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Harmonization of the National Education System Law No. 20 of 2003 Based on Dignified Justice

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Abstract

This study analyzes the harmonization of Indonesia's National Education System Law No. 20/2003 through the lens of dignified justice. Although the law ensures the right to education for all citizens, its implementation faces challenges in access, quality, and equity across regions and socio-economic groups. Using a normative juridical method and doctrinal approach, this research explores legal norms and sociological realities. The findings highlight the need for inclusive, affirmative education policies that address the needs of vulnerable groups and promote equal opportunities. Strengthening institutional capacity, enhancing public participation, and decentralizing policy are essential to achieving a more just and dignified education system.

Keywords: Harmonization, National Education Law, Dignified Justice, Education Gap.

Introduction

Education holds a strategic position in national development, not only as a tool for producing superior human resources but also as an instrument of social justice (Bosio, 2023; Shavkidinova et al., 2023). In Indonesia, the national education system has undergone various transformations since independence, in terms of curriculum policies, educational institution management, and the educational philosophy upheld by the state. One of the significant legal milestones in the history of Indonesian education is the enactment of Law Number 20 of 2003 on the National Education System, which serves as the main legal framework for the implementation of national education (Hidayat et al., 2025; Muhayani, 2024; Trinh, 2023).

The 2003 National Education System Law was introduced as the government's effort to establish a democratic, open education system that upholds the values of Pancasila and the 1945 Constitution (Eviningrum & Wibisono, 2024; Fauzi et al., 2024). However, in practice, the implementation of this law still faces various challenges. The disparity in access to education between urban and rural areas, the quality gap between public and private schools, and the high cost of education are real sources of conflict in society. This is further exacerbated by the low effectiveness of supervision over educational institutions, both formal and non-formal, which ultimately creates a gap in the justice of accessing educational rights.

According to data from Goodstats, the education gap between urban and rural areas remains significant. Based on information about the highest level of education attained by people aged 15 and above in rural and urban areas, 5.11% of the rural population has never attended school, and 12.39% have not completed elementary education (SD). In contrast, in urban areas, only 1.93% of the population has never attended school, and 6.62% have not completed elementary

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school. In urban areas, 49.16% of the population aged 15 and above have completed high school or its equivalent, while in rural areas, only 27.98% have completed the same level of education. This data shows that the majority of the rural population only completes education up to the elementary school level, which accounts for 31.13% (Jauhari, 2023).

In response to the challenges of educational inequality, the government has formulated several strategic policies in the field of education (As'ad et al., 2024), which include: a) easy access and equitable distribution of educational opportunities for all people, b) fairness or equity in obtaining equal opportunities between social groups, c) strengthening aspects of education financing, and d) monitoring and evaluation systems to ensure the effectiveness of education programs.

The concept of dignified justice, proposed by (Teguh Prasetyo, 2019), emphasizes that justice is not merely legal-formal but must also uphold human dignity (*nguwongke uwong*). By examining the harmonization of the National Education System Law through the lens of dignified justice, this research is crucial in promoting legal reforms in education that are more humanistic, inclusive, and socially just.

Various previous studies have discussed the Indonesian national education system and its implementation issues. Duryat, (2022) explored the history and dynamics of education regulations over time and found that the Indonesian education system still faces regulatory inconsistencies and discontinuous policies. Mere (2024) and Finanda et al., (2024) criticized the frequent curriculum changes that are heavily politically driven, causing the education system to become unstable. On the other hand, Teguh Prasetyo, (2019) introduced the concept of dignified justice as a legal paradigm based on the values of divinity, humanity, and the nation's culture. Kennedy (2024) research emphasizes the importance of upholding the rule of law and human rights through the principle of dignified justice in various sectors, but has not specifically addressed the education sector. Studies that directly link the National Education System Law (UU Sisdiknas) and dignified justice are still very rare. Therefore, this study aims to fill that gap and provide a new perspective on educational law reform in Indonesia.

The novelty of this research lies in its approach, which reviews the implementation of Law No. 20/2003 on the National Education System through the lens of the government's two main strategic policies, namely access to education and equity in the acquisition of educational opportunities.

This study aims to analyse the extent to which the harmonization of Law No 20/2003 on the National Education System has supported the implementation of the government's two main strategic policies in the field of education, namely access and ease of obtaining education for all citizens, as well as equity in obtaining educational opportunities for all community groups, especially those who are socially, economically and geographically marginalized. Through a normative juridical approach, this research also aims to critically examine how the provisions of the National Education System Law are implemented in the context of education equity, as well as to develop policy recommendations that are more inclusive, fair, and in accordance with the needs of Indonesian society in realizing equitable and just education.

