



Measuring Educational Justice In The Dynamic Flow Of National Legal Politics

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Abstract

Legal politics plays a pivotal role in shaping the direction and substance of education policy in Indonesia. This study aims to examine how legal politics influences the development of the national education system and its implications for the principle of educational justice. Employing a qualitative method through literature reviews, the research analysis of legal documents, academic works, policy reports, and statistical data. The findings indicate that, although education policies normatively guarantee the right to education, their implementation continues to reflect disparities in access and quality across regions and social groups. The lack of participatory lawmaking and the absence of evidence-based policy evaluation hinder the realization of substantive justice. Therefore, reform in legal politics is urgently needed – one that is inclusive, socially just, and focused on empowering marginalized communities. This study advocates for long-term legal strategies that transform education into a genuine instrument of social equity and national development.

Keywords: Legal Politics, Educational Justice, Educational Policy, Inequality, Participatio

INTRODUCTION

Education is a constitutional right guaranteed by Article 31 of the 1945 Constitution and part of the mandate of the state's objectives as stated in the Preamble to the 1945 Constitution (Rosenbaum, 2020). However, in practice, the right to education is heavily influenced by the direction of legal policy established by the government. Legal policy determines the form, substance, and implementation of national education policy, which ultimately shapes the reality of access, quality, and equity in education (Azis, Saihu, Hsb, & Islamy, 2021). Since the enactment of Law Number 20 of 2003 concerning the National Education System (UU Sisdiknas), various regulatory dynamics have occurred, reflecting changes in the political direction and ideology of the government (Rohman & Mentari, 2024). Despite normative guarantees for the right to education, the reality on the ground shows that

disparities in access and quality between regions and social groups persist (Papastephanou et al., 2022).

This article aims to analyze how legal politics shapes national education policy and the extent to which its implementation reflects educational equity (Williamson, 2019). This study is relevant in the context of ongoing education system reforms, including efforts to revise the National Education System Law and various government affirmative action programs (McIntosh, 2019).

Theoretical Framework

This study uses a multidisciplinary approach by integrating three main theoretical frameworks (Ros & Oleksienko, 2018):

Political Theory of Law

Referring to the thinking of Mahfud MD and Satjipto Rahardjo, legal politics is understood as the result of power struggles and interests manifested in legislative products (Fuadi & Irdalisa, 2022). Law is not neutral, but rather a tool of social engineering that reflects the ruling ideology (Bogotch, Schoorman, & Reyes-Guerra, 2017).

John Rawls' Theory of Distributive Justice

Rawls emphasized justice as fairness, which demands that the distribution of resources should provide the greatest benefit to the least advantaged groups. This principle is relevant in assessing education policy in the context of inequality (Cormier & Pandey, 2021).

Nancy Fraser Social Justice

Fraser emphasized the importance of a combination of economic distribution and social recognition, especially for marginalized groups. In education, this includes access, recognition of cultural identity, and participation in policy-making (Wang, 2021).

RESEARCH METHODS

This research uses a qualitative approach with a literature review method. Data were obtained from laws and regulations (the 1945 Constitution, the National Education System Law), policy documents, journal articles, and reports from national and international institutions (BPS, the Ministry of Education, Culture, Research, and Technology, UNESCO, and the OECD) (Kioupi & Voulvoulis, 2022). The analysis was conducted descriptively and critically by interpreting the content of education policy within the context of legal politics and social justice (Hartati, Karyono, & Karno Sabowo, 2022). Analytical techniques included content analysis and normative analysis (Beerrens, 2020).

RESULTS AND DISCUSSION

1. Legal Politics and Education Policy Formulation

The National Education System Law is a manifestation of legal politics in the education sector (Nurkolis & Sulisworo, 2022). While normatively embodying the principle of inclusivity, the legislative process tends to be top-down and non-participatory. Policymaking is often elitist and ignores input from grassroots stakeholders (Alhamuddin, Fanani, Yasin, & Murniati, 2020).

2. Regulatory Dynamics and Structural Inequality

Decentralization of education has created new disparities. Local governments with limited fiscal and managerial capacity struggle to manage education effectively (Dian, Ahmad, Aarsal, & Mahmudah, 2023). This exacerbates the gap between developed and underdeveloped regions (Elihami, 2021).

3. Inequality in Access and Quality of Education

Affirmative action policies like the School Operational Assistance Program (BOS) and the Student Access Program (KIP) fail to address the root of structural problems. Schools in remote areas still lack qualified teachers, have minimal facilities, and learning materials are not comparable to those in urban areas (Tichnor-Wagner & Socol, 2016). Legal policies that do not regulate the fair allocation of resources contribute to reinforcing this inequality (Hersusetiyati & Chandra, 2022).

4. Legal Politics as an Instrument of Social Transformation

Policies like the PPDB zoning system, which aim to achieve equality, have met with resistance because they are not accompanied by equitable improvements in school quality. Legal policy should be a tool for social engineering, not simply the legalization of short-term policies (Fitri Meutia, 2019). Data-driven evaluation and the participation of local actors are key to transformation

CONCLUSION

This study shows that Indonesia's national education legal policy has not fully functioned as an instrument of social justice. Despite a normative foundation guaranteeing the right to education, policy implementation remains plagued by various structural issues such as unequal access, disparities in quality, and weak institutional capacity in the regions. The elitist policy formulation process and minimal public participation make education regulation more of a short-term response to political dynamics than part of long-term social transformation planning.

Within the framework of Rawls's theory of distributive justice and Nancy Fraser's theory of social justice, national education law fails to uphold the principles of equitable distribution of resources and recognition of marginalized groups. Instead, non-inclusive legislative practices reinforce structural injustice and widen disparities between regions and social groups. Therefore, a fundamental reform is needed in how the state positions education: not merely as a public service sector, but as a transformative and equitable tool for social engineering.

Recommendation

1. Inclusive and Participatory Legal Political Reform

The education policymaking process must involve non-state actors such as teachers, civil society organizations, academics, and representatives of vulnerable groups. Deliberative mechanisms need to be established to ensure that public voices are included in the formulation of legislation and policies.

2. Strengthening Social and Spatial Data-Based Evaluation

The government needs to develop a data-based policy evaluation system that captures spatial (inter-regional) and social (inter-group) inequalities, to ensure that regulations truly impact the most disadvantaged groups.

3. Redesigning the Affirmative Fiscal Transfer Scheme

Educational assistance funds such as BOS and KIP must be redesigned by taking into account the inequality index and local needs, not solely based on population or student numbers.

4. Equalization of Regional Institutional Capacity

Decentralization of education must be accompanied by a strategy to increase regional capacity, including strengthening teacher quality, infrastructure, and school management in underdeveloped areas.

5. Long-Term Educational Legal Policy Planning

The government and the House of Representatives need to develop a national education law policy roadmap that guarantees sustainability across regimes, so that policies do not change drastically simply because of a change in government.

6. Affirming Education as a National Project

Education must be positioned as a long-term national project that prioritizes social justice, equal opportunities, and the formation of critical and inclusive citizens.

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