

## RESEARCH ARTICLE

# Management of High Secondary Education After Regional Government Law

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## ABSTRACT

Education is the constitutional right of every citizen, as mandated in the 1945 Constitution of the Republic of Indonesia, so that that good education management will support the progress of a nation. The tug of war on government affairs in education carried out by the central government to local governments from districts to provinces has further distanced public services. The type of research used in compiling this research is empirical legal research. The results showed that education management had implications for the ineffective management of senior secondary education in the North Kolaka district, from budget management, management of facilities and infrastructure, and management of human resources, no longer running effectively. This situation forced the provincial government to establish a branch office in the North Kolaka district to support administrative arrangements in the North Kolaka district.

**Keywords:** Education; Transfer of Authority; Regency and Province.

## INTRODUCTION

Education is the constitutional right of every citizen, as mandated in the 1945 Constitution of the Republic of Indonesia. Ki Hadjar Dewantara stated that the progress of a nation lies in education and the generation of the nation itself.<sup>1</sup> In connection with Ki Hadjar Dewantara's opinion, it is a reminder that a nation's progress indicators are measured through education. Education also determines the future of a nation because, with education, future generations will be educated to become national leaders with integrity.<sup>2</sup> The fulfillment of the constitutional rights of citizens is an obligation of the state in the field of education. This is contained in Article 31 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that every

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<sup>1</sup>See Decision Nomor 30/PUU-XIV/2016, p. 2.

<sup>2</sup>Dwi Esti Andriani, "Program Peningkatan Mutu Guru Berbasis Kebutuhan", *Jurnal, MP Manajemen Pendidikan*, Volume 23, Nomor 5, Maret, 2012, p. 395-396.

citizen has the right to education.<sup>3</sup> These rights are part of human rights where the government pays special attention to education. The specificity described in Article 31 paragraph (4) states that the state prioritizes the education budget at least 20% of the state revenue and expenditure budget and from the regional revenue and expenditure budget to meet the needs of the national education administration.<sup>4</sup>

Following up on these provisions, Article 11 paragraph (2) of Law Number 20 of 2003 concerning the National Education System states that the government and local governments are obliged to guarantee the availability of funds for the implementation of education for every citizen aged seven to fifteen years.<sup>5</sup> The commitment, which President Susilo Bambang Yudhoyono started, is the basis for improving the quality of education. Article 12 paragraph (1) letters c and d of Law Number 20 of 2003 concerning the National Education System states that every student in an education unit has the right to obtain scholarships for high achievers whose parents cannot afford to pay for their education and are entitled to education fees for those whom his parents could not afford his education.<sup>6</sup>

The regulation regarding the relationship between the center and the regions in the context of a unitary state after the enactment of Law Number 23 of 2014 concerning Regional Government in education management is essential to be studied and analyzed. Law 23 of 2014 concerning Regional Government as an embodiment of decentralization aims to further facilitate the management of education in all regions in Indonesia.<sup>7</sup> The implementation of regional government is also directed at accelerating the realization of community welfare through improving services, empowerment, and community participation, as well as increasing regional competitiveness by taking into account the principles of democracy, equity, justice, and the uniqueness of a region within the Unitary State of the Republic of Indonesia.<sup>8</sup> There are three main missions of implementing regional autonomy and decentralization: first, improving the quality and quantity of public services and public welfare. Second is creating efficiency and effectiveness in the management of regional resources. Third is empowering and creating space for the public to participate in the development process.<sup>9</sup> Bagir Manan revealed that regional autonomy is the basis for expanding the implementation of democracy and an instrument for realizing public welfare. No less critical, regional autonomy is a way to maintain a unitary state. Autonomous regions that are free and independent to regulate and manage their government households feel that they are given a proper place in the life of the nation and state so that there is no reason to leave the Unitary State of the Republic of Indonesia.<sup>10</sup>

The transfer of authority for senior secondary education can cause problems for both district/city and provincial governments in Indonesia. Some of the implications that have emerged and are currently being felt in the North Kolaka Regency as an area far away from the capital city of Southeast Sulawesi Province, such as the birth of corrupt behavior in the region that the transfer of authority needs better regulations. Such as in the administrative management of educators who are far away, several individuals offer services to carry out the management

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<sup>3</sup> See Article 31 paragraph (1) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

<sup>4</sup> See Article 31 paragraph (4) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

<sup>5</sup> See Article 11 paragraph (2) Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional.

