

The Comparison of Educational Rights between State Constitutions of Indonesia and Singapore

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ABSTRACT

Kata Kunci:
*Education
Right,
Constitution,
Comparison*

The Constitution is the basis for a country that contains various human rights, including the right to Education. This study aims to determine the need for Education and the constitutional comparison of the right to Education applied in Indonesia and Singapore. The research uses a normative juridical approach with a comparative approach. This study aims to analyze the comparison of the constitutional rights to Education applied in Indonesia and Singapore. It can be seen that the state of Singapore has succeeded in implementing reforms in education rights properly. We can see this in the quality of Education in Singapore, which ranks top among countries with the highest attainment of international education standards. Meanwhile, the Indonesian state still has to struggle to achieve the goal of implementing the right to Education properly. The results of the different implementation of Education between the two countries are due to diverse backgrounds, such as social, political, cultural, and economic conditions. Therefore, it can be concluded that many factors influence the success of implementing the right to Education in a country.

ABSTRAK

Keywords:
*Hak
Pendidikan,
Konstitusi,
Perbandingan*

Konstitusi merupakan dasar negara yang di dalamnya terkandung berbagai macam hak asasi manusia, salah satunya adalah hak atas Pendidikan. Penelitian ini bertujuan untuk mengetahui kebutuhan Pendidikan dan perbandingan konstitusional hak atas Pendidikan yang diterapkan di Indonesia dan Singapura. Penelitian ini menggunakan pendekatan yuridis normatif dengan pendekatan komparatif. Penelitian ini bertujuan untuk menganalisis

perbandingan hak konstitusional atas Pendidikan yang diterapkan di Indonesia dan Singapura. Terlihat bahwa negara Singapura telah berhasil melaksanakan reformasi hak Pendidikan dengan baik. Hal ini dapat kita lihat dari kualitas Pendidikan di Singapura yang menempati peringkat teratas di antara negara-negara dengan pencapaian standar Pendidikan internasional tertinggi. Sementara itu, negara Indonesia masih harus berjuang untuk mencapai tujuan pelaksanaan hak atas Pendidikan dengan baik. Hasil pelaksanaan Pendidikan yang berbeda antara kedua negara tersebut disebabkan oleh latar belakang yang berbeda, seperti kondisi sosial, politik, budaya, dan ekonomi. Oleh karena itu, dapat disimpulkan bahwa banyak faktor yang mempengaruhi keberhasilan pelaksanaan hak atas Pendidikan di suatu negara.

1. INTRODUCTION

Education must be regulated in the Constitution because all countries in the world will need it, and a state has guaranteed it. Education can encourage the increased creation of human resources towards the progress of a nation's civilization (Amedi, 2018). The substance of Education contains elements of economic, social, and cultural rights as well as civil and political rights (Rasyidi, 2017). The right to Education is a human right and an indispensable means for achieving other rights. A nation that can master the development of Education and technology will become a nation that is independent and not dependent on other nations (Faiz & Kurniawaty, 2022). The country of Indonesia is a country that has very abundant natural resources. If this is balanced with the ability of quality human resources, Indonesia will have significant progress (Anggraini & Hudaidah, 2021).

Education is a process that is needed to get the development of individual and community knowledge (Lestari, 2018). In developed countries, which are marked by the quality of Education, the welfare of its citizens will certainly be more secure. If a nation wants to become a developed nation, one thing that can be done is to improve the quality of Education (Arikewuyo, 2004). In addition, the right to Education is one of the universal human rights as regulated in Article 26 of The Universal Declaration of Human Rights as follows:

- (1) *Everyone has the right to Education. Education shall be free, at least in the elementary and fundamental stages. Elementary Education shall be compulsory. Technical and professional Education shall be made generally available and higher Education shall be equally accessible to all on the basis of merit;*

- (2) *Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;*
- (3) *Parents have a prior right to choose the kind of Education that shall be given to them children.*

The education system in Indonesia has a lot to learn from Japan. Japan has always been superior in terms of technology and Education. In Japan, they are not only taught subject matter but also about the norms that apply. In fact, what must be developed in a student is not only cognitive but also the affective and psychomotor domains. Japan can be an example in the field of Education because of its advantages (Halawa et al., 2023).

