

Promoting the Right to Education through A Card: A Paradox of Indonesia's Educational Policy?¹

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Abstract

In 2015, the Indonesian government unveiled the Smart Indonesia Program, or Program Indonesia Pintar (PIP). The program consisted of educational subsidies through cash transfers exclusively granted to students aged from 6 to 21 years old from poor families. This paper examines the role of the PIP subsidy pertaining to the fulfilment of the right to education. As a consequence, it resulted in a competing account between cash transfers and the minimum standard of government duties to fulfil the need for adequate educational support. There is a paradox in the government's educational policy on the fulfilment of human rights to education in dealing with the PIP program. While educational complexities faced in remote areas cannot be hindered and it is granted not solely to students from vulnerable families. Such discrepancies in programs circumstantially affirm that the government ignores the root of Indonesia's educational problems, including providing free education as its obligation to human rights. The research conducted concludes by suggesting the government to evaluate the current policies by considering budget priorities and the efficiency of providing inclusive education.

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INTRODUCTION

AS ONE of world's most populous countries, Indonesia relentlessly faces critical challenges in efforts to providing the right to education. The data from the Ministry of Education and Culture 2012 showed children could not access primary schools up to 2.4% (OECD 2016), in spite of the high drop-out rate at each school level (OECD/Asian Development Bank 2015). A series of policies have been introduced to cater to the need for accessible education and

improved educational quality. The latest policy is the Smart Indonesia Program, or *Program Indonesia Pintar* (PIP), and it provides financial aid through cash transfers granted to students aged from 6 to 21 years old from poor families. The policy, however, has been questioned regarding the extent to which it enables the promotion of the rights to education as part of human rights.

This paper reveals that the fulfillment of the right to education is an arduous task for the government of Indonesia, specifically for how it is promoted. The discussion will specifically examine the role of the PIP policy pertaining to the fulfillment of the right to education, and its further implications, by providing a competing account of cash transfers regarding the minimum standard of government duties to fulfill adequate educational support. This paper is not aimed to provide a comprehensive account of cash transfer programs or educational policies in decentralized Indonesia. Rather, this paper discusses the relevance of the cash transfer program to the promotion of the right to education.

The background reflects how this paper is organized. The first part of this paper will discuss the relationship between the PIP policy and the access to education, including the obligation of government to fulfill the right to education. In the second part, this paper will analyze the responsibility to protect and fulfill the right to education in a series of policy and global commitments for providing education as human rights. The third part will examine a series of policies and its challenges at providing free and improved education that focuses on teacher performance to ensure the right to education can be enjoyed by all citizens.

DECENTRALIZATION & CASH TRANSFERS POLICY

SINCE the early 2000s, there has been a dramatic change in educational policies (Kristiansen & Pratikno 2006). While the government decentralized the educational administration of primary and secondary schools (Kristiansen & Pratikno 2006) from central to regional authorities,² there remains at least two major challenges, *inter alia*: providing inclusive education and providing improved educational quality (Bangay 2005). Indeed, government decentralization grants regional authorities larger opportunities to solve challenges; however, the formulation of policies to promote the right to education is another problem arising in contemporary Indonesia when

² In the third phase of regional authorities' decentralization, it introduces concurrent affairs, viz. compulsory concurrent powers and optional concurrent powers. The decentralization of educational administration is categorized as part of compulsory concurrent powers divided into three levels which is essentially: (a) national authority to regulate standardization and accreditation; (b) provincial authority to manage secondary school; and (c) district and municipal levels to manage primary and nursery schools.

considering diverse problems in each region. Therefore, after almost two decades of a decentralization agenda, there is still a high number of students that cannot access education at formal schools (OECD/Asian Development Bank 2015).³

Indeed, providing access to education is a key component to solving a number of barriers to an inclusive education system. It is a key component specifically because it deals with compulsory education provided by the government. In 2013, the government unveiled universal secondary education which prioritizes the accessibility of education (Ministerial Regulation of Education and Culture No. 80 of 2013 on Universal Secondary Education).⁴ This action implies that the government acknowledges that education should be universally attainable. This initiative does not only deal with the obligation to provide but also shaping of the country's future development with competitive human resources in the globalized world.

