

*Research Article*

## The Entry Selection System in Indonesia's Public High Schools: *Quo vadis*

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### ABSTRACT

The selection mechanism for students seeking admission into public high schools still leaves the question: is it going to solve problems or even worsen them? The zoning, age, and affirmation bases were initially oriented to be an inclusive selection system based on the concept of equity. Conversely, these bases lead to new problems, such as (1) the disappearance of a fair selection mechanism based on merit, (2) the inability of students from low-quality educational backgrounds to compete with students from high-quality educational backgrounds, (3) the challenges experienced by teachers in adjusting the quality gap between the students selected by the merit-based system and those selected by the current system, (4) the damaged school culture, and (5) the occurrence of legal manipulation. Using the legal normative approach, the aim of the study analyzed this issue through the right and freedom of education. The result that the status quo system is not in line with the freedom of education, and even creates new problems. The government should have improved the quality of the education infrastructures such as teachers, curriculum, and school facilities, before focusing on the access to education. This mechanism becomes an unfair hurdle on their right to and freedom of education. The government to carefully review and re-examine the status quo system; the end might be a significant revision on the existing regulations.

**Keywords:** Age; Equity; Freedom; Selection; Zonation.

### A. INTRODUCTION

Human rights belong to every human being without exception (Titahelu, 2022). Therefore, the right to and freedom of education as part of human rights also belongs to everyone (Tarrow, 2014). Education is a pivotal method used to create a just and prosperous state (Hermanto, 2020). Some systems must be applied to ensure the successful implementation of education (Mason, 2016). One of these is the entry-selection mechanism. It is imperative to ensure that a proper process is used to select students for

admission to public high schools. However, one of the debatable issues associated with the current selection process is whether the selection bases, consisting of zoning, age, and affirmations, are proportional to the right to freedom of education while improving the quality of education in Indonesia.

The government's implementation of the current system aims to achieve two main goals (Kominfo, 2018). The first is to eliminate the distinction between favorite and non-favorite schools, which are evaluated as schools with

intelligent and non-intelligent children. However, congenital factors such as financial factors may result in many low-quality children (Chaudry, & Wimer, 2016). The government wants these children to be accepted into their favorite schools (Kominfo, 2018). Furthermore, the combination of children with high and low intelligence is expected to promote a distributive intelligence process. If this selection system is not implemented, students in non-favorite schools would always be categorized as low-quality students. In other hand, students in favorite schools would always be categorized as high-quality students, creating injustice in society (Kominfo, 2018).

However, this selection system has several limitations. The first relates to the readiness of teachers and students. Based on our interviews and observations, students admitted on the basis of affirmation and age hardly competed with those admitted on the basis of merit. Moreover, these students found it difficult to adapt to the learning culture of previously preferred schools. Some had difficulty learning, and even decided to drop out. Furthermore, teachers also complained about the declining quality of children entering their schools and experienced difficulties in dealing with the significant intelligence gap (Pradewi, & Rukiyati, 2019). Another adverse effect is that many high-quality children enrolled private schools, which continue to implement the merit-based system consistently. In other words, instead of attempting to accelerate distributive intelligence, public schools continue to deteriorate.

Another problem that arises from the implementation of the zoning system is legal manipulation, particularly document falsification. The zoning system requires a selection committee to verify the family card or domicile certificate. In reality, this system led many parents to place their children's names on the family card of the family whose domicile was within the zoning of the school they desired.

Article 31 of the Indonesian Constitution states that the right to education is one of the fundamental rights of every human being. This right has beneficial effects on both individuals and states (Tobin, 2019). Education benefits for a person consist of improving their individual qualities, paving the way to gaining new abilities, and increasing self-confidence. Meanwhile, educational benefits for states include increasing participation and inclusivity in policy determination, building national identity, making society democratic and peaceful, and increasing economic development. Therefore, there is a need to fulfill the rights of education in Indonesia. Education as a human right is a kind of human rights where the role of government intervention is needed because the right to education is commonly addressed as the "positive rights" (Huda, & Hidayat, 2021).

In Indonesia, government intervention in the right to education has been regulated by various laws and regulations. Pursuant to Chapter XA on Human Rights, specifically Article 28C paragraph 1, to improve people's quality of life,

there must be a guarantee of the right to education. There is no way a person can help to make the country better without improving their own quality (Arman, Purwandaya, & Saefuddin, 2020). Therefore, the guarantee of this right has a domino implication.

The realization of this guarantee has also been implicitly regulated in other studies. For example, pursuant to Article 28H of the 1945 Constitution, welfare, shelter, and the fulfillment of primary, secondary, and tertiary needs are the rights of everyone. However, the fulfillment of this right must also be carried out by individuals who do not always expect the state to fulfill them. One of the main ways that each individual can obtain these rights is through education; hence, the state needs to provide the "tool" in the form of education.

In addition to articles that specifically regulate human rights, the 1945 NRI Constitution has its own chapter entitled "Education and Culture." Article 31, paragraph (1) regulates that "every citizen has the right to education." Furthermore, in paragraph (2), the existence of this right is further embodied in the form of the state's obligation to fund (to fulfill) the basic education of every citizen. The funding is further concretized in paragraph (4), which states that the state must provide a budget of 20% only for national education needs.

Further laws and regulations on human rights, such as Law Number 39 of 1999, also regulate several matters related to this right. This

is in line with the substance of the Constitution, stating that the main point of the law is the recognition and protection of the right to education, as stated in Article 12. This article focuses on the fulfillment of the right to education as a better person.

In addition to these two laws, international legal documents also regulate this right. The first one is the International Covenant on Economic, Social, and Cultural Rights (ICESCR) that has been ratified through Law Number 11 of 2005 concerning the Ratification of the ICESCR. Pursuant to Article 13 of the covenant, states are obliged to fulfill this right for their citizens (Kotzmann, 2015). According to Klaus Dieter Beiter, an associate professor at Northwest University, Article 13 is arguably the most important article when discussing the right to education (Manan, 2015). More specifically, points a, d, and e of Article 13 paragraph (2) further regulate ways to achieve the fulfillment of these educational rights, which are formulated as follows:

"The State Parties to the present Covenant recognize that to achieve the full realization of this right:

(a) Primary education is compulsory and free of charge.

...

(d) Fundamental education shall be encouraged or intensified for those persons who have not received or completed the whole period of their primary education, and

(e) The development of a system of schools at all levels shall be actively pursued, with the establishment of an

adequate fellowship system with the teaching material continuously improved”.

Point a focuses on ensuring that primary education is accessible to everyone without cost barriers. One concrete example of the realization of the fulfillment of the right to basic education is Article 34, paragraph (2) of the National Education System Law. Point d aims for primary education to be encouraged as strongly as possible and made accessible, especially for those willing to complete their primary education. For example, children may drop out of school because of economic problems. Point d emphasizes that economics and other factors should not be reasons for students dropping out of school. This can also be observed in several regulations that require governments to provide free primary education.

In contrast, Point e targets educators and school systems as the frontline in the process of educating nations. This point obliges states to improve the quality of educators and school systems to ensure that children receive the maximum quality of education. In Indonesia, the process of improving the quality of educators has been regulated in Article 14, paragraph (1) of Law Number 14 of 2005, concerning Teachers and Lecturers, especially in letters j and k.

Another international document that needs to be reviewed is the Convention on the Rights of the Child (CRC). Indonesia ratified this document through Presidential Decree Number 36 of 1990 on the Ratification of Convention on the Rights of

the Child (Ridwan, Jaya, & Imani, 2022). One of the fundamental rights of a child is education, as contained in Article 28, which reads as follows:

“1. State Parties recognize the right of the child to education with a progressive view and provide an equal opportunity:

(a) Make primary education compulsory and free to all.