Indonesia has declared Education to be the right of every citizen, stating that *"every citizen has the right to education"*. However, the facts put more emphasis on physical development alone. However, in the last decade, the government has realized the importance of Education so that it pays attention which is marked by the allocation of education funds, which is stated explicitly that *"The state prioritizes an education budget of at least twenty percent of the state revenue and expenditure budget as well as from regional revenue and expenditure budgets to meet the needs of the implementation of national education."* (Arwildayanto et al., 2018).

Meanwhile, Singapore as a developed country which is included as one of the economic dragons in Asia has also implemented programs aimed at education reform such as the implementation of *Teach Less Learn More, School Excellent Model, Thinking School* and *Learning Nation* (Lee et al., 2013). Education reform in Singapore is a form of effort to change the educational paradigm which is felt urgent to equip citizens to face globalization era with the ability to think critically. Education is emphasized on awareness and individual personality and provides knowledge of expertise (Sa'adah, 2019).

Through this process, the state can pass on religious values, culture, thoughts, and skills to the next generation so that they are ready to face a better future. The next generation is expected to be able to anticipate their future which is always changing and always related to culture, nation, and society. International Relations. All of that is passed through Education, both formal and non-formal.

The State of Indonesia itself has problems faced in terms of education, namely micro and macro problems which are the cause of the low quality of Education in Indonesia. Micro problems are problems that arise in the education component itself as a system such as curriculum problems (Kurniawati, 2022). While macro problems are problems that arise from within Education as a system with other systems that are broader covering all human life such as the uneven distribution of Education in each region. The problem of equal distribution of Education in remote areas occurs due to the lack of power of an educational institution (Wijaya, 2019). This resulted in the majority of the school-age population not receiving a perfect education. In addition, Education is burdened with high costs which results in many people being affected because of the cost of Education. The high cost of Education is a burden to the Indonesian people, the majority of whom are still in the lower middle class, so that not a few people choose not to go to school.

2. RESEARCH METHODS

The research uses a normative juridical, namely focusing on studying positive legal norms in the form of the Constitution relating to the right to Education (Marzuki, 2011). This study uses a comparative approach by comparing the constitutions of Indonesia and Singapore.

3. RESULTS AND DISCUSSION

3.1 Setting the Right to Education in the Indonesian Constitution

Based on Law Number 20 of 2003 concerning the Education System National in Article 17 paragraphs (1) and (2), namely:

- (1) *Basic Education is the level of Education that underlies secondary Education;*
- (2) *Basic Education takes the form of elementary schools or other equivalent forms as well as junior high schools and tsanawiyah madrasas or other equivalent forms.*

From the mention of the verse above, before entering secondary Education, elementary school must be done. Judging from the highest laws and regulations in Indonesia, namely the 1945 Constitution (UUD 1945) in the fourth paragraph reads: *"Then from that to form an Indonesian state government that protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare, educate the nation's life, and participate in carrying out world order based on freedom, eternal peace and social justice"*.

After the 1945 Constitution was amended, Chapter XIII was changed to Education and Culture and consisted of two articles, namely Article 31 concerning Education and Article 32 concerning Culture. This amendment provides basic arrangements regarding the rights and obligations to obtain Education that the state must fulfil for its citizens. The contents of Article 31 after being amended are:

- (1) *Every citizen has the right to Education;*
- (2) *Every citizen is obliged to attend basic Education and the government is obliged to finance it.*
- (3) *The government seeks and organizes a national education system that increases faith and piety as well as noble character in the context of educating the life of the nation, which is regulated by law.*
- (4) *The state prioritizes the education budget of at least twenty percent of the state revenue and expenditure budget and the regional revenue and expenditure budget to meet the needs of implementing national Education.*
- (5) *The government advances science and technology by upholding religious values and national unity for the advancement of civilization and the welfare of mankind.*

The implementation of free basic Education is taken from the sector of obtaining funds from the state expenditure revenue budget and regional expenditure revenue budget of 20% (twenty percent). It is hoped that there will be cooperation between the central government and regional governments to carry out the fulfillment of basic Education.

