



Legal Politics as a Component for Improving the Minimum Service Standard for Early Childhood Education

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ABSTRACT

Based on the Preamble to the 1945 Constitution of the Republic of Indonesia, the fourth paragraph refers to the ideals to be implemented within a single composition of the Republic of Indonesia. Article 28 C paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates that every person has the right to develop himself through meeting his basic needs, has the right to receive education and to benefit from science and technology, arts and culture, to improve for the quality of his life and for the welfare of humanity. This research aims to analyze legal politics in implementing the fulfillment of Minimum Service Standards (SPM) in Early Childhood Education (PAUD) in Indonesia. This research is normative legal research with a normative juridical approach. The research results show that the implementation of SPM in the PAUD sector is very important to ensure that every young child receives quality educational services. Article 11 of Government Regulation Number 2 of 2018 concerning Minimum Service Standards explains that local governments are obliged to implement SPM to fulfill the types of basic services and quality of basic services that every citizen has the right to receive. The implication is that the implementation of Minimum Service Standards (SPM) in Early Childhood Education (PAUD) is very important to ensure that every young child in Indonesia receives quality educational services, which ultimately contributes to improving the quality of life and human welfare.



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Introduction

Education is the most important part of national life. This is reflected in the ideals of establishing a state known as the national goals contained in the Preamble to the Undang-Undang Dasar, 1945 of the Republic of Indonesia, hereinafter referred to as the " Undang-Undang Dasar, 1945" in the fourth paragraph, namely: a) protecting the entire Indonesian nation and all of Indonesia's bloodshed, b). promote general welfare c). to educate the life of the nation and d) participate in implementing world order based on independence, eternal peace and social justice, where these ideals will be implemented in one structure of the Republic of Indonesia which stands on five principles, namely Pancasila. Furthermore, Article 28 C paragraph (1) of the Undang-Undang Dasar, 1945 mandates that every person has the right to develop himself by fulfilling his basic needs,

has the right to receive education and obtain benefits from science and technology, art and culture, in order to improve the quality of his life and for the welfare of humanity (Undang-Undang Dasar, 1945).

This mandate was then confirmed in Article 31 paragraph (1) which states that "every citizen has the right to education". In line with this, the Government seeks and implements a national education system that increases faith and devotion to God Almighty as well as noble morals in order to make the nation's life more intelligent as regulated by law. This emphasizes the importance of education as a basic right of every citizen which must be fulfilled by the government through various policies and programs, including the implementation of Minimum Service Standards (SPM) in the Early Childhood Education (PAUD) sector. With the existence of SPM, it is hoped that every young child in Indonesia can receive quality education, which not only increases their knowledge and skills but also forms a character of faith, piety and noble character. Therefore, fulfilling the SPM in PAUD not only functions as a strategic step to fulfill the right to education, but also as an effort to achieve national goals in making the nation's life intelligent and building a superior and dignified next generation.

In order to achieve the national goals and mandate of the 1945 Constitution, one of which is to make the nation's life intelligent within the framework of carrying out state administration and in relation to making the nation's life intelligent, is through education. Education is the main factor that has an important role for the Indonesian people, because with education, Indonesian people can gain intelligence, abilities, skills so that they are responsible for fulfilling their independence and carrying out development. This is stated in Law Number 20 of 2003 concerning the National Education System, hereinafter referred to as "UU Sisdiknas", that: education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have strengths. spiritual, religious, self-control, personality, intelligence, noble character and skills needed by himself, society, nation and state. Basically, education aims to develop abilities and shape the character and civilization of a dignified nation in order to make the nation's life more intelligent, aimed at developing the potential of students to become human beings who have faith and are devoted to God Almighty, have noble character, are healthy, knowledgeable, capable, creative and become democratic and responsible citizens.

The world of education is so important for the sustainability of the nation, that innovation is continuously carried out for the success of the world of education. Especially in order to fulfill people's rights to get access to education. Kementerian Pendidikan, Kebudayaan, Riset dan Teknologi (Kemendikbudristek) continues to innovate and strives so that the existing education system can produce human resources who have the competencies needed in the future, have global competencies and behave in accordance with the values of Pancasila. This is in line with the vision of the Ministry of Education and Culture, namely creating Pancasila students who reason critically, are creative, independent, have faith, are devoted to God Almighty and have noble character, work together and have global diversity (Undang-Undang Dasar, 1945; Laporan Kinerja Kementerian Pendidikan, Kebudayaan, Riset dan Teknologi, 2021).

