

CHANGE OF TRILINGUAL NATIONAL SCHOOLS TO COOPERATIVE EDUCATION UNIT SCHOOLS (SPK) IMPACT OF PERMENDIKBUD NO. 31 OF 2014

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ABSTRACT

The term 3 Language National School has been known in Indonesia since the reform era. It is called the Three Language National School because this school includes Mandarin as a subject in addition to Indonesian and English. The government considers Mandarin to be a form of foreign cooperation. As a result, three Language Schools in Indonesia are included in the Cooperative Education Unit School or SPK. The term SPK, mentioned before Permendikbud No. 31/2014 regarding Cooperative Education Unit Schools, was previously referred to as International Schools. The purpose of this study is to analyze Permendikbud No. 31/2014, which changed the 3 Language National School to the Cooperative Education Unit School (SPK). The method used in this study is normative legal research using three approaches, namely the statutory approach, the case approach, and the conceptual approach. The essay will be conducted with analysis using a critical legal perspective and John Rawls' theory of justice. The study results reveal many problems stemming from the implementation of Permendikbud No. 31/2014. This has led to the decline of 3 Language Schools and has forced the 3 Language National Schools, which have a history and vision of being national schools, to also face challenges. Some of these schools are even at risk of dissolution.

KEYWORDS

three language schools, cooperative education unit schools, spk, international, national schools, thhk



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INTRODUCTION

The Cooperative Education Unit (SPK) was born from the Minister of Education and Culture No. 31 of 2014 which requires the implementation of an operational permit as a Cooperative Education Unit (SPK) for all private schools that provide education in Indonesia that use foreign curricula and employ foreign teachers. Starting from December 1, 2014, all schools labeled as National Plus or International Schools in Indonesia are ordered to change their names to SPK Schools (Susanto, 2022). It is referred to as the Cooperative Education Unit (SPK)

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because in this educational unit, the implementation or management is basically a collaboration between Foreign Educational Institutions (LPA) that are accredited or recognized in their country and Indonesian Educational Institutions (LPI) on formal or non-formal channels regulated in articles 3 and 4, Permendikbud No. 31 of 2014 (Setiabudi, 2021).

The Cooperative Education Unit (SPK) through the Minister of Education and Culture Regulation No. 31 of 2014 concerning Cooperation in the Implementation and Management of Education by Foreign Educational Institutions with Indonesian Educational Institutions is projected by the government to become a global or international scale education unit after Article 50 of Law No. 20 of 2003 is declared invalid. In Permendikbud No. 31 of 2014, it is explained that SPK is organized or managed on the basis of cooperation between Foreign Educational Institutions (LPA) that are recognized or accredited in their country and Indonesian Educational Institutions (LPI) in formal and non-formal channels in accordance with applicable laws and regulations. From this description, it can be clearly understood that all foreign schools that were formerly known as international schools in Indonesia must cooperate with the Indonesian Educational Institute (LPI). International schools under the auspices of the embassy are no exception. Regulation of foreign schools or all schools that provide education in Indonesia with a foreign curriculum and employing foreign teachers with operational permits as schools of the Cooperative Education Unit (SPK) is considered the right way by the government to control the existence of foreign schools in Indonesia.

In addition to schools with SPK status (formerly known as international schools), it is also known as schools with National School status, which are schools that follow the national curriculum standards set by the government and use Indonesian as the main language of instruction in the learning process. In schools with national status, there are public schools and schools established by the private sector. The 3 Language School is one of the most prominent private schools in Indonesia today. Since it was reopened in 2005 until now, there are more than 80 3 Language Schools that have been opened throughout Indonesia with a total of more than 70,000 students. This school was founded by individuals or foundations in the form of Indonesian educational institutions that in the daily learning process integrate three different languages in language lessons, namely Indonesian, Mandarin, and English and even some 3-language schools on the island of Java add Javanese. One of the main goals of the establishment of this school is to prepare students to have richer language skills. In the practice of teaching and learning in schools, especially Chinese, foreign teachers are involved considering the limitations of Mandarin teachers in Indonesia and the level of difficulty in learning Mandarin (2019).

By the government, the 3 Language School is categorized as an SPK school because it is considered to use a foreign curriculum because it uses Mandarin and employs foreign teachers. As a result, since 2014 until today, 3 Language Schools spread across Indonesia can no longer teach Mandarin because they do not have competent teachers. Because the government after the enactment of Permendikbud No. 30 of 2014 did not give permission for foreign Mandarin teachers to be brought in even though the school status is a national school, there are only two 3 Language

Schools that can bring in Mandarin foreign teachers even after the school status changed from a national school to an SPK school (2019). The absence of competent Mandarin teachers leads to a decline in students' mastery of the language, and schools that turn into SPK schools become expensive schools, the burden on students becomes heavier and is threatened with being uprooted from their roots as a national school. The existence of 3 Language Schools is different from schools with SPK status, both historically, curriculum, students and school orientation. There are so many differences between the two that if forced to change it will destroy the school itself, even in many cases the 3 Language Schools are in danger of disbanding.

