

# FULL DAY SCHOOL: REVIEW IN HUMAN RIGHTS PERSPECTIVE

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## FULL DAY SCHOOL: REVIEW IN HUMAN RIGHTS PERSPECTIVE

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### ABSTRACT

**Objective:** The goals of this research are to analyze full-day school and human rights as well as aspects regarding the violation of human rights as a consequence of the full day school, and to analyze the policy of full-day school after the promulgation of Presidential Regulation Number 87 of 2017.

**Methods:** The method of this research is normative legal research, namely, a method that studies legal norms in the statutory regulations related to the issues of this research, especially on the policy of the full-day school and human rights closely related to the children.

**Results:** From the results of the research it can be inferred that, firstly, full day school at schools in Indonesia if it is correlated with the interest of the child, there are a number of violations, especially Articles 12 and 13 of Act Number 39 of 1999 concerning Human Rights, Article 4 and 11 of Act Number 23 of 2002 concerning Protection of the Child, and Article 28, 29, 31 of Convention on the Rights of the Child.

**Conclusion:** the policy of full-day school after the promulgation of Presidential Regulation Number 87 of 2017 on Empowerment of Character Education is meant optional and it is not prohibited or it can still be implemented as long as it is the outcome of the consensus of all competent parties, namely the educational unit itself and the committee/ parents of the students, so there are many particular schools in the regions remain applying full day school as stipulated in Regulation of the Minister of Education and Culture Number 23 of 2017.

**Keywords:** policy, full day school, Human Rights.

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## ESCOLA DE DIA INTEIRO: REVISÃO NA PERSPECTIVA DOS DIREITOS HUMANOS

### RESUMO

**Objetivo:** Os objetivos desta pesquisa são analisar a escola de dia inteiro e os direitos humanos, bem como os aspectos relativos à violação dos direitos humanos como consequência da escola de dia inteiro, e analisar a política da escola de dia inteiro após a promulgação da Regulamentação Presidencial Número 87 de 2017.

**Métodos:** O método desta pesquisa é pesquisa legal normativa, ou seja, um método que estuda as normas legais nos regulamentos estatutários relacionados às questões desta pesquisa, especialmente sobre a política da escola de dia inteiro e os direitos humanos intimamente relacionados às crianças.

**Resultados:** A partir dos resultados da pesquisa pode-se inferir que, em primeiro lugar, escola de dia inteiro em escolas na Indonésia, se estiver correlacionada com o interesse da criança, há uma série de violações, especialmente os artigos 12 e 13 da Lei nº 39 de 1999 relativa aos Direitos Humanos, os artigos 4 e 11 da Lei nº 23 de 2002 relativa à Proteção da Criança, e os artigos 28, 29, 31 da Convenção sobre os Direitos da Criança.

**Conclusão:** a política da escola de dia inteiro após a promulgação do Regulamento Presidencial n.º 87 de 2017 sobre a capacitação da educação de caráter é facultativa e não é proibida ou ainda pode ser implementada, desde que seja o resultado do consenso de todas as partes competentes, nomeadamente a própria unidade educacional e o comitê/pais dos alunos, por isso há muitas escolas particulares nas regiões que continuam a aplicar a escola de dia inteiro, conforme estipulado no Regulamento do Ministro da Educação e Cultura n.º 23 de 2017.

**Palavras-chave:** política, escola de dia inteiro, Direitos Humanos.

### 1 INTRODUCTION

Children in social life are in large numbers children who experience human rights obstacles to spiritual, physical, social, and economic welfare because the maintenance of child welfare cannot be carried out by the child himself. (Pino et al., 2023) For this matter, the State through the Government is obliged to carry out the task of implementing education for children as stipulated in Law Number 20 of 2003 concerning the National Education System whose technical implementation is further regulated in Government Regulation Number 17 of 2010 concerning Management and Implementation of Education which was later updated. with Government Regulation No. 66 of 2010.

