Journal of Namibian Studies, 33(2023): 1907–1920 ISSN: 2197-5523 (online)

Educational Regulation Ineffectiveness in Instilling Pancasila Character in Reform Era

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Abstract

This research aims to find out the ineffectiveness of government regulation in preparing the students with Pancasila character in reform era. Socio-legal research method was used by analyzing and describing the factor causing the ineffectiveness of primary legal material with social science and primary legal material aids. The result of research shows the ineffectiveness of educational regulation in instilling Pancasila character during reform era due to three factors: firstly, the aim and objective of the educational regulation not delivered successfully because the regulation often changes leading to the students and the teachers' lost orientation; secondly, the contradiction between the objective of educational regulation to instill Pancasila character and the people's aspiration; and thirdly, the less powerful instrument to support the educational regulation to embody Pancasila character. In the future, the decision of MPR (House of Representatives) should be reconstructed to be the law protection for the blueprint of Pancasila character education that is implemented consistently and sustainably by BSKAP and BPIP to embody students and college students.

Keywords: ineffectiveness, Pancasila character, educational regulation.

A. Introduction

Legal politics of education has been described obviously in the Republic of Indonesia's 1945 Constitution (UUD 1945). Legal politics in this context is defined as the direction of policy taken by the Government in planning, enacting, and/or enforcing the law to build legal system in the attempt of realizing state objective, governmental objective and/or presidential vision, the process and the output of which are determined by political interaction occurring within it [1].

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Thus, the legal politics of national education should obligatorily build on the state's objective as included in the fourth paragraph: "....educating the people....". Article 31 clauses (3 and 5) (the third amendment) changes the direction of National Education, among others, to mandate the Government to endeavor and to organize the National Education System that improves faith and piety and noble character in the attempt of educating the people...". Furthermore, in promoting science and technology, the government should uphold religous values..." [2]. In addition, the legal politics of National Education should refer to Article 2 of Republic of Indonesia's Law Number 20 of 2003 about National Educational System (in Indonesian: Undang-undang Sisdiknas 2003) mentioning firmly that Pancasila and the 1945 Constitution (UUD 1945) are the bases of national education. Then in Article 3 the law mentions three missions of national education: firstly, to improve skill; secondly, to build the nation's character and the valuable civilization to educate the people; and thirdly, to expand the students' opportunity of developing into faithful and pious individuals who are healthy, independent, competent and creative, and have noble character in order to be the responsible and democratic generation.[3]

Legal politics involved in education sector also aims to educate the people and to create individuals with noble character based on the implementation of Pancasila and 1945 Constitution. As time goes by, since Indonesia's independence until today the objective is difficult to realize. Indonesian Survey Circle (Indonesian: Lingkaran Survey Indonesia or LSI) held a survey related to Pancasila. The survey found the decreasing support to Pancasila by 10 percent for the last 13 (thirteen) years. The decrease occurs for three reasons: firstly, economic gap; secondly, alternative understanding, and thirdly, poor socialization to the people. In 2005, 85.2% of people supported Pancasila, and this figure decreased to 81.7% in 2010. Meanwhile, it decreased again to 79.4% and 75.3% in 2015 and 2018, respectively. The result of study found that the number of pro-Pancasila Indonesian people decreases by 10% within 13 years. A survey conducted by Pancasila Muda (Young Pancasila) community found that many young generations ignore their state ideology, Pancasila [4]. A survey was conducted online in late May 2020 through data coming from social media with millennial generations aged 18-25 being the respondents. A report released by Central Bureau of Statistics (Indonesian: Biro Pusat Statistik or BPS) based on a survey on 34 provinces, 181 regencies/cities, and 12,056 respondents throughout Indonesia reveals that social conflict problem occurs due to inadequate understanding and implementation of the fifth principle of Pancasila.[5] The fading implementation of Pancasila's high values underlying Indonesians' life is reflected on the split of unity and

integrity, for example, young generations slandering and insulting each other with racist content through social media, children's involvement in terrorism act, LGBT development, children suing parents, rampant quarrel, and increasing number of illicit drug users. It is this condition that leads Daoed Joesoef to say "if Pancasila is taken by a neighbouring country, don't regret it" [6,7].