Referring to SPK schools as a background, referring to Lubis' (2011) research on international schools whose legal designation is for educational and teaching purposes, especially for children of foreign nationals, which later changed after the enactment of PP 17/2010 and Permendiknas 18/2009 changed into Cooperative Education Unit (SPK) schools. International standard education or now SPK for Ji-Yeung-Jang (2009), Agus Harianto (2011, p. 7), Prof. Djohar in Syamsul Ma'arif (2011), is interpreted as the preparation of resources to face global competition through education by improving the quality of education through the internationalization of education.

If we refer to the research of (Rahayu, Haryanto, & Ali, 2023) explaining the difference between SPK and regular schools or national schools in terms of curriculum, according to him there is an irregularity in Article 11 paragraph (1) of Permendikbud No. 31 of 2014 which regulates the curriculum for SPK, because the change of regular schools to SPK has a development meaning in which there must be an increase in roles, functions, and values. The projection of SPK must be a global or international educational unit, if then the reference is the national standard of education, then the output will also be of national standard. The above description explains that SPK should no longer refer to the national curriculum, but must be global or international, or refer to the standards applied by foreign educational units that carry out cooperation.

In line with the above, (Bradley Setiyadi, 2024) describes the fundamental difference between national schools and SPK schools considering that SPK has high-quality special standards through international curriculum-based implementation activities as its goal, this difference in purpose also distinguishes the aspect of assessing quality standards or accreditation between national schools and SPK schools. SPK School believes that international accreditation is a way to gain recognition as an international educational institution and to be known by foreign educational institutions. In addition, international accreditation is a way to measure global standards and gain a global reputation. International school accreditation aims to expand the accreditation framework by including internal and external evaluations. Accreditation is considered a symbol of the quality of education (2007). While national accreditation, although considered by the government to be very important, for SPK schools, the periodic quality assessment carried out by the national accreditation institution has not touched the issue of the quality of education implementation in SPK schools (which contain foreign students).

In terms of competence, Elfirda (2020) explained in her research that teacher competence has a direct effect on teacher performance, as well as the implementation of foreign curricula has a positive effect on teacher performance. The conclusion that can be drawn from this study is that teacher competence is the main indicator in implementing a foreign curriculum, meaning that competence according to (Elfirda, Santosa, & Soefijanto, 2020) is a description of a person's motives or personal characteristics, self-concept, values, knowledge or expertise in this case their performance in the workplace, in foreign schools or SPK needs to be improved.

There are many fundamental differences between national schools and SPK schools, so it is necessary to review the implementation of the policy of enforcing SPK status, especially in 3 Language Schools which are part of national schools. The change in the status of 3 Language Schools to SPK schools due to the enactment of the Minister of Education and Culture Regulation No. 31 of 2014 deserves to be researched considering the amount of impact caused to hundreds of 3 Language School units in Indonesia, in addition to this study shows novelty because there have not been many studies that specifically examine the Minister of Education and Culture Regulation No. 31 of 2014 related to 3 Language Schools.

The purpose of this study is to describe the 3 Language Schools as part of the National Schools in Indonesia. Analyze the development of SPK schools since the enactment of Permendikbud N0. 31 years 2014 to the present. Analyzing the impact of the enactment of Permendikbud No. 31 of 2014 on national schools, especially the Putera Harapan 3 Language School (PUHUA) in Banyumas Regency.

RESEARCH METHOD

This research is included in normative legal research, which is also known as doctrinal legal research with research objects or research objectives in the form of legal materials related to problems to be studied from existing laws and regulations.

The researcher uses three approaches in the research, first, the legislation approach (statue approach) which focuses on the analysis of laws and regulations relevant to the object of research. This approach is used by researchers to identify applicable legal provisions, interpret them, and evaluate their consistency. Second, the conceptual approach uses analytical tools and theories that are relevant to the research object, it is hoped that the researcher will have an adequate understanding as a legal argument according to the interests of the research. Third, the historical approach with this approach is expected to better understand providing the historical context of what will be researched and understanding the development of laws and policies related to research.

This study uses library research with data sources from primary legal materials in the form of laws and regulations related to the issues to be discussed in this legal research, in addition to data obtained from secondary legal materials as an explanation of primary legal materials ranging from books, journals, media and other relevant sources. And tertiary legal materials. In addition to using literature studies to obtain data, researchers also conducted field research to search for

information in the mass media, to explore the impact of the implementation of Permendikbud No. 31 of 2014. As for the analysis tool, the author uses a critical legal perspective and John Rawls' theory of Justice.

RESULT AND DISCUSSION

3 Language School is a National School

In 2003, in the middle of the Chinese Education symposium in Surabaya, the term 3 Language School was born, originally intended as a prelude to building a Chinese school model in Indonesia today. Unlike schools initiated by ethnic Chinese in the past, this 3 Language School is basically national and national education. This means that the main curriculum is the content of national education because the 3 Language School is a national school, which is enriched with Chinese language education. In this school that adheres to the philosophy of "Education Without Difference" (*yǒu jiào wú lèi*) which is open to the whole community, Indonesian, Mandarin and English are taught simultaneously to students in the learning process.