Nevertheless, poverty is one of the main reasons for the high drop-out rate of students. This demonstrates how a family's economic condition significantly influences a child's participation in school (OECD/Asian Development Bank 2015). The United Nations International Children's Fund (UNICEF) finds that rich families are greatly linked with children to have access to school in Indonesia (OECD/Asian Development Bank 2015). This finding affirms that richer families will have more opportunities for their children to access higher education. In other words, the right to education still cannot be inclusively accessed due to the economic gap between poor and rich families. Accordingly, children from poor families are a vulnerable group that needs a special concern from the government.

With the following disparity, in 2005, the Indonesian government introduced the School Operational Assistance Grant or *Bantuan Operasional Sekolah* (BOS) to respond to the rising of school's tuition fee charged by schools to students⁵ (Kharisma 2013). The BOS scheme opened opportunities

³ In 2012, it counted the drop-out rate of primary school with 1.09% and the percentage increased to 4.6% of primary school discontinuing junior secondary school and up to 8% of drop-out rate in this level. It also provided children who cannot access education through formal school with approximately 2.4%.

⁴ Universal secondary education is materialized in the form of providing education as much as possible to citizens to access formal educational levels, viz. (a) Junior Secondary School or *Sekolah Menengah Pertama* (SMP)/Islamic Junior Secondary School or *Madrasah Tsanawiyah* (MTs)/equivalent levels; and (b) Senior Secondary School or *Sekolah Menengah Atas* (SMA)/Islamic Senior Secondary School or *Madrasah Aliyah* (MA)/ Vocational Secondary School or *Sekolah Menengah Kejuruan* (SMK)/equivalent levels. The primary aim of universal secondary education is to provide every citizen services on the basis of equal opportunity to access secondary school.

⁵ The BOS scheme is the improvement of Social Safety Scheme or *Jaring Pengaman Sosial* (JPS) in educational sectors as previously applied in 1998-2003 and the following policy on the effect of the reduction of gasoline subsidy in 2003-2005. In the BOS scheme, schools will be granted financial aids to cater schools' operational costs based on the number of students. It aims to compensate schools so that schools will no longer charge a fee to students (primarily students from poor families).

for more accessible education with a lower tuition fee. To some extent, schools applied for the free, monthly tuition fee because the schools' basic expenditure has been provided by the government (Sugiono et.al 2015). The program gradually contributed to the reduction in the charge of tuition fees which positively impacted the rising of student participation in accessing a formal education.

A decade after the BOS program, the government launched the Smart Indonesia Program or *Program Indonesia Pintar* (PIP). It compensates students from poor families through a card, a legal document required in the PIP subsidy. As the distribution of cash transfers is administered through an electronic form, the program improves upon the Poor Financial Aids or *Bantuan Siswa Miskin* (BSM)⁶ (Ministerial Regulation of Education and Culture No. 12 of 2015 on Smart Indonesia Program) which was launched in 2008 (OECD/Asian Development Bank 2015).⁷ The main aim of the program is to apply universal junior secondary school and senior secondary school so that students from poor families can successfully complete 12 years of education (Art. 2 Ministerial Regulation of Education and Culture No. 12 of 2015). Thus, it is important to discuss further the relationship between the right to education and the PIP policy.

1. The PIP Policy and the Right to Education: Searching for their Relevance

In President Joko Widodo's administration, BSM was replaced by the Indonesian Smart Card Program or *Kartu Indonesia Pintar* (KIP). This administrative requirement is one of the few differences with the former cash transfer program. In addition, the nomenclature of BSM was strongly characterized as cash transfers prioritized to poor students, while the PIP subsidy has been identified as a program given to smart students from poor families.

Administrative rules define the PIP subsidy as a cash transfer program granted to children from the age of 6 to 21 from families that hold a Welfare Family Card or *Kartu Keluarga Sejahtera* (KKS); therefore, the grant should be given only to poor families. The goal of the PIP policy is for all students to study in formal and non-formal institutions. Formal institutions comprise of students in primary schools, junior high schools, and senior high schools. While non-formal education includes Islamic boarding schools, course institutions, and training institutions.

