

PROBLEMS RELATED TO IMPLEMENTING EQUAL EDUCATION RIGHTS IN NON-FORMAL EDUCATION: CHALLENGES FOR THE BATAM LOCAL GOVERNMENT¹

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Abstract

In order to fulfill the right to education as mandated by the 1945 Constitution, non-formal education has been introduced in Indonesian society. Non-formal education is provided for in Article 26 paragraphs 1-7 of Law No. 20 of 2003 on the National Education System. Since this provision has been mandated by the Law, the question arises as to whether the Government of Batam City has efficiently implemented the right to education for all. Another question is whether the system for implementing equal education through Community Learning Centers and Homeschooling in Batam City aimed at assisting the Batam City Government is the solution in fulfilling the right to education for all in Batam City. This research finds that Law No. 20 of 2003 on the National Education System has not been effectively implemented by the Batam City Government, particularly by the Education Office under the Batam City Government, because non-formal education as one of the solutions for providing equal education for all continues to face problems. Among the issues arising is that students participating in non-formal education programs are not students of study age, yet they are required to follow the same curricula as students at formal schools. This research also finds that the Education Office under the Batam City Government has failed to disseminate the requirements under Law No. 20 of 2003 to Community Learning Centers in Batam City. In addition, it has also failed to conduct regular monitoring and auditing of the implementation of the learning and teaching process at Community Learning Centers in Batam City.

Keywords : equal education, community learning center, Batam city

Abstrak

Dalam rangka memenuhi hak pendidikan sebagaimana diamanatkan oleh UUD 1945, pendidikan non formal telah diperkenalkan ke masyarakat Indonesia. Pendidikan non-formal diatur dalam Pasal 26, ayat 1-7 UU No. 20 Tahun 2003 tentang Sistem Pendidikan Nasional. Sejak ketentuan ini diamanatkan oleh Undang-undang, muncul pertanyaan yaitu apakah Pemerintah Kota Batam telah efisien menerapkan hak pendidikan untuk semua. Pertanyaan lain adalah apakah sistem pendidikan kesetaraan yang dilakukan oleh Pusat Kegiatan Belajar Masyarakat dan Homeschooling di Kota Batam yang bertujuan untuk membantu Pemerintah Kota Batam adalah solusi dalam memberikan hak pendidikan untuk semua di Kota Batam. Penelitian menemukan bahwa UU No. 20 Tahun 2003 tentang Pendidikan Nasional belum efektif dilaksanakan oleh Pemerintah Kota Batam, khususnya Dinas Pendidikan Kota Batam karena pendidikan non-formal sebagai salah satu solusi dari pemberian pendidikan kesetaraan untuk semua. Masih ditemui berbagai permasalahan, seperti peserta didik pada pendidikan non-formal tersebut tidak lagi berada pada usia belajar, kemudian mereka dituntut untuk mengikuti kurikulum yang sama pada dengan sekolah formal. Penelitian ini juga menemukan bahwa Dinas Pendidikan Pemerintah Kota Batam gagal untuk mensosialisasikan ketentuan dalam UU No. 20 tahun 2003 pada Pusat Kegiatan Belajar Masyarakat (PKBM) di Batam Kota. Selain itu, juga gagal untuk melakukan pengawasan dan pemeriksaan rutin pada proses pembelajaran yang dilakukan oleh Pusat Kegiatan Belajar Masyarakat (PKBM) di Kota Batam.

Keywords : pendidikan kesetaraan, pusat kegiatan belajar masyarakat, kota Batam

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I. INTRODUCTION

Batam City is located in the Province of Riau Islands and it is geographically adjacent to two neighboring countries, namely Singapore and Malaysia. Batam City has been established as a Free Trade Zone (FTZ) since April 1, 2009. Due to its strategic location, it has grown and developed into an industrial city. As an industrial city, human resources have become highly significant aspects in attracting foreign investment to Batam City. Education is the one of the most important aspects in producing the quality of human resources. Education is a human right as articulated in the 1945 Constitution, Chapter XIII, Article 31 paragraph (1) (2) and Article 28C paragraph (1). It is also reaffirmed in Article 5 paragraph 1 and 5 of Law No. 20 of 2003 on the National Education System stating that “Every citizen has equal right to receive a good quality education” and “Every citizen shall have the right to enhance his/her educational ability in the process of long-term education”. [Unofficial translation]

The Indonesian government mandates a 9-year compulsory education program. The problem is that not all school-age children (7-15 years) can obtain educations at elementary and junior high schools. According to the Ministry of Education and Culture (*Kemendikbud*), there are over 1.8 million children every year in Indonesia who are unable to obtain education. Based on the educational profile of Batam, the dropout rate at elementary and junior high schools in 12 districts of Batam is 840,700 students every year.