Method

This study uses a normative juridical approach, which focuses on the examination of applicable legal norms and relevant legal doctrines related to the substance of the research (Negara, 2023; Rohman et al., 2024). This approach aims to gain a deep understanding of the legal framework

governing the national education system, particularly Law Number 20 of 2003 concerning the National Education System. This approach is used to examine the extent to which these laws and regulations have accommodated the principles of accessibility and fairness in education for all citizens, especially vulnerable and marginalized groups.

In this normative juridical approach, the research is conducted by analyzing secondary legal materials, which consist of:

Primary legal materials, including relevant regulations such as:

The 1945 Constitution of the Republic of Indonesia;

Law Number 20 of 2003 concerning the National Education System;

Law Number 14 of 2005 concerning Teachers and Lecturers;

Government Regulation Number 47 of 2008 concerning Compulsory Education;

Technical regulations on the implementation of education and education financing.

Secondary legal materials, which include literature, scholarly journals, reference books, previous research findings, and opinions from legal experts related to education and dignified justice.

Tertiary legal materials, such as legal dictionaries, encyclopedias, and other supportive sources to understand specific legal terms and contexts.

Data analysis was conducted in a qualitative-descriptive manner, by interpreting and evaluating the content of legal norms to measure their consistency with the principles of educational equity and national strategic policies. Through this method, this research is expected to make conceptual and practical contributions towards strengthening education policies that are more inclusive and equitable.

Result and Discussion

A. Access and Ease of Obtaining Education as a Constitutional Right

Article 31(1) and (2) of the 1945 Constitution of the Republic of Indonesia explicitly states that every citizen has the right to education and must attend basic education, which is funded by the state. This provision is strengthened in Article 5 paragraph (1) and Article 6 of Law No. 20/2003 on the National Education System, which affirms that every citizen has the same right to quality education. However, in practice, there are still significant disparities in access to education, especially in underdeveloped, frontier and outermost (3T) areas, as well as among community groups with different socioeconomic backgrounds.

Data from Goodstats Jauhari (2023) shows that education inequality between urban and rural areas is still very striking. In rural areas, around 5.11% of the population has never attended school, and 12.39% did not complete primary education, while in urban areas the figures are lower, at 1.93% and 6.62% respectively. This inequality reflects not only geographical issues, but also limitations in the availability of educational infrastructure, transportation, teaching staff, as well as the economic drive of families to send their children to school. In other words, the right to education, which should be equal, has not been fully realized equally throughout Indonesia.

In the context of the harmonization of the National Education Law, normative provisions that guarantee access to education have not been supported by an implementation system that is

responsive to the real conditions of society. Strategic government policies such as 12-year compulsory education, the Indonesia Smart Card (KIP) and BOS (School Operational Assistance) have shown positive intentions, but their effectiveness is still limited to administrative aspects. Strengthening the supervision of aid distribution, favoring underdeveloped regions, and a thorough evaluation of the impact of policies on vulnerable groups, such as children in poor families, street children, and indigenous peoples, are needed.

Furthermore, access to education is not only related to the physical accessibility of schools, but also includes aspects of the availability of qualified educators, supporting infrastructure, and a safe and inclusive learning environment. In many cases in the 3T areas, for example, the existence of schools is not always followed by the availability of adequate teachers, proper learning facilities or access to educational technology. This leads to regional disparities in the quality of education, which indirectly limits the opportunity for children from disadvantaged areas to compete fairly in the national education system.

Previous research by Ayuningtyas (2021) show that family background factors, namely the education of the head of the family and economic conditions, as well as the place where the child lives, are factors that influence inequality in access to secondary education. The level of inequality in access to secondary education is lower in rural areas than in urban areas. This shows that although the right to education has been recognized in the constitution, the implementation of education policies at the regional level still faces major challenges, which hinder the achievement of equitable access to quality education throughout Indonesia.

This condition shows that fulfilling the right to education is not merely a matter of providing schools or assistance programs, but also the consistency and sustainability of policies in ensuring the quality and functioning of this access. Therefore, the harmonization of the National Education System Law with education policy should be directed at strengthening the state's commitment to providing meaningful access, not just formal access. This includes a commitment to improving the distribution of teachers, providing incentives for educators in remote areas, building inclusive education infrastructure for children with special needs, and expanding the scope of education digitization programs equally.