⁶ Once students are granted financial aids, they are required to hold Smart Indonesia Card or *Kartu Indonesia Pintar* (KIP) which is granted to children from families holding Social Protection Card or *Kartu perlindungan Sosial* (KPS) / Welfare Family Card or *Kartu Keluarga Sejahtera* (KKS).

⁷ BSM was perceived as a program to provide equity among Indonesian students in which it was to ensure all children from vulnerable economy received cash transfers to promote school participation.

To adhere to the PIP policy, it could be an alternative to diverse government formulas to alleviate the educational gap, including child participation and the right to education. Through the PIP policy, the cash transfers are granted on a six months basis. Students in primary school, junior high school, and senior high school are granted IDR 225.000,00, 375.000,00, and 500.000,00 respectively.⁸ In practice, even though the funds granted to students are primarily aimed to support school expenses,⁹ students can arbitrarily use it once the money has been released from banks.

Through the PIP policy, the government strives to reduce the number of drop-out students due to economic disparity. This policy is aimed to contribute to the improvement of access to education which will widen learning opportunities for students from poor families. This policy affirms a non-discriminatory policy in which the program is aimed at providing larger access to education, regardless if the student is boy or girl, rich or poor, and living in village or city. Therefore, this article assumes that the government through the PIP policy has the responsibility to protect and provide human rights through positive action as guaranteed in the 1945 Indonesian Constitution since it is expected to provide inclusive education.

On one hand, such program can be included as a means to bring equal protection under the law by asserting equality before the law needs positive action¹⁰ (Tussman & TenBroek 1948). This policy confirms the government to actively reduce gaps by providing special treatment for the most vulnerable persons. Therefore, this reflects that the effort to provide cash transfers is intended to realize equality of rights and treatment in response to inequality¹¹ (Sartika, Safitri, & Edison 2017). In the end, with such cash transfers, students have the potential to access basic education despite economic challenges in their families. On the other hand, while the PIP policy has contributed to school participation (Ahmad 2018), this program encounters problems regarding the spread of information and the distribution of the subsidies. In Tanjungpinang, despite the absence of reliable data verification (Sartika, Safitri & Edison 2017), there is no adequate information on the program. So, many families do not know how to access information and gain benefits from this program (Sartika, Safitri & Edison 2017). As the program is not well informed, there are many families that do not use the subsidies properly (Saraswati nd). In Jember, there were many students from rich families who

⁸ "Program Indonesia Pintar Melalui Kartu Indonesia Pintar (KIP) - Klaster I - Tanya Jawab : Tim Nasional Percepatan Penanggulangan Kemiskinan - TNP2K," accessed February 19, 2017, <http://www.tnp2k.go.id/id/tanya-jawab/klaster-i/program-indonesia-pintar-melalui-kartu-indonesia-pintar-kip/>.

⁹ "Program Indonesia Pintar Melalui Kartu Indonesia Pintar (KIP) - Klaster I - Tanya Jawab : Tim Nasional Percepatan Penanggulangan Kemiskinan - TNP2K."

¹⁰ Equal protection of the laws is aimed at the state responsibility to actively provide the protection to all citizens to enjoy human rights so that it enables to objectify equality to all citizens.

¹¹ Positive action can be interpreted as an action to identify and overcome discriminatory practices, especially for those who do not benefit.

received this cash assistance. The information counted that 1,057 out of the 1,067 students who were in grades seven, eight, and nine of Government Junior High School Jember 1 (SMP 1 Jember) received PIP assistance (Solichah 2017).

These facts confirm that such problems are serious as this policy was substantively aimed to provide positive action in human rights. Cash subsidies are seen as protection for citizens who need special treatment to access the right to education. Unfortunately, in practice, benefits are going to richer families. Similar problems often occur, particularly when government programs, in the form of financial assistance, have been followed by further challenges due to poor data collection and verification, including worse aid distribution (Perdana 2015). In this context, the PIP is counterproductive and does not meet what was expected: to anticipate and answer high rate of dropouts among students. These problems, therefore, can be concluded to be a result of the negligence of the government in its efforts to protect human rights.