To fulfill the right to education as mandated by the 1945 Constitution, non-formal education has been introduced to Indonesian society. Non-formal education is regulated by Article 26 paragraph 1-7 of Law No. 20 of 2003 on the National Education System. Article 26 paragraph 6 provides that “the outcomes of non-formal education programs shall be recognized as being equal to the outcomes of formal education programs after undergoing a process of assessment by an agency appointed by the Government or the local governments based on national education standards”. [Unofficial translation] Since this provision is mandated by the Law, this research poses the following questions:

1. Has the Government of Batam City efficiently implemented the right to education for all?
2. What are the problems arising in the application of Law No. 20 of 2003 pertaining to the process of implementing the right to education for all in Batam City?
3. What are the solutions in fulfilling the right to education for all in Batam City?

This research aims to analyze the effectiveness and challenges faced by the Batam City Government in implementing Law No. 20 of 2003 on the National Education System in order to comply with equal education programs. It in particular examines the delivery systems and obstacles experienced by the Community Learning Center and Homeschooling in achieving equal education in Batam City.

II. CONCEPTUAL AND LEGAL THEORETICAL FRAMEWORK

A. Conceptual Framework

Equal education is a non-formal education program consisting of *PAKET A Program* (equivalent of primary school), *PAKET B Program* (equivalent of junior high school) and *PAKET C Program* (equivalent of senior high school) with an emphasis on the mastery of science, skills and functional development of professional attitude and personality of students.² Participants of non-formal education programs enjoy

² Direktorat Pendidikan Kesetaraan, *Reformasi Pendidikan Kesetaraan [Equal Education Reform]* (Jakarta: Direktorat Jendral Pendidikan Non Formal dan Informal Departemen Pendidikan Nasional, 2006), p.20.

the same rights and eligibility as those graduating from formal education programs.

This research focuses on Community Learning Center (hereinafter briefly referred to as CLC) and Homeschooling since these two forms of instruction have been relatively recently introduced in the Batam City community as an alternative to obtain non-formal education. The Community Learning Center (CLC) is an established community learning initiative of, by and for the community. Homeschooling is an educational model in which a family chooses to be solely responsible for the education of their children and educate their children by using the house as a base of education.

B. Legal Framework

Everyone has the right to obtain proper education as mandated by the 1945 Constitution under Article 31 (1 & 2) which sets out that:

(1) Every citizen shall have the right to obtain education.

(2) Every citizen shall be obligated to follow basic education and the government shall be obligated to finance it. [Unofficial translation]

Article 31 of the 1945 Constitution is further articulated in Law No. 20 of 2003 on the National Education System. The right to education is elaborated in the provisions of Article 5 (1) and 6 (1) of Law No. 20 of 2003 on the National Education System. The said provisions emphasize that “Every citizen has equal rights to receive a good quality education” (Article 5(1)) and “Every citizen of the age between seven to fifteen years shall have the right to receive basic education” (Article 6(1)). [Unofficial translation]

Education under Article 5 (1) and 6 (1) of Law No. 20 of 2003 is defined as formal, non-formal and informal education (Article 13(1)). Non-formal education is specifically governed by the provisions indicated in Table 1 below.

Table 1. Provisions relating to Non-Formal Education

Article	Provision Contents
Article 26 (1)	Non-formal education is provided for community members who need education services which functions as a replacement, complement, and/or supplement to formal education in the context of supporting life-long education.
Article 26 (3)	Non-formal education comprises life-skills education, early childhood education, youth education, women empowerment education, literacy education, vocational training and internship, equivalency program, and other kinds of education aimed at developing learners' ability.
Article 26 (4)	A non-formal education unit consists of training centers and colleges, study groups, community learning centers, majelis taklim, and other education units of similar type.
Article 26 (5)	Training centers and colleges are provided for community members who are in need of knowledge, competencies, life-skills, and attitudes to develop their personality, professionalism, working ethics, entrepreneurship, and/or for further education.
Article 26 (6)	The outcomes of non-formal education programmes shall be recognized as being equal to the outcomes of formal education programmes after undergoing a process of assessment by an agency appointed by the Government or the local governments based on national education standards.