<sup>6</sup> See Article 12 paragraph (1) huruf c dan d Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional.

<sup>7</sup> Iswantoro, 'Strategy and Management of Dispute Resolution , Land Conflicts at the Land Office of Sleman Regency', 1.1 (2021), 1–17.

<sup>8</sup> See Penjelasan Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.

<sup>9</sup> Mardiasmo, 2002, *Otonomi dan Manajemen Keuangan Daerah*, Yogyakarta: Andi, p. 59.

<sup>10</sup> Bagir Manan, 2002, *Menyongsong Fajar Otonomi Daerah*, Yogyakarta: PSH FH UII, p. 3.

with a predetermined nominal payment.<sup>11</sup> Based on data from the Central Statistics Agency for Southeast Sulawesi, the number of senior high schools recorded in 2014/2015 spread over a vast location as many as 265 schools with a total of 6 866 teachers and spread over 15 regencies and 203 sub-districts throughout the province of Southeast Sulawesi, North Kolaka Regency. one of the districts in the north of Southeast Sulawesi Province with a distance of (295.5 km) and is the northernmost district directly adjacent to South Sulawesi Province.<sup>12</sup>

The area and distance that affect the function of services related to senior secondary education so that the number of students and the number of educators is not tiny will be challenging and less effective in managing it. In addition to this, the management of the education budget, whose management has been transferred to the provincial government, also creates problems in the regions. The results of the initial interview conducted by the author on one of the educators who are not civil servants (honorary),<sup>13</sup> In North Kolaka Regency, the honorarium for teaching staff (honorary) does not run efficiently because the authority to manage education is no longer the business of the North Kolaka Regency government. However, the matter is the business of the Southeast Sulawesi Province regional government, where the honorarium budget for each educator is estimated through the budget. State revenues and expenditures (APBN) are no longer allocated through 20% of the district budget. Educators who are not civil servants also do not have legal certainty because district decrees no longer have legal force along with the transfer of authority to manage senior secondary education to the province so that the SK used is the SK issued by the Regional Government of Southeast Sulawesi Province, not the SK issued by the Provincial Government of Southeast Sulawesi—issued by the local government of North Kolaka Regency.<sup>14</sup>

Based on several problems caused by the transfer of authority for senior secondary education from district/city local governments to provincial, local governments, it is not following the principles of accountability, efficiency, and externalities as well as national strategic interests as regulated in Law Number 23 of 2014 concerning the National Education System. and seeing both facts and legal problems that occurred, the authors are interested in researching this to know and analyze how the management of upper secondary education is after the enactment of the local government law, and to find out the efforts made by the provincial government and the local government of North Kolaka district. in dealing with obstacles to the management of senior secondary education in North Kolaka Regency.

## METHOD

The type of research used in this study is empirical legal research, namely research obtained directly from sources in the field (field research), by conducting in-depth observations and interviews (in-depth interviews) with respondents and resource persons who are competent and

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<sup>11</sup>Rusman, “diduga-ada-pungli-pengurusan-sertifikasi-guru-di-kolut”, <http://zonasultra.com/diduga-ada-pungli-pengurusan-sertifikasi-guru-di-kolut.html>, accessed 16 September 2017, At 05.54 WIB.