2. Quo Vadis: Educational Subsidies or the Right to Education?

In the context of human rights, there are two consequences for providing educational subsidies while attempting to fulfill the right to education. Providing educational subsidies may affect the fulfillment of the right to education, but the right to education specifically emphasizes the obligation of the state to provide adequate education. In other words, the state is obliged to ensure that every student can access their rights so that they can go to school and receive proper knowledge at school. This is different from providing subsidies which play a role in supporting the level of school participation through cash transfers, not the accessibility and availability of education to be enjoyed all citizens. Indeed, it takes how the government considers the proper formula on the right to education.

It is essential to take experiences from other developing countries on how they formulated duties on the right to education. As Indonesia is a third-world country, there is the assumption that the country has relatively similar problems with other developing countries, such as improper planning and budget distribution. To this extent, most programs unveiled for poverty alleviation, including in the field of education, are in the form of cash.

In Mexico, cash assistance became a popular policy model. Cash was granted to families who met certain requirements to ensure school-age children could attend school properly. In the end, this program was re-evaluated because of the ineffectiveness of its implementation. However, the evaluation often does not consider what matters make success in improving children's quality and family welfare (de Brauw & Hoddinott 2011).

Mexico's experience confirms that the cash assistance program, in practice, does not have positive impacts to solve the problems in the country. In other words, cash assistance is not an appropriate tool to answer problems

of poverty and vulnerable citizens as this model is faced with difficult challenges to its effective implementation.

In general, African countries also often adopt the cash assistance policy model as a way of increasing growth (Garcia, G. Moore, & M. T. Moore 2012). This model is also applied in order to meet the pressure to reduce poverty and fulfill human rights, but it is still not an effective drug to solve problems in Africa (Garcia, G. Moore, & M. T. Moore 2012).

Ecuador's experience is another example. The country also faced difficult challenges in implementing a cash assistance program. Ecuador expected that its policy model would provide positive achievement for the development of children. However, in practice, those who are from poor families often wasted the cash they received for their other needs (Paxson & Schady 2010).

The use of assistance in the form of cash in Indonesia remains at a high level of risk. These risks include the accuracy of the use of cash assistance for the benefit of supporting access to education. In other words, there is the concern of whether cash assistance would be used for the intended need or for other purposes that are counterproductive in the mission of accessing education. Therefore, from such facts, it is important to suggest that the government re-evaluates the PIP policy, including improving the data collection, verification, and its distribution into other than cash transfers rather than just the mode of distribution (Liputan6.com 2017).

THE RIGHT TO EDUCATION AND EDUCATIONAL POLICIES

SUBSIDY programs in education will become more intense to debate as it is discussed in the lens of human rights. The right to education is guaranteed in the constitution and international covenants ratified by the government of Indonesia. The right to education covers what matters need to be fulfilled by the government in realizing the protection and fulfillment of human rights to education to its citizens. As in Article 31 of the 1945 Constitution, the right to education is granted for citizens and they are obligated to attend basic education, whose finance is subsidized by the government.

Further provisions are regulated in the Law on the National Education System (National Education System Act). Article 34 confirms that the government, both at the central and regional levels, guarantees the implementation of minimum compulsory education for basic education without fees. In addition, Article 5 states that the right to education includes the same rights to obtain quality education. It is also stated that there is a special protection of rights for citizens who have physical, emotional, mental, intellectual, and social disorders. In this context, the right to education includes special service education for citizens who live in remote or

underdeveloped areas, including indigenous peoples. Special education is also given to citizens who have special talents and intelligence. All rights granted are in the context of providing citizens with the opportunity to improve education so that citizens are life-long learners.

In referring to international instruments, the provision of the right to education also includes free, basic education which requires the government to fulfill and provide. This right is mentioned in Article 26 (1) of the Universal Declaration of Human Rights 1948, Article 13 Paragraph (2) (a) of the International Covenant on Economic, Social and Cultural Rights 1966, Article 28 (1) (a) of the Covenant on the Rights of the Child 1989 or Article 4 (a) of the Covenant on Discrimination in the Education 1960.

