

BASIC EDUCATION COMPULSORY GUARANTEE, BASED ON LAW NO: 20 OF 2003 CONCERNING NATIONAL EDUCATION SYSTEM

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ABSTRACT

One of the development goals of the Indonesian Government in the fourth paragraph of the Preamble to the Constitution of the Republic of Indonesia is "to educate the life of the nation". In the process, the role of education for the nation's children is very important. Good education creates quality human resources. From these quality human resources, it is important to support various activities and efforts that promote general welfare, advance the life of the nation and state and facilitate the development of a country. For this reason, improving the quality of human resources absolutely must be continuously carried out. Because quality human resources can provide important changes to economic development. In the APBN and APBD, it is hoped that the allocation for the education sector will receive a fairly large share. One of the development programs in developed countries of the world is free basic education and higher education scholarships for outstanding students. Currently in Indonesia, the budget allocation from APBN and APBD reaches 20% of the total budget, although not all local governments reach 20%. It is hoped that in the future there will be more budget allocation presentations so that quality human development can be maximized. There is a prominent difference between the industrial world and the availability of skilled labor in Indonesia. In this case, it must be an important concern, because in the era of globalization, the invasion of foreign workers has the potential to override the presence of workers in Indonesia. Therefore, improvement and improvement of education and curricula in schools must also be a way out of this problem.

Keywords: Education, Budget, Scholarship, Development

ABSTRAK

Salah satu cita-cita pembangunan Pemerintah Indonesia dalam alinea keempat Pembukaan Undang-Undang Dasar Negara Republik Indonesia yaitu "mencerdaskan kehidupan bangsa". Pada prosesnya peranan pendidikan anak bangsa amatlah penting. Pendidikan yang baik menciptakan sumber daya manusia yang berkualitas. Dari sumber daya manusia yang berkualitas itu, penting untuk menopang berbagai kegiatan dan usaha yang memajukan kesejahteraan umum, memajukan kehidupan berbangsa bernegara dan memperlancar pembangunan suatu negara. Untuk itu peningkatan kualitas sumber daya manusia mutlak harus terus menerus dilakukan. Karena dengan sumber daya manusia yang berkualitas dapat memberikan perubahan penting terhadap pembangunan perekonomian. Dalam APBN dan APBD, alokasi bidang pendidikan diharapkan mendapat bagian yang cukup besar. Salah satu program pembangunan di negara-negara maju dunia adalah pendidikan dasar gratis dan beasiswa pendidikan tinggi bagi siswa yang berprestasi. Saat ini di Indonesia, alokasi anggaran dari APBN dan APBD mencapai 20% dari total anggaran, meski belum semua pemerintah daerah mencapai 20%. Diharapkan kedepannya makin bertambah presentasi alokasi anggaran sehingga pembangunan manusia yang berkualitas bisa lebih maksimal lagi. Perbedaan menonjol antara dunia industri dengan ketersediaan tenaga kerja terampil di Indonesia. Dalam hal ini, wajib menjadi perhatian penting, sebab di era globalisasi, serbuan tenaga kerja asing berpotensi mengesampingkan keberadaan tenaga kerja di Indonesia. Maka dari itu lah, perbaikan dan penyempurnaan pendidikan dan kurikulum di sekolah juga harus menjadi salah satu jalan keluar dari masalah ini.

Kata kunci : Pendidikan, anggaran, beasiswa, pembanguna

1. Introduction

The education of the nation's children is an important capital in facing the future of the international world. Therefore, education must be able to prepare today's young generation who are tough, superior, highly competitive and able to work together to achieve prosperity for themselves, as well as for the state and nation. In fact, development will not be able to run properly without improving the quality of education or the quality of human resources, plus clear programs regarding how the quality of education and economic programs develop.

Everyone has the right to get access to a good education, which is appropriate and in accordance with the needs of the future so that it allows every human being to have a critical awareness in responding to the dynamics and phenomena that are happening in today's society.

Understanding the important role of education, the main source of human capital through education in developing countries is needed even though the benefits of this investment can only be felt in the long term. Budgetary constraints require setting a priority scale of various choices of appropriate investment activities in the education sector, which in the long run will boost the rate of economic growth. A profitable investment is an investment in human capital to prepare creativity, productivity and a competitive spirit in society.