B. Research Method

This research type is normative legal research wich is descriptive to get an explanation of the ineffectiveness of educational regulations to instill the character of Pancasila in the destructive era. This research begins with normative legal research using library research to collect secondary data consisting of primary legal materials (1945 Constitution, MPR Decree, Laws, Government Regulations, and Presidential Regulations related to strengthening Pancasila character education) and secondary legal materials (books -books, legal journals, opinions of legal experts and education in the mass media and research reports). Authors collect datas by library research and collecting from the internet. Analysis of the legal materials collected is carried out deductively by using content analysis, depart sort the data and then make analysis on legislation in the field of education related to Pancasila character education to answer legal issues causing the ineffectiveness of educational regulations in instilling the Pancasila character.

C. Result

Many factors inhibit the effectiveness of law enforcement in Indonesia. Anthony Allot mentions three factors making the law ineffective. Firstly, the explanation about aim and objective of the law is not communicated well and successfully to the people. Legislators fail to be aware of it, even the communication to the subject has no feedback. Secondly, there is a contradiction between mission achieved by the law drafters and the fundamental character of people (custom and aspiration of people commanded). Thirdly, there is an inadequate instrument supporting the implementation of laws such as implementing regulation, institutions, and process closely related to the implementation and the enforcement of law [8].

Since its inception in 1998, the National Reform Movement initiated by President B.J. Habibie involved all aspects of people and society's life and targeted the educational reform. The spirit to reform this (education) sector can be seen in relation to the needs for

democratization, decentralization, and science development to solve social and humanity problems.

The reform of B.J. Habibie's government is related to the vision of educational reform, as explained in the following statement: ....the implemented Indonesian society and nation life order, as mandated by the Proclamation of Independence in 1945. This vision is intended to develop Indonesian civil society who are civilized, orderly, legally obedient, and have noble character and high competitiveness with an ideal and future hope, democratic human rights, and have consciousness and solidarity between generations and nations. The Indonesian humans living in civil society require each of individuals to be faithful and pious, keeping ahead, independent, competent, smart, democratic, responsible, and having cultural insight.

During regime transition, Pancasila is set to be the state foundation finally, meaning that Indonesian people have had a national consensus about it so that it is acceptable entirely, despite the change in Reform Order. The House of Representatives (Indonesian: Majelis Permusyawaratan Rakyat) issued a Decision Number XVIII/ MPR/1998 about the Revocation of MPR's decision No. II/MPR/1978 about the Guidelines of Pancasila Deep Understanding and Implementation and the assignment of Pancasila to be the Foundation of State [9], and the MPR's Decision No. I/MPR/2003 about Substantive Review and Legal Status, House of Representatives (MPR)'s Provisional Decision, and Decision of Republic of Indonesia's House of Representatives in 1960 - 2002 .[10]

Educational politics in Reform Order following the collapse of President Soeharto's reign in 1998 was followed by democratic spirit. The objective of education is to create Indonesians who have responsibility and democratic spirit. The strategy of embodying the principles of Pancasila is to include the 36 items contained in the Guideline of Pancasila Deep Understanding and Implementation (Indonesian: Pedoman Penghayatan dan Pengamalan Pancasila or P4), in which the material of P4 is included into basic material of PMP (Pancasila Moral Education) and PPkn (Pancasila and Civic Education) but they are no longer included into curriculum now. During Reform Era, the government embodies the Pancasila values into Citizenship (2004) and Civic Education (2006) subjects. In 2013, the subject was changed into Pancasila and Civic Education (PPKn). Pancasila is always a part of National Curriculum through Indonesian Civic Education material.