In implementing the implementation of education, the Minister of National Education through Permendikbud number 17 of 2017 concerning School Days requires children to attend school with a full day school pattern. The concept of full day school or full day school, which is then used as the term FDS, has been discussed in 2017 and will be implemented gradually until it is comprehensive throughout Indonesia starting in the



new school year in July 2017. According to the government, to date there have been around 10,000 schools that have implemented this concept voluntarily. , where teaching and learning activities at school will take place for eight hours a day and twice a week off (Saturday and Sunday).(., 2017)

The government reasoned that the full day school policy would make studying more effective and more time with family during holidays. If addressed wisely and studied comprehensively, these reasons will certainly lead to various responses from the community. This problem is certainly complex and cannot be simply rejected or accepted. This means that this policy is very good and effective if the implementation is right on target and vice versa if it is not targeted.

On the one hand, this concept benefits parents who are busy working all day long. But on the other hand, keep in mind that not all parents in Indonesia work in the formal sector, offices or government from morning to evening. Each family has different conditions, especially between urban (urban) and non-urban (rural) communities.

When viewed from the reason for the busyness of parents at work, the full-day school concept is more suitable to be applied to urban schools where most of the parents work in the government or office sector and tend to only have free time at work. Saturdays and Sundays only (weekends). The implementation of full day school is an alternative to overcome various educational problems, both in terms of achievement and in terms of morals or character. By attending full day school, parents can prevent and neutralize the possibility of children's activities that lead to negative activities.(Baharuddin, 2009)

However, it should also be noted that not all urban people work in the office sector, many also work odd jobs and do not know weekends. Then, boarding schools are also more suitable to apply this concept because student activities are monitored for 24 hours and are supported by facilities such as dorm rooms for short breaks, bathrooms and public kitchens.

Many think that the concept of full day school is still inadequate if applied in non-urban schools, where most parents have flexible, adaptive work schedules and have more time with their children at home. Therefore, it cannot be generalized that a full day of schooling can solve problems comprehensively throughout Indonesia in terms of student interaction with parents. This concept is also less supportive if applied to non-boarding schools that do not have facilities such as rest rooms, bathrooms, or kitchens like those in boarding schools, or Islamic boarding schools.



In the context of human rights, it is understood that the essential rights that every human being has and aim to protect them from threats to their existence and dignity. On the other hand, violating human rights means violating the moral, political and legal requirements to provide the same (Ninomiya et al., 2021), the full day school policy is considered by some to be inappropriate for education in remote and remote areas in Indonesia. Many poor people in the village consider that this program is only suitable to be applied to centralized areas or in cities, not in areas far from urban areas such as Barito Kuala district, Kotabaru district, which in fact many people are poor and have narrow thoughts due to not understanding the meaning and The purpose of this full day school is that this program only applies to a few schools in urban areas. Many parents protest because their children come home from school too late and do not get much time at home to help their parents work. In this case, the government should be able to provide understanding to the wider community and make improvements in the provision of educators to remote schools or schools in villages to meet the level of implementation of this full day school program. This program that can be said to be half abandoned may be good and able to be applied in 70% of schools in Indonesia, considering the number of teacher teachers who are still unemployed or even working in other professions.

The President of the Republic of Indonesia through Presidential Regulation Number 87 of 2017 concerning Strengthening Character Education states that the full day school policy is optional, but schools that wish to implement it can apply to the Ministry of Education and of course after going through a process of deliberation and approval from all parties including the school committee and student Guardian. That is, the government provides freedom for education providers to choose according to their conditions and needs. It is hoped that schools will be ready and voluntary in implementing this policy. The research is to analyze matters relating to full day school and human rights, as well as aspects related to violations of children's rights and how the full day school policy is after the issuance of Presidential Regulation Number 87 of 2017

### 1.1 RESEACH QUESTIONS

In this regard, several main problems were identified, namely:

- A. Does the full day school (FDS) policy violate children's rights from a human rights perspective?



B. What is the full day school (FDS) policy after the issuance of Presidential Decree Number 87 of 2017?

## 2 METHODS

The type of research used in this research is normative juridical research, which is a study that examines the legal norms contained in a statutory regulation related to the problem under study.