In the Preamble of the 1945 Constitution of the Republic of Indonesia, paragraph 4, it is stated that the government protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare and educate the nation's life. There is a high awareness of our founding fathers that education is the most important element in the effort to realize the welfare of the nation. This statement was later strengthened in the Body of the 1945 Constitution of the Republic of Indonesia Article 31 paragraph (1) Every citizen has the right to education and Article 31 paragraph (2) All citizens are obliged to obtain basic education and the government is obliged to finance it. Then, in Law Number 20 of 2003 concerning the National Education System Article 34 paragraph 2 stated that the Government and Regional Governments guarantee the implementation of compulsory education at a minimum at the basic education level without charging a fee. Referring to Article 31 paragraph (1) of the 1945 Republic of Indonesia Constitution, education is a need that must be met by every citizen. In fact, there is an obligation for the government to finance it.

In the 1945 Constitution, article 31 paragraph 4 emphasizes the mandate of the government's obligation to budget funds for education of at least 20% of the APBN and APBD

so that people can enjoy proper educational services, especially basic education. In relation to the decision of the Constitutional Court No. 013/PUU-VI/2008, the government is required to provide an education budget of at least 20% of the APBN and APBD to meet national education implementation activities. The budget allocation is expected to meet the needs related to improving the quality of education and also guaranteeing the welfare of the teaching staff. More specifically, the education budget is set forth in article 49 of Law no. 20 of 2003 concerning the National Education System in article 1, namely education funds other than teacher salaries and official education costs are allocated a minimum of 20% of the APBN for the education sector and a minimum of 20% of the APBD.

In other words, the government, starting from the central government, provincial governments, to district and city governments, must guarantee the implementation of education without charging fees (Article 34 paragraph 2 of the Law on the National Education System). So the costs related to the implementation of education are borne by the state. However, when referring to Articles 9 and 34 of the Law on the National Education System, the editorial of Article 31 of the 1945 Republic of Indonesia Constitution becomes reduced. In these two articles it is stated that the community has the obligation to provide resource support in the implementation of education (Article 9) and has the responsibility to administer the Compulsory Education program (Article 34). In this case the government is still hesitant to take over all of its responsibilities and obligations to provide education for all its citizens.

Referring to the constitutional and juridical basis above, where the state has the obligation to finance education (non-rivalry), provide the widest possible access to all citizens to get education and every citizen has the right to get it (non-excludable). However, if in the implementation of education, the public still has to pay other costs besides those borne by the government, for example, the cost of uniforms, transportation, excursion fees, books other than those funded by BOS Books, and so on, then only they can buying uniforms, transportation, and supporting books, as well as being able to pay other expenses to go to school.

The role and function of the state in the field of education is an intermediate function, namely a government role in which the government does not fully bear the costs for the education sector, but is obliged to bear all costs for the basic education level. Thus, if the government really carries out its commitment to fully finance the implementation of education for the basic education level, the term 'free education' should be embedded. It is also related to the 9-year Basic Education Compulsory Education Program launched by the government.

The important message in the statement of the constitution can be understood as a foundation for the government, that the state through the central government and regional governments must prioritize the education budget in the APBN and APBD. The priority in question must be at least 20% of the APBN and APBD.

This study is useful for identifying education funds from the APBN, Provincial APBD, and District/City APBD. Especially throughout 2018, as well as its use for educational goals (educational units, educators and education staff, and students) and for education management.

2. Focus of Problems

From the description above, the problem is formulated as follows:.

1. How is the distribution set for educational targets (educational units, educators and education staff, and students) and for education management?
2. How does the use and implementation related agencies and the direct impact on students?

As we know, in carrying out the teaching and learning process, there are many population factors that must be considered. That is the cost for student learning equipment, uniforms, shoes and stationery. Also supporting learning activities outside of school, for example field trips, camping, social services etc.