Source: Law No. 20 of 2003 on the National Education System

Non-formal education prescribed by the provisions in Table 1 shall implement curriculums in order to achieve the following competencies established by National Education Minister Regulation No. 23 of 2006. The competencies for each *PAKET* are as follows respectively:

1. *PAKET A Program*: Acquiring life skills.
2. *PAKET B Program*: Acquiring basic skills required for employment.
3. *PAKET C Program*: Acquiring entrepreneurial skills.

In order to ensure that CLCs provide quality education to those who participate in non-formal education, the Government issued National Education Minister Regulation No. 14 of 2007 concerning the Content Standard for *PAKET A*, *PAKET B*, *PAKET C Programs* respectively. The said regulation consists of the principles of Equal Education for *PAKET A*, *B*, and *C*. The following principles must be manifested in the *PAKET A*, *B*, and *C Programs* curricula respectively:

1. The need for development, interest of learners and the environment.
2. Diversity and integration.
3. Responses to the development of science, technology, and arts.
4. Relevancy to the needs of life.
5. Comprehensiveness and sustainability.
6. Balancing between national and regional interests.
7. Thematic.
8. Participatory.

The respective learners of *PAKET A*, *B* or *C Programs* must participate in the learning activities either in the form of face-to-face sessions (minimum 20%), tutorials (minimum 30%), and independent study (maximum 50%) in accordance with the number of credits listed in the Standard Content Program for *PAKET A*, *B*, and *C* respectively. Institutions implementing *PAKET A*, *B* or *C Program* respectively are obliged to provide the following³:

1. Educators in accordance with the demands of the subjects concerned.
2. Tutorials at least 2 days per week.
3. Learning facilities and infrastructure.

C. Theoretical Framework

This research adopts two legal theories to establish compelling and sound arguments. The first theory is the Theory of Legal System established by Lawrence Meir Friedman. Friedman determines that there are three main components of the legal system, namely "Legal Structure, Substance and Culture".⁴

In relation to Legal Structure, Friedman states that "the legal system has the structure of a legal system which consists of elements of this kind: the number and

³ Indonesia, *Peraturan Menteri Pendidikan Nasional Tentang Standar Proses Pendidikan Kesetaraan Program Paket A, Program Paket B, Program Paket C*, (National Education Minister Regulation on the Standard Process Equal Education of Program *PAKET A*, *B*, and *C*), Peraturan Menteri Pendidikan Nasional No. 3 Tahun 2008 (National Education Minister Regulation Number 3 Year 2008), art. 2.

⁴ Abdurrahman Misno Bambang Prawiro, "Teori Sistem Hukum Friedman [Friedman's Legal System Theory]" <http://www.scribd.com/doc/132230281/Teori-Sistem-Hukum-Friedman>, accessed on June 3, 2014.

size of courts; their jurisdiction. Structure also means how the legislature is organized, what procedures the police department follow, and so on. Structure, in a way, is a kind of cross section of the legal system, is a kind of still photograph, with freezes the action". Legal Substance is explained by Friedman by stating that "another aspect of the legal system is its substance. By this is meant the actual rules, norm, and behavioral patterns of people inside the system, the stress here is on living law, not just rules in law books". Friedman further states that "the third component of legal system is legal culture. By this we mean people's attitudes toward law and legal system. It is social thought and social force which determines how law is used, avoided, or abused".⁵

The second theory adopted by this research is "Integrative Legal Theory" by Romli Atmasasmita.⁶ This theory attempts to mediate the approaches of Progressive Legal Theory developed by Satjipto Rahardjo and Law for Development Theory established by Mochtar Kusumaatmadja by emphasizing that legal concepts (law) should be understood as a system of norms, system of behavior and system of values which are part of a certain society at a certain point in time and at a certain place.⁷ In short, the Integrative Legal Theory states that the law today (based on the Law for Development Theory) can be changed tomorrow because of society behaviors (based on the Progressive Legal Theory). Since the proponent of this theory is from Indonesia, he specifically emphasizes that the establishment of a new law should be based on basic values and norms of Indonesian society which is integrated in the Indonesian State Ideology (*Pancasila*).⁸

III. RESEARCH METHODS

A. Research Design

This research adopts a socio-legal approach which aims to apply law as a social norm in real terms and to associate it with the existing social variables.⁹ The nature of the research is descriptive in order to provide a clear and systematic description of various matters regarding the implementation of equal education programs. In this research, the researcher compares and analyzes the law regarding education with facts occurring in society. Therefore, the researcher adopts the social-legal approach to analyze the stated research issues.