This research was conducted by examining the legal principles contained in the implementation of full day school and its implications for human rights. There is also legal ambiguity regarding the legal consequences for schools that do not carry out full day school.

This research is a prescriptive analysis, namely by describing or describing a situation based on legal materials obtained and then reviewed and analyzed using a literature study.

## 3 RESULTS AND DISCUSSION

### 3.1 BETWEEN FULL DAY SCHOOL AND CHILDREN'S RIGHTS

Basically, human rights are basic rights that are owned by every human being as a gift from God Almighty whose existence cannot be contested. These rights have been brought from birth and are inherent in humans as creatures of God Almighty. Every human being has the same degree and dignity. In other words, human rights are the culmination of the contextualization of human thinking about the nature of themselves. Humans are carriers of universal human nature. (Arinanto, 2011)

Human rights can be classified into several categories, namely: civil rights, economic rights, social and cultural rights. Civil rights consist of the right to be treated equally before the law, the right to be free from violence, the right to certain groups of members of society, and the right to life and life. Political rights consist of the right to freedom of association and assembly, the right to freedom of expression orally and in writing, and the right to express opinions in public. Economic rights consist of social security rights, work protection rights, trade rights, and sustainable development rights. The socio-cultural rights consist of the right to obtain education, intellectual property rights, health rights, and the right to obtain housing and settlements. It is an idea that puts



all people born free and has equality in human rights, where the same situation should be treated the same and in different situations should be treated differently. (Jauhariah, 2016)

The functions and objectives of education are clearly stated in Article 3 of Law no. 20 of 2003 concerning the Education System, namely;

"National education functions to develop capabilities and shape the character and civilization of a dignified nation in the context of educating the nation's life, aiming at developing the potential of students to become human beings who believe and fear God Almighty, have noble character, are healthy, knowledgeable, capable, creative, independent, and become a democratic and responsible citizen".

Full day school is a public school model that combines an intensive religious teaching system by giving additional time specifically for students' religious deepening. The learning process in full day school is carried out for a full day which applies the basis of an integrated curriculum and integrated activity which means that human rights are almost all children's activities in school, ranging from learning, eating, playing, and worship in the world of education. Full day school emphasizes components that are arranged regularly and well to support the process of human maturation (students) through teaching and training efforts with longer or longer time in school compared to schools in general based on the concept of integrated curriculum and integrated activity. (Hilalah, 2009)

The implementation of full day school in Indonesia is further based on the Regulation of the Minister of Education and Culture Number 23 of 2017 concerning School Days, where in Article 2 paragraph (1) which reads "School Days are carried out 8 (eight) hours in 1 (one) day, or 40 (forty) hours for 5 (five) days in 1 (one) week". Then, in Article 8 it is stated that "The implementation of the school day is carried out starting from the 2017/2018 school year".

In Presidential Regulation Number 87 of 2017 concerning Strengthening Character Education, which in Article 9 paragraph (1) also states that "Strengthening Character Education in the formal path can be carried out through 6 (six) or 5 (five) days". Then in Article 9 paragraph (2) it is stated; "The provisions on school days as referred to in paragraph (1) are submitted to each Education Unit together with the School/Madrasah Committee and reported to the Regional Government or the ministry office that carries out government affairs in the local religion sector in accordance with their respective authorities".



The presence of Presidential Regulation Number 87 of 2017 concerning Character Strengthening Education has substantively annulled a number of policies of 5 (five) school days as stipulated in **Permendikbud number 23 of 2017. Article 17** of the Presidential Regulation on Character Strengthening Education states "When this Presidential Regulation comes into force, regulations the laws governing school days and character education that are contrary to this Presidential Regulation are declared invalid". Meanwhile, in other substantive aspects, the Government, through Permendikbud Number 23 of 2017, "instructed" all schools to organize 5 (five) school days **in stages starting in the 2017/2018 school year**; while article 9 of the Presidential Regulation Number 87 of 2017 concerning Character Strengthening Education states that Character Strengthening Education in the formal channel can be held through 6 (six) or 5 (five) days. However, the determination of 6 (six) school days or 5 (five) school days is entirely left to each education unit together with the school/madrasah committee, not by the Government including the Regional Government.