3. Research Methodology

In the study, a survey and interview approach was used with students, or parents of students, education managers such as school principals and teachers. Also by searching for articles and searching the APBN and APBD websites of the Banten Provincial Government and the South Tangerang City Government. Surveys on size, management, allocation, and use of education funds originating from APBN, Provincial APBD, and District/City APBD were carried out at relevant institutions at the central, provincial, and district/city levels as well as education units. Quantitative data were collected and analyzed descriptively. Data was collected through field studies carried out with related samples and respondents which included the amount, management, allocation, and use of education funds from APBN, Provincial ABD, and Regency/City APBD sources starting from the central, provincial, district/city, school, to student levels. /teacher. At the central level, data and information are collected in various main units and the Planning and Finance Bureaus of the Ministry of National Education, the Ministry of Religion, the Ministry of Finance, and the National Development Planning Agency

(Bappenas). At the provincial, district/city, and school/madrasah levels, data collection was carried out by taking several research samples. The provincial sample was chosen, namely the Provincial Government of Banten. Then, at the district/city level, the City Government of South Tangerang was determined. In the city of South Tangerang, 2 public schools were selected from each level. Namely 2 SD, 2 SMP and 2 SMA. Namely schools that receive funds sourced from APBN funds which are channeled directly from the center to schools, deconcentration funds and from district/city APBD funds. For schools that receive assistance for students through special student assistance (BKM) or other scholarships, a student is selected to determine the effectiveness of the assistance.

The problem so far is that the quality of education in Indonesia is still very far from the expectations of many parties. This is proven that the Indonesian nation is still not able to compete with other nations in many fields so that it is left behind even from neighboring nations in the Asia-Southeast Asia region. If you want to produce Indonesian people with high academic achievements or want to produce Indonesian people who are ready to enter the job market or want to produce Indonesian people who have commendable morals, and the goals of education in Indonesia must be clear.

A. Research Design

If we look at many developed countries, with a high level of social welfare to finance themselves and their education, the government's role in education funding is still quite large. There are seven countries in the world that provide free education from elementary school to tertiary level, including Germany, Belgium, Norway and Finland. There, a person must submit 49.8 percent of total income, aka almost half. But the impact is that health and education at all levels are provided free of charge. In Norway, parents don't have to worry about their children's school fees because elementary to college are free. The allocation of education funds is obtained from high income taxes. In the UK and New Zealand, the government does provide free education for 11 years or until students are 16 years old in public schools. The governments of Canada, France and Spain provide free education for 10 years or until the child is 15 years old. Japan, Russia, Sweden are countries that have made nine years of education free or at the junior high school level free.

In Indonesia, even though the education sector absorbs up to 20 percent of the budget, we still hope that the government can completely eliminate education costs. The high dropout rate

from junior high school to high school level is of particular concern. This was the trigger for the rampant extortion at the MA/SMK/SMA level. Many districts/cities used to make SMA/SMK free, but now they are worried because many provinces allow schools to collect fees and tuition fees to cover budget shortfalls for education.

Education funds channeled through the central budget account for 9.95 percent of the total central budget in the APBN. This percentage is lower than the minimum 20 percent of the APBN and APBD as mandated by the 1945 Constitution and the SPN Law. Most of the education funds are managed by the Ministry of National Education, namely 76%; the remaining 19% is managed by the Ministry of Religion; and 5% managed by ministries and other institutions. This shows that the Ministry of National Education manages education funds more than four times that of the education funds managed by the Ministry of Religion. The distribution of this fund management allocation is unfair because it is not proportional. Education funds managed by the Ministry of National Education consist of routine funds of 30.77% and development funds of 69.23%. Overall, more than half of the education funds are managed by the Directorate General of Elementary and Primary Education, 34.78% managed by the Directorate General of Higher Education, 8.80% managed by the General Secretariat, 4.11% managed by the Directorate General of Primary and Secondary Education, 0.92% managed by the Directorate General of Sports , and 0.29% managed by the Inspectorate General.

Of the total funds, the Education Office and central institutions in all provinces allocated 72.64% to the education target, 11.24% was allocated to all District/City Education Offices, and was used for deconcentration project management by the Education Office and central institutions in the province of 16.12%. Of the education deconcentration funds managed by the District/City Office, 90% is allocated to education targets and the remaining 10% is used for deconcentration project management at the District/City Education Office. Deconcentration funds provided by the Provincial and District/Municipal Education Offices for educational purposes are also carried out through many projects in various forms such as those carried out by the Ministry of National Education.