B. Data Collection Techniques

Socio-legal research uses secondary data as its initial data; it is then followed by primary data or data obtained from field research.¹⁰ Primary data has been obtained by conducting:

1. Observation at 31 Homeschoolings in Batam City.
2. Interviews with relevant stakeholders: official of the Non-Formal Education Department of Batam City, 5 officials, teachers, active students, and alumni of CLCs.

⁵ Lawrence Meir Friedman, *Sistem Hukum dalam Perspektif Ilmu Sosial [Legal System in the Social Sciences Perspectives]* (Bandung: Nusa Media, 2011), p.15.

⁶ Romli Atmasasmita, *Teori Hukum Integratif: Rekonstruksi Terhadap Teori Hukum Pembangunan dan Teori Hukum Progresif [Integrative Legal Theory: Reconstruction towards Development Law and Progressive Legal Theory]* (Yogyakarta: Genta Publishing, 2012), p.30.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Zainuddin Ali, *Sosiologi Hukum [Sociology of Law]* (Jakarta: Sinar Grafika, 2006), p.13.

¹⁰ Zainal and Amiruddin Asikin, *Pengantar Metode Penelitian Hukum [Introduction to the Legal Research Method]* (Jakarta: RajaGrafindo Persada, 2004), p.133.

Secondary data includes official documents (laws), books and research reports. Secondary data is collected through library research.¹¹ Secondary data used by this research consists of the following:

1. Primary legal materials such as legal documents (legislation), namely: the 1945 Constitution, Law No. 20 of 2003 on the National Education System, Government Regulation No. 19 of 2005 on National Education Standards, National Education Minister Regulation No. 14 of 2007 on the Content Standard for program *PAKET A*, *PAKET B*, *PAKET C*, National Education Minister Regulation No. 3 of 2008 on the Standard Process Equal Education of *Program PAKET A, B, and C* and National Education Standards Regulation No. 0022 / P / BSNP / XI / 2013 on the Standard Operating Procedures Implementation of National Examination at Schools.
2. Secondary legal materials, namely research reports, journals, books.

C. Data Analysis Methods

Data analysis in a socio-legal research depends on the nature of the data collected. If the data collected is few in numbers or intangible in nature, it is more appropriate to apply qualitative analysis.¹² This research uses a qualitative analysis because the collected data is few in numbers and it is derived from observation and interviews at the Community Learning Center in Batam City.

IV. Research Findings and Discussions

A. The Government of Batam City has been facing certain problems in implementing the right to education for all

Education is part of human rights because everyone has the right to obtain proper education. Right to education is mandated by the 1945 Constitution and it is further elaborated in Law No. 20 of 2003 on the National Education System. However, in actual fact many people in Indonesia are still unable to enjoy the right to education in the formal schooling system. Hence, the Indonesian Government has introduced non-formal education which is implemented by the CLC. Batam City has 31 CLCs which offer their learners: *PAKET A* (equivalent to Elementary School), *PAKET B* (equivalent to Junior High School) and *PAKET C* (equivalent to Senior High School) to 1281 learners. Table 2 indicates the number of learners at CLCs in Batam City.

Table 2. Learners at the CLCs in 2015

No	Program	Number of Learners		Total
		Male	Female	
1	PAKET A	154	79	233
2	PAKET B	427	147	574
3	PAKET C	903	378	1281

Source: Education Department of Batam City.

¹¹ Soerjono Soekanto, *Pengantar Penelitian Hukum [Introduction to Legal Research]* (Jakarta: UI-Press, 1986), p.12.