In the attempt of implementing Pancasila values in the society, the Reform Order still maintains the model of Pancasila implementation in the items approved just like that in New Order. The House of Representatives (MPR) issued a decision No. I/MPR/2003 that changes

the 36 items of implementation guideline into 45 items. The regulation developed seems to be not communicated yet to the people, as indicated with most people have not known yet the stipulation so that the presence of values is still merely contained in legal documentation but has not been understood yet and been the guideline of implementation, and thereby it has no contribution at all to behavior.

The change of regime also affected the regulation of National Education system, in which the Reform Order developed Undang-Undang Sisdiknas 2003 to substitute Undang-Undang Sisdiknas 1989. In the regulation, the objective of research is to grow an ability of being a human being with noble character, faith and belief in God the Only One, an ability of Acquiring skill related to the creation of society life, to realize the character of civilized and prestigious nation, and ability of building society members who are healthy either physically or spiritually, independent and democratic, and have broad knowledge, innovativeness and creativity. The stipulation influences the legal policy of Pancasila and "Pancasila and Civic Education (PPKn)". As a result, the name "Pancasila" is no longer mentioned explicitly, but it changes into "Civic Education (Indonesian: Pendidikan Kewarganegaraan or PKn)". PKn subject focused on educating the citizens to understand and to use ther rights, to undertake their obligation and responsibility in 2006. It has an ideal to make all Indonesian students smart, competent, and have Pancasila and UUD 1945 characters.

Undang-Undang Sisdiknas 2003 affects considerably the reform of formal education curriculum at primary and secondary schools, particularly in Civic Education field, and is not limited to the substantive study on assessment method and system. However, reformation has shifted into the paradigm of growing democratic character among the people, just like a universal idealist thought of Civic Education mission. During its reign, New Order regime focused on reinforcing the students compliance with the ruler (government)'s official interpretation. It is corresponding to the mission of Civic education at that time leading to the ruler wish mono-loyalty. Just like Undang-undang Sisdiknas 1989, Undang-undang Sisdiknas 2003 positions PKn to be a subject to create character from primary school to university (college) learning along with religious and language education subjects. Undang-Undang Sisdiknas 1989 as one of New Order's products also includes Pancasila subject in addition to Civic Education subject. Meanwhile, Undang-Undang Sisdiknas 2003 instead does not include Pancasila education subject. It is actually the weakness of legal politics of National Education System in the Reform Era. In the future the Legal Political Reconstruction should be made over the National Education System Law (Undang-Undang Sisdiknas) to include the obligation of Pancasila subject.

Legal policy excludes Pancasila subject from the curriculum of school and college during Bambang Sudibyo's tenure as the Minister of Education. Asvi Warman Adam, a historicist, argues that the government's action of removing Pancasila and Citizenship subjects from the curriculum of school and university was very bungling. As a result, the nation disintegration threat is getting more obvious. "I think that is the big fault of National Education Minister". The regulation in Reform Era that removes Pancasila subject from the education curriculum has been contradictory with the objective of national education as mentioned in UUD 1945 and Undang-Undang Sisdiknas 2003.

Margaret S. Archer[11] defines educational politics as "...(conscious and organized up to certain extent) efforts in the attempt of affecting input, process, and output of education using law, suppressing group or labor union's action, trial, private investment, local transaction, innovation or internal propaganda". In a more comprehensive definition, educational politics is (a) the organization of education at certain time, and (b) the dynamic of educational change over times. Archer[12], in its educational political analysis, classifies negotiation into three types: firstly, internal initiation model; secondly, external transaction model; and thirdly, political manipulation model. The internal initiation model is an effort to change in educational regulation taken by some internal parties that are affected directly and know the substantive problem of regulation, including those affiliated with educational professional organization or corresponding bachelor of education association, and teacher organization. The objectives of initiation are varying dependent on the profession learnt and legal right to undertake it. Human resource and external stakeholder are needed to real the effort. The external transaction model is the negotiation related to the change of educational regulation made by internal educational group by involving the external stakeholders. Political manipulation model is a negotiation process to influence the government with professional group on the one hand, while internal initiation and external transactional models on the other hand to decline or to support the public policy.