B. Executor of Action

The discussion on education funding sourced from the APBD in Banten province which was sampled in 2017 is as follows.

The total budget for the education sector from the Banten Province APBD in 2017 amounted to IDR 461 billion or around 13.80 percent of the total Banten Province APBD which amounted to IDR 3.340 trillion. This percentage of the education budget is far less than the minimum 20 percent as mandated by the Constitution and the Law on the National Education System. Almost all of the education funds (99.13%) or a total of IDR 457 billion are managed by the Office of Education and Culture and the remaining IDR 4 billion (0.87%) is managed by the Education Section of the Mental and Spiritual Bureau, Provincial Secretary. Of the total education funds from the APBD of Banten Province which amounted to IDR 461.2 billion, IDR 368 billion or 79.81 percent was allocated for education targets and IDR 93.13 billion or 20.19 percent was allocated for education management. This percentage of education fund allocation for education management which is greater than 10 percent indicates inefficiency in education management and results in a reduction in the receipt of education funds for education targets.

The total education funds from the South Tangerang APBD for the 2017 fiscal year is IDR 337.697 billion or 25.20 percent of the total APBD funds which amount to IDR 1.340 trillion. If the education funds from this regional budget are deducted from the salaries of educators, which are estimated to be Rp. 224.171 billion (80% of personnel expenditure), the education funds will amount to Rp. 113.526 billion or 8.47 percent of the total regional budget. This last percentage has only reached less than half of the percentage of education funds from the regional budget, which according to Law no. 20 of 2003 concerning the National Education System, the amount is 20 percent of the Regional Revenue and Expenditure Budget (APBD) excluding teacher salaries. Of the total education funds of IDR 337.697 billion, most of it was used for indirect (routine) spending, which was IDR 283.603 billion (83.98%), and the rest was for direct (development) spending, which was IDR 54.094 billion (16.02%). Almost all (98.80%) of indirect or routine spending is in the form of personnel and personnel spending, and the remainder is for goods and services spending, maintenance spending, and financial assistance spending. Direct spending (development) is in the form of developments for PADU, TK, SD, SLTP, SMU, SMP, PLB, PLS, etc.

By identifying each type of expenditure in the education fund from the APBD of South Tangerang City, it can be estimated that the education fund allocated to the education target is 81.53 percent or IDR 275.308 billion in the form of salaries and allowances for educators and education personnel, capital expenditures, operational expenditures and maintenance;

meanwhile, 18.47 percent or IDR 62.388 billion was allocated for education management for general administration expenditure (salaries of the Education Office employees), as well as capital expenditures and operational and maintenance expenditures for the Education Office office. This percentage of education fund allocation for education management which is greater than 10 percent indicates inefficiency in education management and results in a reduction in the receipt of education funds for education targets.

In practice, the distribution of Smart Indonesia Cards (KIP) must be right on target and on time. Going to school for the class is still a dream. Especially experienced by the poor and children with special needs. The dropout rate is dominated by the two groups. The BOS, BSM and KIP programs need to be evaluated because in fact there are still many poor children who find it difficult to go to school. Slow distribution, inaccurate allocations, as well as misappropriation of funds contributed to the program's implementation. Illegal levies at school are still rampant. The blurry portrait of education in Indonesia is still colored by cases of violence at schools and complaints of extortion. This mode of violence is very complicated to decipher, because the perpetrators come from various directions. Parties directly related, namely, parents, teachers, and students, each play a dual role. That is, each can act as an actor, can also be a victim. In fact, illegal levies are very difficult to control, especially in state schools which are supposed to be free of levies and also occur at the high school level..

C. Observation

One of the goals in education is to prepare students. This is related to the position of students as good citizens who will carry out their duties and jobs in the future. That is the process that takes place before the learner is ready to plunge into the real world scene. What the education process wants to produce is in the form of graduates who have the ability to carry out their roles for the future. Roles related to certain positions and jobs, of course related to development activities in society.

To be able to create good quality education and meet the above requirements, policies from the government are needed that make education work well, one of which is "free education", but is it really true?