Such laws justify the right to education as an important role in the national agenda, particularly, when the state is obliged to provide free, basic education. This paper considers that Indonesia will enjoy demographic dividend by 2030 but they depend on how the government formulates the right to education so that education is accessible for the young generation¹² (McDonald 2014). UNICEF introduces a conceptual framework for the approach to the right to education comprising of three interrelated dimensions. These three dimensions include the right of access to education, the right to quality education, and the right to respect for the learning environment. The right of access to education is based on equal opportunities without any discrimination; it is an inclusive approach to education for children. The right to quality education enables children to develop their potential and use various opportunities to develop their skills. To achieve this goal, education is required to be child-oriented with relevant curriculum and support by appropriate resources and supervision. The right to respect in the learning environment is entitled to every child. To achieve this goal, education must be consistent with human rights, including equal respect for each child, various opportunities for participation, free from all forms of violence, respect for language, culture and religion (UNICEF and UNESCO 2007). Therefore, this asserts that the scope of access to education includes not only equal opportunities without any discrimination as part of inclusive education for all children but also excellent education that supports every child to enjoy learning environment.

While access to education should meet the quality of education, this paper considers Article 5 of the National Education System Law that is concerned at providing quality education. This law states providing access to education should be followed by the improvement of quality so that there is an improvement in the quality of human resources. Such article affirms the importance to improve the quality of education so that it brings positive impacts to the quality of learning and skills-based student achievement. The

¹² It is estimated that during 2010-2035 there will be increasing population of Indonesia consisting of 30 million in Java, 18 million in Sumatra, 4 million in Bali and Nusa Tenggara, 6.5 million in Kalimantan, 5 million in Sulawesi and 4.5 million in Maluku and Papua.

government, however, needs to formulate the budget in a way that supports access to education, followed by an improvement in the quality of education, as it is widely known that better education will influence a better rate of economic growth. Subsequently, the improvement of the quality of education justifies at improving the welfare of citizens.

Eric Hanushek, an economist on the economics of education and public policy, argues that without the improvement in the quality of school education, developing countries will face difficulties improving their long-term, economic sustainability (Hanushek 2013). The role of quality schools at this stage influences the increase in resource capital, so the better education supports individual income and economic growth. For example, when Singapore gained the autonomous status from the British Government, it was poor with the majority of its population having high illiteracy and no skills (OECD 2017). At the same time, policy focused on expanding basic education as quickly as possible and recruiting large numbers of teachers to achieve a universal basic education. This was achieved in 1965 (OECD 2017). Quality-based policies began in 1979 with emphasis on skills in order to support domestic economic growth (OECD 2017).

In fact, Indonesia cannot eradicate poverty through education policy as quick as what Singapore has practiced. Indeed, Indonesia is complex consisting of culturally, religiously, and linguistically diverse population with higher economic gap compared to Singapore. However, Indonesia revised educational policies by providing a larger amount of national budget. It is written in Article 31 Paragraph (4) of the 1945 Constitution in which the state prioritizes a minimum education budget of 20% from the state budget to support the implementation of the national education system. This improvement then juxtaposes Indonesia and Singapore as countries that have high priority in education, reserving a budget portion of 20% of the total state budget (Tan, Liu & Low 2017).

After more than a decade, however, Indonesia faces considerable challenges in regards to the expense of providing better education. As the unitary state, education in Indonesia is a nationally-driven agenda, and provincial and local governments are limited in exercising powers. One of the fundamental problems is that Indonesia cannot resolve complex problems nationally. Such problems are, nonetheless, providing decent schools, free basic education, and unskilled teachers which result in lower quality of education. Three surveys measuring worldwide educational performance, such as the Trends in International Mathematics and Science Study (TIMSS), Progress in International Reading Literacy Study (PIRLS) and the Program for International Student Assessment (PISA), show that education in Indonesia has not improved significantly from the previous rankings (Manning & Sumarto 2011; ADB & OECD 2015). The latest PISA results published in 2016 ranked the average score of Indonesian students in reading, mathematics, and science as number 62 of the 70 countries in the world participating in this survey (The Jakarta Post 2017). In contrast, in the same

survey, Singapore was ranked first in the world. Therefore, it is evident that the success derives from their reform educational policy and because the country put education as a driving aspect of its national economic development (OECD 2015). Therefore, when education is considered important to improve the quality of human resources and the standard of living, the government has obligations not only to provide access to basic education but also use funding efficiently.