¹² Zainal and Asikin, *Pengantar Metode*

Based on the requirement for education processes and learning periods, the CLC should be considered as equivalent to those of formal education institutions. This statement is supported by Article 26 (6) of Law No 20 of 2003 on the National Education System which stipulates that “the outcomes of the non-formal education program shall be recognized as being equal to the outcomes of formal education program after undergoing a process of assessment by an agency appointed by the Government or the local governments based on national education standards”.

However, based on the in-depth interview with DS. Sugeng Agung Nugroho, (the Secretary General of the CLC Forum), it was revealed that 29 CLCs out of 31 CLCs have not yet implemented the learning and teaching process in accordance with the provisions of laws, particularly the requirement of tutorials (minimum 2 days per week). Based on the observation of the CLCs in Batam City, similar to the statement of DS. Sugeng Agung Nugroho, it was also found that 29 of 31 CLCs do not conduct their learning and teaching processes properly as indicated in Table 3 below.

Table 3. Learning and Teaching Activities of CLCs in Batam City

CLCs that have not implemented the regular learning process	CLCs that have implemented the regular learning process
Jamiatul Ulum Ar Rahman	
Mengapai Bintang I dan II	
Mawar	
Cendana	
Anggrek Seraya	
Nurul Huda	
Bijak Bestari	Zam-Zam Darusalam (one meeting a week)
Mandiri	
Tuah Mandiri	
Al-Ihsan	
Al-Iklas	
KP. Tua	
Handayani	
Miftahus Sa'adah	
Anggrek Seraya	
Al-Marhamah	
Rizqi Khrunisa	
Mudimadani Aзийah	
Abang Anggrek	
Pengembang Umat	
Surya Semesta	Home schooling Bina Mandiri (3 meetings a week)
STIPAK	
Sumber Ilmu	
SKB	
Cahaya Batam	
Mulia Cendikia	
Omega Jaya	
Lantabur	
AL-Fattahu	

Source : Secretary of Forum Community Learning Center in Batam City.

It is clear from the findings of field research that 29 CLCs of 31 CLCs have not yet implemented the learning and teaching process in accordance with the provisions of laws, particularly the requirement of tutorials (minimum 2 days per week).

In addition, some CLCs have falsified the data of their students/learners in order to be eligible to join the national examination. DS. Sugeng Agung Nugroho revealed during the interview that 30 CLCs have learners who are not within the range of learning age. The CLCs manipulate the data of learners creating the impression as if they had studied for 3 years but then dropped out of formal school, in order for them to be eligible to join the national examination. This is a condition experienced by many workers in Batam City who have dropped out of formal schools a long time ago, but they need to follow the national examination.¹³

Many learners of CLCs have never been present in the learning processes, yet the CLCs issued learning certificates to them thus enabling them to join the national examination. Such circumstances were revealed by DS. Sugeng Agung Nugroho as he explained that the CLCs provide facilities for learning processes, but some learners who have registered at the CLCs never attend the learning processes. So, some learners who have not undertaken the learning processes at a CLC are able to obtain CLC learning certificates to join the national examination. They have been able to do so because the CLC falsified their learning report in order to fulfill the requirement for joining the national examination.

A student/learner with initial "AI" in the in-depth interview conducted on November 2, 2014 stated that he had already dropped out of the second grade of junior high school five years earlier. He decided to join the *PAKET B program* to obtain his junior high school diploma since the diploma is one of the conditions to get a job. "AI" joined a CLC in Batam. "AI" just got a tutorial class once a week only and within one year he was able to join the national examination. The CLC falsified his learning report to meet the requirements for joining the national examination.

A similar experience was expressed by a former student/learner with initial "M" who was interviewed on November 11, 2014. "M" stated that he was able to study at a university even though the level of education which he had undertaken at the CLC was equivalent only to Junior High School Degree. In the interview, "M" also said that he had taken *PAKET B Program* (equivalent to Junior High School) at a CLC in Batam City and obtained his *PAKET B Diploma* (equivalent to Junior High School Diploma) from the said CLC in 2014. In the same year, he was admitted as a college student while taking his *PAKET C Program* at one of the CLCs in Batam City. The said CLC promised him that within a period of four months he would be able to join the national examination and would receive a diploma of *PAKET C program* (equivalent to Senior High School) only by paying the CLC the amount of Rp4,000,000 (Four Million Rupiah).