The law has mandated the government, to pay attention to education. But the reality now, there has been no concrete steps from the government. Very few city/district governments care about the mandate of the law. According to Balitbang data from the Ministry of National

Education relating to the analysis of Education Unit Costs (BSP) for primary and secondary education, the costs incurred include; Books and stationery, Clothing and school supplies, accommodation, transportation, consumption, health, field trips, Pocket money, courses , and school fees. Of these costs, it is highly unlikely that the costs must be borne by the parents, considering that there are still many Indonesian people who are poor. This situation clearly shows that there are still many children who drop out of school, are unemployed and so on for reasons without money. Cost is an important factor in education. However, meeting basic needs in this case is more important. This is why many parents do not send their children to school. There are so many school-age children who have to help their parents make a living.

Basic education according to the 2003 National Education System Law is a minimum education program that must be followed by Indonesian citizens on the responsibility of the government and local government. children aged seven to fifteen years. In addition, the government is also required to allocate a minimum of 20% of the State Revenue and Expenditure Budget (APBN) for the education sector.

Therefore, the law mandates that the government pay attention to school-age children so that they can attend basic education without being burdened with costs that can hamper the educational process. This is emphasized in the National Education System Law number 20 of 2003 article 11 paragraph 2 which reads "The government and regional governments are obliged to guarantee the availability of funds to provide education for every citizen aged seven to fifteen years". If we examine the contents of Article 11 paragraph 2 of the 2003 National Education System Law, there are many meanings contained therein, including: Funding for basic education is the responsibility of the government, school-age children, namely ages seven to fifteen, have the right to basic education free of charge. However, the reality that happened was that a promise was left as a promise, there was never any proof. Free education only lowers the quality of our education. The government or related officials also make it a field of fortune.

In Law no. 20 of 2003, PP no. 30, 29, 28, and 27, explain that the sources of education funds come from the government, parents and the wider community. Meanwhile, McMahon and Suwaryani (2001:60) state that school income sources can be classified into three main sources, namely from the central government, local government and parents. There are other sources relevant to financing education, for example foreign aid (Bray, 1996: 32). Clark et al. (1998:33) divide Indonesian education funding sources into two categories: (1) costs

originating from the government and (2) costs originating from parents and non-government. The Ministry of National Education Research and Development Center for Education Data and Information (2002) classifies education funding sources into seven main sources, namely:

1. Central Government;
2. Regency/City Government which is used for personnel expenditures, goods and maintenance expenditures as well as from power and services;
3. Educational foundations (private) that are used for employee salaries, operations, maintenance, and administration;
4. Private non-educational institutions;
5. Parents of students in the form of entry fees, school fees, BP3/POMG, other Ebtanas/Tests and extra-curricular fees;
6. Special production unit for SMK; and
7. Other sources of funds (DBO).

4. Finding and Discussion

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Free education is a government policy in which students are no longer burdened with various fees ranging from entrance fees, school fees, committee fees, and main supporting books. Meanwhile, for other costs, the regional government is not borne, for example, transportation costs, uniforms, and other costs (additional materials, excursions, and so on). The cost component for fulfilling the 'free education' policy is in the form of subsidies. This subsidy is also accompanied by a number of conditions, namely if the amount of assistance provided by the central government and provincial government is less than the operational costs of schools, the city government and students must cover the shortfall. However, if the amount of funds provided is the same or greater, parents are exempt from tuition fees.

Sources of funding for this 'free education' program can come from the government, local government, community, and parents. Schools have different policies regarding the amount of tuition that must be borne by the school and parents. Even if the local government subsidizes school fees, there are still parents in certain schools who are still burdened by a number of school fees.

Lack of commitment and attention of the government in the implementation of development in the education sector. The government should seriously carry out its strategic steps which focus on 3 main things namely:

1. First, increase equity and access to education as widely as possible.
2. Second, improving quality, relevance and competitiveness for all levels of education.
3. Third, improving governance, accountability and public image in the education sector.