....

(d) Make educational and vocational information and guidance accessible to all children.

(e) Measures to encourage regular attendance at schools and reduction of dropout rates.

Point (a) of the document is in line with Article 13 paragraph (2) of the ICESCR that states are obliged to provide basic education that is free of charge. Furthermore, point (d) emphasizes that information regarding education and vocational education is accessible to all children. Finally, governments have an obligation to increase the rate of children applying to schools and lower the dropout rate stated on point (e). One of the ways to increase the number of children enrolled in schools is by freeing up tuition fees, because one of the most significant factors of a large number of out-of-school children is the economic factor (Lestari, Kurniawan, & Ardi, 2020). Therefore, the right to education is closely related to the state's involvement in intervening through adequate provision.

If contextualized into the entry selection system, there are two things that are related to the state's capacity to fulfill. The first is related to the capacity of the state to fulfil the requirements

of the educational selection system. This includes the capacity of the state to provide the technology, system information, and operator needed to run the system information used to ease the educational selection system. One of the primary examples of technologies used for the educational selection system is the PPDB website for each region.

The second is the guarantee of admission of certain children into public schools, such as the children who got in by affirmation base or the children who drop out due to economic factors. However, due to quota limitations, the guarantee for those children to get into public schools that are assisted by the state can be seen as a limitation of academic freedom to those who do not get assisted by the state, which will be analyzed in Section D.

Freedom (to respect) is different from the right (to fulfill). Freedom concerns the absence of intervention from external parties, while in this context, it is the absence of government intervention (Papadimitropoulos, 2020). In the context of education, the state, with its powers, can intervene in the education system. One example is the entry selection system. Such an intervention may cause problems related to education; hence, a constitution is also provided to regulate this aspect.

Article 28D paragraph (1) provides general limits when a state wants to intervene in human rights. Article a quo uses the term "right" to recognize, guarantee, protect, and provide fair

legal certainty with equal treatment before the law. This article implies that every citizen is the same, so no one shall be treated differently from others. Therefore, the article is actually a protection to citizens from state intervention in terms of different treatments, and such protections can also be contextualized into educational reality.

This article is in line with the Convention Against Discrimination in Education that was formulated in 1960. In point b of Article 3, it is stated that "the legislation ensures that there is no discrimination in the admission of pupils in educational institutions." Therefore, this article assures that the regulations regarding the admission of new students by educational institutions must be free from discrimination. Everyone deserves the same treatment when enrolling in an educational institution. There should be no difference in treatment between the two children from varying families and tribal backgrounds. Each shall be given the same and fair opportunities to be accepted by academic institutions.

Nani Yuliani, a junior high school teacher - now a headmaster - in Majalengka provided an interesting view in her writing as a foothold for a fair system (Yuliani, 2021). Nani stated that a fair entry selection system is not based on aspects beyond students' control or gifts from God, such as ethnicity, race, age, and residence, which are determined by their parents. Each student should be given an equal opportunity to compete

because success is determined by reading books, studying hard, and having a great hard-work spirit (Yuliani, 2021).

Freedom of education is also specifically regulated in Article 28E paragraph (1), which states that everyone has the freedom to choose the education and teaching that they will receive. The term "choose" needs to be emphasized because it means that there are no obstacles in determining which options will be chosen from all existing options. However, the thing that needs to be understood is that each school has a maximum capacity; hence, freedom of choice is not automatically accepted but through a fair selection process. Therefore, the concretization of freedom of choice is the freedom to enroll and compete fairly with other student candidates. The state must guarantee this freedom without intervention.

In addition to the constitution regarding the freedom to choose education, Article 26 paragraph (1) of the Universal Declaration of Human Rights (UDHR) specifies the basis of merit as a method of entry selection. One of the mechanisms of the merit-based entry selection system is the selection of test scores as an admission component (Admission to Higher Education Review, 2004). However, the level of education that is more emphasized as merit-based is advanced and not at the elementary level. Based on this article, the following conclusions are drawn:

"Everyone has the right to education, therefore it should be free at least in the elementary and fundamental stages. Elementary education needs to be compulsory, with technical and professional education available based on merit". (emphasis added).

In addition to UDHR, ICESCR emphasizes the merit base at educational levels that are no longer primary, secondary, or advanced. According to points b and c of Article 13, paragraph (2) of the ICESCR,

(b) Secondary education in its different forms, including technical and vocational, **shall be made generally available and accessible** through the progressive introduction of free education.

(c) Higher education shall be made equally accessible to all, **based on capacity**, by every appropriate means through the progressive introduction of free education (**emphasis added**).

The use of the word "generally available and accessible to all" at point b indicates that with all the methods, it is not allowed for only a few people to access secondary education. Similar to point (b), at point (c), higher education must be based on capacities that take the form of intellectual abilities. One example is the current selection of the higher education entry selection system in Indonesia, such as Seleksi Bersama Masuk Perguruan Tinggi Negeri [the Joint Entrance Selection for Public Universities] (SBMPTN), based on written tests. Anyone can register and participate in the selection process. The decision on the selected participants is not based on the nearness of their domiciles to the

the target universities, but it is based on the number of correctly answered questions.

Furthermore, in paragraph (3) of the ICESCR, the intended subject related to educational freedom is extended to parents. The contents of this paragraph are as follows:

The States Parties to the present Covenant **respect the liberty of parents** and, when applicable, legal guardians choose their children's schools other than those established by public authorities.

This paragraph states that the state must protect parents' freedom in choosing the right educational institutions for their children because they are guardians of their children. In Indonesia, the recognition of the protection to parents' rights to choose the best form of education for their children is regulated in Article 7, paragraph (1) of the National Education Law. The second part of the article mentions another aspect of freedom: religion. The formulation is "to ensure the religious and moral education of children in conformity with their convictions." The state or school should not dictate to which religion students should adhere.

Ideally, every student has the right and freedom to choose the school they want to enroll in. The right and freedom to choose their education shall be followed by the right and freedom to compete fairly to get in to the school they want. This is in line with the rights and freedom of education stated in some national and international regulations, such as Indonesia's Constitution, Law No. 20 of 2003, and international documents such as UDHR, ICESCR,

and conventions regarding the right to education. However, the issuance of the Minister of Education and Culture Regulation on high school admission regarding zonation, age, and the affirmation system can be seen as an incompatibility to the right and freedom to education.

The existence of zonation, age, and affirmation systems has sparked much discussion. Many have written on the presence of the zonation system and its impact on the practice of the Indonesian education system. However, there are still no studies that analyze the existence of these bases in relation to the rights and freedom of education. Therefore, this study aimed to analyze how zonation, age, and affirmation have shown a gap in the implementation of the rights and freedom of education. Moreover, this writing also used the proportionality test to analyze whether the status quo system is proportional to children's rights and freedom of education.

Through our literature review, we found that relatively few, if not none, legal scholars have addressed this issue. A significant contribution came from Nani Yuliani, a teacher at SMPN 2 Majalengka, who wrote an article entitled "Tinjauan Yuridis Penerimaan Peserta Didik Baru Dalam Sistem Zonasi" [A Legal Analysis on The Entry Selection System Based on Zonation] (Yuliani, 2021). Yuliani only focused on analyzing how the presence of the zonation system for the entry selection system is not

pursuant to the Indonesian constitution, particularly on the articles regarding the right to education and Law No. 20 of 2003 concerning the National Education System.