Thus, fair and equitable access to education cannot be achieved only with administrative and technocratic approaches. It requires a policy paradigm that places education as a basic human right and makes it part of efforts to build social justice in the legal and governance system. The National Education System Law as the legal pillar of national education must continue to be reviewed so that it remains relevant to contemporary social challenges and can answer the real needs of the community in accessing proper education.

B. Fairness in Obtaining Educational Opportunities

Fairness or equity in education does not only mean giving equal treatment to everyone, but providing proportional opportunities according to the conditions and needs of each individual or community group. In the National Education System Law, this principle is reflected in Article 12 paragraph (1) letters a and c, which states that students are entitled to educational services according to their talents and abilities, and are entitled to scholarships for those who excel but come from underprivileged families. Although normatively promising, at the level of implementation, educational disparities persist, whether between public and private schools, between upper and lower economic groups, or between dense and remote areas.

True educational justice is able to recognize and accommodate the diversity of socio-economic

conditions. But in reality, many students from underprivileged families face various obstacles such as additional education costs, limited internet access, and social discrimination in the school environment. This inequality in education services has the potential to widen the social gap and strengthen the intergenerational cycle of poverty. Therefore, a fair education policy should not only focus on formal equality of opportunity, but also affirmative action that prioritizes vulnerable groups.

From a legal perspective, this necessitates a reevaluation of inclusive education governance, including the need for policy decentralization that enables local governments to formulate solutions based on their specific contexts. Additionally, it is important to embed the approach of dignified justice in education policies, an approach that places human beings and their inherent dignity at the center. Education should not become an exclusive privilege for certain groups, but rather a collective instrument to build an equitable and inclusive civilization.

To realize the principle of justice in education, it is essential to strengthen the educational system so that it can adapt its policies and services to the social realities faced by communities. One applicable strategy is participatory mapping of educational needs, involving the community, educators, and local stakeholders in formulating affirmative programs. For instance, in the context of remote areas or indigenous communities, a contextual approach to curriculum, language of instruction, and local cultural values needs to be developed so that learners feel valued and comprehensively supported in the learning process. Thus, justice in education will no longer be merely symbolic but can be tangibly experienced by groups that have long been marginalized.

It is also important to strengthen scholarship and educational assistance systems that genuinely target vulnerable groups. This support should not be limited to financial aid alone, but must also include academic mentoring, counseling, and life skills training programs to help students overcome the non-academic barriers they face. Such programs have proven effective in several countries in reducing dropout rates and increasing educational participation among poor populations. Therefore, the government needs to design a transparent and accountable monitoring system to ensure that this assistance reaches the intended recipients and has a long-term impact on their social mobility.

Beyond technical and administrative aspects, it is equally essential to prioritize the values of social justice and empathy within the national education culture. Education must foster critical awareness among students that social diversity is not a hindrance but a richness that must be respected and managed justly. By building a supportive, inclusive educational ecosystem that embraces differences, schools can become safe spaces for every child to grow and reach their full potential. Educational justice is not only about access but also about meaningful learning experiences that honor the dignity of every individual.

In the long run, efforts to achieve justice in education will lead to broader social transformation. A generation raised in a fair and inclusive educational system will develop a deeper understanding of the importance of equality and solidarity within society. They will not only be academically competent individuals but also possess integrity, empathy, and social awareness. Therefore, investing in educational justice is, in fact, an investment in the nation's future, a strategic step toward a more just, competitive, and civilized society.

Previous research by Azzahra et al., (2022) highlighted the importance of affirmative policies in reaching poor and remote communities. Her study found that although educational assistance

programs such as KIP (Indonesia Smart Card) and BOS (School Operational Assistance) are already in place, their impact has not been evenly distributed due to disparities in access between urban and rural students. Meanwhile, another study by Sukarma et al., (2023) showed that education aid programs specifically designed for these target groups effectively increased their participation in education. These studies indicate that educational justice cannot merely be assessed by the number of available programs, but must also consider the quality of implementation and the extent to which they favor vulnerable groups.

Based on these findings, the main challenge in achieving educational justice in Indonesia lies not in the absence of regulation, but rather in weak policy implementation and a lack of social sensitivity in program design. Although, normatively, the National Education System Law and the Constitution guarantee the right to fair education, their implementation has yet to address structural issues such as poverty, geographic isolation, and discriminatory social cultures. Therefore, a multidimensional approach is needed in designing a truly inclusive education system, one that integrates social, cultural, economic, and psychological dimensions into every education policy and program.

