



The commitment of the government to fulfill the citizen's right to education is feeble

The Gap Between Education Policy and its Implementation

What is RTEI?

The Right to Education Index (RTEI) is a new global index designed to drive accountability and progress toward realizing the right to education. RTEI works with civil society, research institutions, and governments to collect data on a wide variety of indicators of the right to education to identify progress being made toward the fulfillment of the right to education as well as obstacles to it. RTEI will be conducted on a biennial basis to track such progress, identify trends and support effort toward to the right to education.

RTEI initiative in Indonesia was carried out by Network for Education Watch (NEW) Indonesia supported by RESULTS Education Fund Inc. NEW Indonesia has filled out the answer of RTEI questionnaire and validated by two independent peer reviewer and government representative. This RTEI case study literature was further developed in consultation with members of network and education experts.

Overview of the RTEI Results in Indonesia

The overall score of the RTEI in Indonesia in 2017 is 77%¹. The score for each theme was considered satisfactory where the score for Governance theme is 86 percent,² Availability 87 percent³, Accessibility 85 percent⁴, Acceptability 68 percent,⁵ and Adaptability 61 percent.⁶ The score indicated that the

government commitment to fulfill the rights of its citizen on education is satisfaction. This also can be seen on the sub-themes of the questionnaires of the RTEI where each score for National Law and Plan of Action score was 100 percent. This indicates that the country has highly committed to respects, protect

Index Score	77%
Governance	86%
International Framework	100%
National law	100%
Plan of Action	100%
Monitoring and Reporting	100%
Financing	46%
Data Availability	69%
Availability	87%
Classrooms	83%
Sanitation	100%
Teachers	66%
Textbooks	100%
Accessibility	85%
Free Education	73%
Discrimination	88%
Participation	94%
Acceptability	68%
Aims of Education	95%
Learning Environment	50%
Learning Outcomes	60%
Adaptability	61%
Children with Disabilities	67%
Children of Minorities	67%
Out of School Education	44%
Out of School Children	67%

¹ The Overall RTEI Score provides a country specific index result measuring how well a country respects, protects, and fulfills the right to education for its citizens. The overall RTEI results range from 0 (right to education completely absent) to 100 (right to education fully respected, protected, and fulfilled)

² Speaks to the legal structure of education in a State. This includes State ratification of international declarations or treaties, education financing, and education standards and regulations

³ Speaks to the specific quantity of educational institutions available and the condition of such institutions

⁴ Speaks to whether available institutions are accessible to all students regardless of their socio-economic, familial, or demographic status.

⁵ Speaks to the quality of available education. This moves beyond learning outcomes to also capture the cultural relevance and security of the educational environment as well as the aims and content of education.

⁶ Speaks to the ability of education to be flexible in meeting the needs of a diverse range of students.

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and fulfill the communities right on education through provide and develop a comprehensive regulation aligned with International Framework.

The government commitment to provide equal education opportunity has been stated in National Education Law No. 20, 2013 regarding National Education System. Unfortunately, the regulation was not fully implemented due to there were so many discriminations in education particularly on the education access between girls and boys where the girl's participation rate still low and also the corporal punishment still occurs in schools.

In addition, the scores for governance, availability, and accessibility are high but acceptability and adaptability scores are still low. This indicates that the government education policy is relevant to the community needs especially the policy on the establishment of educational institutions, facilities, and infrastructure as well as the protection of children's rights. Unfortunately, the number of discrimination and violence in the school is still high.

Interrelations of all themes and sub-themes suggest that there is the existing gap between education policy and its implementation. Although there are policies and laws established but it does not translate into programs and budget that will ensure promotion, protection, and fulfillment of the right to education.

Issue Area 1: Discrimination and Unsecured in School

The RTEI score for girls' education and the discriminatory environment is unsatisfactory that is 49 percent even though government always stated their commitment to promoting "education for all" either for boys and girls. This score appeared from several questions in the questionnaire such as whether the country prohibits discrimination for pupils based on gender, whether the pregnant student or student having a baby will be issued by the school, whether the National law prohibits marriage under 18-year-old, and how many percentages of Indonesian women have married under 18-years-old.

Scores for the education for women was still very low and this was measured by the cases of discrimination for women who get pregnant while still in school. One of the questions regarding the discrimination of women in schools is whether students at school issued if they are pregnant or having a baby. In some cases, when students are pregnant and have children, they usually to quit from school due to they fell embarrass and get psychological pressure either from school, family, and the community. Moreover, National Law number 1 in 1974 on Marriage stated that woman could get married at the minimum age of 16 years old. Thus, there are many girls getting married under age. These circumstances contributed to the low score of the RTEI concerning the equal education and discrimination for girls and boys.



Moreover, based on the RTEI questionnaires the Learning Environment score was still low that is 50 percent. This indicated that a school is an unsecured place for students because approximately around

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84%⁷ of child abuse occurs at school including bullying, corporal punishment, and sexual harassment. These facts contributed to highest numbers of student drop out from the school and 70%⁸ of them are women.

