not in accordance with the right to education of children, due to restrictions, the gap in the quality of learning with the same level of difficulty of the National Examination and the same curriculum that applies nationally.

Keywords: education rights, children, impact of zoning

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1. Introduction

Education is a human right. Every citizen has the right to receive the right to education without restrictions. Every citizen has the right to receive education and the level of education they will attend. Every citizen has the right to receive education, this has been explicitly and clearly regulated in Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which reads as follows "Every citizen has the right to education".

As stipulated in Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia mentioned above, according to the author, every citizen has the right to education and the state is obliged to fulfill the right to education. In addition, at the opening of the 1945 Constitution of the Republic of Indonesia paragraph IV, it was stressed that "the Government of the Indonesian state protects all of the Indonesian people and all of Indonesia's blood and to promote public welfare, educate the nation's life". Thus the Government has an obligation to guarantee the education of its citizens.

Not only getting the right to education, every citizen has the same right to obtain quality education. Every citizen has the right to equality in the quality of education organized by the Government, both citizens who live in rural and urban areas, both in coastal areas and in the highlands. The equalization of these rights is not solely without legal basis, but has been regulated in Article 5 paragraph (1) of Law number 20 of 2003 concerning the National Education System.

In organizing education, especially for there is a new student admissions system that can be followed by each prospective student without having to see the domicile or residence of the prospective student. Prospective students whose dwellings are far or different from the subdistrict with the location of the school to be addressed are not a problem because the new student admission system uses written selection and / or uses the results of the exam results which will be ranked and accepted according to the number of students determined by the school concerned.

Year after year, the Government has breakthroughs in the plan for equal distribution of education in all regions of the Republic of Indonesia. The equality plan has been realized with the issuance of Minister of Education and Culture Regulation No. 17 of 2017 concerning Acceptance of New Kindergarten, Elementary, Middle School, High School, and Vocational School Students. the new student admission system becomes a zoning system. Admission of New Students with this zoning system applies to schools with public status.

Based on Minister of Education and Culture Regulation Number 17 of 2017 above, by implementing a zoning system, schools organized by local governments must accept prospective students who live in the nearest zonater radius of the school at least 90 percent of the total number of students accepted (Wulandari, Hasyim, & Nurmalisa, 2018: 1). However, Minister of Education and Culture Regulation number 17 of 2017 concerning Acceptance of New Students in Kindergartens, Elementary Schools, Junior High Schools, High Schools, Vocational High Schools, or Other Similar Forms which have been replaced by Minister of Education and Culture Regulations (Permendikbud) Number 14 of 2018 concerning Acceptance of New Students in Kindergartens, Elementary Schools, Junior High Schools, High Schools, Vocational High Schools, or Other Similar Forms, has replaced the previous regulations which are considered to be inappropriate.

The issuance of the Minister of Education and Culture regulation above, which applies the zoning system, changes the new student admission system, which at first every prospective student can register at the desired school even though it is not located in one sub-district where prospective students live as a zoning system (according to domicile) / residence as evidenced by the family card). Because of the new student admission system regulations issued by the government, it does not rule out the possibility of impacts on prospective students who wish to continue their education, especially for prospective junior high school students and / or high school and / or high school majors and / or equal.

Minister of Education and Culture Regulation Number 14 of 2018 concerning the Acceptance of New Students in Kindergartens, Primary Schools, Junior High Schools, High Schools, Vocational High Schools, or Other Similar Forms which has established a new student admission system with a zoning system . The issuance of the regulation allows for an impact on the system. Based on these thoughts, the research takes the following issues: (1) What is the right to education and the principle of human rights to education?; (2) How is the Acceptance of New Students in the Zoning System? and (3) What is the impact of the Acceptance of New Students with the Zoning System on the Right to Education of Children in Human Rights?

2. Method

This study uses socio legal research. Socio legal research gives importance to the steps of qualitative observation and analysis (Soemitro: 1988). The characteristics of sociolegal research methods can be identified through sociolegal studies conducting textual studies, articles in legislation and policies can be critically analyzed and explained

their meaning and implications for legal subjects (including marginalized groups). Sociological research is conducted by researching in the field (field research) by interviewing respondents who are primary data and examining library material which is secondary data called library research.