C. Harmonization of the National Education System Law (UU Sisdiknas) with the Principles of Access and Justice

Legal harmonization in the context of national education demands that all provisions within the UU Sisdiknas and its derivative regulations must be in sync with the constitutional mandate and aligned with the core values of Pancasila. The principles of accessibility and justice in education are two main pillars for achieving the national education goals as stated in Article 3 of UU Sisdiknas: to develop individuals who are faithful, devout, noble in character, knowledgeable, and civilized.

Therefore, harmonization not only refers to the consistency among legal norms but also includes the alignment between the content of the law and the sociological conditions of society. The government needs to re-evaluate the implementation of the UU Sisdiknas from the perspective of favoring marginalized groups. This includes the formulation of affirmative policies, strengthening of implementing regulations, and continuous monitoring of education programs to ensure they are not merely symbolic.

Furthermore, the harmonization of the UU Sisdiknas must also reflect the principle of inclusivity that accommodates cultural, religious, linguistic diversity, as well as the special needs of students. In practice, the national education system still tends to apply a uniform approach that inadequately considers local diversity, despite Indonesia's varied geographic and socio-economic conditions. For this reason, centrally formulated education policies need to be reformulated to allow flexibility for local governments to tailor educational implementation to local needs, without neglecting national quality standards.

In addition, public participation plays a crucial role in the harmonization process. Community involvement including parents, traditional leaders, religious figures, civil society organizations, and students themselves in the formulation and evaluation of education policies will strengthen legal legitimacy and reduce implementation gaps. This participation can also serve as an effective form of social control over policies perceived to be unfair or misdirected. Thus, harmonization is not solely the task of state institutions, but a shared responsibility of all societal elements to realize a just and civilized education system.

The harmonization of the UU Sisdiknas should also reinforce the legal framework protecting

students' rights, particularly from discriminatory and exclusionary practices that often occur systemically. Such protection is vital not only in the legal context of education but also in the development of a national character that upholds justice and humanity. In this regard, the integration of human rights principles into education regulations is a fundamental aspect that cannot be overlooked. Harmonization efforts must ensure that the national education system produces not only academically intelligent graduates but also socially aware individuals with a strong commitment to justice.

With harmonization grounded in the principles of access and justice, it is expected that Indonesia's education system can become an effective instrument of social transformation. Education should no longer be a privilege for a select few, but a right genuinely enjoyed by all Indonesians without exception. This harmonization must also be dynamic, able to adapt to the times and global challenges, ensuring that the Indonesian education system remains relevant, responsive, and inclusive in meeting the needs of both the present and future generations.

Previous research relevant to the issue of harmonizing the UU Sisdiknas with the principles of access and justice in education shows that although the legal framework normatively guarantees students' rights, policy implementation still faces serious challenges. A study by Tome (2024) identified various obstacles to the implementation of inclusive and equitable education policies, including issues of non-uniform policy implementation at the local level, as well as challenges in financing and resource management. Although there has been some progress in education access, significant gaps still need to be addressed to achieve the goal of equitable and high-quality education. This studies reinforce the finding that the gap between legal norms and social realities remains a major obstacle in creating an inclusive and just education system.

Based on these findings, the researcher assumes that effective harmonization of the UU Sisdiknas requires a more contextual and participatory approach. Harmonization cannot be achieved merely through regulatory synchronization; it must also be accompanied by the strengthening of implementing institutions, community involvement, as well as needs-based monitoring and evaluation. The researcher also believes that just education can only be achieved if education policies can substantially, not just administratively reach vulnerable groups. Therefore, in the context of this study, it is assumed that the success of harmonizing the UU Sisdiknas greatly depends on the integration of legal principles, social realities, and political commitment to realizing truly just education.

Conclusion

This study shows that the harmonization of Law No. 20 of 2003 on the National Education System (UU Sisdiknas) has not fully reflected the principle of dignified justice as mandated by the constitution and the core values of Pancasila. Although normatively the UU Sisdiknas guarantees the right to education for all citizens without discrimination, in practice, disparities in access, quality, and educational services persist particularly in underdeveloped, frontier, and outermost (3T) regions, as well as among socially and economically vulnerable groups.

Dignified harmonization requires alignment not only among legal norms but also between the content of the law and the social realities of the community. Therefore, affirmative policies that support students from marginalized groups are needed, along with active public involvement in policy-making and the strengthening of local governments' roles in delivering context-sensitive education. In this way, the harmonization of the UU Sisdiknas will serve as a legal foundation that is not only formally just but also substantively fair, thereby enabling the realization of a

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