Apart from Nani Yuliani's writings, there are other articles published in Indonesia regarding zonation systems. The first article entitled "Manajemen Penerimaan Peserta Didik Baru (PPDB) Sistem Zonasi" [The Management of the Acceptance of The New Students (PPDB) by Zonation System] that was written by ST Nurjaningsih and Amatullah Qonita. This study only examined the implementation of the zonation system and its legal basis in Indonesia (Nurjaningsih & Qonita, 2019). The second article is entitled 'Kebijakan Sistem Zonasi dalam Perspektif Pendidikan' [The Zonation System Policy in the Perspective of Education]. This study also examined the presence of the zonation system, not from a jurist perspective, and its implementation in Indonesia's education selection system (Pradewi, & Rukiyati, 2019).

In addition to the zonation system, it is necessary to examine the implementation of the age system in the education selection system. To examine the effectiveness of the age basis for the education selection system, there are two international articles that can be used to analyze the age-based education selection system. The first article is entitled "The relation between school entry age and school achievement during primary schooling: Evidence from Croatian primary schools" written by Marija Sakic, Josip Burusic,

and Toni Babarovic (2013). The second article entitled "The younger, the better? Age-related differences in academic performance at university were reported by Michele Pelizzari and Francesco C Billari (2012). Both articles only analyzed the relationship between age and academic achievement. Moreover, no study has examined the implementation of age basis in the entry selection system in Indonesia. No international journal comprehensively evaluates Indonesia's system.

The aim of study challenged the justifications of the non-merit system of admission selection in Indonesia from the perspective of the rights and freedom of education. First, it provided a detailed discussion of educational rights and freedom. Second, it evaluated the realities of the selection system.

## B. RESEARCH METHOD

In writing this journal, we used the legal normative approach by focusing on the critical analysis of primary and secondary legal sources; the analytical approach used was the right to and freedom of education. The primary legal sources analyzed to write this article were the 1945 Constitution of the Republic of Indonesia, Law No. 14 of 2006 on Lecturer and Teacher, Law No. 20 of 2003 on National Education System, and some of the regulations issued by the Minister of Education and Culture on high school admission.

In addition to analyzing national regulations, this study also examined international



regulations on the rights and freedom of education, and the International Convention on Social, Cultural, and Economic Rights (ICESCR). The secondary legal sources used in writing this article were the legal journals related to the rights and freedom of education. While using primary and secondary legal sources, we also interviewed and observed some of the schools that had been affected by the status quo system.

## C. RESULTS AND DISCUSSION

### 1. The Public High School Entry Selection System

#### a. Zoning Track

Before 2017, the admission of new students to public high schools in Indonesia was based on a merit system using national assessment scores. The higher a prospective student's national assessment score, the better his or her chances of being accepted into a public school. As the system evolved, it gave rise to the labels of "favorite" and "non-favorite" schools (Nurjaningsih & Qonita, 2019). Favorite schools are those whose successful applicants have higher national assessment scores, while non-favorite schools are the opposite. This categorization was considered a problem by the government because it would increase inequalities in Indonesia's educational context. This problem made the government implement a new school admission policy called the zoning system.

The zoning system was first implemented in the school admission process in 2017. Based on the issuance of the Regulation of the Minister of Education and Culture No. 17 of 2017, the system was enforced by former Minister of Education and Cultural Affairs, Muhadjir Effendy, to regulate the selection system of public schools from elementary to high school levels. The regulation required public schools organized by provincial governments to allocate 90% of their seats to prospective new students residing within the radius closest to their location (Pradewi, & Rukiyati, 2019). Residence was determined based on the prospective student's *Kartu Keluarga* (family card), which was issued at least six months before the enrollment period.

In its application, this system uses four criteria arranged in hierarchical order. The higher criteria are given more priority than the lower ones. According to the regulation, the first criterion is the distance between students' domiciles and schools. This criterion suggests that the closer the distance, the greater the chance of the prospective student to be accepted to a school. The other three criteria are age, test result scores, and academic and non-academic achievement, which are discussed in the following sections. The first criterion is excluded from the selection system for prospective students at vocational high schools.

This regulation was amended the following year by the Regulation of the Minister of Education and Culture No. 14 of 2018, without

affecting the zoning system. The regulation was further amended by the Regulation of the Minister of Education and Culture No. 51 of 2018, which affected the residency requirements. The previous requirement, with a family card which had to be at least six months prior to registration, was changed to one year. Selection based on the distance between the school and prospective student's place of residence remained the first and most important criterion in the selection process. However, when the distances between two prospective students are the same, the one who register first is preferred. The Regulation of the Minister of Education and Culture No. 51 of 2018 was amended by the Regulation of the Minister of Education and Culture No. 20 of 2019, which reduced the zoning quota from 90% to 80% due to increased quotas in the other tracks.

In December 2019, this regulation was revised with the issuance of the Regulation of the Minister of Education and Culture No. 44 of 2019, which included several fundamental changes to the zoning system. The zoning quota, which used to be 80% according to the Regulation of the Minister of Education and Culture No. 20 of 2019, was later changed to at least half or 50% of the admission quota. In subsequent developments, this regulation was repealed, and the latest regulation in use was the Regulation of the Minister of Education and Culture No. 1 of 2021, which did not significantly change the zoning system at the high school level.

The implementation timeline shows that the zoning system in the selection mechanism was the part and the first step of the educational zoning policy used by the Ministry of Education and Culture Affairs to accelerate the equitable distribution of education in Indonesia. The purpose of the zoning policy was to eliminate educational discrimination. For the government, education in Indonesia is still polarized by the labels of favorite and non-favorite schools. Most favorite schools are enrolled by those with higher intellectual abilities, while non-favorite schools are enrolled by those with lower intellectual abilities.

The public schools with high standards are the favorites of those who are considered smart based on test scores. This fact is considered by the Minister as an injustice in the world of education. The schools run with the people's money should be open to all students. However, in reality, this right is limited by the intellectual standard based on students' test scores. In other words, only those who are considered smart can enjoy high-quality education, as shown by the previous selection system that used standardized national assessment scores as the determining factor. Therefore, those with high scores have more opportunities to get into their desired schools, while others are forced to enjoy low-quality education.

In addition to the injustice experienced by prospective students, the categorization of schools also causes inequality in human resources. Public schools that are labeled as

favorite schools are taught by qualified teachers. Qualified teachers always face students who are considered "smart", while less qualified teachers teach those who are considered "dumb". This creates a vicious cycle that can perpetuate the educational caste system in Indonesia.

The merit-based selection system used to date is considered by many to be problematic because it violates the three principles that should govern public schools as public goods, i.e.: non-rivalry, non-exclusion, and non-discrimination (Anomaly, 2015). Public schools should minimize competition, create an inclusive environment, and eliminate discriminatory educational practices (Killen, & Rutland, 2022). These issues of discrimination and inequity are the starting point for the zoning system in the selection system. The zoning system in the selection system is the Indonesian government's first step to ensure that students receive the same level of education. In addition, the government will take the other steps, such as systematic distribution of teachers, infrastructure, resources, and integration of formal and informal education.

However, the provisions of the zoning system in the selection system have also caused several problems. The system that was initiated to solve the discrimination in education was manipulated with a lot of fraud. First, it led to the falsification of the certificate of residence and family card, which happened in Jember in 2020 (Supriadi, 2020). In addition, there were other cases of falsification. Parents put their children's

names on other family cards to ensure that the distance indicated in the selection system was close to the desired schools (Cipta, 2022). Secondly, there were practices of buying and selling "chairs" in several schools. The Ombudsman received nine complaints on this matter from the areas of Tangerang City, Tangerang Regency, and Serang City (Tanjung, 2022). The KPAI also received several reports related to the practice of buying and selling chairs in 2019 due to the implementation of the zoning system (Maradewa, 2019). Third, the zoning system, which was originally intended to equalize education, created another inequality. In Payakumbuh, for example, the implementation of the zoning system caused some schools to lack students. Similar cases occurred in Solo, Sragen, Sukoharjo, and several other regions in Central Java (Kusuma, 2022).