In the National Conference of Trilingual Schools in Magelang, Central Java, on October 8, 2012, it was agreed to establish an organizational forum for all Trilingual Schools in Indonesia called the Indonesian Trilingual National School Association (PERSTIBI). The root of this 3 Language School in the past was a school called *Tiong Hoa Hak Tong* (Chinese School) which was established by the Chinese organization association *Hwee Kwan* (THHK) or the Chinese Association House on March 17, 1900 in Jakarta. This school later changed its name to *Sekolah Tiong Hoa Hwe Koan* (THHK School) which was abbreviated to *Pa Hoa School*. Because the historical building used as the place to declare the establishment of the first THHK school is located on *Jalan Patekoan* (now *Jalan Bisnis Raya*), Jakarta. So the name of the school was then abbreviated to *Pa Hoa* which was taken from the word *Patekoan Tiong Hoa Hwe Koan School*. Apart from being located on *Patekoan* street, the name *Pa Hoa* was also chosen to distinguish it from Chinese schools in Indonesia that emerged afterwards. *Pa Hoa School* was the first Chinese school established in the Dutch colonial era

Since THHK established the *Pa Hoa School* on *Patekoan* street, Chinese Schools spread rapidly to reach 1800 schools in all corners of Indonesia. Established in 1901, THHK can be said to be the first private school in the Dutch East Indies that inspired the birth of similar schools such as the *Jamiat at-al-Chair* school, a school founded by the Arab Community, *Budi Utomo* in 1908, *Muhammadiyah* schools in 1911 to *Ma'arif-Madrasah Ibtidaiyah-Tsanawiyah* and *Aliyah* schools by *Nahdlatul Ulama* in 1932. No exception in *Sokaraja, Banyumas*, was established on February 6, 1906 with the name *THHK Sokaradja* (now known as *Sekolah 3 Bahasa Putera Harapan* or abbreviated as *Puhua*). There is a long record of the establishment of Chinese schools in Indonesia, which in the pre-independence period also experienced repression and discrimination in obtaining the opportunity to taste education in school. Chinese children in *Banyumas* also experienced the same thing, at that time there were not many Chinese children who had basic *calistung* skills, aka reading-writing-arithmetic. A merchant named *Tan*

Swie Sing in 1905 in Sokaraja who in the midst of his busy trading always took the time to teach Chinese children who did not have an education. Tirelessly, he then called "tak-cay". Tak Cay is a term to refer to a place of learning that nowadays we can call such as a tutoring place or course. It was in this teaching class or Tak Cay that he gave the teaching that he was most proficient in, namely reading and writing Chinese. In this teaching class, Tan Swie Sing does not charge too much and is as rigid and intact as schools in general. He implements a voluntary system or a modest fee for those who can afford to pay. On the contrary, he completely waived the cost for those who could not afford it. Most of his students came from Chinese children in Sokaraja, Banyumas, where he lived at that time.

If during the Japanese colonial period Pa Hoa School was allowed to operate only by teaching Japanese and Mandarin, then after Indonesia's independence Pa Hoa School returned to its original identity as a 3-language school. Subjects in schools are adjusted to the provisions of the Ministry of Education, Teaching and Culture (PP and K) of the Republic of Indonesia. Indonesian must be taught from the third grade of elementary school at least four hours of lessons in one week. English is given from the fourth grade of elementary school as well as Mandarin, while Dutch is omitted. In fact, Pa Hoa is the first private school to teach four languages to its students. Following the PP and K curriculum, Pa Hoa school teaches German to high school students. It is recorded that since 1950-1960 Pa Hoa school taught four languages, namely Indonesian, English, Mandarin and German.

In the reform era, after President B.J. Habibie ratified the International Convention on the Elimination of Racial Discrimination in 1999 through Law Number 20 of 1999. There was a fundamental change in the issue of the rights of Chinese citizens, plus President Gus Dur in 2000 issued Presidential Decree No. 6 of 2000 which revoked Presidential Instruction No. 14 of 1967 concerning Chinese Religion, Belief, and Customs. Chinese citizens are again allowed to carry out all forms of Chinese cultural expression, including learning Mandarin and its script. To date, there are more than 70,000 students spread throughout Indonesia from 80 3-Language Schools that have been established who gather in the Association of National Trilingual Schools throughout Indonesia (PERSTIBI) (Sutanto, 2021).

In August 2001, the Ministry of Education and Culture officially allowed the opening of Chinese language education, and the University was also allowed to open Chinese language study programs. According to the policy of the Ministry of Education and Culture of the Republic of Indonesia, 3-language schools are intensive national schools, that is, national schools that add and strengthen certain subjects (Mandarin and English), Mandarin is currently one of the six working languages in the United Nations (UN). And by the end of 2020 there were already more than 180 countries around the world implementing Mandarin language education, and more than 70 countries have incorporated Mandarin into their national education systems (2021, pp. 8-10).

