



EDUCATION AS A PRIMARY TOOL OF HUMAN RIGHTS ENFORCEMENT AND NATIONAL DEVELOPMENT

Gibran M. Sanjaya

Center of Public Policy and Human Rights Studies, Faculty of Law, University of Lampung

ABSTRACT

National development will be well implemented only on a nation with educated people and guaranteed human rights, even further, education is the main crutch in human rights enforcement. However, Indonesia was ranked by PISA as 10 worst of education system from 76 countries, that means alteration of national education system is needed. Considering Indonesia stands before thousands of island and diverse of cultures and religions, the people requires adequate education about the character of their community and their local excellence. The purpose of that should be implemented clearly when look into the current codition of Indonesia, such as urbanization without the decent education from rural society who affect a high social gap. Those things will hamper the national development. The Law No. 20 of 2003 has regulated local content that can increase the education implementation based on local excellence, but the lessons of local content is not different with another lessons that students learn in the class room. Education can't be interpreted as limited as education which "institutionalized" that take shelter inside the classroom because education is far more than that. Good education should be the core concern of government in order to maximize Indonesia's national development and capability in global economic.

This paper offers to evolve local content in Law No. 20 of 2003 so the people of Indonesia can compete with other countries in facing AEC. The research method that used for this paper is normative-juridical.

Key Words : ASEAN Economic Community, education, human rights, local content, national development.

1. Introductions

Education is conscious and deliberate effort to realize the learning atmosphere and process so learners can actively develop their potency to have strength in religious spiritual, self-control, personality, intelligence, noble character, and skills that are needed by

*Corresponding author.

E-mail address: gibranms2@gmail.com

Peer reviewed under reponsibility of Universitas Muhammadiyah Metro

© 2017 Universitas Muhammadiyah Metro, All right reserved,



Muhammadiyah Law Review: Jurnal Ilmu Hukum Universitas Muhammadiyah Metro This work is licensed under a Creative Commons Attribution 4.0 International License.

themselves, society, nation, and country¹. According to Ki Hajar Dewantara (Father of National Education in Indonesia), education is a requirement in life of growing children, as for the meaning, education guides every power of nature that exist in those children, so they as human and as member of society are able to reach safety and highest blissfulness².

According to explanation that was officially stamped in Law No. 20 of 2003 and Ki Hajar Dewantara's personal viewpoint, education has a glorious position. But in this postmodern era, the people of Indonesia's perception to education itself is very identical with "institutionalized education", or "education that accomplished inside the class with teachers, books, and whiteboard", meanwhile, education is never been as simple as that.

Moreover, in this globalization era, education instead interpreted as "opium" that used for in this globalization era, education it seems become an "opium" which only served to calm tensions and increasing the power of public imagination about work.. The main parents considerations to send their child to school is to get a job that adequate with the investment that implanted in school. The word investment is the word that derived from economic domain. The question is why public opinion has become so strong that hold assumption about the aim of education is similar with searching for job? This is nothing but a result of a dominant pragmatism culture in our society and our education. Pragmatism that comes from economic habits has penetrated into education world

Conflict of interest between idealism (based on academic value) and pragmatism (based on corporation value) in education world is always happen. There are three possibility relations between idealism and pragmatism education. The first possibility, making academic values is based on education institution; second, making corporation values is based on academic institution; third, making academic and corporation values together are based on education institution, because these two values are in the equal position, no one above the other. Positioning the values into education institution have serious implication³.

In the context about national development, if education is always identified with getting a job, surely national development will not going anywhere according to its nature. Indonesian national development is a development paradigm that were built on Pancasila experience which is complete Indonesian human development and whole Indonesian community

¹ *National Education System, Article 1 point (1)*. (Indonesian Law No. 20 of 2003).

² <http://karyatulis.artikel2.com/pengertian-pendidikan.htm> (17/10/2016)

³ Mukhrizal Arif, *Pendidikan Posmodernisme: Telaah Kritis Pemikiran Tokoh Pendidikan*. (Yogyakarta: Ar-Ruzz Media, 2014).

development, with Pancasila as the basis, goals, and guidelines⁴. Sila the 2nd contain “Just and civilized humanity”, the words “just” and “civilized” are very tick of its presence with education, however, it certainly not an education with its relation as “parents’ investment to their child”.

ASEAN Economic Society is demanding Indonesia to have competitiveness in many ways, especially in economical aspect. However, economical system like any other cannot be implemented as desired if the government and the people of Indonesia are still having low consciousness on the position of education that, in fact, is more noble than just a mere tool for searching a job. Based on the background, there are several issues that will be showed in this research, which are:

- a. How is the relation between education, human rights, and national development?
- b. Which kind of education that the people of Indonesia need?