#### **b. Age Track**

Age is the second basis of selection after the zoning basis, which was first implemented in 2017. On this basis, public schools consider the date of birth of prospective students, proven by birth certificates, and select those who are older. Therefore, children born in January have a much higher chance of being accepted than those born in December of the same year. For example, the age criteria were used to select three prospective students of School X who lived near the school. Their ages were 20, 19, and 17. The older prospective students were given priority over the younger ones. Therefore, the 20 year old

prospective student would have priority over the other younger prospective students.

When the Regulation of the Minister of Education and Culture No. 17 of 2017 was amended by the Regulation of the Minister of Education and Culture No. 18 of 2018, the age criterion, which was originally the second priority after distance, was removed. This provision was reinstated in the next two amendments by the Regulation of the Minister of Education and Culture No. 51 of 2018 and the Regulation of the Minister of Education and Culture No. 20 of 2019. It was also used to select prospective junior and senior high school students in the Regulation of the Minister of Education and Culture No. 44 of 2019. The Regulation of the Minister of Education and Culture No. 1 of 2021, the latest regulation of the selection system, further emphasizes this criterion.

In this section, we present the justification for the implementation of the age track in public school selection from the government's perspective. Furthermore, we counter these justifications with the facts that occurred related to the implementation of the age track system and prove that the implementation of the age track system brings disadvantages in many ways.

From a normative point of view, it is not possible to identify the exact reason for rationalizing the application of this age criterion. However, in terms of intention, it can be seen as a rationalized process that includes two approaches. The first is related to the children

who start or finish school late. Based on the regulations, there is a maximum age for admission, which is much higher to be accepted. Therefore, if these children are not prioritized to be admitted first, they will find it more difficult to continue the higher level of education.

Meanwhile, the other approach is related to developmental psychology. Some studies suggest that school entry age affects some aspects of children's development. Kelly Bedard and Elizabeth Dhuey conducted one of the most prominent studies in 2006 using the data from the OECD countries. They examined the relationship between school entry age and student achievement. The results show a relationship between a person's maturity in terms of age and academic performance. The study found that older students performed better than younger students (Bedard, & Dhuey, 2006). Furthermore, the research conducted in Croatia also shows that students who are older when they enter school perform slightly better than the younger ones (Sakic, Burusic, & Babarovic, 2013).

Despite the justifications that have been presented above, many problems arise from the application of this age base in the selection system; one of which is the emergence of new age-based discrimination. Those who are young are discriminated against the old when applying to a school. This is similar to the case of Arista in Muhammadiyah 11 High School Jakarta. As an outstanding student, she was not selected to

study in a public school because of the age factor (Syaefudin, 2020).

Many children have innumerable achievements, but they cannot get into public schools because of this age-based policy. They are victims of a system that discriminates against their opportunities based on age. The practice of this age-based policy in the future may lead to the emergence of students who believe that achievement is no longer important because a person cannot qualify for public schools because of his or her younger age. In addition, those who are accepted because of their age are those who are unable to advance to higher levels. Even in reality, there are many cases of students who have previously studied in a private school, and then move to a public school and can easily get in because of their age advantage.

Moreover, there is no guarantee that age correlates with academic achievement. Aside from the fact that those who are older are those who fail a grade, several studies refuted Bedard and Dhuey's previously shown findings. Pellizzari and Billari conducted a similar study in 2012. Both found that those who started school at a young age had great potential to improve their academic performance (Pelizzari, & Billari, 2012). In a study conducted in China, Zhang, Zhong, and Zhang found that students who started school one year late experienced a 0.303 decrease in the standard deviation of their test scores (Zhang, Zhong, and Zhang, 2017). Similar study was also conducted by Guswandi in Indonesia. He argues

that children who start school at an early age might get higher scores than those who start at older age (Guswandi, 2021). Those three studies above provide the evidence that the justification for using age in the selection system for new students in public high schools is still questionable.

### **c. Affirmation Track**

The affirmation base is a layer of acceptance based on financial incapability. This track is specifically designed for prospective students from economically disadvantaged families. It does not make the rich the only ones with a higher chance of being admitted; rather, the poorer have an equal chance. For example, A and B reside in the locations under the zoning of School X. However, A's parents are coal businessmen, while B's parents work on menial construction projects. Assuming that A's parents earned more than B's, B would be given more priority for admission to School X.

This basis was first implemented in 2019, along with the issuance of the Regulation of the Minister of Education and Culture No. 44 of 2019, as opposed to the previous regulations. According to the Regulation of the Minister of Education and Culture No. 44 of 2019, each school must provide at least 15% of seats based on affirmation. The provisions of this quota are not amended in the Regulation of the Minister of Education and Culture No. 1 of 2021. However, under the latest regulation, the affirmation basis is not only for the economically disadvantaged but also for people

with other disabilities. For example, in Jakarta, in 2022, the Education Office provided a quota of 25%, which included children in orphanages and people with disabilities.

According to the Regulation of the Minister of Education and Culture No. 1 of 2021, every prospective student who enrolls in this way must prove that he or she comes from an economically disadvantaged family. This can be proven by their participation in the welfare programs held by the central and local governments, such as *Program Indonesia Pintar* (PIP), *Program Keluarga Harapan* (PKH), *Kartu Keluarga Sejahtera* (KKS), and *Kartu Jakarta Pintar* (KJP). Subsequently, parents of prospective students must submit a letter stating their willingness to be punished if the document is found to be falsified.

The rationalization of the application is to ensure that children who are not financially capable can be admitted to public schools with subsidies from the government. The reality in society shows that those from economically disadvantaged families are often excluded from education due to several factors. The first is the existing economic limitations that make them difficult to reach additional educational facilities. Only the economically advantaged children can get private tutoring, without negating the fact that some children without tutoring could achieve higher scores than those who receive tutoring.

Second, economically disadvantaged families tend to have low levels of education (Cho, & Heshmati, 2015). For example, they may

have only completed elementary or junior high schools. This reality is mainly due to the fact that their goal is to earn an income for daily living rather than to pursue a higher level of education. In addition, education is expensive, so some decide not to continue their education to a higher level. This mindset is passed on to the next generations, creating a vicious cycle that leads to structural poverty. Therefore, the government introduced the affirmation track as a solution for the children from economically disadvantaged families to experience free education.

The government faced several challenges in implementing this system. In the past, when the affirmation track required *Surat Keterangan Tidak Mampu* (SKTM) (certificate of economically disadvantaged) as proof of financial incapacity, there were rampant falsifications of SKTM in the selection system. In fact, 70,000 false SKTM were found in Central Java, making it the province with the highest number of forgeries (Oebaidillah, 2019). As a result of this problem, the Minister of Education and Culture took steps to replace the SKTM requirement with participation in government programs. In addition, parents of prospective learners whose children will follow this track must also make a statement that they are willing to be sanctioned in the future if their documents are found to be falsified.

#### **d. Merit-Based Track**

The last basis is merit-based, which has two contexts. In the first context, the ability of prospective students is measured by national or

school assessment scores. This means that the higher the score in several subjects, the greater the chance of being admitted to the desired schools. Meanwhile, in the second context, the achievement of prospective students is also taken into account. For example, a prospective student who wins a national swimming competition may be accepted as a student to help the school compete in swimming competitions.