In accordance with the National Education System Law article 13 Paragraph 1, education pathways in Indonesia are divided into three, namely formal education, non-formal and informal education which can complement and enrich each other. Formal education is a structured and tiered educational path and consists of basic education, secondary education and higher education. Non-formal education is an educational path outside formal education that can be implemented in a structured and tiered manner. Non-formal education has a very important role because non-formal education is provided and also functions to develop students' potential with an emphasis on mastering knowledge and functional skills as well as developing social attitudes and personalities. Non-formal education includes life skills education, early childhood education, youth education, women's empowerment education, literacy education, skills education and job training, equality education, and other education aimed at developing students' abilities.

Early Childhood Education is a form of education that focuses on laying the foundation for growth and development, both motor coordination (fine and gross), emotional intelligence, multiple intelligences, and spiritual intelligence. PAUD is a coaching effort aimed at children from birth to the age of 6 (six) years which is carried out through providing educational stimuli to help physical and spiritual growth and development so that children are ready to enter further education (Yoshikawa et al., 2020; Minister of Education, Culture, Research and Technology Regulation, 2022).

Understanding of the importance of the early childhood period in children has developed significantly in recent decades, with an increasingly rich disciplinary base that includes health, nutrition, education, neuroscience, linguistic development and parenting. Various studies (UNICEF, 2018; Britto, Yoshikawa & Boller, 2011) have shown that the age from birth to eight years is a very important age for the formation of the foundations of various children's basic abilities, starting from motoric and cognitive abilities, to social abilities

(Lu et al., 2020; Perrin et al., 2020; Yoshikawa et al., 2020). Brain architecture is formed before birth and will continue to develop into adulthood, but the stimulation received at an early age will determine the quality of the framework. The nervous system, brain cells and neural networks form rapidly in the time span of children aged 0 to 8 years (more than 1 million neural connections are formed every second). After this period has passed, the number of connections will naturally decrease to form a more efficient flow circuit for the development of visual and hearing sensory pathways, then language abilities, and other cognitive functions. This research aims to analyze legal politics in implementing the fulfillment of Minimum Service Standards (SPM) in Early Childhood Education (PAUD) in Indonesia

Method

This research is normative legal research with a normative juridical approach. Indirectly, this illustrates that the research will use an approach to legislation (statute approach) as a source of existing law. Legal research methods have different characteristics, empirical legal research consists of research on legal identification and research on legal effectiveness (Sunggono, 2003; Suratman and Dillah, 2008). Empirical research must also look at and review the values that exist in society with applicable laws and regulations as well as normative legal research consisting of research on legal principles, research on legal systematics, research on the level of legal synchronization, legal history research and research comparative law.

Furthermore, the research method used in this research is a normative juridical method. The normative juridical method is an approach based on the main legal material by examining theories, concepts, legal principles, expert opinions and statutory regulations related to this research (Muhammad, 2004; Anam, 2017). The normative juridical research method uses secondary sources, the data is in the form of library materials in the form of documents, books, reports, archives and literature (Ceria, 2010; Isnaina, 2021; Syahrums, 2022). A qualitative research design entails gathering data from statutory regulations as primary sources, all materials and works that provide qualitative explanations from primary sources as secondary sources, and data or supporting materials that aid in the investigation of research discussions as tertiary sources. Broadly speaking, the research process consists of three phases: developing a research perspective, examining research issues, and deriving conclusions. The data analysis technique used is qualitative analysis, which is a technique that describes and interprets legal material that has been collected to provide a general and comprehensive picture of the actual situation.

Results and Discussions

Success in implementing decentralization for a country with a large population like Indonesia is very dependent on the right concept and mechanism in the relationship and intervention of the Central Government with Regional Government, including monitoring mechanisms in the implementation of public service delivery. In order for the implementation of Government Affairs handed over to the regions to run in accordance with national policy, the President is obliged to provide guidance and supervision over the administration of regional Government. One concept for implementing supervision over the duties and obligations of Regional Governments is to introduce the concept of Mandatory Government Affairs for Regional Governments related to SPM (Ministry of Home Affairs, 2008; Syam et al., 2021).