<sup>12</sup>Badan Pusat Statistik, “Jumlah sekolah guru dan murid sekolah menengah atas (SMA) di bawah Kementerian Pendidikan dan Kebudayaan menurut Provinsi tahun ajaran 2011/2012-2014/2015”, [Www.bps.go.id](http://www.bps.go.id), accessed 26 September 2017, At 05.58 WIB.

<sup>13</sup> Interview with Muhawir, On 27 September 2017, at 13.15 WIB.

<sup>14</sup> Abdul Kadir Jaelani and others, “The Crime Of Damage After the Constitutional Court ’ s Decision Number 76 / PUU-XV / 2017’, 1.1 (2021), 31–41.

related to the problem. which will be researched.<sup>15</sup> This study uses primary data and secondary data, where primary data is obtained directly from the source employing direct interviews in the form of empirical facts, while secondary data is obtained from legal materials taken from the literature. In contrast, the data analysis used in this study is a qualitative analysis presented in a descriptive form. Qualitative analysis was carried out through categorization based on the problems studied and the data collected. Qualitative analysis is a qualitative formative assessment to assess from the data that has been collected from primary data (through interviews with informants and respondents) and secondary data (through literature studies), then assess whether the implementation is following existing theories and rules so that it can be seen the level of effectiveness of its implementation.

## RESULTS & DISCUSSION

### *Management of Higher Secondary Education in North Kolaka Regency after the Enactment of the Regional Government Law*

The enactment of Law Number 23 of 2014 concerning the Regional Government impacts the transfer of several authorities from the district to the provincial area, including in the field of education. The authority formerly in the regency area underwent a transfer of authority to the provincial area with the consideration that from the aspect of guidance and supervision, it would be more effectively carried out by the provincial government. In addition to this, the principles of accountability, efficiency, externalities, and national strategic interests are also the basis for the transfer of authority in government affairs. district/city area to the province.<sup>16</sup> The transfer of authority is related to managing the budget, assets (facilities and infrastructure), and human resources. The affairs that were formerly the affairs of the district government have shifted their management, which is expected to improve the management of education and is expected to overcome problems that occur in the regions due to overlapping authorities between district/city local governments and provincial governments. Lia Yuliana and Suharsimi Arikunto said that for the success of education management, it is necessary to provide facilities and infrastructure so that the achievement of educational goals can run smoothly, regularly, effectively, and efficiently.<sup>17</sup>

Changes from the aspect of budget management did not run optimally as the essence expected by the government. This was caused by inadequate budget allocations by the central government to regulate a region that is so wide and spread across seventeen districts in Southeast Sulawesi that there is no doubt about the problem of transferring authority. The district is not running effectively and efficiently. More and more affairs on the transfer of authority make the situation follow the pattern of "money follows business" so that the rate of development of the quality of education is no longer the goal to achieve the achievement of improving the quality of education. The pattern of changes in money following these affairs makes schools not innovative in managing their education because an activity is managed if an adequate budget supports it, so

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<sup>15</sup>Maria SW Sumardjono, 2014, "Metodologi Penelitian Ilmu Hukum", *Bahan Kuliah*, Yogyakarta: Magister Hukum Fakultas Hukum Universitas Gadjah Mada, p. 16-18.

<sup>16</sup> See Article 13 paragraph (1) Undang-Undang Nmor 23 Tahun 2014 tentang Pemerintahan Daerah.

<sup>17</sup>Suharsimi Arikunto dan Lia Yuliana, 2013, *Manajemen Pendidikan*, Yogyakarta: Aditya Media Publishing, p. 187.

to optimize the management of senior secondary education, affairs supported by adequate budgeting will run effectively even though the authority is transferred.<sup>18</sup>

Circumstances forced the government to rethink the birth of a newly legal product and the transfer of authority over the management of upper secondary education. The government should study the step to improve the system that has been running so far because not all regions have the same in the management of education. Moral education to increase the intellectual value of every citizen is a task that should be completed starting from educators and education staff in schools and the role of parents outside of school. According to Suharsini Arikunto and Lia Yuliana<sup>19</sup> Several things affect the financing of education, namely external factors, where the pattern of democratic development is growing and requires the state to realize the ideals (it is constituent) as mandated in the constitution so that the state must prepare an adequate budget for that so that all elements of the government and the community are responsible for the realization of adequate education.<sup>20</sup>