Teaching Civic Education (PKn) in this millennial era faces many challenges and need structured, systematic, and hard works. The challenges appearing come not only from the material and curriculum of Civic Education but also from the competent quality of personnel. Teacher should be able to transform the curriculum of Civic Education creatively in school environment with the example of good governance practice. Article 37 clause (2) of Undang-Undang Sisdiknas 2003 confirms the need for including Civic Education into the curriculum of Primary Education-to-University. It is very important and strategic to instill nationalism spirit into students and character

building as the nation's next generation. However, in reality the lofty objective has not changed optimally yet the behavior of post-reform millennial generation. The fact shows that even the young generation's behavior and thinking are split into their own political interests as the effect of different choice in Presidential election. If the condition is left without solution, it will endanger the nation's unity as mandated in the third Principle of Pancasila.

In the Minister Nadiem Makarim's era, to build nationalistic behavior with Pancasila character, a regulation of primary education teaching material for the Citizenship subject is released based on the Governmental Regulation Number 4 of 2022 about the Amendment to the Governmental Regulation Number 57 of 2021 about National Standard of Education. This regulation has firmly assigned that the National Education Standard is based on Pancasila, UUD 1945, NKRI (Republic of Indonesia Unitary State), and Bhineka Tunggal Ika (Unity in Diversity). In addition, the national curriculum should obligatorily contain Pancasila subject. The regulation seems to put the Pancasila subject a special position, the compulsory subject. The assignment of Pancasila learning was done by the Minister following the coordination with BPIP. In addition, the curriculum is also arranged by considering Pancasila values [12]; and the Minister of Education Culture and Research and Technology's Regulation (Permendikbudristek) Number 7 of 2022 about the Standard Content of Education for Early Age Child (PAUD) and Primary School (SD) level, among others, regulates the compulsory curriculum of Pancasila subject [13]. The new regulation is expected to be able to reengineer the young generation's behavior as mentioned in the objective of legal politics of National Education System.

D. Discussion

The governmental regulation enacted in the Reform Era, particularly in education sector, has not been implemented maximally yet. The regulation useful to prepare the students with Pancasila character has instilled Pancasila character ineffectively due to three factors:

1. There is a contradiction between the Objective of Regulatin and the People's Aspiration

In reform era, MPR revoked MPR's Decision governing the Guidelines of Pancasila Deep Understanding and Implementation, because of the people's trauma due to excessive indoctrination during New Order era in embodying Pancasila as a method not consistent with the people's aspiration. Unfortunately, the government in the Reform era had no responsive substitute policy in the attempt of instilling Pancasila values using aspirative method. Eventually, Pancasila becomes a "dry"

study uninteresting to young generation. Discourses on Pancasila no longer appeared in political agenda of nation life. The MPR's decision related to the 45 items of Guidelines of Pancasila implementation stalled dead inside a document with no spirit of life. At the climax, Undang-Undang Sisdiknas 2003 did not include the obligation of Pancasila Education into curriculum. Eventually, the ruler was eliminated because it was complacent with the objectives it wants to achieve. The state as if loses the self-esteem and the identity of Pancasila values. It has been twenty four years since reform era began, Indonesians are as if entrapped in individual freedom stream on behalf of democracy, in which the division of the nation is getting more obvious, and Pancasila still becomes the ruler's weapon to "castrate" its political opponent, just like what has occured in New Order era.

Indonesians still believe in Pancasila as their ideology, national philosophy, and state foundation. Pancasila is the way of life, the self-identity, and the glue uniting the nation. In empirical level development, the implementation of Pancasila's high values is sometimes forgotten and ignored. Pancasila values can be visibly a guideline to make decision in the practice of living within Indonesian society and nation.