The rationalization of this basis is based on the generally accepted qualifications required for admission to schools. A selection system based on intelligence competition of grades is considered a fair way to determine those worthy of admission. In reality, not all schools have the same quality in terms of teachers, learning culture, and infrastructure. Therefore, children with high intelligence will compete to get into the best school to support their future careers. On the contrary, using a system that is not based on merit forces children to compete with something beyond their control, such as area of residence, date, and economic capability.

Before the zoning track was implemented in Indonesia, the merit-based system had the largest quota in the selection system. At that time, this mechanism was called the regular track. Meanwhile, the selection system that used the achievements of prospective students was called the merit track. Currently, these two tracks are integrated into one called the merit track in accordance with the emergence of the zoning track in the selection system in Indonesia.

The aforementioned regular track used national assessment scores as a selection criteria, generally proven by the possession of a Certificate of National Assessment Results (SHUN). Therefore, prospective students competed with these scores for places in their desired schools. When the national assessment was abolished, the instrument used changed to a certificate of learning outcomes for five semesters,

For the achievement track, it was proven by the possession of a championship certificate listing the names of prospective students. Academic achievements included science or social olympiad competitions, while non-academic achievements included winning swimming, athletics, or art competitions. The more prestigious the competition and the champion, the greater the chance that prospective students would be accepted into their desired schools.

Several issues are related to the implementation of this track. First, it created school favoritism; as a result, the school was sought-after by many prospective students who wanted to get admitted to favorite schools. On the contrary, some schools were considered non-favorites. This school's caste system led to inequality among public schools in terms of the number of applicants and the quality of graduates.

Second, although this system looked fair, in reality, it was deemed fraught with injustice, which could be seen from several aspects. It was imperative to know that not all prospective

students had the same starting point in academic competitions. For example, two students named A and B wanted to enroll in school Z. A came from a school with high quality in terms of teachers and support facilities, while B did not. It could be observed that although A and B both wanted to apply to school Z, they had different starting points.

The second aspect is the different standards used by each school in providing scores to their students. In the past, the instrument used to select prospective students was the results of national assessment with the standards that were the same nationwide. Currently, the instruments used are the report card scores of the prospective students' individual schools. Although the curriculum used is the same, it is not necessarily the case that the assessment standards used between one school and another are the same. Some schools have high standards in providing assessments, while others have low standards. In addition, even two teachers in the same school may have different assessment standards.

## **2. Assessing the Proportionality of the Current Entry Selection System**

From the explanation above, the entry selection basis can be included in both the right and freedom of education contexts. It overlaps the border between these two. On one hand, this system provides a huge advantage to some children. On the other hand, it also reduces the acceptance possibility of other children.

With respect to the former context, the non-merit entry selection system can be seen as a concretization of the government's obligation to fulfill the right of every child to proper education. One track relevant to this obligation is the affirmation track. Pursuant to many legal bases, the government has to make sure that any financial barriers must not be an excuse of not studying at proper institutions. It is a fact that many children with low intelligence and finances are usually unable to enter their favorite public schools, which have more qualified teachers and better facilities. Once they do not get accepted at public schools, they have to find any private schools that are not free if they want to continue their study. Thus,, this financial barrier might be a determinant factor not to continue their study.

Meanwhile, in respect of the latter context, as a consequence of enacting a non-merit entry selection system, children with higher intelligence are "defeated" by those with lower intelligence due to various but uncontrolled factors, such as distance of homes to schools, economic backwardness, and age. This reality can be seen as the government's intervention that has made many children failed due to such factors.

From the elaborations above on the selection bases, the entry selection system consists of zoning, age, affirmation, and achievement tracks. Each track has their own quotas; there is no one track monopolizing all seats. Even though the merit track has the fewest quota compared to the other tracks, it is clear that



prospective students are still able to choose their favorite public schools through this track that still bases on the merits. They may not get passed in the other tracks setting up the requirements out of their control, but they may still be qualified to be admitted via the merit track.

In other words, in this current system, there are two diametrically opposed bases; three tracks are based on non-merit factors, while the only one track is based on merit factors. With respect to the first basis, it is safe to say that many prospective students cannot get into the fair competition to get the seats. The complex question to answer, however, is whether the fewer quota in the track based on merit factors is a form of proportional restriction on the freedom of education. The reality can be assessed using a proportionality test approach based on three tests in order, i.e. (1) legitimate purpose, (2) fitness or causality test, and (3) necessity test (Barak, 2012; Sweet and Mathews, 2019). This approach is generally used by experts and constitutional judges in different countries to assess the proportionality of a given restriction (Grimm, 2007; Kumm, 2010; Young, 2017; Stone, 2019; Peterson, 2020; Sina, & Sakkarnaikar, 2023).

First, the purpose of implementing a non-merit selection system needs to be checked for its rationalization and legal legitimacy. Based on the explanation in chapter B, the government needs to derive strategies to eliminate the categorization of favorite and non-favorite schools for better education infrastructures which can be utilized by

children regardless their privileges. Therefore, it is expected that there will be an equal distribution of education in Indonesia.

The hopes to eliminate the reality of favorite and non-favorite schools could be good only if every public school had the same quality of infrastructures, facilities, learning cultures and teachers. However, in the Indonesian context where the quality has not been evenly distributed, it can produce a counterproductive result. One of the counterproductive results is the destruction of school's good cultures that have been built for a long time.

One of the concrete realities is the destruction of a well-built school culture of SMAN [Public Senior High School] 78 and SMAN 65 in West Jakarta for decades. Both are favorite schools in West Jakarta that usually bring their students to their favorite public universities. Based on the information from the teachers in the two schools, there has been a significant change in school cultures with the uncontrolled quality of the children admitted. The teachers were also overwhelmed by the number of indiscipline and drop-out cases. This has shown that the non-merit based entry selection system has not only failed to equalize the education quality in every school, but it also made it worse.

Besides, the government intervention in a non-merit-based student selection system does not have a strong legitimate purpose. Instead of equally distributing education to all children, the system creates a discrimination by using irrational

and uncontrolled factors as the basis. The existence of this process results in the students wanting to enroll to a school but could barely do it due to distance. The use of the non-merit aspect as an indicator of selection has an impact on the emergence of discrimination in which a child is not selected for not meeting the requirements. This discrimination is contradictory with Article 4 paragraph (1) of Law No. 23 of 2003, which states that,

“Education is organized democratically and equitably and is not discriminatory by upholding human rights, religious and cultural values, as well as the plurality of nations”.

In addition to its contradiction with Article 4 of Law No. 20 of 2003, the discrimination in the non-merit-based entry selection system is contrary to an international legal instrument of the *General Comment* Number 13 on the Right to Education to be implemented that states:

“States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - so as to identify and take measures to redress any de facto discrimination. Educational data should be disaggregated by the prohibited grounds of discrimination.”

*The General Comment* has banned discriminatory practices - moreover irrational discrimination - in the world of education, therefore, the implementation of a non-merit-based selection system certainly violates this *General Comment*. The selection of the non-

merit-based system does not provide competitive competition based on the ability possessed by each prospective student, but it sets certain indicators that cannot be changed by the students because it is an outward gift. Instead of achieving the goal of equalizing educators, what actually happens is the erosion of the quality of educational institutions.

The basis of the entry selection system should be merits because it is fair and objective and within the control of every child. Many children born to educationally deficient families and not economically stable should be able to compete with others irrespective of their economic base, age, and zone.

Furthermore, the application of the non-merit selection system and the equitable distribution of the quality of education in Indonesia are related to the context of fitness or causality tests. In the given system, the higher opportunity is not given to the children with good intelligence qualities but those whose homes are close, older, or with poor economic conditions. Actually, this system aims to provide equitable education and also to eliminate the existence of favorite and non-favorite schools. The equal distribution of education desired by the government is expected to lead to equal access and equally good quality.