EVALUATING EDUCATIONAL POLICIES IN INDONESIA

THIS SECTION outlines the evaluation of national education policies at providing the right to education. This section specifically consists of evaluations relating to free education as mandated by the law and international instruments. In addition, teacher performances and wellbeing are evaluated against Indonesia's struggles over better education.

1. Free Education Issues

Due to the aforementioned facts, it is important to criticize Indonesia's educational system, particularly on the availability of inclusive education. In one hand, the government needs to improve accessible education followed by the improved quality of education. The limited budget, however, can be no longer be a mere issue to justify this problem. Rather, the government of Indonesia needs to manage the national budget efficiently to reduce economic gaps among students and foster national investment in education. In this regard, the Asian Development Bank classifies several key factors on managing budgets and access to education, *inter alia*: readjusting student and teacher ratios, reducing teachers' absence in schools, and rationalizing non-permanent teachers against good standards and high performance in teaching (ADB & OECD 2015). These three efforts are predicted to bring positive impacts to budget efficiency as a means to solve existing budget problems. If those efforts are successfully done, they would ease the provision of free education as Indonesia's commitment in the full realization to the national education system and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) ratified by Indonesia in 2005. Therefore, as the right to education is regarded part of derogable rights in which the enjoyment of such right can be strictly limited in accordance government's budget the ratification confirmed that Indonesia is ready to fulfill the responsibilities specified in the covenant. In the Covenant, one of these commitments needs to be realized by providing free basic education.

Free basic education has a problem in its application. The responsibility of the government as Article 31 Paragraph (2) of the 1945 Constitution, which mandates the government to regulate the administration of education to realize compulsory education, does not necessarily run properly. The budgeting process for fulfilling free education is often an obstacle due to problems in implementation. One justifiable obstacle is that the amount of budget set by the government is too small.¹³ In addition, efforts for free education resulted in different obstacles for each region. The diverse amount of income in each region challenges efforts to fulfill free education for policymakers.¹⁴

Changes in administrative powers in education also bring impacts in the implementation. After the third Regional Government Act 2014 was promulgated, there are new provisions to involve regency and provincial governments. According to such a new act, education at the elementary and junior high school levels is taken over by the regency government, while the high school level is subjected to the provincial government. Insofar this change, however, has an adverse impact on the budgeting process that impedes the implementation of free education.¹⁵

2. Teacher's Quality and Well-being

Education is strongly intertwined with teacher-student relations. Both teacher and student have major roles in the efforts to educate national life. While students become the focus of government's policy aimed to be able to access the right to education, teachers play a vital role in this aim in producing quality education. In addition to educational fees, the role of schools for providing quality teachers needs to be in the government's prioritized agenda (Komnas HAM 2009). Ministry of National Education acknowledges that the teaching profession in Indonesia bears big challenges in transforming teacher's competence to meet national standards (Jalal et al 2009). The Organization for Economic Co-operation and Development (OECD) also aggregately notes that teachers in Indonesia still have a low performance to bolster better education in Indonesia, especially teachers at the elementary level. The

¹³ "Anggaran Pendidikan Gratis Di Jember Tak Sesuai Kalkulasi Awal - Beritajatim News," accessed February 19, 2017, http://beritajatim.com/politik_pemerintahan/280688/anggaran_pendidikan_gratis_di_jember_tak_sesuai_kalkulasi_awal.html.

¹⁴ "Akar Kontroversi Pendidikan Gratis Di Jember - Beritajatim News," accessed February 19, 2017, http://beritajatim.com/pendidikan_kesehatan/272130/akar_kontroversi_pendidikan_gratis_di_jember.html.

¹⁵ "DPRD: Pendidikan Gratis Jember Seharga 1 Pak Rokok - Beritajatim News," accessed February 19, 2017, http://beritajatim.com/politik_pemerintahan/280655/dprd_._pendidikan_gratis_jember_seharga_1_pak_rokok.html.