Some previous studies found that the students of primary school attend Pancasila lesson less passionately. It can be seen from the study related to the Improvement of literacy skill in the 6th graders of Primary School through integrating Pancasila values into the learning process [14], finding "....teacher should promote the importance of Pancasila literacy and understanding, and motivate the students to do digital literacy. The monotonous learning model cannot improve learning motivation. Teacher should deliver the importance of consciousness, nationality, and strong nationalism among the students. The teacher is required to do intensive teaching because students have poor consciousness of protecting their homeland. A study analyzing the students' understanding on Pancasila values in the Civic Education learning in the 11th grade [15] found "...many factors inhibit the students in understanding and in implementing Pancasila values in daily behavior, despite the direction. Students have no respect to the educator and Pancasila subject value and thereby inhibit the implementation of the fifth Principle of Pancasila in school environment". Meanwhile, another study investigating theoretically how to grow the consciousness of Pancasila values in the young generation concluded "...the character of building the consciousness of Pancasila values for the millennial generation is implemented too late because Indonesians have lost the generation with high nationalism spirit [16].

President Jokowi followed up the mental revolution program by enacting Presidential Regulation (Perpres) Number 87 of 2017 about the Reinforcement of Character Education (PPK). The regulation aims to implement nawacita program in Indonesian Educational System. PPK aims to enable the students to face the future challenges, particularly in preparing the Indonesian Gold Generation in 2045, to develop national education application that puts character education to be the main spirit by considering Indonesian cultural diversity, and to strengthen potency and competency of educational ecosystem [17].

Muhadjir Effendy, the Minister of Education and Culture, followed up the Presidential Policy by issuing Full Day School (FDS) policy. FDS is a schooling activity conducted for 8 hours/day, 5 days/week, from Monday to Friday. Meanwhile, Saturday and Sunday are set to be holidays. Essentially, learning is an activity where interaction occurs between teachers and students and educational ecosystem leading to the creation of better character. Teachers/lecturers are to adjust the learning environment in such a way that supports the change of behavior among the students. Generally, the good condition of school ecosystem can affect the creation of students' character positively [18]. The Ministry of of Education and Culture (Kemendikbud) should apply this system to strengthen the students' character in order to be in line with the Character Education Reinforcement Program (P3K) as the implementation of nawacita launched by President Joko Widodo [19]. This program was criticized by many people and school organizers. Some people assume that FDS will only burden the schools that have limited feasible facilities and infrastructures. President and the Chairman of Indonesian Ulema Chamber (MUI) and the Minister of Education and Culture (Muhadjir Effendy) cancelled the five-day school program on Monday, June 19, 2017, recalling the people's aspiration that declined the policy [20].

2. The less powerful instrument to support the educational regulation to embody Pancasila character

In the leadership period of 2015-2019, in the attempt of educating the people and instilling Pancasila Character, President Joko Widodo had developed a policy that separates Higher Education (Dikti) existing in Kemendikbud, in Article 2 of Perpres No. 14 of 2015. Meanwhile, based on the Perpres No. 13 of 2015, Dikti (Higher Education) is fused into the Ministry of Research and Technology. However, the separation policy has not passed through an in-depth and comprehensive study; thus, it seems to be imaging only and accommodates only the interest of those meritorious in the President election. Thus, following its five-year running, the separation has not been able yet to realize the objective of education, to produce superior graduates with Pancasila character.

In his leadership era of 2019-2024, the President announced a policy related to the reintegration of Higher Education into the Minister of Education and Culture based on the Presidential Regulation (Perpres) Number 32 of 2021 about the Amendment to the Presidential Regulation Number 68 of 2019 about the State Ministry Organization as the legal foundation. The policy inconsistency makes the objective of national education lose its direction; the change of ministry implies the absence of mature planning in the perspective of public policy theory. A firm rule is required in the future related to the consistent grand design of nation to prevent the President from changing easily and haphazardly the ministry that is responsible for the future of nation's generation to be the "guinea pig" to satisfy political interest and ruler's passion only, without the obvious direction of legal politics. Instead of implementing the mandate of Undang-undang Sisdiknas 2009 to realize the objective of national education, bureaucratic chaos occurs; much time is taken to arrange new bureaucracy and the placement of state officials is done not based on the General Principles of Good Governance (Indonesian: Asas-asas Umum Pemerintah yang Baik or AAUPB).