The question that may be raised is whether all CLCs in Batam City have taken such an approach. The answer is negative because based on an in-depth observation at Homeschooling Bina Mandiri Batam from February 10 to May 29, 2015 the following was found:

1. Homeschooling Bina Mandiri Batam is a type of non-formal education which is categorized as CLC.
2. Homeschooling was established on July 15, 2008 and it offers *PAKET A, B, and C Programs*.
3. One class accommodates maximum eight learners.
4. The learning process is conducted three times for one meeting (face to face learning) and five hours tutorial for each meeting.

¹³ Opinion expressed by Mr. Sugeng Agung (Secretary of the Community Learning Center forum in Batam City) in interview conducted on October 28, 2014.

5. A period of study for *PAKET A Program* is completed in 6 (six) years, for *PAKET B Program* in 3 (three) years and for *PAKET C Program* in 3 (three) years.
6. Upon completion of studies, learners can join the national examination.

Nevertheless, out of 31 CLCs apparently only 1 CLC has properly implemented the provisions of the law concerning non-formal education. Based on these facts, it can be stated that the Batam City Government (namely the Educational Office of Batam City Government) has failed to conduct strict and proper assessment of CLCs as mandated by Article 26 (6) of Law No. 20 of 2003. As a result, CLCs do not provide equal and quality education to their learners. In this regard, it can be deduced that the Batam City Government has failed in properly implementing the right to education for all.

The field research also indicates that learners do not obtain proper education at the CLCs since they are able to join the national examination to obtain a diploma of *PAKET C Program* (equivalent to Senior High School) after four months of learning at the CLCs. Such circumstance obviously violates Article 31 of the 1945 Constitution and Law No. 20 of 2003. In addition, by virtue of Education Minister Regulation No. 14 of 2007, learners are required to undertake learning process in the *PAKET C Program* for 3 years.

Based on the Theory of Legal System by Lawrence Meir Friedman, Friedman identifies three main components of the legal system, namely "Legal Structure, Substance and Culture". **First**, legal structure. Legal structure in this case means the Government and CLCs in Batam City. The government has conducted surveillance and CLCs have also been delivering education to learners. However, there are still certain issues as a result of which the learning process is not working as it supposed to. **Second**, legal substance. Legal substance in this case means Law No. 20 of 2003 on the National Education System, Government Regulation No. 19 of 2005 on National Education Standards, National Education Minister Regulation No. 14 of 2007 on the Content Standard for *PAKET A, PAKET B, PAKET C Programs*, National Education Minister Regulation No. 3 of 2008 on the Standard Process Equal Education of *PAKET A, B, and C Programs* and National Education Standards Regulation No. 0022 / P / BSNP / XI / 2013 on the Standard Operating Procedures Implementation of National Examination at Schools. Based on the said substance, the existing laws already provide for non-formal education which is stated in Article 26, specifically in Article 26 (6) stating that "The outcomes of non-formal education programmes shall be recognized as being equal to the outcomes of formal education programmes after undergoing a process of assessment by an agency appointed by the Government or the local governments based on national education standards". Hosuch laws are still facing certain weaknesses, as for instance in National Education Standards Regulation No. 0022/P/BSNP/XI/2013 on the Standard Operating Procedures Implementation of National Examination Schools. According to the said regulation these rules equate the learners in a non-formal education program to formal learners. **Third**, legal culture. The culture of Batam society is characterized by learners while working. So, the orientation of the learner is to work.

B. Problems in the application of Law No. 20 of 2003 pertaining to the process of implementing equal education rights in Batam City

Based on the interviews and observations at CLCs, it was found that the majority of CLCs (29 CLCs of 31 CLCs) conduct their learning process less than 2 days a week. Some of CLCs have also issued learning process certificates even though their learners have never been present in the learning process. It was revealed from the interviews and observations that the CLCs have in fact provided facilities to conduct the learning

process, yet learners remain be absent. The problem in this regard stems out of the conditions of learners most of whom are workers, so they do not have ample time to attend the learning process. On top of that, learners who are no longer within the study age find it difficult to study the subjects offered by the CLCs. It should be noted here that learners are required to study all subjects that are examined in the national examination.

Based on National Education Standards Regulation No. 0022 / P / BSNP / XI / 2013 on the Standard Operating Procedures Implementation of National Examination Schools, the subjects for the national examination are shown in Table 4.

