

EMPIRICAL REVIEW OF GOVERNOR REGULATION NUMBER 17 OF 2017 CONCERNING PPDB IN STATE MEDIUM VOCATIONAL SCHOOL AND STATE VOCATIONAL SCHOOL IN CENTRAL JAVA PROVINCE IN EQUALITY PERSPECTIVE

Femmy Silaswaty Faried
Faculty of Law Batik Islamic University of Surakarta

Abstract

Research on "Governor Regulation Number 17 of 2017 concerning PPDB in Middle Schools Above the Country and Middle School of Vocational Middle School in Central Java Province in the Perspective of Equality" is a form of regulation per Law which according to researchers that the rule has an unconstitutional content. This is seen in Appendix 1 of the Central Java Governor Regulation Number 9 of 2017 concerning selection in section f, which states that if there is the same final score, ranking determines the age of prospective students who are higher, choice 1 in rayon and higher grades according to sequence subjects. These points are very detrimental to students who have the same value as other students but are defeated because of lower age. Whereas for the lower age there are many factors that influence, the principle of equalization in accordance with the 1945 Constitution of the Republic of Indonesia is very unconstitutional. The method used in this study is empirical method, which is research that looks at how the law applies in the community and how the law can be received in real life in society. While the data collection techniques used were qualitatively, with data through interviews, which were conducted at two state high schools in the city of Surakarta. The results of the interviews obtained by the researchers indicate that the regulation has not been effective, meaning that the regulation has not yet impacted the school, except that the regulation which changes every year gives a dilemmatic impact on schools, given the authority of senior high schools and state vocational high schools. Subject to the Provincial government. According to the author with the data obtained, it can be done a review of the regulation in part or in whole by submitting a judicial review of the regulation through the Supreme Court institution. In accordance with Article 24 A Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, Law Number 3 of 2009 concerning the Authority of the Supreme Court and Supreme Court Regulation Number 1 of 2004 concerning Material Test Rights.

Keywords: Governor Regulation, Equality Perspective, Material Test

INTRODUCTION

Progress of a country is largely determined by the quality of its human resources (HR). The more qualified human resources, the more developed and prosperous the country will be, for example Japan, Singapore and Malaysia. While the quality of human resources is determined by the quality of education. Thus quality education becomes an important factor for the progress of a country. The more education quality, the more developed a country is, and

vice versa. The government has allocated 20 percent of the Regional Expenditure Budget (APBD) starting in 2008 allocated to the education sector. Surely this is evidence of the seriousness and very serious attention of the State towards education.

The transfer of authority in the education sector for senior high schools (SMA) and State vocational high schools (SMKN) from the district / city government which then becomes the responsibility of the Province as stipulated in Law Number 12 of

2014 hereinafter referred to as Law No. 12 of 2014 concerning Regional Government stated in Article 15 paragraph (1) and paragraph (2), namely:

- (1) The division of concurrent government-affairs between the Central Government and the Provincial Region and the regency / city Region are listed in the Annex which is an integral part of this Law ,
- (2) concurrent administration affairs are not listed in the Appendix of this Act under the authority of each level or structure of government is concurrent determination as referred to in Article 13.

Furthermore, even legal basis regulating the authority of the provinces, districts and cities is regulated in the Law on Local government. Therefore, including the case with the implementation of New Student Participants abbreviated as PPDB 2017 the Governor Regulation (PERGUB) Number 9 of 2017 concerning New Student Participants in State Vocational High Schools and Vocational High Schools in the Province is the rule on which the benchmark in the implementation of PPDB in Central Java Province, in the regulation there are several things which constitutionally detrimental the students who will continue their education at a higher level. These are related to selection. In the Governor Regulation in the attachment to section f, it states that if there is the same final value. hence ranking ranking prioritizes the higher age of prospective students. This is unconstitutional. Based on the above, it can be formulated in a problem, as follows:

1. Is Regulation No. 9 of 2017 concerning PPDB on State High Schools and Vocational High Schools in the Province of Central Java already having a value of justice?
2. Does the transfer of authority given to the Province accommodate the problems that arise in the Education system in Indonesia in general and the education system in the city of Surakarta in particular?

METHODS

Research conducted is a descriptive study, which is intended to provide as accurate data as possible about humans, circumstances, or other symptoms¹ by conducting an evaluation to assess a system that has been determined in this case is the regulation related to PPDB Online namely Pergub Number 9 of 2017, which will later find facts, find problems and solve problems (*Problem solution*).