There are several reasons behind the inclusion of 3 Language Schools as part of national schools, including: 1) 3 Language Schools legally follow the rules and regulations set by the government. 2) The 3 Language School in its learning follows the standards set in the national curriculum, 3) The existence of the 3 Language School is aimed at supporting the main goal of national education, which is to

educate the life of the nation and form the character of students with noble character. The 3 Language School is in line with what is the government's goal in national education, even equipping it with additional language skills. 4) The 3 Language School historically has a different existence is not an international school or a school that can be categorized as a school with SPK status, because the 3 Language School does not exist to answer the educational needs of foreign citizens (WNA) but since the beginning it is a school established by Indonesian citizens (WNI) but focuses more on developing students' language skills, in this case Mandarin. Although the term 3 Language School was undeniably originated from ethnic Chinese in 2003 as part of their awareness to educate children in culture and moral ethics in addition to language education. As part of the national school that places the content of national education as the main curriculum and is enriched with Chinese language education, where the principle of "Education Without Difference" and education is open to all levels of society.

The 3 Language School is a national school with great potential for development. Most of the current 3 Language Schools have been accredited with A grades, including; a trilingual Paha school in Banten Province in the 2019 National High School Exam with an average score of 89.73 ranked 6th out of 27,200 high schools nationally; 80% of the graduates of XinZhong Senior High School and Little Sun Trilingual School have reached level 5 in the HSK exam, and 20% have reached level 6; Pelita School in Jakarta, Bali Cultural Bridge School, Puhua School in Purwokerto, Budi Utama Yogyakarta, Chongwen School and Mianzhong School in Medan are a row of schools that are favorites in each region. Graduates of 3 Language Schools are widely accepted at well-known universities at home and abroad. The 3 Language School is currently a model for the transformation of contemporary Indonesian national schools that are integrated into the national education system and open to all groups. Mandarin language education in 3 Language Schools in Indonesia is a Chinese language education rooted in local culture, there is no doubt that 3 Language Schools are Chinese language schools with Indonesian characteristics (Sutanto, 2021).

SPK School According to Permendikbud No. 31 of 2014

Indonesia's national education functions to develop abilities and shape the character and civilization of a dignified nation in order to educate the nation's life, where the goal is to develop the potential of students to become human beings who believe in and fear God Almighty, have noble character, are healthy, knowledgeable, capable, creative, independent, and become democratic and responsible citizens. For this reason, a systematic education system is needed as a translation of education implementation in Indonesia. Only through education can a nation-state be able to face challenges. Only with quality and quality education can Indonesia build a competitive advantage among other nation-states.

On this basis, the government formed laws and regulations that accommodate the education system that is considered to be applicable in Indonesia, through Law Number 20 of 2003 concerning the National Education System. In the law, it is explained that education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have religious spiritual strength, self-control, personality, intelligence, noble

character, and skills needed by themselves, society, nation and state (Noviansyah & Reza, 2023). In order to improve the quality of education in Indonesia as well as translate the order of Law Number 20 of 2003 was prepared then Permendikbud No. 31, Year 2014 as an important instrument of the government to improve the quality of education in Indonesia through cooperation with foreign educational institutions to regulate the implementation of education involving cooperation between educational institutions in Indonesia and foreign educational institutions through SPK.

In a broader scope, the existence of Permendikbud Number 31 of 2014 aims to:

- 1) Improving the quality of education in Indonesia: It is hoped that by opening opportunities for cooperation with foreign educational institutions, with the Indonesian Educational Institute (LPI) it is hoped that the quality of education in Indonesia can be improved.
- 2) Expanding access to quality education: SPK schools are expected to provide a new alternative option for people who want to get an education with international standards.
- 3) Supporting human resource development: SPK graduates who meet international standards are expected to be competent and relevant to the needs of the global job market.
- 4) Strengthening Indonesia's position in the international education scene: with the opening of SPK schools, Indonesia can become a destination for foreign students and play a role in the development of education at a wider level.

In addition to some of the above, Permendikbud No. 31 of 2014 explains the following points:

1. First, the Licensing Process and Establishment of SPK Schools

In the process of Permendikbud No. 31, 2014, article 25 regulates the procedures for the establishment of SPK and the implementation of education that the granting of SPK permits is given or made by the central government, namely the Ministry of Education with recommendations from the local governments of districts/cities and/or provinces regarding the plan to establish SPK.

2. Second, SPK Curriculum

The regulation of the SPK curriculum is in Permendikbud no. 31 of 2014, article 11 refers to the National Education Standards, Basic Framework and Curriculum Structure, and guidelines for the implementation of the Curriculum that can be enriched with the curriculum of other countries' educational units that have advantages in the field of education or can use the curriculum of other countries after obtaining the permission of the minister or other appointed officials. Meanwhile, the SPK curriculum for SMA, MA, SMK, and MAK, or other equivalent forms can be compiled in a semester credit system. Article 11 also regulates the obligation for Indonesian students to be taught religious education, Pancasila and Citizenship Education, and Indonesian language. Meanwhile, for foreign students, they are taught Indonesian and Indonesian culture [Indonesian Studies].

3. Third, the Learning Evaluation System at SPK

Permendikbud no. 31 of 2014, article 13 regulates SPK to implement SPK assessment standards using assessment standards for educational units of other

countries that have excellence in the field of education or assessment standards applicable to the education system of other countries. Article 13 also regulates the obligation of SPK to hold a National Exam for Indonesian students. And for foreign students who want to continue their education in the national education unit, they can take the national exam. For SPKs that have not been able to hold the UN, they can collaborate with the educational unit that organizes the UN to include their students.