However, what happened in the case study mentioned earlier is inversely proportional to the existing desire in which in fact many students who entered did not match the quality of the relevant school, thereby making the quality of the school

worsen. This was also supported by increasing the number of students whose scores did not meet the Minimum Completion Criteria (KKM) in the schools that are considered favorites (Ula, & Lestari, 2019). All these realities resulted from the non-merit-based entry selection system.

The problem of the existence of older students must be solved by the government without compromising the academic freedom possessed by children with good intelligence. The older ones should be allowed to compete and gain admission into higher institutions as well as the younger ones because age is nothing that anybody can control. Thus, a fair selection system should take into account only the aspects that can be controlled by the prospective students, such as intelligence skills which can be improved through learning process.

Furthermore, the government needs to ensure that those from poor families are able to attend their dream schools through the provision of scholarships. Fair competition for school entrance must remain so that their quality in Indonesia can continue to improve. Otherwise, the government instead does not educate children with a low-financial background to struggle but to make them take their condition for granted (Ula, & Lestari, 2019).

The last question is related to the necessity test whether this non-merit entry selection system is the only way that can be taken to create an equal distribution of education. The assumption of the inequality of Indonesia's education quality

brings us to two factors that need to be assessed. The first factor that needs to be assessed is teachers' qualities that include knowledge, abilities, and attitudes (Mitchell et.al, 2001).

One of the indicators that can be used to measure the first two indicators that describe the quality of teachers in Indonesia is the Teacher Competency Test (UKG). This test aims to measure competencies related to the basic and pedagogical fields of study that are the scope of teachers. The 2015 results show that the teachers with a minimum score of 80 are not more than 30 percent, which shows that the number of low-quality teachers in Indonesia surpasses good-quality teachers (Veirissa, 2021).

The UKG test results show that the fundamental problems of the academic system in Indonesia cannot be solved through an entrance selection system on a non-merit basis which actually mixes students with insufficient intelligence abilities with those who are academically good. As long as the people playing the most significant role in education do not have a sufficient quality, the quality of Indonesia's education will not be improved (Varadan, 2019). The existing problem is structural, and one of the root causes is the low quality of teachers (Darling-Hammond, 2000).

Therefore, the first problem that must be solved is teacher quality in Indonesia. Several techniques can be used to improve the quality of teachers in Indonesia by choosing the right candidates, retaining those who previously had

good quality, counseling them, supporting each by providing a good work environment, and conducting training to develop their professionalism (Wilson, 2011; Robinson, Phillips, & Quennerstedt, 2020).

Other than improving the quality of the teachers, it is important for the teachers to be able to develop a good student-teacher relationship. Studies have shown that a good teacher-student relationship, characterized with closeness and affection, seems to be one of the important factors to improve the quality of students (Longobardi et.al, 2021). The closeness and affection of the teachers to the students can be seen by the support of the teachers that can lead to the outcome improvement of the students (Longobardi et.al, 2021). Moreover, a good student-teacher relationship can improve the academic outcomes of their students and grow a positive attitude of their students (Longobardi et.al, 2021).

While improving the quality of teachers and maintaining good relations between students and teachers, the government has to make sure that the curriculum applied is well-prepared to lead the way to the successful end of education (Cannon, Connolly, & Parry, 2020). In Indonesia, every regime of government has its own curriculum. No connection exists between curriculums in different regimes. Both teachers and students usually have to adapt from the start when a regime changes the curriculum. This unsustainability issue should be resolved and not happen in the future.

The third factor responsible for poor academic achievement is the school environment (Earthman, 2002). There is a theory called the School Climate Theory that used to explain various elements on how students experience their school environment (Gregory, Cornell, & Fan, 2011). This theory assumes that the interaction between various factors created a learning environment in a school that include academic activities, safety, community and institutional environment that lead to giving impact on the development of students' cognitive, behavioral, and psychological aspects (Baafi, 2020). Furthermore, this theory is connected with the potential to promote positive student development (Wang, & Degol, 2015). Both of them came up with a conclusion that a conducive student learning environment will lead to the improvement of their academic performance (Wang, & Degol, 2015).

In Indonesia, this theory can be applied by seeing many schools that are not suitable for use. This condition is worsened by the significant gap in infrastructures between rural and urban areas (Vito, Krisnani, & Resnawaty, 2015). In fact, studies show that the condition of school buildings affects the academic achievement of their students. When it has lower quality, it is not very capable of having outstanding achievements. This is in contrast to those who study in school buildings that are of better quality (Vito, Krisnani, & Resnawaty, 2015).

Learning facilities are also important because they help students improve. For example, the subjects of Natural Sciences (IPA) and mathematics are closely related because practices are required to support these subjects. Studies show that more costs are incurred to provide good facilities, particularly those related to the subjects that have positive impacts on the academic achievement of students (Elliot, 1998). Preliminary studies showed that school facilities, such as buildings and tools needed to support practical learning, are actually one of the important factors for the academic achievement of each student. Therefore, it is necessary for the government to pay special attention to the various facilities in each school, so students can be more skillful.

Last but not least, parental contributions have a huge impact on the quality of children. In many developed countries with a mature education system, this factor plays a key role in developing children as well as supporting schools (Qutoshi, 2020). Children with minimum parental contributions are worse than those having the parents contributing significantly to their education. In the context of Indonesia, many parents still deny such a responsibility due to lack of knowledge of how to educate their children.

In other words, the existence of a non-merit-based selection system is not an effective solution to increasing the equal distribution of education. It is not to improve the quality of teachers nor to make the infrastructure better.

Therefore, the government needs to focus on solving these two problems first to improve the equitable distribution of education in Indonesia.

To date, a proper rationalization as to why the merit system is only consistently enforced in the context of higher education has not been found. Hypothetically, the question is why public institutions, such as Universitas Indonesia and Universitas Padjadjaran, did not use the same selection system. If the zoning system were applied to Universitas Indonesia due to close-distance considerations, only students who lived around Depok and in the South Jakarta area would have the opportunity to gain admission into this institution. Then, such an application would close the opportunity for children out of Java to get education at this institution. One of the potential factors is that not all regions have as good quality education, in terms of both the quality of educators and infrastructure as Universitas Indonesia. The question remains: why was this consideration not used as observation when implementing a non-merit entry selection system to public elementary to high schools in Indonesia?

#### **D. CONCLUSION**

The public high school entry selection system, which is based on domicile zones, age, and economic ability, needs to be re-discussed. In principle, the government attempted to resolve the issue of access to education in Indonesia. However, the appropriate solution should have

not been to change the selection system. By doing so, the government imposed unfair and not proportional restrictions on the prospective students as they are not based on the factors that are within the control of the children.

In practice, it has caused new problems. First, the quality of the public schools is on the decline. Second, the teachers are not prepared to deal with a significant difference of the intelligence quality between current students, admitted through the status quo system, and previous students, filtered through the fair selection system. Third, mixing the students filtered through the quality-based system and the students admitted through the non-quality-based system worsens the condition even more for both. Last but not least, many legal manipulations occur.

Before focusing on the access to education, the government should have improved the quality of the education infrastructures such as teachers, curriculum, and school facilities. Lest, the children would just feel forced to get into the schools they did not want as they failed to get into the schools they did want due to the out-of-their-control interventions. This becomes an unfair hurdle on their right to and freedom of education. We urge the government to carefully review and re-examine the status quo system; the end might be a significant revision on the existing regulations.