3. Right to Education

Education is the main means for everyone to be able to increase awareness of their dignity. Education is increasingly recognized as one of the best financial investments available to the country, although the meaning of education is not merely practical and instrumental. A mind that is intelligent, bright, active, and capable of flying freely is one of the happiness and rewards that come from being human. The exercise of the right to education is very important for the fulfillment of various other human rights, such as other human rights, such as the right to work, health, and political participation. Education also plays an important role in empowering women, protecting children from dangerous work and sexual exploitation, promoting human rights and democracy, protecting the living environment, and controlling population growth. Savic said that the operation of human rights in the democratic regulation of political and legal life is the standard of legitimacy of modern countries (Halili, 2016: 199).

The right to education is based on the fact that universal basic education is one of the Millennium Development Goals which must pay close attention to the fulfillment of the right to education and ensure that all parties can benefit from the availability of better access to education. The issue of the right to education is part of economic, social and cultural rights and requires broad state intervention in planning, implementing, setting policy standards, and evaluating especially in realizing the country's goals namely: educating the nation's life (Utari & Udiana, 2015: 669).

International human rights treaties define the right to education in a way that is comparatively accurate. In addition to providing compulsory and free basic education for all children, the state also has an obligation to develop free and equal secondary education (including vocational training) for all people and equal access to higher education free of charge based on capacity. The state also has an obligation to work towards the elimination of illiteracy, for adults who have not yet fulfilled their basic educational needs. Equality and non-discrimination are two important aspects of the right to education, and the state must prioritize equal access to girls and other groups that are vulnerable to discrimination, such as children with disabilities, minority children and refugee children.

In principle, the state can provide the right to education in the context of both public and private schools. Because private schools usually do not guarantee basic education without the cost of children, the state has an obligation to build sufficient number of public schools, employ the required quality teachers and provide quality education as regulated by international human rights law . As a first step, all countries that are signatories to the international covenant on economic, social and cultural rights must create and implement, within two years after ratification, a detailed action plan for the progressive implementation of the principle of compulsory and free basic education for everyone. Apart from these positive obligations to fulfill the right to education, countries have an obligation to respect the freedom of parents to choose private schools for their children and to ensure that the religious and moral education received by their children is in accordance with their own beliefs.

Article 13 of the International Covenant on Economic, Social and Cultural Rights states that States parties to this Covenant recognize the right of everyone to education.

These countries agree that education must be directed at the full development of the human personality and awareness of their worth, and strengthen respect for human rights and basic freedoms. They further agreed that education must enable all people to participate effectively in a free society, promote understanding, tolerance and friendship between all nations and all groups, races, ethnicities or religions and enhance the activities of the United Nations to maintain peace.

The parties to the Covenant recognize that in order to achieve the full realization of this right: (a) Basic education must be compulsory and free for all; (b) Further education in various forms, including technical and vocational education, must be generally available and open to all people in all appropriate ways, and in particular through the provision of gradual free education; (c) Higher education must also be carried out with the principle of being open to all people on the basis of ability, with all appropriate efforts, especially through the provision of gradual Free education; (d) Fundamental education must be encouraged or infested as far as possible for people who have never received or have not completed all of their basic education; (e) The development of a school system at all levels must be actively pursued, an adequate scholarship system must be established, and the material conditions of the teaching staff must be continually improved.

States parties to the Covenant promise to respect the freedom of parents and, if any, legal guardians of students to choose schools for their children, in addition to schools established by government agencies, as long as these schools meet the minimum education standards set or agreed by the government concerned, and to protect the religious and moral education of their children according to their beliefs. Human rights have several principles. The principles related to the right to children's education, according to the researchers include the principle of equality, the principle of non-discrimination, and the principle of state responsibility.

The principle of equality The concept of equality expresses the idea of respecting the dignity inherent in every human being. Specifically article 1 of the DUHAM (Universal Declaration of Human Rights) states that: every human being is born free and equal in his dignity. Equality requires equal treatment, where in the same situation it must be treated equally, and with debate, where in different situations they are treated differently.