OECD asserts that education in Indonesia considers teachers as one of the major problems for providing the right to education.

When steps towards improvement have been taken by the Indonesian government there was a high number of teachers' absences in school; in 2013-2014, there was an estimated number of around 10% (OECD 2006). These absences affect the effective pedagogical process at schools. In fact, schools aggregately only provide students to learn less than minimum school hours resulting in particularly low ability in mathematics (OECD 2006). Teachers' absences at school, however, increases in rural and remote areas with all its limited infrastructure (OECD 2006). This results in an increased level of students' absences from school (OECD 2006).

The information also notes that teachers' absence to school increased by 26% due to schools' administrative duties, such as attending meetings or training (OECD 2006). In addition, such absenteeism also significantly led to additional work for teachers to cover financial shortages as schools do not provide enough salary for teachers (OECD 2006). The government responded to these problems by introducing teacher certification; however, this leaves new problems because the program lacks effectiveness. The program has been operational since 2006 with the Teacher Professional Program and Training or *Program Latihan dan Profesi Guru* (PLPG) (Ramli & Jalinus 2013).

The PLPG sets requirements on the minimum qualifications for the teacher's teaching process. There are a series of training in the field of pedagogy and exams to be passed before teachers are certified. However, the implementation tends to be unable to transform the participants into professional teachers. While this certification program is recognized to improve the quality of teacher welfare, the World Bank's research reveals that it resulted in the better teachers' salary but not followed by the improved teachers' performance at schools (Chang et al 2013). In other words, there is no significant difference between certified teachers and uncertified teachers in terms of their professional competence in the aspects of knowledge and teaching skills towards student achievement (Chang et al 2013).

The above statement can be justified as the reason to argue that the government has carried out inappropriate policies so that the budget expenditure does not meet a significant impact to improve the quality of both teachers and students. The World Bank highlights that such actions are the result of the government's focus on structure rather than cultural changes in education (Chang et al 2013). A structural approach that is not followed by a cultural aspect to transform performance in education results in the failure to achieve an improvement in the quality of education in Indonesia. Therefore, the right to education is still under big projects for how it is negotiated with better government's policy.

CONCLUSION

EDUCATIONAL policy has become increasingly complicated in Indonesia, especially when it is articulated, debated, and negotiated with the right to education. A series of policies were created by the Indonesian government in order to increase school participation and improve the quality of education in Indonesia. In its implementation, however, these efforts often were challenged to the extent to which the government formulated a series of weak policies that resulted in human rights debates. While the series of PIP policies were unveiled, for instance, inaccurate data collection suffered the unfair distribution of aid to students from poor families, the distribution of cash assistance, in some cases, was wrongly targeted so that it essentially contradicted with the aim of the program. As the policy is linked to human rights, its implementation confirms that the government has been negligent in a series of policies in fulfilling human rights responsibilities. Indeed, a cash assistance program was aimed by the government to raise school participation; however, it tends to lack effectiveness when the budget allocation is not distributed to support the right to education, including accessible education and free education as both are officially acknowledged by the government as universal education.

It is necessary to review the effectiveness of PIP policies as an effort to fulfill the right to education for citizens. The evaluation includes the use of the budget to be more relevant to the fulfillment of human rights. In the midst of budget constraints, the clash of policy formulations between cash assistance and free basic education commitments are on the problem of formulation, but Indonesia is bound by ICESCR so that free education should be the priority. On the other hand, by referring to Article 5 of the National Education System Law, the commitment to provide education, which includes quality aspects, should be considered by the government. This is especially because Indonesia is often ranked by TIMSS, PIRLS, and PISA to have lower performances in education compared to that of other countries in Southeast Asia.

In responding to this, the government needs to reconsider the aspect of the fulfillment in the right to education. Free education should be an impetus to fix the budget expenditure rather than use the budget inefficiently. A series of policies need to reevaluate education as an investment in order to support the national economy in providing prosperity in the country. Therefore, evaluation of the process of teachers' certification is needed to ensure the budget can be distributed efficiently and bring positive impacts for the improvement of the quality of education.

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Quote

“Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education”



Franklin D. Roosevelt

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