## REFERENCES

### JOURNALS

- Anomaly, J. (2015). Public goods and government action. *Politics, hilosophy and Economics*, Vol.14,(No.2),pp.109–28.<https://doi.org/10.1177/1470594X13505414>
- Arman., Purwandaya, Budhi., & Saefuddin, Asep. (2020). The Impact of Quality of Education and Higher Education on Economic Growth. *Journal of Economic Education*, Vol.9,(No.1),pp.64-70.  
<https://doi.org/10.15294/jeec.v9i1.36774>
- Baafi, Richard Kwabena Akrofi. (2020). School Physical Environment and Students Academic Performance. *Advances in Physical Education*, Vol.10, (No.2),pp.121–137.<https://doi.org/10.4236/ape.2020.102012>
- Bedard, Kelly., & Dhuey, Elizabeth. (2006). The Persistence of Early Childhood Maturity: International Evidence of Long-Run Age Effects. *Quarterly Journal of Economics*, Vol.121,(No.4),pp.1437–1472.  
<https://doi.org/10.1093/qje/121.4.1437>
- Cannon, Michelle., Connolly, Steve., & Parry, Rebecca. (2022). Media Literacy, Curriculum and the Rights of the Child. *Discourse*, Vol.43,(No.2),pp.323–334.  
<https://doi.org/10.1080/01596306.2020.1829551>
- Chaudry, Ajay., & Wimer, Christopher. (2016). Poverty is Not Just an Indicator: The Relationship Between Income, Poverty,

- and Child Well-Being. *Academic Pediatrics*, Vol.16,(No.3),pp.23-29.  
<https://doi.org/10.1016/j.acap.2015.12.010>.
- Cho, Sungwook., & Heshmati, Almas. (2015). What if you had been less fortunate: The effects of poor family background on current labor market outcomes. *Journal of Economics Studies*, Vol.42, (No.1), pp.20–33.<https://doi.org/10.1108/JES-10-2013-0143>
- Darling-Hammond, L. (2000). Teacher Quality and Student Achievement: A Review of State Policy Evidence. *Education Policy Analysis Archives*, Vol.8, (No.1), pp.1–44.  
<https://doi.org/10.14507/epaa.v8n1.2000>
- Earthman, Glen I. (2002). School Facility Conditions and Students Academic Achievement. *UCLA's Institutes for Democracy, Education, and Access*, pp.1–18.<https://escholarship.org/uc/item/5sw5643>
- Elliot, M. (1998). School Finance and Opportunities to Learn: Does Money Well Spent Enhance Students' Achievement? *Sociology of Education*, Vol.71, (No.3), pp.223–245.<https://doi.org/10.2307/2673203>
- Gregory, Anne., Cornell, Dewey., & Fan, Xitao. (2011). The Relationship of School Structure and Support to Suspension Rates for Black and White High School Students. *American Educational Research Journal*, Vol.48,(No.4),pp.904–934.<https://doi.org/10.3102/0002831211398531>
- Grimm, D. (2007). Proportionality in Canadian and German Constitutional Jurisprudence. *The University of Toronto Law Journal*, Vol.57,(No.2),pp.383–397.  
<http://www.jstor.org/stable/4491725>
- Guswandi, Fawina A. (2021). School Starting Age and Academic Performance: An Empirical Study in Indonesia. *Jurnal Perencanaan Pembangunan*, Vol.5, (No.3), pp.344–362.  
<https://doi.org/10.36574/jpp.v5i3.218>
- Hermanto, B. (2020). Perekayasaan Sistem Pendidikan Nasional Untuk Menerdaskan Kehidupan Bangsa. *Foundasia*, Vol.11, (No.2),pp.52–59. <http://dx.doi.org/10.21831/foundasia.v11i2.26933>
- Huda, Muhammad Wahyu Saiful., & Hidayat, Arif. (2021). Quo Vadis Pendidikan di Masa Pandemi: Menyoal Tanggung Jawab Negara terhadap Hak atas Pendidikan Peserta Didik. *Seminar Nasional Hukum Universitas Negeri Semarang*, Vol.7, (No.1),pp.178–196.  
<https://doi.org/10.15294/snhunnes.v7i1.711>
- Killen, Melanie., & Rutland, Adam. (2022). Promoting Fair and Just School Environments: Developing Inclusive Youth. *Policy Insights from the Behavioral and Brain Sciences*, Vol.9, (No.1), pp.81–89.  
<https://doi.org/10.1177/23727322211073795>

- Kotzmann, J. (2015). Lifting the Cloak of Conceptual Confusion: Exploring the Meaning of the Human Right to Higher Education. *Australian Journal for Human Rights*, Vol.21,(No.1),pp.71–96.  
<https://doi.org/10.1080/1323238X.2015.11910932>
- Kumm, M. (2010). The Idea of Socratic Contestation and the Right to Justification: The Point of Rights-Based Proportionality Review. *Law & Ethics of Human Rights*, Vol.4,(No.2),pp.142–175.  
<https://doi.org/10.2202/1938-2545.1047>
- Lestari, Ayu Budi., Kurniawan, Fariz., & Ardi, Rifal Bayu. (2020). Penyebab Tingginya Angka Anak Putus Sekolah Jenjang Sekolah Dasar (SD). *Jurnal Ilmiah Sekolah Dasar*, Vol.4(No.2),pp.299–308.  
<https://doi.org/10.23887/jisd.v4i2.24470>
- Longobardi, Claudio., Settani, Michele, Lin, Shanyan., & Fabris, Matteo Angelo. (2020). Student-Teacher Relationship Quality and Prosocial Behaviour: The Mediating Role of Academic Achievement and a Positive Attitude Towards School. *British Journal of Educational Psychology*, Vol.91, (No.2), pp.547-562. <https://doi.org/10.1111/bjep.12378>
- Manan, M. (2015). The Implementation of The Right to Education in Indonesia. *Indonesia Law Review*, Vol.5, (No.1), pp.52–68.  
<http://dx.doi.org/10.15742/ilrev.v5n1.137>
- Mason, M. (2016). Is Thorough Implementation of Policy Change in Education Actually Possible? What Complexity Theory Tells Us About Initiating and Sustaining Change. *European Journal of Education*, Vol.51, (No.2),pp.437–440.  
<https://www.jstor.org/stable/26609336>
- Nurjaningsih, ST., & Qonita, Amatullah. (2019). Manajemen Penerimaan Peserta Didik Baru (PPDB) Sistem Zonasi. *Jurnal Tata Kelola Pendidikan*, Vol.1, (No.2), pp. 126–138.<https://ejournal.upi.edu/index.php/jtkp/article/view/32544>
- Pelizzari, Michele., & Billari, Francesco C. (2012). The younger, the better? Age-related differences in academic performance at university. *Journal of Population Economics*, Vol.25, (No.2), pp.697–739.  
<https://doi.org/10.1007/s00148-011-0379-3>
- Peterson, N. (2020). Alexy and the “German” Model of Proportionality: Why the Theory of Constitutional Rights Does Not Provide a Representative Reconstruction of the Proportionality Test. *German Law Journal*, Vol.21,(No.2),pp.164–173.  
<https://doi.org/10.1017/glj.2020.9>
- Pradewi, Gunarti Ika., & Rukiyati. (2019). Kebijakan Sistem Zonasi dalam Perspektif Pendidikan. *Jurnal Manajemen dan Supervisi Pendidikan*, Vol. 4, (No.1), pp. 28–34.<http://dx.doi.org/10.17977/um025v4i12019p028>