The position of SPM needs to be known to distinguish it from various government affairs determined by the Government. Government affairs are government functions which are the rights and obligations of every level and/or structure of government to regulate and manage these functions which are within their authority in order to protect, serve, empower and prosper the community (Ministry of Home Affairs, 2008; Saptaningtyas, 2008; Affandri, 2022). Judging from the definition above, government affairs exist at each level of government which has the authority to regulate and manage its government affairs.

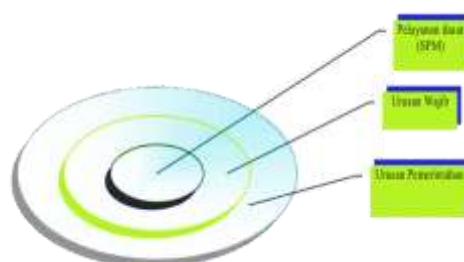


Figure 1. SPM position

There are several important changes related to the issuance of Government Regulation Number 2 of 2018 concerning Minimum Service Standards (SPM), although contextually the meaning of SPM has not changed, namely that SPM is a provision regarding the Types of Basic Services and Quality of Basic Services that every citizen has the right to obtain. minimally, but there are fundamental changes in the regulations regarding Types of Basic Services and Quality of Basic Services, criteria for determining SPM, and implementation mechanisms.

The category of Mandatory Government Affairs is subdivided into two groups: those that pertain to mandatory government services and those that do not. In the realm of mandatory government affairs pertaining to essential services, the establishment of Minimum Service Standards (SPM) is imperative in safeguarding the public's constitutional rights to a minimum standard of fundamental services from the government. The fundamental transformation, particularly in the governance of mandatory government affairs pertaining to essential services for regions and the regulation of delegation of authority, has had a profound effect on endeavors to deliver services to the general public.

The establishment of the relationship between regional governments and the central government, specifically the collaboration with the Ministry of Home Affairs and pertinent Technical Ministries in the enforcement of Minimum Service Standards in the regions, is predicated on Law Number 23 of 2014 concerning Regional Government. In accordance with the domains comprising the fundamental services, the Technical Ministries and the Ministry of Home Affairs collaborate to develop technical directives for the regions regarding the implementation of the SPM, with reference to this legislation.

Several key points of the changes and implementation of Law No. 23 of 2014 include: 1) delegation of authority (Clearer regulation regarding the distribution of authority between the central government and the regions; Absolute government affairs remain under the control of the central government, while concurrent affairs are shared between the central and regional governments), 2) implementation of regional autonomy (Concurrent government affairs form the basis for the implementation of regional autonomy, granting regions greater authority in managing certain governmental affairs; Encourages regions to be more responsive and effective in providing services to the public), 3) minimum service standards (SPM acts as a tool to ensure that basic services to the public are met according to established standards; The relevant Ministries together with the Ministry of Home Affairs are responsible for preparing technical guidelines for the implementation of SPM in the regions), 4) relationship between central and regional governments (Law No. 23 of 2014 regulates a more structured relationship between the central and regional governments, particularly in the coordination and implementation of public policies; The Ministry of Home Affairs and Technical Ministries play a crucial role in supervising and assisting the regions in implementing the SPM), and 5) impact on public services (These changes have a significant impact on efforts to improve the quality of public services in the regions; Regions become more independent and responsible for ensuring that the public receives adequate basic services). The enactment of Law No. 23 of 2014 is anticipated to enhance the efficiency and effectiveness of government administration, as well as elevate the quality of public services provided to the Indonesian population (Tantowi, 2019; Wardani et al., 2019).

Basic Service Types

Basic Service Type is a type of service in the context of providing goods and/or services for basic needs that students are entitled to obtain at a minimum (Aprilla, 2020; Affandri, 2022; Nabilla, Putera & Koeswara, 2023). The determination and regulation of Basic Service Types has been determined in Government Regulation no. 2 of 2018 concerning Minimum Service Standards and is not delegated and is not regulated in other laws and regulations. In this Regulation, 6 (six) SPMs have been established, namely: 1). SPM education; 2). SPM health; 3). SPM public works; 4). SPM public housing; 5). SPM for peace, public order and community protection; and 6). SPM Social.