2. Materials and Methods

This research is using Normative Legal Research. A method that also commonly called Doctrinal Legal Research or also called Library Research. Named as Doctrinal Legal Research is because these kinds of research are only addressed to written law so the research has close relation to libraries because this normative law will need secondary data on literatures. In Normative Legal Research, written laws also examined from many aspects, such as theoretical, philosophical, comparison, structure or composition, consistency, general explanation and explanation in every article, formality and strength on tying Laws and the language that used is language of law. So it can be concluded that Normative Legal Research has a very wide scope.

3. Results

3.1 Education: the Crucial Part of National Development and Human Rights Enforcement

Education is a way to conserve cultures and national development that can never be separated with the culture itself. Character building was the main focus of Ir. Soekarno for national development in his era. While economic developing became Soeharto’s concentration when he was the president of the Republic of Indoneisa. Both were not detached from the context of education even though the application and the philosophical

⁴ *Ibid.*

base are different. Now, in reformation era which has been freed from dictator authoritarian, education needs new ways in its application for national development that be expected can bring Indonesia to meet its glory in sector of economic, social-cultural, and politics.

As Figure 1 shown, education and prosperity have fundamental relation in national development, which means education also has identical relation with human rights enforcement. Without well-educated people, there would not be prosperous society and without prosperous society, human rights must be not upheld.

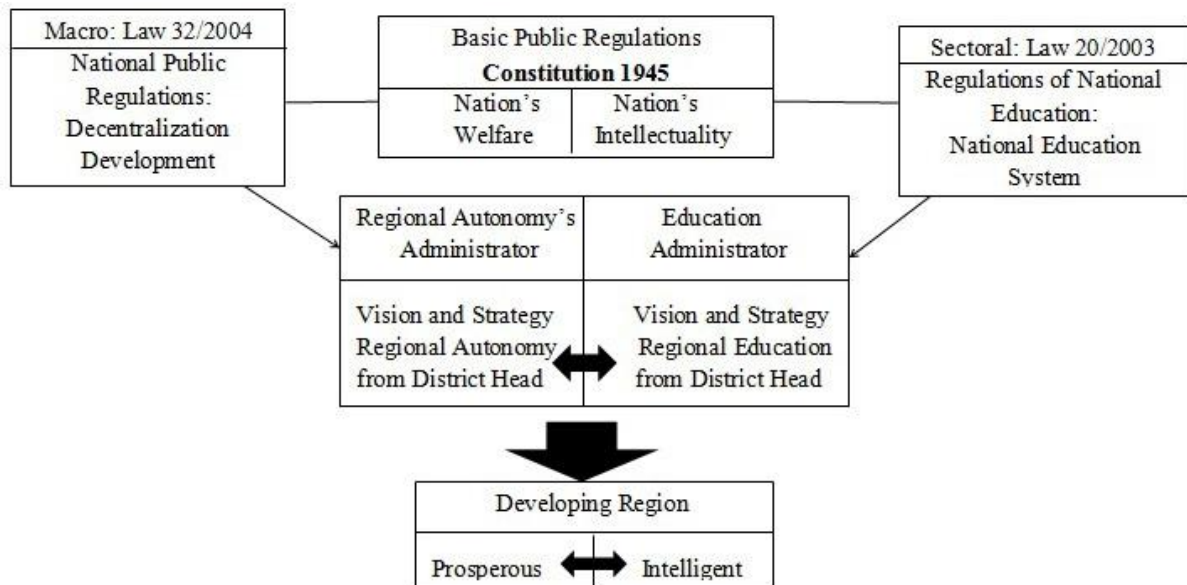


Figure 1. Factual Condition of National Public Regulation and Its Relation with Regional Public Regulations⁵

3.2 Review to Indonesia's Education Policy in the Past and Reformulating the People of Indonesia's Education Needs

Education has never been detached from politics, even though education also can never replace politics, but without education, political goals are hard to reach. Therefore the functions and role of education in a life of a nation is never be separated from the life of politics, also economics, laws, and cultures in general.

There are three parts of education policy based on historical approach. *First*, in the New Order era, politics are used as commander. Every activity was directed to various business to reach political aim, such as awaken nationalism, sense of national unity, raising the strength of the nation in the life of the cold war that time. The economical life which is too nationalistic

⁵ Riant Nugroho, *Kebijakan Pendidikan yang Unggul*. (Yogyakarta: Pustaka Pelajar, 2008)

affects the isolated economical life. The culture life is very showed the life of nationalism that leads to narrow nationalism and chauvinism. In culture sector, it showed form of national identity that tend to be excessive.

Trends in political lifes, economics, and cultures at that time are penetrated into education world. Education praxis was directed to indoctrination process and reject every cultural aspect that comes from outside.