The government's responsibility for the operational costs of education units, whether in the form of personnel costs for civil servants, is allocated through the government budget. Funding for non-civil servant personnel costs in the education sector is also allocated based on the government budget. This is regulated in Government Regulation Number 48 of 2008 concerning Education Funding.<sup>21</sup> Article 31 paragraph (4) states that the state prioritizes the education budget at least 20% of the state revenue and expenditure budget and from the regional expenditure budget to meet the needs of the national education administration.<sup>22</sup> Decentralization of education is also essential for the optimal functioning of education in Indonesia. The principles of implementing decentralization of education in the United States should serve as an excellent example for education in Indonesia, where the forerunner of decentralization is the struggle of teachers to improve their fortunes. The teacher then becomes the spearhead of education in Indonesia, so the education system should have a pattern from the top-down, not from the bottom up. It means that to give complete decentralization to each school to realize the goals of intelligence in their respective schools, the government plays a role in carrying out the control function both with preventive and repressive efforts.

The change of authority from the district to the province is also not a solution to improve the current quality of education in Indonesia because the change in authority will further reduce the system of checks and balances that has been running so far. Education should lead to improving the quality of educators, not being preoccupied with adjusting to the transfer of authority, which almost often changes patterns following a regime of leadership change.<sup>23</sup> The transfer of authority related to budget management impacts several things, namely the affairs that were formerly the affairs of the district government, which are expected to be managed so that education management is better managed. It can overcome problems in the regions due to overlapping authorities between the district/city government and the government—provincial

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<sup>18</sup> Syahlan, 'Effective and Efficient Synchronization in Harmonization of Regulations Indonesia', 1.1 (2021), 54–70.

<sup>19</sup> *Ibid*, p. 234-235.

<sup>20</sup> Redi Res, 'Implementation of Parate Executie Object of Liability Juridical Overview of Mortgage', 1.1 (2021), 42–53.

<sup>21</sup> See Article 16 dan 17 Peraturan Pemerintah Republik Indonesia Nomor 48 Tahun 2008 tentang Pendanaan Pendidikan.

<sup>22</sup> See Article 31 paragraph (4) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

<sup>23</sup> Muhammad Jihadul Hayat, 'Historisitas Dan Tujuan Usia Minimal Perkawinan Dalam Perundang-Undangan Keluarga Muslim Indonesia Dan Negara Muslim', *Journal Equitable*, 3.1 (2018), 49–63.

area.<sup>24</sup> Moh. Yadin as the Principal of SMK Negeri 1 Watunohu revealed that the school he leads is a school that has 18 Asn teachers and is an educator, 12 people have certified, while the honorary staff themselves are 27 people, including experts such as doctors and nurses. Nurses, with four majors, namely engineering, pharmacy, nursing, dental nursing, and light vehicle engineering. The education budget is no longer allocated through district APBD funds, making it challenging to finance honorariums for honorary staff.<sup>25</sup>

The transfer of senior secondary education management has an impact on the management of high school education facilities and infrastructure in North Kolaka Regency, one of the impacts is the reduction in facilities and infrastructure funds for each school caused by the use of BOS funds which no longer focus on the provision of facilities and infrastructure. However, the budget is also earmarked for other budgets such as honorarium for educators (honorary) and other budgets that are not budgeted at schools. Requests for facilities and infrastructure are also a problem due to the distance of management being so far to the provincial area that its management will not be effective when the authority is transferred to the provincial area. The impact of the change in authority, in the end, has an impact on the ineffective management of education related to facilities and infrastructure in senior high schools in North Kolaka Regency, Southeast Sulawesi province. As an example of what happened at SMK Negeri 1 Watunohu in North Kolaka Regency, Muh Yadin said that SMK 1 Watunohu is a school that has been established in 2009 and is a school that has majors in engineering, pharmacy, nursing, dental nursing, and vehicle engineering. The more majors, the more facilities and infrastructure are needed in schools. After the transfer of authority, it is challenging to apply to complete facilities and infrastructure in schools, this is due to the budget for the provision of facilities and infrastructure, which has been used up to finance honorarium for honorary teachers, coupled with the distance of management to apply for facilities and infrastructure is quite far.<sup>26</sup>