4. Fourth, SPK Cooperation

In Permendikbud no. 31 of 2014, article 1 above can be interpreted that educational institutions are equated with educational units. If this is the case, then the cooperation to form the SPK can only occur in educational units that have been accredited A and the formation of a completely new SPK will not be formed.

5. Fifth, the Staffing Status of Educators and Education Personnel at SPK

Permendikbud No. 31 of 2014, articles 9 and 10 stipulate that the provisions on educators and education enforced in the article are not problematic. Because the composition of educators, which is 30% of Indonesian citizens, is appropriate in order to increase the role of Indonesian citizens in learning at SPK. The above number will make it difficult for SPK organizers to meet it, because there are not many teachers in Indonesia who are able to teach with English as the language of instruction. The composition of 80% of Indonesian education staff is also suitable to open up job opportunities for Indonesian citizens and the SPK will not have difficulty fulfilling it

6. Sixth, the Implementation of SPK Monitoring and Evaluation.

Permendikbud number 31 of 2014 explains that supervision of implementation cooperation and management cooperation includes monitoring and evaluation, supervision, reporting, and follow-up of supervision results. Supervision is carried out by the Ministry and the provincial/district/city education office in accordance with the provisions of applicable laws, including administrative and technical educational supervision. In the supervision area, it is said that supervision is carried out in a coordinated manner between the main unit at the central level and the provincial/district/city education office according to its authority, and the implementation of supervision uses instruments compiled by the Directorate General of Primary and Secondary Education.

Current SPK Schools

Many countries respond to the existence of SPK related to the form of investment in the field of education, in addition to considering increasing the country's foreign exchange as well as to reduce foreign currency outflows as a consequence of sending children abroad to get quality education at the level of other countries. The existence of SPK is sure to make education of quality, in the end it will have economic value because it is in accordance with the expectations of many parents for quality education. It becomes easy then when the government promotes the education sector as an income-generating industry, because qualitatively the quality of education has improved (Widodo et al., 2018). This kind of logic of education commercialization reflects a condition in which education is influenced by the needs of industrial society and market preferences, which changes the role

of education only as a tool to produce labor for the industrial sector, not as a process of increasing knowledge (Purwaningrum & Subhi, 2023).

Education in Indonesia in an international sense was first introduced in 1952 by UNESCO, a United Nations organization engaged in the education sector, followed up through the Associated Schools Project Network (ASPnet) program of UNESCO (Unesco, 1977). The program initiated a global network of schools established by UNESCO, with the aim of encouraging schools around the world to educate students on issues related to UNESCO's main goal, which is to promote international peace and understanding. Then the Education for All (EFA) program was developed again in 1990 which aims to ensure that all children in developing countries have access to quality basic education. Along with that, international cooperation in education in Indonesia is increasingly strengthened, including through collaboration with international organizations and foreign educational institutions.

Meanwhile, foreign schools in Indonesia were first established in 1951 because of the large number of expatriates who need schools for their children. However, the permit given by the DKI Jakarta government at that time was not a permit for the establishment of a school but a permit for the construction of a school building. It was only in 1958 for the first time that foreign schools requested recognition from the government to have the status of "international" schools (Sigit & Sigit, 2023). Law No. 48 of 1960 regulates the supervision of foreign education and teaching. However, foreign schools in Law No. 48 of 1960 concerning the Supervision of Foreign Education and Teaching are prioritized for the children of diplomats and a small number of expatriate children residing in Indonesia. The term international school has been stated since 1975, in the Joint Decree (SKB) of the Minister of Foreign Affairs, the Minister of Education and Culture, and the Minister of Finance of the Republic of Indonesia Number SP/817/PD/X/75; Number 060/O/1975; and Number Kep-354a/MK/II/4/1975. As stated in the Decree, International Schools are foreign schools established and organized by a foundation formed based on Indonesian laws and regulations, for educational and teaching purposes, especially for the children of foreign nationals (WNA) members of diplomatic/consular representatives of another country in Indonesia. In this international school, it does not use the local/national curriculum, but completely uses the curriculum of other countries in the implementation of its education (Abduh, Nawawi, Khodijah, & Abdurahmansyah, 2024). So it can be said that there are two labels of private schools that are then known in Indonesia, namely national schools and international schools.

After that, the term international as a standard embedded in schools is often misunderstood. Is the school called international because it is a special school for expatriate children because its students are from various nationalities to be called international or because it uses a curriculum designed by the International Education Organization (IBO) so that students do not experience difficulties because of the difference in curriculum and diplomas are recognized when they want to continue their higher education. There is a growing perception that private schools that have an international status are different from private schools in general, more prestigious in the community's perception.