Furthermore, Presidential Regulation Number 87 of 2017 frees formal educational institutions, both schools and madrasas, to choose the time of implementing character education strengthening (PPK). Article 9 of the Presidential Regulation stipulates that schools can carry out education for five or six days a week. In addition, the determination of five or six days must be mutually agreed upon by the School and the School Committee, in addition to considering the adequacy of educators and education personnel in each institution, the availability of infrastructure, local wisdom, opinions of community leaders and so on.

The Minister of Education and Culture Regulation Number 23 of 2017 concerning School Days issued is considered to violate the principle of freedom from human rights. Freedom According to human rights, someone who has freedom means he has equal degrees. This means that a person has the same position as another and should not be subject to a restrictive system. This Permendikbud in its article requires children to go to school for 5 days for 8 hours here, children are restrained to accept doctrines from their teachers that school is identical with values, grades, and grades. Excellent schools must produce excellent graduates, the superiority of graduates is not only determined by high grades, an indication of high graduates is only successful if they are successful in the world of work and in society.<sup>34</sup> In fact, children are free to work and learn new things





outside of school. The resulting graduates feel superior if they are able to develop their intellectual, emotional and spiritual potential where they are.

Therefore, in formulating the core curriculum in schools, it is necessary to pay attention to the variability of tendencies and abilities of the group of children who are the target of the service. Therefore, the curriculum should be limited only to the basic competencies that should be studied and mastered by every age group of children, according to the findings of objective empirical studies. In this way, it can be ensured that what the curriculum demands is in accordance with the developmentally appropriate level of development of the target learner. In this way, misguided and detrimental learning orientations can also be avoided, as happened in preschool programs.(Katz, 1999)

### 3.2 FULL DAY SCHOOL POLICY AFTER PRESIDENTIAL REGULATION NUMBER 87 YEAR 2017

H.A.R Tilaar provides an understanding of "education policy", according to him; "Education policy is a formulation of various ways to realize national education goals, realized or achieved through social institutions or social organizations in the form of formal, non-formal and informal educational institutions.(Solichin, 2015). Policies that cannot be realized properly will only be a dream.

Minister of Education and Culture Regulation number 23 of 2017 concerning School Days, issued on June 12, 2017 by the Minister of Education and Culture Muhajir Effendi, contains the strengthening of the full day school policy, reaping the pros and cons. Public responses also vary, of course in accordance with the views and interests of each. Even the two largest mass organizations (Muhammadiyah and NU) were also dragged into the polemic. The policy, which was initially educational in nature, later became political.

As a nation that upholds etiquette and civility and is based on ethics and politeness, we must continue to respect every view and attitude. However, everything must remain within the framework of tolerance, mutual respect, and maintain national stability. It is too heavy a burden on this nation if we always take an antipathetic attitude towards every good intention of the government, including the good intentions of the Minister of Education and Culture without understanding the substance of the policy. That being different is our national instinct. However, differences that are elaborated



irrationally because they are only concerned with group affairs will only make our national energy go to waste.

This Presidential Regulation has been promulgated by the Minister of Law and Human Rights and is listed in the State Gazette of the Republic of Indonesia of 2017 Number 195, and has been signed by President Joko Widodo in Jakarta on September 6, 2017. In Chapter VI, Closing Provisions, Article 17 of Presidential Regulation Number 87 The year 2017 explains that "When this Presidential Regulation comes into force, the laws and regulations governing school days and character education that are contrary to this Presidential Regulation are declared invalid."