According to one respondent, the field of human resources has an impact on two aspects, namely the aspect of mobilizing the distance between the province and the North Kolaka Regency area and the honorarium for non-civil servant educators who are no longer allocated as when the authority was in the North Kolaka Regency area.<sup>27</sup> The processing time is four to five working days for management in the Southeast Sulawesi Province (Kendari) because the person you want to meet in the province is not there. Even too complicated management sometimes becomes an obstacle in resolving the matter.<sup>28</sup> Whereas ideally, the transfer of authority should not cause new problems for teachers because the main task is to improve the quality of education for students in schools.<sup>29</sup> Educators who are not civil servants feel the impact of the transfer of authority to manage upper secondary education better before the transfer of authority because it is easier to propose a salary increase when in the district than the management is in the province,

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<sup>24</sup> See Article 31 paragraph (4) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

<sup>25</sup> Interview with Muh. Yadin, S.P., M.Si, Kepala Sekolah SMK Negeri 1 Watunohu, On 21 Februari 2018 At 11.00 WITA.

<sup>26</sup> Interview with Muh. Yadin, S.P., M.Si, Kepala Sekolah SMK Negeri 1 Watunohu, On 21 Februari 2018 At 11.00 WITA.

<sup>27</sup> Interview with Iwayan Jaman, S.Pd., M.M, Kepala Sekolah SMK Negeri 1 Lasusua, On 24 Januari 2018 At 09.00 WITA.

<sup>28</sup> Interview with Idil Sandi, Kepala Sekolah SMA Negeri 1 Lasusua, On 25 Januari 2018 At 09.00 WITA.

<sup>29</sup> Interview with Siti Wahyuni Balasi, S.E., MS.i, Wakil Kepala Sekolah Bidang HKI Sekolah Menengah Kejuruan Negeri Maruge, On 26 Januari 2018 At 08.56 WITA.

plus there is no explicit decree for educators are not civil servants, making it difficult to obtain certification as additional income to support welfare.<sup>30</sup>

### ***Efforts of the Local Government of North Kolaka Regency to Handle Barriers to the Management of Upper Secondary Education after the Enactment of the Regional Government Law***

The budgeting carried out by the Southeast Sulawesi government has been budgeted following the budget determined by the central government. However, in its management, it is certainly not as easy as when the authority is still in the district because the area of the district is not so broad that it makes it easier for the district government to manage it.<sup>31</sup> The Education and Culture Office of Southeast Sulawesi Province allocates the maximum budget to each school following the provisions planned by the Southeast Sulawesi Provincial Education and Culture Office through reports and reviews when supervising each school in North Kolaka Regency.<sup>32</sup> The honorarium budget for non-civil servant educators is no longer allocated to each high school. The area of Southeast Sulawesi Province is extensive, so it must be balanced between each district/city, in contrast to the narrow area of North Kolaka Regency so that local governments can provide subsidies for educators who are not civil servants through the planned sub-budgets.<sup>33</sup> The efforts made are as follows:

First, the efforts of the North Kolaka Regency Government and the Provincial Government in Overcoming Obstacles to the Management of Upper Secondary Education Facilities and Infrastructure are by collecting data on each school located in each district by involving the office branch office (UPTD), which has been established in each district to support data collection for each school.<sup>34</sup> Second, the local government's efforts of North Kolaka Regency and the Provincial Government in dealing with obstacles to high school education on human resources are by establishing branch offices (UPTD) in each district/city spread throughout the Southeast Sulawesi region.<sup>35</sup> The establishment of these branch offices is intended to make it closer and easier to administer administration to each region without communicating directly with the provinces. Equitable distribution of teaching staff from one region to another is likely to occur. This is because, in one district, there are still many shortages of educators, thus requiring the provincial government to regulate the transfer of educators from one region to another in order to provide equitable education.