The principle of non-discrimination is integrated in equality. This principle ensures that no one can negate the rights of others due to external factors, such as race, color, sex, language, religion, politics or other views, nationality, ownership, birth status or others. Prohibition of discrimination is an important part of the principle of equality. If all people are equal, then there should be no discriminatory treatment (other than affirmative action taken to achieve equality). In effect, discrimination is a gap in the difference in treatment from the treatment that should be the same / equal. Syed in the book *Ifdhal eunuch* commented on Article 26 of the UDHR (Universal Declaration of Human Rights), that as a regime, the right to education is a unified building of the international human rights legal system. To advance the right to education, the state is obliged to advance human rights values in an educational curriculum that is in harmony with the construction of universal human rights. The UDHR emphasizes the importance of the substance of education itself, namely education helps children to recognize themselves, their talents and abilities in social interactions where they are (Fattah, 2017: 355).

Education is the right of every citizen, but its fulfillment depends very much on the commitment of the state. The facts show that the state has not been able to fulfill the right to education for all citizens. This, of course, must be a whip for the state, bearing in mind

that education aside from being a citizen's right is also a very essential thing in building the character and morals of the nation (Yudhanti, 2012: 13).

The principle of state responsibility, the State and other obligation holders are responsible for observing human rights. In this case, they must abide by the legal norms and standards contained in human rights instruments. In the event that they fail in carrying out their responsibilities, the injured parties have the right to file a claim appropriately, before the claim is submitted to a competent court or other adjudicator in accordance with applicable legal rules and procedures.

4. Admission of New Students to the Zoning System

Admission of new students under the zoning system is regulated in Article 16 of the Minister of Education and Culture Regulation No. 14 of 2018 concerning the Acceptance of New Students in kindergartens, elementary schools, junior high schools, senior high schools, vocational high schools, or other forms Equal.

Schools run by local governments must accept prospective students who live in the closest zone radius of the School at least 90% (ninety percent) of the total number of students received. Domicile of prospective students is based on the address on the family card issued no later than 6 (six) months before the implementation of the admission of new students. The closest zone radius as mentioned above is determined by the regional government in accordance with the conditions in the area based on: a. availability of school-age children in the area; and b. the amount of capacity available in the study group at each school.

5. The impact Admission of New Students to the Zoning System

The fundamental problem in fulfilling the right to education in Indonesia is a matter of legislation and policy. Between the Law or National Education policy and the noble ideals of independence and the 1945 constitution, between national and international human rights instruments and standards are apparently not in harmony so that development in education has not been based on human rights (Machali, 2012: 20). Violation of children's rights, if we pay close attention, clearly has contributed to inaction in the field of education. Educational efforts, which should be used for the empowerment of students so that they are able to anticipate challenges and be responsible for the success of their lives in the future, have downplayed the meaning of education itself into merely a stagnant cultural reproduction instrument (Musthafa, 2002: 5).

In Indonesia, policies related to child friendly schools are outlined in the Republic of Indonesia Ministerial Regulation on Empowerment of Children and Child Protection Number 8 of 2014 concerning Child Friendly Schools Policy. The regulation explained that Child Friendly Schools are formal, non-formal and informal education units that are safe, clean and healthy, care and cultured environment, able to guarantee, fulfill, respect children's rights and protect children from violence, discrimination, and treatment other wrongs and support the participation of children, especially in planning, policy, learning, supervision, and complaints mechanisms related to the fulfillment of children's rights and protection in education (Wuryandani, Fathurrohman, Senen, & Haryani, 2018: 86).

5.1 Positive Impact Admission of New Students to the Zoning System

First, there is an even distribution of schools, so there are no superior schools or regular schools. Like the government's initial goal, which is to equalize education, it is appropriate that the perceived impact is that there are no classifications between superior schools and regular schools. It is also intended that other students do not feel intimidated if they do not qualify for superior schools.

Second, students can get closer to the school they are going to. Considering that students' learning hours are already quite dense and they have to travel great distances to reach school, it is not impossible if later they cannot receive lessons optimally. Therefore, in order to make learning hours more effective, the government provides a zoning system policy that allows students to reach schools closer and faster.