In 1992, in the Private Education Deliberation Conference (MPS) which is currently called the Private Education Consultative Body (BMPS), the government, in this case the Director of Private School Development (Dirseswa), expressed his views on the importance of the role and great participation of private education to play a role and contribute in efforts to educate the nation's life (2023, pp. 19-25). The government in this case gives the widest possible space for private schools to innovate while still complying with applicable laws and regulations. Dipper welcomed the government's view, then the Pelita Harapan School (SPH) was established. The first modern private school that spurred the establishment of many other private schools which were mainly classified at that time as national plus schools. The establishment of SPH is also interpreted as a marker of education liberalization by opening education as an industry with foreign capital because in the government's view, education cannot be concentrated only on the government. After the reform of one of the markers in the education sector, especially in private schools, the government relaxed its intervention in the area of education. Education runs with the motto "laissez faire laissez passer" (let it pass), the state plays only a minimal role in this kind of liberal education concept. The state only plays the role of a night watchman, only maintaining security. The state only acts when security and order are disturbed. This type is also called a liberal formal legal state (Zamroni et al., 2020).

British Prime Minister Tony Blair (1997-2007) said "Education is the best economic policy there is." Blair realized the importance of education as a top priority for the government he led. For Blair, human resources and intellectual capital are the main sources of value and competitive advantage in the modern economy. In line with this and in the name of modernizing education in order to be able to compete with developed countries, national education reform began. National Education Reform is a benchmark for its success when there is a liberalization of public policy in the education sector by formulating policies and forming laws and regulations that are in line with the interests of building the education industry, including: first, Law No. 22 of 1999 concerning Regional Government; Article 11 of Law No. 22 of 1999 (Local Government Law) delegates the authority of education for the establishment of schools to the municipal and district governments. Second, the Decree of the Minister of National Education No. 060/U/2002 concerning Guidelines for the Establishment of Schools includes the issue of licensing the establishment of foreign private schools. Third, UUNo. 20 of 2003 concerning the National Education System (Sisdiknas) in lieu of Law No. 2 of 1989. In it, it regulates the change of "noble ethics" to "noble morals" as the basis, function and purpose of national education in article 3, polemics about diplomas article 61 paragraph (2) concerning diploma guarantees to students, article 65 paragraph (2) which allows Indonesian citizens to study in foreign educational institutions, and Presidential Regulation No. 76 and 77 of 2007 which is a derivative of Law No. 25 of 2007 concerning Foreign Investment, Where education is included in the list of businesses whose capital ownership is open to foreigners.

The right of every citizen to education is clearly stated in the 1945 Constitution as the supreme constitution in Indonesia. Article 31 Paragraphs 1, 2, and 3 of the 1945 Constitution emphasizes that every citizen has the right to

education, while the government is obliged to provide primary and secondary education for every citizen. In short, the state has a responsibility to ensure that every citizen can get access to a decent and quality education. The government's responsibility or obligation in fulfilling the rights of its citizens to education is one of the important aspects in the 1945 Constitution. Article 31 of the 1945 Constitution states that "The government is responsible for providing basic education to the people, so that every citizen has the same opportunity to obtain education" (Selviana, Syahputra, Mawaddah, Fachri, & Ramadhan, 2024).

From this SPK school policy, we can look at the extent of the role and responsibility of the state in fulfilling the rights of its citizens to education from several aspects:

Do SPK schools provide opportunities for every citizen to obtain education?

SPK is not a school that can be accessed by everyone, the rules about SPK are Permendikbud No. 31 of 2014 if referring to John Rawls conditional on the existence of public reason related to a person's position as an equal citizen. Public reason is a collective agreement based on public sanity (reasonableness) which is a characteristic of a democratic society, where all citizens have equal citizenship status without discrimination and stratification (2021, p. 76). Permendikbud No. 31 of 2014 which gave birth to the concept of SPK we can say that it is not based on public reason which must be mainly owned by authority holders in the state, both executive, legislative, and judicial, which should give birth to legal products or rules based on public sanity that agree with the principles of justice where one of them is the equality of fair opportunity, in this case the opportunity of every citizen to obtain Education (2021, pp. 76-80). SPK makes schools unaffordable for everyone, profit-oriented and commercial. Schools that close a person's opportunities or access to education actually create social segregation, separating one another based on economic and social status. Not schools can be accessed by all citizens without economic barriers, in the end only the rich can access the best education, while the poor are the opposite (Salim, Manubey, & Kuswandi, 2023).

Does SPK guarantee the quality of education?

Teachers are an important aspect to ensure the success of education, because they are directly involved in teaching and learning activities. Quality teachers will create superior human resources to support national needs for the fulfillment of human resource quality (Fauzan, 2021). However, this expectation will not be achieved if you look at Permendikbud No. 31 of 2014 article 9 paragraph 2 which states: "The number of p e n d i d i k in SPK must include at least 30% (three p u l u h percent) Indonesian educators." In John Rawls's conception of justice is known as the terms circumstances of justice, namely the basic conditions in which humans live together in a society governed by a legal system and social institutions, departing from this conception we can ask the question: First, does the government in the process of making regulations on SPK consider the principle of justice and does not harm certain groups? The basis for making regulations should be in the interests of educators or teachers of Indonesian citizens (WNI) as guarantors of educational success that are in line with the ideal of "educating the life of the nation" which is the goal of national education. The number of Indonesian teachers who are much smaller than foreign teachers will be problematic if the SPK school students