Other legal bases capable of assisting the implementation of basic education fulfillment in regulations under the Constitution include:

1. Law Number 39 of 1999 concerning Human Rights. Article 12: *"Every person has the right to protection for personal development, to obtain Education, to educate himself, and to improve the quality of his life so that he becomes a human being who has faith, is pious, responsible, has noble character, is happy and prosperous in accordance with human rights.*
2. Law no. 20 of 2003 concerning the National Education System. Article 1 paragraph (18): *"compulsory education is a minimum education program that must be followed by Indonesian citizens on the responsibility of the government and local governments".* Article 4 paragraph (1): *"Education is carried out in a democratic and just manner and is not discriminatory by upholding human rights, religious values, cultural values, and national pluralism.*

3.2 Setting the Right to Education in the Constitution of Singapore

The Constitution is divided into written and unwritten constitutions (Effendi, 2011). Singapore is a colony of the United Kingdom, but Singapore does not follow the British tradition of using an unwritten constitution (Kharisma, 2021). The State of Singapore has a complete constitution documented in one text in which all parts of the Constitution are collected and do not have a preamble but immediately begin with the torso (Wahda, 2015). The body of Singapore's Constitution consists of :

CHAPTER I	: Introduction (Articles 2)
CHAPTER II	: Republic and Constitution (Articles 3)
CHAPTER III	: Sovereignty Protection (Articles 5)
CHAPTER IV	: Fundamental Freedom (Articles 8)
CHAPTER V	: Government (Articles 36)
CHAPTER VI	: Legislature (Articles 31)
CHAPTER VII	: Presidential Council for Minority Rights (Articles 25)
CHAPTER VIII	: Judicial Institution (Articles 10)
CHAPTER X	: Citizenship (Articles 22)
CHAPTER XI	: Finance (Articles 15)
CHAPTER XII	: Special Powers Against Subversion and Emergencies (Articles 4)
CHAPTER XIII	: General Provisions (Articles 14)
CHAPTER XIV	: Transitional Provisions (Articles 6)

Chapter IV on fundamental freedoms is from the 16 chapters that relate to the right to Education. Singapore provides liberty for citizens to choose and decide to choose the desired educational institution. The right to Education is regulated in Article 16 as follows:

- a. *Without contravening Article 12 (on equality), there will be no discrimination among Singapore citizens on the grounds of religion, race, ancestry and place of birth in terms of (a) the administration of Education administered by public authorities and particularly in the admissions of students or students or in financing students or students or in the payment of tuition fees or (b) in the provision of grants from public authorities for the implementation of student or student education in educational institutions whether managed by public authorities or not and whether the institution is located within or outside the country of Singapore.*

- b. *Every religious group has the right to establish and develop religious educational institutions for children and carry out their own religious orders and there may not be discrimination in the field of law and its application to these institutions solely on the basis of religion;*
- c. *No one can be asked to take orders or take part in a ceremony or prayer from a religion other than his own;*
- d. *In this regard, the religion of a person under the age of 18 is determined by their parents or guardian.*

The State of Singapore is very aware that the progress of a nation at present and in the future is determined by the younger generation's quality and results from quality education as well. The accelerated progress of the nation will not be realized without an advanced education system. Education is a very valuable long-term investment, especially for the next generation which will determine the progress or decline of a sovereign nation.