Until now it seems that the national education policy has not gone in that direction. Now many interesting discourses are developing in society, one of which is Free Education. However, the program, which was welcomed by the middle and lower class, was not welcomed by educators. Teachers especially. It is said that this program will only reduce the welfare of teachers. From here, the pros and cons of this program arise. All costs related to education are FREE. Starting from tuition fees, exam fees, book fees, and all other costs. Schools are strictly forbidden to charge fees. In contrast to the lower middle class, educators clearly object to this program, teachers' welfare is starting to decline, there is no additional money that teachers can get, for example extra from tutoring, gratuities from selling LKS (Student Work Sheets) or books. guide. It is clear that every month schools have to pay the salaries of teachers and staff, incur school operational costs such as electricity, water, telephone, internet and of course the costs are not small. Then where does the school get these costs, if compensation from free education is paid quarterly. Conditions like this have resulted in teachers (although not all) who also have the need to earn a decent income, sometimes to be reluctant to teach, this of course results in a decline in the quality of students. This government program will become easier to realize if the welfare of the teaching staff is also considered. The program will run without any pros and cons, the quality does not need to be doubted, and the teachers are happy to teach all new things to their students.

Management of education funds from the Provincial APBD is used for salaries and allowances for employees within the Provincial Education Office, and the remainder is for operational and maintenance expenditures and capital expenditures for education units and offices of the Provincial Education Office as well as expenditures for development of education units. The very low non-salary education funds and available allowances have a negative effect on the quality of education. In general, the percentage of education fund allocation for education management is more than 10 percent which indicates inefficiency in the management of education funds and results in a reduction in the receipt of education funds for education targets.

Why should the cost of education be free, so we should go back to 1945 when we proclaimed ourselves as an independent Indonesian nation that aspired to educate the life of its people. How will we be able to educate this nation if it is difficult for citizens to get basic education because education managed by the government is expensive. For Indonesia, guaranteed access to basic education has actually become a commitment between the

government and society, as stipulated in the 1945 Constitution that the goal of the state is to educate the nation's life. The importance of justice in accessing quality education is clarified and detailed in Law No. 20 of 2003 concerning the National Education. In it there are obligations that must be carried out by the government, including the issue of costs. The government's obligation to provide basic education costs is contained in the mandate of the 1945 Constitution in article 31 paragraph 2 which reads "Every citizen is obliged to attend basic education and the government is obliged to finance it"

5. Conclusion

Education is a fixed price in life because education is a human right as stated in the Universal Declaration of Human Rights. To build a civil society, intelligent and competent human beings are needed. In addition, the global era marked by the birth of a knowledge-based society demands mastery of knowledge, skills, values and attitudes. In order to build a solid educational establishment, Indonesia has for more than 15 years planted the foundations of basic education by launching a compulsory education program starting from 6 years and expanding to 9 years. Compulsory education has implications for fee waivers as a form of government responsibility, both central and regional, to make nine years of basic education a success Recommendation

Education is long life needs. Everyone needs education, how long and wherever they are, without human education it will be difficult to develop and will even be underdeveloped. Thus education must really be directed to produce quality human beings who are able to compete, in addition to possessing noble character and good morals.

Education funds from the APBN, Provincial APBD, and Regency/City APBD need to be increased so that they reach a minimum of 20 percent of the APBN and APBD excluding educator salaries in accordance with the mandate of the 1945 Constitution and the National Education System Law. It is necessary to clarify the division of authority for the management of education funds between the Central Government, Provincial Governments, and District/City Governments in accordance with the decentralization system so that there are no overlaps in education funding, inequality in education funding for education targets, and wastage of education funds. The percentage of education funds for other than salaries and

allowances for employees, educators and education personnel needs to be increased to improve the quality of education.

Free education programs have many positive impacts, namely:

- Even distribution of education in Indonesia and the level of education in Indonesia
- To educate the nation's future generations
- Improving the quality and quality of human resources
- The unemployment rate will decrease
- Poverty rate will decrease
- Advance education and the nation's economy

Article 11 paragraph 2 of the National Education System Law no 20 of 2003 reads "The government and regional governments are obliged to guarantee the implementation of education for citizens aged seven to fifteen years." Article 34 paragraph 2 of the National Education System Law no 20 of 2003 reads "The government and regional governments guarantee the minimum study at the basic education level without charging a fee." Based on this law, the government should have a high commitment to implement it. Because in addition to the demands of the law, education can also improve the welfare of its citizens.

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