The types of data obtained are types of data that are directly obtained from the community and from library materials, namely primary data and secondary data (primary and secondary data). The source of the study was conducted by interview / interview and the distribution of questionnaires. Quisioner distribution is carried out in state high schools and state vocational high schools in Surakarta City.

¹ Soerjono Soekamto, 1981, *Pengantar Penelitian Hukum*, Penerbit University Indonesia (UI-PRESS), p. 10

DISCUSSION

Justice Theory of John Rawls.

Rawls underlies the concept of justice in the concept of individual rights by Locke, the Rousseau Social Contract and Kant's ethics. Furthermore, adopted by Rawls the concept of maintaining Locke's individual property, the willingness to live together in order to meet the needs and common interests (Social Contract) of Rousseau and the willingness to do "good" to others without any tendency but because they just want to do it (categorical imperative) in accordance with the rules formal from Kant².

Furthermore, according to Rawls³, justice is honesty (fairness). In order for social relations like the above to run fairly, he must be regulated or run according to the two principles formulated. First, the same freedom (principle of equal liberty), that everyone has the same basic freedom. These basic freedoms, among others, (1) political freedom, (2) freedom of thought, (3) freedom from arbitrary actions, (4) personal freedom, and (5) freedom to have wealth.

From Rawls's thought, according to the researcher that a society without seeing what circles and who and occupying any position would want to enjoy what is called justice by having the same rights, without seeing what often happens in any field. But justice according to researchers is an

independent justice and shouting people's conscience.

The Education System.

According to the Big Indonesian Dictionary provides understanding, that The education system is a whole integrated system of units of educational activities that are related to each other to achieve goals.⁴ Based on this understanding, according to the researchers to support the success of education, of course with the implementation of educational activities that are mutually related. These activities include both the preparation of the implementation of education, the process of implementation up to the ultimate goal.

The issue of education issues, cannot be separated from policy policies issued by the authorities, while still looking at the needs that are able to support the realization of a good education system. In connection with the issue of education policy issues aimed at achieving a good education system, according to Dr. HA Rusdiana, there are several strategic issues in the world of education, namely:

1. equalization and expansion of access;
2. improving quality, relevance and competitiveness;
3. Strengthening governance, accountability and public image⁵

The transfer of authority from district and city governments to the provincial government in matters related to education in state high schools and state vocational secondary

² A. Khuddori Saleh in <https://www.scribd.com/doc/21206290/Teori-Keadilan-John-Rawls>, accessed on 19 June 2017 at 23.07 WIB

³ Ibid, A. Khuddori Saleh accessed on June 19, 2017 at 11:12 WIB

⁴ <https://www.apaarti.com/sistem-pendidikan.html>, accessed on 19 June 2017, at 02.00 WIB

⁵ Rusdiana. 2015. *Kebijakan Pendidikan (Dari Filosofi ke Implementasi)*, Bandung, Pustaka Setia, p. 70

schools is one of the objectives of the policies issued to achieve the goals of equity and expansion of access, which is one of the issues of education.

The education system in state high schools and state-run schools that are the authority of the provincial government is a decentralized system of education. The positive impact of education decentralization is as follows:

1. Quality improvement;
2. Financial efficiency;
3. Administrative efficiency;
4. Expansion and equity.⁶

The implementation of a good education system is certainly influenced by the policies issued, whether it has achieved its goals well, or even the policy does not or has not been able to achieve the desired goals.

Care for education policy with the aim of achieving a good education system, in this era of regional autonomy. Divided into macro policies and micro policies. Furthermore, in relation to policies in state high schools and vocational high schools that have been taken over by the central government, researchers will only become a polemic when the objectives of the expansion and efficiency of the education system are particularly difficult for schools to be able to follow due to the potential of their human resources. And the readiness of the students.

The policy of PPDB Online relating to the age of students tackling researchers is a policy that has no relationship with expansion and marketing and efficiency, because, as a

result, it is felt directly for students and does not affect the conditions or conditions of the region.

RESULTS

Governor Regulation No. 9 of 2017 issued by the Government of Central Java Governor according to researchers really very many problems arise, because it does not have a breather justice equalization, prioritize something that is considered good, but clearly siding lopsided, then according to researchers syaratsyarat that dicantukman in the gubernatorial regulation, of course, it can be tested again by seeing and hearing the opinion of its people in terms of education, which is a sector that has a large amount in the development of the country to obtain legal certainty.