Basic Service Quality

Determining the details of the quality of basic services is determined by each relevant Minister who carries out Government affairs in accordance with the main duties and functions of the relevant ministry, and the arrangements made by the relevant ministry are regulations regarding SPM technical standards. Service quality is determined by technical standards, namely referring to: standards for the quantity and quality of goods and/or services; and standards for the number and quality of personnel/human resources. Determination of SPM is carried out based on criteria for basic goods and/or services which are absolute and easy to standardize for needs in financing planning.

Implementation of legal politics to fulfill Minimum Service Standards for Early Childhood Education in Indonesia

Success in implementing legal politics SPM PAUD in Indonesia as a country with a large population is very dependent on the right concepts and mechanisms in the relationship and intervention of the Central Government with Regional Governments, including monitoring mechanisms in the implementation of public service delivery.

Public Services The sixth basic element that forms regional government is "public services". The final result of regional government is the availability of "goods and services" which can be divided into two classifications according to the final results produced by regional government. First, regional governments produce public goods, namely goods for the benefit of local communities, such as; roads, bridges, irrigation, school buildings, markets, terminals, hospitals and so on. Second, regional government produces services that are public regulatory in nature, such as; issue birth certificates, identity cards, family cards, building permits, and so on. Basically, public regulation is intended to create peace and order in society.

Supervision The seventh basic element that forms regional government is "Supervision". The argument for supervision is that there is a tendency to abuse power as per Lord Action's adage "Power tends to corrupt and absolute power will corrupt absolutely". To prevent this, the supervisory element has a strategic position to produce clean government.

Suggestions for Enhancing Execution

1. **Enhancing Collaboration** (Torfing et al., 2020): Foster enhanced cooperation between central and regional governments to guarantee a cohesive strategy for the implementation of SPM PAUD. Convening regular meetings and establishing collaborative task teams can effectively tackle issues that are special to a certain region.
2. **Capacity Building** (Oancea et al., 2021): Allocate resources to enhance the training and professional growth of regional government officials and educators, ensuring they possess the necessary expertise and understanding to proficiently execute and oversee the implementation of SPM.
3. **Infrastructure Development**: Programs designed to provide motivation or encouragement for individuals to take specific actions or achieve certain goals. Implement a system of rewards and benefits for educators and administrators who serve in difficult educational settings, in order to attract and retain skilled professionals in places that lack sufficient resources and support.
4. **Infrastructure Development** (Siswanto et al., 2020): Emphasizing the construction and enhancement of educational infrastructure, specifically in distant and countryside regions, to establish a favorable learning atmosphere for young children.
5. **Public Awareness efforts** (Marune et al., 2021): Implement educational efforts to enlighten parents and communities regarding the significance of early childhood education and the quality benchmarks they should anticipate from public services.

Conclusions

Based on the previous explanation related to the legal politics of fulfilling SPM PAUD in Indonesia, which takes the form of making laws or replacing old laws for fulfilling SPM PAUD, which already exist but changes are needed, namely: (1) Law no. 23 of 2014 concerning Regional Government; (2) Government Regulation no. 2 of 2018 concerning Minimum Service Standards; (3) Minister of Home Affairs Regulation No. 59 of 2021 concerning Implementation of Minimum Service Standards; (4) Minister of Education and Culture Regulation No. 32 of 2022 concerning the Implementation of Technical Standards for Minimum Education Services. Regarding SPM Education, it aims to provide guidance to Regional Governments in meeting the basic needs of students according to their level and educational path. With such a target, legal uncertainty will arise regarding the implementation of SPM and as time goes by and the socio-political conditions that occur, this can influence the implementation of SPM policies in the regions. In terms of the validity aspect of norms, the implementation of SPM PAUD regulated by Minister of Education and Culture Regulation No. 32 of 2022 concerning the Implementation of Minimum Education Service Technical Standards, which are stipulated by a Ministerial Regulation, in essence there are problems. This is because the Ministerial Regulation is a regulation that falls into the category of Policy Regulations and does not fall into

the category of Legislative Regulations as mandated by higher legal norms, namely the provisions of Article 11 paragraph (3) of Law Number 32 of 2004 concerning Regional Government. The implication is that the implementation of Minimum Service Standards (SPM) in Early Childhood Education (PAUD) is very important to ensure that every young child in Indonesia receives quality educational services, which ultimately contributes to improving the quality of life and human welfare.

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