Third, encourage the quality of each school. Knowing that there are currently no classifications between superior schools and regular schools, this allows other schools to continue to push for better quality. Not only public schools, private schools are also encouraged to continue to improve quality. That way, students can also study quietly without feeling any pressure or intimidation from any party

Fourth, the zoning program provides an opportunity for all students to get an education anywhere without being compartmentalized. Each student gets his portion in each area where he lives. The next challenge is how schools can compete to improve the quality of schools with native human resources from the area. Schools must be able to create competitive and conducive learning for the sake of creating a good learning climate (Safarah & Wibowo, 2018: 206).

5.2. Negative impact admission of New Students to the Zoning System

In addition to the positive impacts of new zoning system admissions, the system does not rule out the possibility of negative impacts, such as:

First, There Is Alleged Action Fraud. The zoning system is implemented based on the distance of the house (domicile / residence) of prospective students to the intended school and one of the conditions, which must be proven family cards of the prospective students concerned issued no later than 6 (six) months before the implementation of the acceptance of new students . Because of this zoning system, not a few parents of prospective students who hope that their children can go to a favorite school. There are even parents who are willing to come earlier than registration hours in the hope that their children get the registration number early because besides the family card requirements, an earlier registration number is also a consideration. In addition, for the sake of their children going to the favorite school, there are parents who dare to make a Family Card with a domicile that is closer to the distance of the school, even though the person domicile / residence is not as stated on the family card submitted as a condition for student admission new zoning system. Changes to the Family Card can also be updated by parents of prospective students well in advance of registration so that their children can be accepted at the intended school.

Secondly, there are restrictions. Another negative effect is to narrow the choice of prospective students to choose other schools because of the zoning system based on domicile. Considering that there is no spreading of schools that are evenly distributed

throughout the region, so that it is also a scourge for some parents of prospective students who complain of the least choice of schools that their children can take, especially in the highlands.

Third, students become lazy in learning. Another impact that can be directly seen and felt by prospective students is a disappointment that he felt after he studied at the previous school level trying to learn as much as possible to get into a favorite school, now it becomes normal because of the zoning system. the enthusiasm of prospective students is decreasing because prospective students assume that to get a favorite school does not require hard effort, but depends on the domicile / residence.

Fourth, there is a learning gap. Means and infrastructure of learners in schools located in cities with villages and / or highlands will be different. For example, the problem of information technology facilities and teaching staff. In rural areas and / or highlands access to information technology (internet) is still limited and difficult to signal, besides that there are only a few computer facilities as access facilities. Educators who are classified as minimal compared to those in urban areas who tend to have graduated from bonafet universities and there are already a number of Masters educated, whereas in rural and / or highlands there are rarely bonafet universities and there are already a number of Masters educated. The existence of this learning facility gap also affects the quality of learning quality, while the national exam material that students must work on is the same as students studying in cities.

Children are the mandate of the family, country and nations of the world, therefore children must receive special attention. These concerns include health, tranquility, freedom and education (Romly, 2012: 1). Protection for children both normal children and children who have special needs one of which is protection in the field of education. Getting proper education is a right for all children. This is based on the fact that every child can be a successful person, according to their abilities and talents. Government is community service (Nurani, Zauhar, & Saleh, 2015: 213).

6. Conclusion

Based on the description above, it can be concluded that according to the author, the acceptance of new learners of the zoning system is not in accordance with the right to children's education because: (1) children as prospective students are limited to the desired school choice; (2) children as prospective students in highland areas far from urban areas and sometimes difficult road access and unreachable distances do not receive the same quality of learning as in schools in urban areas, while national exam questions that must be worked out are standard of difficulty. the same as students who study in urban areas; (3) the zoning system according to the Author is not in accordance with 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia and Article 5 paragraph (1) of Law number 20 of 2003 concerning the national education system; (4) There are violations of human rights principles, namely the principle of equality. The principle of non-discrimination and the principle of state responsibility.

If the acceptance of new students with the zoning system continues to run, suggestions for the government are; First, the improvement of learning facilities for schools in hard-to-reach areas, such as in mountainous areas (highlands), disadvantaged areas (remote areas) so that there is equitable learning facilities and there is no learning gap with easily accessible areas (urban); Second, the equal distribution of educators (teachers); Third, the improvement of access roads to schools for the mountains (highlands).

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