Table 4. Subjects for National Examination

PAKET C Program for Social Sciences	PAKET C Program for Science	PAKET B Program
Civics	Civics	Civics
Indonesian language	Indonesian language	Indonesian language
Mathematics	English	Mathematics
Economics	Mathematics	English language
Geography	Physics	Natural Sciences
Sociology	Chemistry	Social Sciences
English language	Biology	

Source: National Education Standards Regulation No. 0022 / P / BSNP / XI / 2013.

During the interview, it was revealed that a student/learner (45 years old) who works as a janitor dropped out of school when he was in high school. Due to the demands of his job that require him to have at least high school diploma, eventually he had to follow the *PAKET C Program* at a CLC. He had to study all of the subjects under the *PAKET C Program*. However, with his age and low motivation, he was unable to fully understand the entire learning process. He expressed that “his priority isn’t for school but for work”.

It is evident that in addition to the time constraints imposed by work, most of the learners have left their formal school for a long time, so their motivation to learn is very low. The learners’ main motivation is merely to join the national examination in order to obtain their diplomas. Such condition is triggered by the requirement at the learners’ workplace requiring diplomas in order to upgrade the learners’ level or in order to get a job in the first place. Since learners’ motivation is extremely low, the CLCs turn out to be the sale agents of diplomas. As the field research has proven, by paying only Rp4,000,000 (Four Million Rupiah) learners are able to join the national examination and obtain their diplomas without participating full time in the learning process.

It is also apparent that “age” is a pertinent constraint for the CLCs in providing quality education. This fact was expressed by teachers of CLCs during the interview conducted on June 15, 2015. Since most of CLCs do not impose age limit for taking *PAKET A*, *PAKET B* or *PAKET C Program*, the age of many of the learners may not fall within the school age at formal schools. Some of the interviewees stated they obtained their diplomas well beyond the school age (e.g. above 30 years old).

Mrs. Pur, an officer for the Non-Formal Education Department of Batam City, admitted that a number of difficulties had to be faced in carrying out the learning process at CLCs. She said that 90 percent of students do not fall within the study age and it becomes more difficult for them to follow the learning process because they are

also workers with lack of motivation to study. She also pointed out that the national examination does not consider the condition of working learners. Consequently, most of the learners are unable to answer questions in the national examination. Such condition has been worsening because the Non-Formal Education Department has no authority in the national examination. The Department merely adopts the provisions of the national examination from the Ministry of Education.

The second theory adopted in this research is “Integrative Legal Theory” by Romli Atmasasmita. This theory attempts to mediate the approaches of Progressive Legal Theory developed by Satjipto Rahardjo and the Law for Development Theory established by Mochtar Kusumaatmadja by emphasizing that legal concepts (law) should be understood as a system of norms, system of behavior and a system of values which are part of a certain society at a certain point in time and at a certain place. In short, the Integrative Legal Theory states that the law today (based on the Law for Development Theory) can be changed tomorrow due to of societal behaviors (based on the Progressive Legal Theory). In this specific case, Indonesia already has a set of regulations providing for non-formal education. However, one of such regulations does not bring justice to learners, namely National Education Standards Regulation No. 0022 / P / BSNP / XI / 2013 on the Standard Operating Procedures Implementation of National Examination at Schools. The said regulation provides that learners in non-formal schools should go through the same examination as formal school students. Based on the Law for Development Theory, this law should be amended due to societal behaviors.

C. Solutions for implementing the right to education for all in Batam City

It is clear from the previous discussions that each stakeholder faces problems and challenges of their own in the context of implementing non-formal education in Batam City. The Legal System Theory of Lawrence Meir Friedman which consists of “Legal Structure, Substance and Culture” as provided in Table 5 is used to classify such problems and challenges.