- Qutoshi, Sadruddin Bahadur. (2020). Meaningful Parental Contribution to Ensure Children's Freedom of Expression at Early Ages: A Sustainable Development Approach. *International Journal of Innovation, Creativity and Change*, Vol.14, (No.12), pp.218–241. [https://www.ijicc.net/images/Vol\\_14/Iss\\_12/141221\\_Qutoshi\\_2020\\_E1\\_R.pdf](https://www.ijicc.net/images/Vol_14/Iss_12/141221_Qutoshi_2020_E1_R.pdf)
- Ridwan, Jaya, Belardo Prasetya Mega., & Imani, Sarah Haderizqi. (2022). The Implementation of General Principles of Convention on The Rights of The Child During Covid-19 Pandemic in The City of Serang. *Law Reform*, Vol.18, (No.1), pp.16-27. <https://doi.org/10.14710/lr.v18i1.44643>
- Robinson, Carol., Phillips, Louise., & Quennerstedt, Ann. (2020). Human rights education: developing a theoretical understanding of teachers' Responsibilities. *Educational Review*, Vol.72,(No.2),pp.221–241.<https://doi.org/10.1080/00131911.2018.1495182>
- Sakic, Marija., Burusic, Josip., & Babarovic, Toni. (2013). The relation between school entrance age and school achievement during primary schooling: Evidence from Croasian primary schools. *British Journal of Educational Psychology*, Vol.83, (No.4), pp.651–663. <https://doi.org/10.1111/bjep.12000>
- Stone, A. (2020). Proportionality and Its Alternatives. *Federal Law Review*, Vol.48 (No.1),pp.124–156. <https://doi.org/10.1177/0067205X19890448>
- Titahelu, Juanrico Alfaramona S. (2022). Legal Liability for Crimes against Humanity as A Form of Human Rights Violation (Criminal Law Perspective), *Law Reform*, Vol.18, (No.1),pp.29-42. <https://doi.org/10.14710/lr.v18i1.44154>.
- Ula, Dany Miftahul., & Lestari, Irvan. (2019). Imbas Sistem Zonasi Bagi Sekolah Favorit dan Masyarakat. *Prosiding Seminar Nasional Pendidikan dan Pembelajaran 2019*,pp.195–201. <https://seminar.umpo.ac.id/index.php/SNP2019/article/view/325>
- Varadan, S. (2019). The Principle of Evolving Capacities under the UN Convention on the Rights of the Child. *The International Journal of Children's Rights*, Vol.27,(No.2),pp.307–338. <https://doi.org/10.1163/15718182-02702006>
- Veirissa, Audi H. (2021). Kualitas Guru di Indonesia. *Prosiding Seminar Nasional Pascasarjana*, Vol.4 (No.1), pp.267–272. [https://proceeding.unnes.ac.id/index.php/sn\\_pasca/article/view/861](https://proceeding.unnes.ac.id/index.php/sn_pasca/article/view/861)
- Vito, Benediktus., Krisnani., Hetty, & Resnawaty., Risna. (2015). Kesenjangan Pendidikan Desa dan Kota. *Prosiding Penelitian & Pengabdian Kepada Masyarakat*, Vol.2 (No.2),pp.247–251. <https://doi.org/10.24198/jppm.v2i2.13533>

- Wang, Ming Te Wang., & Degol, Jessica L. (2015). School Climate: A Review of the Construct, Measurement, and Impact on Student Outcomes. *Educational Psychology Review*, Vol.28, pp.315–352. <https://doi.org/10.1007/s10648-015-9319-1>
- Wilson, Suzanne M. (2011). How can we improve teacher quality? *Phi Delta Kappan*, Vol.93, (No.2),pp.64–67. <https://doi.org/10.1177/0031721711109300214>
- Yuliani, N. (2021). Tinjauan Yuridis Penerimaan Peserta Didik Baru dalam Sistem Zonasi. *Journal Presumption of Law*, Vol.3, (No.1), pp.80–102.<https://doi.org/10.31949/jpl.v3i1.986>
- Zhang, Shiyong., Zhong, Ruoyu., & Zhang, Junchao. (2017). School Starting Age and Academic Achievement: Evidence from China's Junior High School. *China Economic Review*, Vol.44, pp.343-354. <https://doi.org/10.1016/j.chieco.2017.03.004>
- Papadimitropoulos, V. (2020). *The Commons: Economic Alternatives in the Digital Age*. London: University of Westminster.
- Tarrow, N Bernstein. (2014). *Human Rights & Education*. Oxford: Pergamon Press.
- Tobin, J. (2019). *The UN Convention on the Rights of Child: A Commentary*. Oxford: Oxford University Press.

### BOOK CHAPTER

- Young, K. (2017). Proportionality, Reasonableness, and Economic and Social Rights. In V. Jackson & M. Tushnet, *Proportionality: New Frontiers, New Challenges* (pp. 221-247). Cambridge: Cambridge University Press.

### ONLINE SOURCES

- Cipta, H. (2022). Gubernur Kalbar Cerita Banyak Orangtua Numpang KK untuk Masukkan Anaknya ke Sekolah Favorit. Retrieved from <https://regional.kompas.com/read/2022/07/12/095121078/gubernur-kalbar-cerita-banyak-orangtua-numpang-kk-untuk-masukkan-anaknya-ke>.
- Admission to Higher Education Review. (2004). Fair Admission to Higher Education: Recommendation for Good Practice. Retrieved from <https://dera.ioe.ac.uk/5284/1/finalreport.pdf>
- Kominfo. (2018). Semua Bisa Sekolah! Zonasi untuk Pemerataan yang Berkualitas. Retrieved from <https://www.kominfo.go.id/>

### BOOKS

- Barak, A. (2012). *Proportionality: Constitutional Rights and their Limitations*. Cambridge: Cambridge University Press.
- Mitchell, Karen., Robinson, David., Plake, Barbara., & Knowles, Kaeli (2001). *Testing Teacher Candidates: The Role of Licensure Tests in Improving Teacher Quality*. Washington DC: National Academy Press.

- content/detail/13689/semua-bisa-sekolah-zonasi-untuk-pemerataan-yang-berkualitas/0/artikel\_gpr
- Maradewa, R. (2019). KPAI Temukan Praktek Jual Beli Kursi pada PPDB 2019. Retrieved from <https://www.kpai.go.id/publikasi/kpai-temukan-praktek-jual-beli-kursi-pada-ppdb-2019>
- Supriadi, B. (2020). Kecurangan PPDB Sistem Zonasi di Jember, SKD Palsu Rampas Hak Anak. Retrieved from <https://regional.kompas.com/read/2020/07/07/15115841/kecurangan-ppdb-sistem-zonasi-di-jember-skd-palsu-rampas-hak-anak?page=all>.
- Syaefudin, A. (2020). Banyak Siswa Berprestasi Tak Masuk Negeri, Anggota DPRD Ini Minta PPDB Diulang. Retrieved from <https://monitor.co.id/2020/07/16/banyak-siswa-berprestasi-tak-masuk-negeri-anggota-dprd-ini-minta-ppdb-diulang/>.
- Tanjung, S. (2022). PPDB di Tangerang Jadi Temuan Ombudsman, Diduga Ada Permainan Uang dan Celah Manipulasi Jalur Zonasi. Retrieved from <https://news.bantenpro.id/daerah/3642/ppdb-di-tangerang-jadi-temuan-ombudsman-diduga-ada-permainan-uang-dan-celah-manipulasi-jalur-zonasi/>.
- Oebaidillah, S. (2019). SKTM Ditiadakan dalam PPDB 2019. Retrieved from <https://mediaindonesia.com/humaniora/209153/sktm-ditiadakan-dalam-ppdb-2019>.
- Kusuma, M. (2022). Sejumlah Sekolah Negeri Kekurangan Siswa di PPDB 2022, Sistem Zonasi Perlu Dikaji? Retrieved from <https://www.soloposfm.com/sejumlah-sekolah-negeri-kekurangan-siswa-di-ppdb-2022-sistem-zonasi-perlu-dikaji/22684/>.