are Indonesian citizens (WNI). Because it will make students uprooted from their roots, while foreign teachers should be in charge of enriching the learning process through their knowledge and experience in their home countries. Second, whether policy decisions are based on the principle of justice whose benefits can be felt by all members of the community considering article 9 paragraph 2 of Permendikbud No. 31 of 2014 the government actually acts unfairly by giving more job opportunities to foreign citizen educators (WNA), while we know that there are still a lot of Indonesian citizen educators (WNI) who depend on honorary status without clarity. Besides, there is a difference in treatment between Indonesian and foreign teachers in terms of salary and facilities. It is unfair because the government through this policy actually eliminates the right of Indonesian citizens to work. It is unfair because it violates the constitutional rights of citizens, namely the right to work in Article 27 paragraph (2); Every citizen has the right to a decent job and livelihood for humanity. This article is not limited to statements, but is the state's commitment to provide guarantees for the basic rights of every citizen, namely the right to work and get a decent and dignified livelihood. Thus, this article is very important in building a just and prosperous society. The difference in treatment also ignores article 28 D paragraph (2); Everyone has the right to work and receive fair and proper remuneration and treatment in the employment relationship. This article is a further development of Article 27 paragraph (2), by providing more concrete legal protection for workers and ensuring fair employment relations (1945 Constitution of the Republic of Indonesia). Given the importance of the Constitutional Rights of citizens, the government should take a role in strengthening regulations that protect the interests of Indonesian teachers, develop their capacity, improve welfare, and protect the rights of teachers by cooperating, controlling, and evaluating educational institutions that organize SPK.

Does SPK guarantee the accessibility of education?

Accessibility of education means the ease or opportunity for everyone to get a quality education, regardless of social, economic, cultural, or physical background. Accessibility of education is important so that there is equality for every individual to get quality education, so that from quality education a person's quality of life can improve, so that an individual can become his optimal potential and can contribute to community development, and finally so that education becomes inclusive. The government's policy on SPK clearly ignores the government's obligation to implement basic education for its people in article 31 of the 1945 Constitution and ignores the people's right to education in article 28 of the 1945 Constitution (Law Online.Com, 2023). The principle of justice for Rawls must protect the most disadvantaged parties in society, in this case the interests of the community for the fulfillment of their right to quality education. For Rawls there should be no 'exchange' of their freedom or well-being for the well-being of others that is allowed. Basic freedoms must be distributed equally and should not be sacrificed for the sake of economic achievement (Laming, 2021). The constitutional right of the community or citizens to quality education should not be defeated by economic interests due to the commercialization of education.

Does SPK guarantee educational equality?

Rawls's view of justice as fairness is an agreement that can be accepted and supported by all groups who have equal liberty. Where the principles of rationality, public sanity (reasonableness), freedom and equality are the basis of the agreement so that it can be accepted and supported by all parties. Equality for Rawls is not equality in all respects, but equality is his emphasis on status and rights. According to Rawls, equality means: 1). Equality in dignity: Where every individual has the right to be treated fairly and respectfully, 2). Equality in basic rights: where everyone has the same right to basic freedoms, 3). Equality in opportunity: every individual has an equal opportunity to reach his or her full potential, even though they are born under different circumstances. Rawls puts equal emphasis on status and rights because he believes that everyone has dignity that cannot be removed and he believes in social justice as the foundation of a just and equal society which in turn will make society stable and harmonious. SPK will not give equal space to everyone because there is a distinction and stratification between one person and another based on their financial ability as a condition to get the opportunity to get a quality education. This means that education actually creates and perpetuates injustice. The founders of the republic deliberately formulated the word "educating the life of the nation" from the beginning as one of the bases of the legitimacy of the Indonesian welfare state as stated in the fourth alenia of the Preamble to the 1945 Constitution. Their political commitment to advance education is further strengthened in article 31 of the 1945 Constitution which reads "Every citizen has the right to education" which was changed in the third amendment of the 1945 Constitution to: "Every citizen has the right to education." And it is expressly stated that "Education is the right of every citizen." A bright statement to abolish discriminatory, selective, and elitist education in order to realize education that shows high quality that can be obtained by everyone.

The founders of the Republic of Indonesia have long mandated the foundation of education for Indonesian citizens in the future, which then became the material for the formulation of articles 29 to 32 of the 1945 Constitution (Constitutional Court of the Republic of Indonesia, 2012), namely:

- 1) National education and teaching are linked to the nation's religion and culture, as well as towards the safety and happiness of the community.
- 2) The nation's culture is a culture that arises as a result of the cultivation of the entire Indonesian people. Cultural efforts must lead to the advancement of manners, culture, and national unity by not rejecting new materials from foreign cultures that can enrich culture.

Meanwhile, SPK, at the beginning of its existence as an international school to meet the educational needs of foreign citizens, has never placed education and teaching in conjunction with religion and culture in its teaching and learning practices in schools. Permendikbud No: 31 of 2014 concerning Cooperation in the Implementation and Management of Education by Indonesian Educational Institutions with Foreign Educational Institutions, this policy then became the basis of the Indonesian Ministry of Education and Culture so that schools that adopt foreign curricula must also teach several compulsory subjects for Indonesian citizens. These subjects include religion, Indonesian, and civic education.