Table 5. Stakeholders' problems and challenges relating to the implementation of non-formal education in Batam City

Type of Stakeholders	Problems	Components of Legal System Theory
Education Office of Batam City Government	Failure to disseminate the requirements under Law No. 20 of 2003 to Community Learning Centers (CLC) in Batam City.	Legal Structure
	Failure to monitor and audit the implementation of learning process by CLCs in Batam City.	Legal Structure
	No performance measures and achievement targets to deliver non-formal education programs.	Legal Substance
Community Learning Center (CLC)	Learners are not in the study age and yet they must follow the same curricula as students in formal schools.	Legal Culture
	Learners' motivation in non-formal education programs is merely to obtain diplomas as one of their job requirements.	Legal Culture
	The learning process in non-formal education programs is not adequate for learners to enable them to join the national examination.	Legal Substance
	CLCs in Batam City have not prepared their learners for national examination due to their lack of understanding of the requirements under Law No. 20 of 2003.	Legal Structure
Learners	No motivation to study the subjects at CLCs.	Legal Culture
	Lack of preparation for national examination.	Legal Culture
	Study age has lapsed.	Legal Culture

Source: Compiled and analyzed by the authors.

Table 5 shows that the three components of the legal system under the Friedman's Legal System Theory exist in the implementation of non-formal education in Batam City. To respond to these problems and challenges, the "Integrative Legal Theory" of Romli Atmasasmita is adopted. According to the said theory, the legal concepts (law) should be understood as a system of norms, a system of behavior and a system of values which are part of a certain society at a certain point in time and at a certain place. Based on this theory, it is apparent that a number of laws pertaining to non-formal education are not relevant to the current conditions of CLCs, learners, teachers and as well as the Education Offices in Batam City. Hence, it is suggested here that the non-formal education laws should be amended to introduce certain adjustments in order for them to be relevant with the conditions (Legal Structure, Substance and Culture) of non-formal education stakeholders. In this regard, the laws should open up a room for exemptions under specific circumstances. Table 6 shows the proposed solutions to respond to the problems and challenges faced by stakeholders in implementing non-formal education in Batam City.

Table 6. Proposed Solutions Relating to the Implementation of Non-Formal Education in Batam City

Stakeholder	Legal Structure	Legal Substance	Legal Culture
Education Office of Batam City Government	Provide special training on laws relating to non-formal education to its officers. Improve the competencies of their officers in monitoring and auditing the learning and teaching process performance of CLCs in Batam City.	Establish strategic plans, Key Performance and Success Indicators to measure the delivery of non-formal education programs.	Assign pro-active and result-oriented officers to engage in monitoring and evaluating the performance of CLCs.
Community Learning Center (CLC)	Provide special trainings on laws relating to non-formal education to CLCs organizers and teachers.	Laws relating to the implementation of non-formal education should provide exemptions and extraordinary clauses for specific circumstances.	Provide interactive and fun learning materials and teaching methods which are suitable for adult learners. For example, adopting the approaches of “Edutechnotainment (Education, Technology and Entertainment).
Learners	Establish peer groups to exchange and share knowledge and skills.	Policies on non-formal education should be customized to suit the conditions of learners.	Change learning behaviors by learning and working with peer groups based on age and interest.

Source: Compiled and analyzed by the authors.

V. CONCLUSION

Based on the above research findings and discussions, the following conclusions can be made:

1. Law No. 20 of 2003 on National Education has not been effectively implemented by the Batam City Government, particularly the Education Office under the Batam City Government because non-formal education as one of the solutions for providing equal education for all remains to face various problems in its implementation. The problems occur because the Education Office has failed to disseminate the requirements under Law No. 20 of 2003 to Community Learning Centers (CLCs) in Batam City. It has also failed to conduct regular monitoring and auditing of the implementation of the learning process by Community Learning Centers in Batam City. Furthermore, neither the Education Office nor CLCs in Batam City have established their performance measures and achievement targets to deliver non-

formal education programs as a means to fulfill equal rights to education.

2. Problems in the implementation of non-formal education are experienced both by the CLCs as well as learners. The problems occur because learners in non-formal education programs are not learners at the study age and yet they are required to follow the same curricula as students in formal schools. In addition, learners' motivation in non-formal education programs is merely to obtain diplomas as one of their job requirements. The learning process in non-formal education programs is not adequate for learners who join the national examination. The majority of CLCs in Batam City have not prepared their learners for national examination due to their lack of understanding of the requirements under Law No. 20 of 2003.
3. Solutions for the above described problems in principle consist of the following:
 - (1) Revise laws and policies on the implementation of non-formal education;
 - (2) Improve competencies of CLCs officers, teachers and learners; provide more interactive and fun approaches to learning materials and teaching methods.

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