The explanation of the article above answers questions and polemics in the community regarding the implementation of Permendikbud Number 23 of 2017 concerning School Days issued by the Minister of Education and Culture on June 12, 2017. Previously, President Joko Widodo had responded to public concerns about the implementation of the five school day provision by indicating that there is no requirement for five school days The government's wise action through Presidential Regulation Number 87 of 2017 concerning Character Strengthening Education by revoking ministerial regulation number 23 of 2017 because the regulation is considered too disturbing especially for educators and parents, by many people it is considered appropriate Regulation The president was issued to cancel the full day school policy in the Permendikbud. The issuance of the Presidential Regulation affirms that the government upholds natural rights, namely rights that cannot be contested by anyone including the government, because natural rights are rights given by God that are eternal and universal. Likewise, children's rights must also be protected in accordance with the ratification of international conventions on children through Presidential Decree number 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child.(Rahayu, 2015) which contains that the State, government, local government, community, and parents are obliged to provide protection and guarantee children's rights to develop according to what they want, not what we want. other policies, because if they continue to do the same thing then the people who become victims are the people because the people are victims of the tug of war policies of a government. If the president at that time did not issue a presidential regulation, it would injure the constitution and human rights. Because Indonesia is a country with very high tolerance in terms of ethnic,



religious and cultural diversity. Do not let the government make policies but instead discredit other tribes, religions, cultures. Because it will injure Pancasila itself.

Completing the previous provisions, Presidential Regulation No. 87 of 2017 frees formal education institutions, both schools and madrasas, to choose the time to carry out strengthening character education (PPK). Article 9 of the Presidential Regulation stipulates that schools can carry out education for five or six days a week. In addition, the determination of five or six days must be mutually agreed upon by the School and the School Committee, in addition to considering the adequacy of educators and education personnel in each institution, the availability of infrastructure, local wisdom, opinions of community leaders and so on. Schools have a very urgent role in character education of a student. Especially for students who do not get character education at all in their environment and families. This is because children spend more time at school than at their homes. Therefore, schools are one of the effective vehicles for internalizing character education for students. (Wibowo, 2012)

The cause of the failure of character education in the community, especially the school community, is that schools are still limited to delivering moral knowing and people training, but they do not touch moral being, which is to familiarize children with moral actions. Schools must have the right policies to implement character education. (Budimansyah & Sapriya, 2012)

Guided by Presidential Regulation 87 of 2017 concerning Strengthening Character Education which provides an option for the implementation of five or six school days in education units, the concept of full day school is applied to five school days as stated in Permendikbud number 23 of 2017 concerning National Education Day. Schools are interpreted as not prohibited or can still be implemented as long as the results of the agreement of all competent parties, namely the education unit itself and the school/madrasah committee, not by the Government including the Regional Government, taking into account:

- a. adequacy of educators and education personnel;
- b. availability of facilities and infrastructure;
- c. local culture; and
- d. opinion of community leaders and/or religious leaders outside the School/Madrasah Committee.



In the absence of a strict prohibition in the Presidential Regulation on the implementation of the full day school concept in five school days or full day school, schools that have already used the full-day school concept in general take policies to continue to implement the concept and will evaluate its implementation.

#### 4 CONCLUSION

Implementation of the full-day school policy must be carried out with in-depth study with attention to the fulfillment of children's rights because the core curriculum in schools needs to pay attention to variability and needs to be limited to basic competencies. on Child Protection. With regard to full day school, there must be harmonization of laws and regulations that regulate it so that policy implementers in educational units who implement it do not cause polemic in society



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## LEGISLATION

The 1945 Constitution of the Republic of Indonesia

Law Number 39 of 1999 concerning Human Rights

Law Number 23 of 2000 concerning the National Education System

Law Number 23 of 2002 concerning Child Protection

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection

Government Regulation Number 17 of 2010 concerning Implementation and Management of Education

Government Regulation Number 66 of 2010 concerning Amendments to Government Regulation Number 17 of 2010 concerning Implementation and Management of Education

Presidential Regulation Number 78 of 2017 concerning Strengthening Character Education

Presidential Decree Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child Minister of Education and Culture Regulation Number 23 of 2017 concerning School Days

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