The provisions in the Permendikbud above allow SPK schools that collaborate with LPA (Foreign Educational Institutions) not to use the K-13 curriculum as a whole. However, SPK is required to teach three compulsory subjects for Indonesian citizens, namely Religious and Ethical Education, PPKn, and Indonesian (Susanto, 2022). The existence of this requirement has reaped objections from parents of expatriate students, especially in the subject of Religious Education. For expatriate students and their parents, religion is a personal thing. One of the reasons why many parents of students also decide to enroll their children in international schools is because the subjects are more secular (news24, 2017). It appears that SPK is different from the purpose of the national education system of the Indonesian nation. On this side, it is necessary to remind that the state is also responsible for building and organizing a national education system with character in accordance with the basis of the state philosophy. Strengthening character and nation building must be the direction of education and education must not be separated from the national identity, identity, and personality of the nation as well as the national goal to educate the nation's life (Noviansyah & Reza, 2023).

The Impact of Changing a Trilingual School to SPK at the Putera Harapan Banyumas Trilingual School

Permendikbud No. 31 of 2014 forces Trilingual Schools throughout Indonesia, including Sekolah Menengah 3 Putera Harapan (PUHUA) Banyumas, to change into Cooperative Education Unit (SPK) schools, which has the following consequences:

First, the adaptation process because the curriculum is of international standard, in this case the Pearson Edexcel curriculum used by Puhua is a curriculum designed to fulfill 11 years of school like education in the west, because the designation of "international standard" schools is actually for the needs of expatriate children who are living in Indonesia. The change to a Cooperative Education Unit (SPK) school experienced by Puhua Language 3 School which originally used a national curriculum enriched with Mandarin became a big challenge for national schools because with different targets and needs, children in Puhua schools were forced to be able to complete materials and follow assessment standards to achieve accreditation points determined by the International Accreditation Agency.

Second, when there is a school accreditation process, the school will never achieve its best score, because apart from the Lesson Hours (JP) that do not reach full for each material (in the Putera Harapan Mandarin trilingual school, the Mandarin uses 8-11 JP while the Pearson Curriculum only has 4-5 JP) it is practically impossible to achieve the normal learning target. So that during the assessment, students choose not to take part in the assessment because they feel they are not ready.

Third, in terms of cost, the cost of per-assessment of subjects cannot be said to be cheap, between Rp 360 thousand to the total exam if taking 5 compulsory subjects is around 1.5 million rupiah including the cost of sending exam results and bank transfer fees. Not to mention the cost of the learning system charged to students, to the purchase of textbooks from Foreign Educational Institutions (LPA). With this curriculum, students cannot get their right to get an assessment on every subject they take, if they do not want to be charged for the implementation of the

assessment and sending the results to the relevant foreign educational institution (LPA). One thing is certain, since it changed to an SPK school, there have been many costs that must be borne by students. Until the Puhua Language 3 School is perceived as an expensive school in Banyumas Regency.

Fourth, the condition of SPK schools whose students are not foreigners such as in Puhua Language 3 School is somewhat worrying. The most pronounced impact is the loss of student identity because the class hours for character education, Javanese language lessons or regional languages to Scouts and Student Council are lost. The reason is that the curriculum applied in SPK is not a national curriculum or the result of the development of the national curriculum, but a curriculum from foreign educational institutions (LPA) that collaborate and be enriched with the national curriculum (Widodo et al., 2018). In Puhua Language 3 School, the subject is not eliminated, as a result of which the students' subject hours become long and too dense because they are forced on the learning process every day.

CONCLUSION

The change of Puhua Language 3 School, which was originally a national school to an SPK school, seems to be forced only for the reason of using a foreign curriculum and the presence of foreign teachers or educators. Puhua was uprooted from its roots as a 3-Language National School that would not reach its maximum potential institutionally due to accreditation from foreign educational institutions (LPA). Schools that were originally established to answer the need for quality education that does not differentiate everyone without exception are threatened to become high-cost exclusive schools in Banyumas district. The same applies to other 3-language schools, even in many areas 3-language schools that cannot adapt to the provisions of the SPK are in danger of falling.

Sekolah Menengah 3 Putera Harapan cannot be categorized as an SPK school considering that Sekolah Bahasa 3 is a national school, not an international school that must use an international curriculum that is not in accordance with the needs of students when deciding to attend this school. The 3 Language School, is currently a model for the transformation of contemporary Indonesian national schools that is integrated into the national education system and is open to all groups. The 3 Language School should be restored to its original status as a national school in the regions as part of the fulfillment of the constitutional rights of citizens which is the obligation of the government and in order to be a part that contributes to the ideals of educating the nation's life through quality education with a strong national character.

It is necessary to review the categorization of 3 Language Schools as SPK schools in accordance with Permendikbud No. 31 of 2014 concerning Cooperation in the Implementation and Management of Education by Foreign Educational Institutions with Educational Institutions in Indonesia. A 3-language school is not a school that uses a foreign curriculum in its learning. Resources in 3-language schools are the color of the Indonesian state and much more importantly, students in 3-language schools are children of Indonesian citizens or Indonesian citizens who

have different orientations, needs, and targets from children of foreign countries and Indonesian children in various regions will lose their constitutional rights as citizens to get quality education that is intelligent and relevant to their times.

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