Automatically education is not used to increase the people's life standard. Methodology of education in indoctrination method entered education world from the lowest step to the highest. Education has already begun to direct to development with militarism attitude with militant based on cold war demand. Education for peace has replaced with education for taking sides with world blocks that split between capitalism and communism. Everything was directed based on willingness ruler so that freedom of thought, alternative thought, critical thought later be buried. Then the result is humans who don't have alternative except alternatives that were given by the government.

Second, it has been approved that there were so many achievement in New Order era. From one of the poorest nation to be in group of the nation who have middle income. However, the rapid development can be seen by its income per capita has sacrifice the human rights and freedom of individual. In political sector everything is directed to uniformity thought and action. As the result, middle class that slow and weak, not creative and productive, and directed to rigid bureaucrat have raised. In line with the political and social challenge which is very homogenic has killed democracy. And then born a "please guide me" and "please direct us sir" kinds of leadership so there wass no place for individual's initiative. Human rights are crushed for economical development. Lack of political communication, crisis of monetary has begun to create crisis of economic and ends to crisis of trust.

Between education and culture there is interrelated relation. There is no culture without education and so there is no praxis education in vacuum but there is always in concrete culture scope. If we want to build back Indonesian community from crisis, therefore that task is the task of building back our own culture. Our education in the present time has been cast away from culture and become just a mere tool for a economic order or a tool for a ruler to create date quotation that not the same with the people's needs. Moreover, to change culture without the support from education praxis will affect many kind of useless reformation culture. A continuous reformation is a reformation that is supported by education process as a cultural process.

Third, entering the Reformation era, with the past experience that built society and Indonesian culture that now begin to crisis, the question is what is the function of the national education for facing the challenge of Reformation era? Firstly there must be a deal about the form of the new Indonesian community that we want to build. Society that we want is the society that fair and prosperous with the supremacy of law. That society is “Madani society”. Madani society is the ideal form for democratic society. The form of society cannot be separated from the life of the people and the life of the nation. Therefore, madani society in Indonesia must start from our point of view about society and Indonesian culture⁶.

Indonesia stands before thousands of island⁷, 1.340 ethnic groups⁸, and many different cultures. What it means by that, is education cannot just simply implemented without considering the needs of each community. Every child has rights to get education and teachings in order to personal developing in accordance with interest, talent, and intelligence⁹. It listed in Law No. 39 of 1999 and that regulation recognizes that interest, talent, and intelligence of each individual is different, so, a uniformity to curriculum shouldn't be applied too thick to every regions in Indonesia. The people of Lampung have definitely different needs compared to the people of Papua, vice versa. Local Content that is regulated in Law No. 20 of 2003 is the main solution for that difference of needs and to conserve the many different cultures that Indonesia has.

4. Conclusion

- a. Since education has a noble position, it must be there with human rights, together, not separated, because without well-educated people, a nation will not be able to become prosperous, and since a nation is prosperous, there is a good governance with successful national development.
- b. The implementation of Local Content in national education system of Indonesia must be the axis on national developing. Besides, as noted earlier, Law No. 39 of 1999 has regulated that education have to suit every individual's interest, talent, and intelligence. Moreover, in Indonesia's geographical form, uniformity is almost impossible to be implemented. If the government stays on today's education system, then, as an official

⁶ H.A.R. Tilaar, *Paradigma Baru Pendidikan Nasional*. (Jakarta: PT Rineka Cipta, 2004).

⁷ ABRI's mapping and LIPI's research.

⁸ BPS's census in 2010.

⁹ *Human Rights, Article 60 point (1)* (Indonesian Law No. 39 of 1999).

result from The Programme for International Student Assessment (PISA), the Republic of Indonesia occupies the rank as one of 10 countries' worst education system.

Bibliography

Books

Arif, Mukhrizal. *Pendidikan Posmodernisme: Telaah Kritis Pemikiran Tokoh Pendidikan*. Yogyakarta: Ar-Ruzz Media, 2014.

Nugroho, Riant. *Kebijakan Pendidikan yang Unggul*. Yogyakarta: Pustaka Pelajar, 2008.

Tilaar, H.A.R. *Paradigma Baru Pendidikan Nasional*. Jakarta: PT Rineka Cipta, 2004.

Legal Documents

Indonesia. *National Education System, Article 1 point (1)*, Law No. 20 of 2003.

Indonesia. *Human Rights, Article 60 point (1)*, Law No. 39 of 1999.

Internet Reference

<http://karyatulis.artikel2.com/pengertian-pendidikan.htm> (17/10/2016)

Proceeding

ABRI's mapping and LIPI's research.

BPS's census in 2010.