3.3 Comparison of Education Rights in the Indonesian Constitution with the Constitution of the State of Singapore

In this paper, the author will compare the right to Education in the Indonesian state constitution with the Singapore state constitution.

A. Comparison

1) The right to Education in the Indonesian state constitution

The 1945 Constitution of the Republic of Indonesia has regulated the right to Education in Article 28C paragraph (1) that *"Everyone has the right to develop himself through meeting his basic needs, has the right to get education and to benefit from science and technology, arts and culture, in order to improve quality of life and for the sake of human welfare"*. From these provisions, it can be seen that Education is the right of every person and the right to choose Education is regulated in Article 31 paragraph (1) of the 1945 Constitution which also states, *"Every citizen has the right to education"*. However, in terms of rights, Education is also an obligation as stipulated in Article 31 paragraph (2).

The 1945 Constitution stipulates, *"Every citizen is obliged to attend basic education and the government is obliged to finance it"*. The government is obliged to finance the Education of citizens at least 20% (twenty percent) of the Regional Revenue and Expenditure Budget as stipulated in Article 31 paragraph (4) namely *"The state prioritizes the education budget of at least twenty percent of the state revenue and expenditure budget."*

As well as from the regional income and expenditure budget to meet the needs of implementing national education”.

2) The right to Education in the Constitution of Singapore

Education in Singapore's state constitution is listed in Part IV of Fundamental Liberties in the Rights in Respect of Education section is as follows:

- (1) *Without prejudice to the generality of Article 12, there shall be no discrimination against any citizen of Singapore on the grounds only of religion, race, descent or place of birth*
 - (a) *in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or;*
 - (b) *in providing out of the funds of a public authority financial aid for the maintenance or Education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside Singapore).*
- (2) *Every religious group has the right to establish and maintain institutions for the Education of children and provide therein instruction in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law.*

In this provision, Singapore gives the right to Education as stipulated in the Constitution to every religious group to maintain educational institutions for children and provide instruction in their own religion. Reinforced with the provisions *“The Government shall exercise its functions in such a manner as to recognize the special position of the Malays, who are the indigenous people of Singapore, and accordingly it shall be the responsibility of the Government to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language”.*

From these regulations, it can be seen that the government must be responsible for protecting, maintaining, and promoting the interests of Education to realize the right to Education. Besides this, the government will recognize the special position of Malay people who are native residents of Singapore without exception.

B. Comparative Analysis

According to the author's view from the comparison stated above, the Indonesian state constitution has clearly regulated Education for citizens who have the right to Education, the obligation to attend Education and the government's obligation to fund Education evenly. Indonesia is a constitutional state that has guaranteed and regulated efforts to protect the law against the right to basic Education for Indonesian citizens aged 7 (seven) years to 16 years. Organizing elementary level education has been carried out since the 4th amendment to the 1945 Constitution which was then followed up with the law concerning the National Education System Number 20 of 2003.

Apart from that Law number 39 of 1999 concerning Human Rights also provides legal protection for Indonesian citizens to be able to obtain Education, although it has not explicitly and explicitly regulated free Education at the basic level. This is when compared with the provisions of the Singapore constitution, there are still more comprehensive arrangements related to Education in the Indonesian state constitution. There are different things, namely the right to Education regulates the right for every believer to be allowed to establish his own educational institution by guaranteeing that there is no discrimination on any basis. Then in determining continuing education parents have the right to choose which level their child will take.

4. CONCLUSIONS

From this comparison, the Constitution of the State of Indonesia has regulated broadly related to Education, starting from the right of everyone to get Education, to choose Education, the obligation of citizens to attend Education, the obligation of the government to finance Education. When compared to the Singapore State Constitution, according to the author, there are more comprehensive arrangements related to the right to Education in the Indonesian state constitution. However, there are other things that are regulated in the Constitution of Singapore, which in the right to Education also regulates the right of every religious group to establish and maintain educational institutions for children according to their own religion.

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