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<sup>30</sup> Interview with Miftahul Chair, S.Pd, Tenaga Pendidik SMA Negeri 1 Lasusua, On 25 Januari 2018 At 10.01 WITA.

<sup>31</sup> Interview with I Ketut Puspa Adyatna Asisten III Setda Provinsi Sulawesi Tenggara, on 12 Maret 2018 At 02.37 WITA.

<sup>32</sup> Arifin Ma'ruf, 'Legal Aspects of Environment in Indonesia : An Efforts to Prevent Environmental Damage and Pollution', 1.1 (2021), 18–30.

<sup>33</sup> Interview with Burhanuddin, S.H., M,Bd Kepala Bidang Perencanaan, Keuangan dan BMI Dinas Pendidikan dan Kebudayaan Provinsi Sulawesi Tenggara, on 12 Maret 2018 At 09.21 WITA.

<sup>34</sup> Interview with Burhanuddin, S.H., M,BD Kepala Bidang Perencanaan, Keuangan dan BMI Dinas Pendidikan dan Kebudayaan Provinsi Sulawesi Tenggara, on 12 Maret 2018 At 09.21 WITA.

<sup>35</sup> Interview with Burhanuddin, S.H., M,BD Kepala Bidang Perencanaan, Keuangan dan BMI Dinas Pendidikan dan Kebudayaan Provinsi Sulawesi Tenggara, on 12 Maret 2018 At 09.21 WITA.

## CONCLUSION

Based on the explanation above, it can be concluded as follows, first, the aspect of budget management where the provincial government no longer allocates 20% of the APBD to support the honorarium for non-civil servant educators to the North Kolaka Regency area as when the authority was still in the government's domain. North Kolaka Regency. The budget allocation for facilities and infrastructure is also no longer fully realized due to the limited budget owned by the provincial government. In contrast, the provincial regions themselves are unable to do much because of the lack of budgets owned by the provincial government, so that the pattern applied is to minimize the budget that is used. The limited budget is allocated to each school in the district, so to fix the problem of poor budgeting, the central government must allocate a budget following the total needs of Southeast Sulawesi Province. Second, from the aspect of facilities and infrastructure management, namely the facilities and infrastructure funds that use the boss's funds, they are no longer focused on financing the procurement of facilities and infrastructure because the boss's budget is also allocated for the honorarium for educators and other budgeting, requests for submissions for improvements to facilities and infrastructure. Schools become complicated because the administrative distance is too far, plus the school also has to ask for other financings from third parties to finance the procurement of facilities and infrastructure to support the teaching and learning process to run optimally. Therefore, the Southeast Sulawesi provincial government must make a comprehensive re-planning mature and socialize to each school to use the budget according to the school's needs. Third, from the aspect of human resource management, it has an impact on several aspects, namely administrative arrangements that are too far from the district to the provincial area, there is no certainty (SK) for educators who are not civil servants so that it hampers the certification process that educators should carry out. The honorarium for non-civil servant educators is only seven thousand rupiahs per hour, requiring the educators to look for other jobs to cover the very limited budget shortfall. The provincial government's effort to overcome the obstacles to education management related to human resources is to establish branch offices in each district to facilitate administrative arrangements that do not have to carry out management to the Southeast Sulawesi Province (Kendari). Then the provincial government seeks to collect data. an area that lacks teaching staff, if filled by educators from other districts scattered throughout the Southeast Sulawesi Province.

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