The transfer of authority related to the management of senior high school education and state vocational secondary schools from the district / city regional government to the provincial government with the enactment of the Governor Regulation No. 9 of 2017 concerning New Student Admissions in State Senior High Schools and Vocational High Schools in Central Java Province, which became the legal basis for the implementation of new students' acceptance at the high school and vocational high schools, when viewed from the side of justice the policies arising from the enactment of the government system regions with the principle of regional autonomy are things that do not provide space for the public to participate in discussing and deliberating all kinds of problems in public matters, especially in the

⁶ *Ibid*, p. 161-162

field of education, which clearly gives direct impact on the community and the consequences will be unconstitutional.

Public policy in general is filled with the spirit of policy makers' authorization, but whether the spirit can be applied without seeing the reality that occurs whether it has an impact that is either widespread or only gives a loss even unconstitutional. Government legal policy with the application of the Pergub No. 9 of 2017 is an administrative action of the government which is an act that has a legal effect. The characteristics of legal actions taken by the government are a unilateral decision of the government, as written by Ridwan HR in the Revised State Administration Law⁷.

In Law Number 20 of 2003 concerning the National Education System, it can be formulated that what is meant by education, the purpose and function of national education, namely:

Understanding education is an awareness-based and planned effort to create learning processes and learning environments. In order for students to actively develop their own potential to gain skills, noble character, intelligence, personality, self-control, and religious spiritual strength needed by themselves and society.⁸ From this, it can be explained, that every child has the same rights to develop self potential, by not seeing how old children are, as long as they are supported

by spiritual religion and how to control themselves. This is in line with the mandate of the opening and torso of the 1945 Constitution of the Republic of Indonesia.

In the Preamble of the 1945 Constitution of the Republic of Indonesia, explaining the development objectives that are in line with the educational objectives, namely "... Then rather to form an Indonesian State Government that protects the entire Indonesian nation and all of Indonesia spilled over and to advance the general welfare, **educate the life of the nation** and participate in carrying out world order based on independence, eternal peace and social justice, the independence, Indonesian nationality was compiled in a Constitution of the Republic of Indonesia, which was formed in a Republic of Indonesia Indonesia, which has the sovereignty of the people based on the Belief in God Almighty, Just and Civilized Humanity, Indonesian Unity, and Democracy Led by Wisdom in Consultation / Representative Policies, and by Realizing Social Justice for All Indonesians ".

Shows that education is carried out in accordance with the values of the Pancasila of the Republic of Indonesia in 1945. In article 31 number 1, which reads, "(1) Every citizen has the right to education ..., meaning that there is no reason that the children of the Indonesian nation cannot receive education. With any reason. Governor Regulation number 9 of 2017 concerning PPDB Online for Senior High Schools and Vocational High Schools in the province of Central Java according to the author at the point that explains about age is

⁷ FH van Der Burg, Dalam Ridwan HR, 2010, *Hukum Administrasi Negara*. Edisi Revisi, Jakarta: PT. RajaGrafindo Persada, p. 274

⁸ <https://salamadian.com/tujuan-pendidikan-nasional/> accessed on Friday, September 21, 2018, at 09.13 WIB

very unconstitutional. Therefore, it is necessary to conduct a judicial review of the Governor's Regulation on the Supreme Court of the Republic of Indonesia.

The decision of the government in the form of a rule of law which has a purpose is for equity, for prosperity and for the advancement of education so that it also has an impact on development with the implementation of the system of regional government with the principle of regional autonomy, namely the administration of the education sector for high schools and high schools vocationally taken over by the provincial government can be referred to as a form of state administration system, where the state intended is a state as a public. The state in its position as a public in a broad sense, namely as a community in various positions and status. The state as a public that is served, protected and empowered.

Research related to the issue of new student admissions with various kinds of problems that exist both by looking at the standard of assessment, the standard of value for entry has been widely done, but for research by looking at the standard of assessment of achievement equality is a study by looking at the side of justice to see legal certainty that can achieved. The starting point of the rules is whether it has fulfilled the element of justice by looking at the equalization side. This study was made to see the extent to which the rules made by the Central Java provincial government have made a large and influential contribution in

terms of education by paying attention to the values and objectives of the rules.

CONCLUSION

Regulation of the Governor of the Republic of Indonesia Number 9 Year 2017 concerning PPDB on State Vocational High Schools and Vocational High Schools in the province of Central Java in reality does not have a value of justice, because it is unconstitutional, so it does not reach national education goals, which are worth Pancasila and the 1945 Constitution of the Republic of Indonesia.

The transfer of authority granted to the Province for researchers is not able to accommodate problems that arise in the education system. So that it will lead to the thought that the government system in the field of education, continues to be dynamic in accordance with the stakeholders of authority, so it does not see the human resources, facilities and infrastructure that exist, which strongly supports the realization of national education goals.

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