Issue Area 2: The Teacher's Certification Does Not Improve the Quality of Education

The teacher performances are highly influencing the quality of education. In Indonesian context, the quality of teachers is still low. Based on the outcome of the teacher competency test, only 192 of teachers from 1,6 million passed the score of 90 even though the average score for the teacher's competency test was 56⁹. The proportion of teacher who completed training and obtained teachers certification was 30.66% at the primary level and 34.36%¹⁰ at the secondary level. According to the RTEI, the score for effect of teacher training subtheme was 58%, it shows that the quality of the teacher in Indonesia still needs to improve. Although the government allocated the budget for education was very high in terms of upgrading the teacher's welfare but unfortunately the education budget was unable to support the improvement of education quality. Moreover, distribution of teacher also became big obstacles of the government of Indonesia particularly regard to the teacher delivery in the remote area. In the teacher distribution theme, the score was still low at 66%.

Issue Area 3: The problem of Out-of-School Education in Indonesia

The score for sub-theme Out-of-School Education in Indonesia was 44% and this is the lowest score from entire subtheme of RTEI questionnaires. Indonesia doesn't have education system regulation for refugee and children in prison including the refugees as a victim of natural disaster, conflict among tribes, and refugees from abroad because the Indonesian government did not sign the Convention on Refugees in 1951. Indonesia is one of a transit country for refugees who seeking the asylum to other countries such as Australia.



In 2014, Indonesia has 10.116 refugees from Rohingya, Iraq, Iran, and Afghanistan consists of 46% men, 21% women, and 33% children¹¹. The children and women at the refugee shelters are not provided an education. Furthermore, the local refugee caused by the conflict inter-religion or natural disaster also doesn't get a proper education.

In addition, the education for a juvenile is also becoming a big issue because of the government still unable to address the setback. In fact, the National Law No. 12, 1995- Article 14 guarantees the children's rights to access an education in prison. But unfortunately, during the serving time, many children were deprived of their rights such as the freedom right, rights to grow as a child, including the right to education. The number of children in prison was 2.361¹² and only 929 of the children or 39% of them able to access the education in the prison. This data

⁷ <http://news.liputan6.com/read/2191106/survei-icrw-84-anak-indonesia-alami-kekerasan-di-sekolah>

⁸ <http://www.solopos.com/2012/05/23/drop-out-sekolah-angka-drop-out-tinggi-70-perempuan-188115>

⁹ <http://www.jawapos.com/read/2016/04/27/25739/kualitas-guru-indonesia-masih-terendah>

¹⁰ Answer of RTEI Questionnaire for Question 2.3.3 regarding Teacher.

¹¹ <https://suaka.or.id/2014/07/23/perkembangan-isu-pengungsi-dan-pencari-suaka-di-indonesia/>

¹² <http://mediaindonesia.com/news/read/59558/pendidikan-60-tahanan-anak-diabaikan/2016-08-03>

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indicates that the government was unable to fulfill the juvenile rights on education due to the prisons doesn't have infrastructure such as building, teachers and education materials to support the education in the prison. However, the right to education for a juvenile is neglected.

Data Availability

Most of the data are available online and this was useful to answer the questionnaires. The obstacle faced was up to date and the accuracy of the data. Most of the updated data mostly related to the education policies but the data on the outcome of the policies are still limited. Meanwhile, data regarding the sanitation, classroom, trained teacher textbook, in each level of education was unavailable. Moreover, the data regard to the learning environment, learning the outcome, and out of school education was not comprehensive and caused the existing degradation gap on with the data on economic social, education condition in the villages and in the city, ethnicity etc.

The availability of data is vital to support education advocacy such as the education policy planning, assessment, monitoring, of the effectiveness of the education programs. The accessibility of comprehensive data will support the advocacy in education policy. However, based on the RTEI findings, the government should provide detail and comprehensive data regarding the public expenditure per pupil as a percentage of GDP per capita, the percentage of the national education budget comes from foreign aid, household spending in primary education, the minimum standard in place setting the number of pupils per toilets, the availability of portable water etc.

Recommendations

Based on the findings of RTEI 2016, there are numerous recommendations that need to be done to improve the quality of education in Indonesia as follows;

1. The commitment of the government to support the education through its policies should be improved because the regulations don't provide any impact because the policies are not measurable without proper implementation, monitoring and evaluation. Therefore, the government needs to improve the effectiveness of the implementation and monitoring of the policies.
2. Regard to discriminatory education for women particularly for pregnant women and having a baby. There should be clear rules provided to treat them to avoid the students drop out from the school i.e. providing a guidance and counseling to students to improve their physical and mental to pursue their education without any discrimination and pressures.
3. To create a sense of security and child-friendly schools, the governments should apply strict sanctions to the teachers for doing a physical abuse in the school.
4. The teachers are the key to improving the quality of education, however, the government should provide a qualified capacity building to upgrade their performance to improve the quality of education. These training should be accompanied by the clear roadmap, measurable, and sustainable.
5. Qualified education supported by sufficient infrastructure for minority groups is also important. Children in refugee camps, juvenile, as well as children with disabilities, should become the government priorities. However, the government should provide a quality education with integrative curriculum to assist the development of the children.
6. Encourage the government to ratify the law on the refugee to ensure the children serve their right on education.

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