In addition to making the regulation that agitates the Bureaucracy of Ministry, the government also makes some new regulations related to the body responsible for the curriculum management to embody the Pancasila values. In the beginning of reform era, as mandated by Undang-Undang Sisdiknas 2003, the government established an Agency for Standard National Education (BNSP) based on PP No. 19 of 2005 about the Standard National Education, to replace the role of Curriculum Center of Research and Development Agency of Ministry of National Education. BSNP is an independent body responsible for the quality of standard national education. Having played its role for 16 years, BNSP seems to have not successfully developed a nationally standardized curriculum that can build Pancasila character among students and college students. Then, the government, based on the Government Regulation Number 4 of 2022 and the Minister of Culture, Research and Technology's Regulation Number 28 of 2021, dismissed BSNP and replacing it with a new institution, Agency for Standard Curriculum and Educational Assessment (Indonesian: Badan Standar Kurikulum dan Asesmen Pendidikan or BSKAP) responsible directly to the Minister (Kemendikbudristek). The change of institutional structure or nomenclature in the Ministry of National Education or the Ministry of Culture, Research and Technology has apparently been an acute bureaucratic disease, preventing the Ministry from focusing on realizing the mandate of national education's objective.

In addition to Kemendikbudristek, in the attempt of embodying Pancasila character, the government established Agency for Pancasila Ideology Building based on Perpres No.7 of 2018 in the attempt of

enforcing and realizing the Pancasila values, the building of Pancasila ideology should be done through a series of integrated activities that is implemented systematically and orderly that will be a good guideline to all state institutions, nation, and Indonesian citizens.

The implementation of 45 items of Pancasila values can be done effectively through BPIP's creative measures. Rationalizing the items of guidelines for the Pancasila implementation intended here does not assume that Pancasila values are acceptable just the way they are, but they should be attempted to keep existing and living in social practices rationally through a variety of social media, electronic media, and mass media that get the public trust. The measures are expected to reengineer the people behavior to bring the character of Pancasila values into daily activities. Regarding this, Lawrence M. Friedman argues that cultural factors affects an individual's behavior to comply with and to implement the regulation specified by the government [21]. One of regulations that should be socialized obligatorily by BPIP is the Guidelines of Pancasila value implementation into 45 (forty five) items as mandated by the House of Representatives (MPR)'s Decision Number I/MPR/2003, as the practical guidelines for the public to be implemented in daily life.

The empowerment of BPIP should be conducted to enable it to serve as an institution that socializes progressively the embodiment of Pancasila values as included in the MPR's Decision and Pokok-Pokok Haluan Negara (Basic Provisions of State Policy), to reengineer the behavior of students, State Civil Apparatus, chairperson of Political Party, governmental official, state official, commissioner/director of State-Owned Enterprises, and people to reflect the Pancasila character in their behavior in daily life in their own ecosystems. For the BPIP to have strong position free of political intervention, the legal foundation of BPIP establishment should be raised from Presidential Regulation to Law, while the members of Steering Board (Dewan Pengarah) should be elected not from political parties but from society leaders who have high moral principles, prominent figure in education field in universities, and religious figure not affiliated with political parties or the ruler.

Until today BPIP has not had a Roadmap of Pancasila Ideology Building for Primary Education in welcoming Gold Generation, but it has had the one for State Civil Apparatus. The map depicts form, pattern, and source of behavior application among State Civil Apparatus (ASNs) that deviates from Pancasila values. BPIP has undertaken building function only so far, according to the norms mentioned in the Perpres. The measures taken by BPIP in embodying Pancasila values have not been as progressive as those taken by BP7 in new order era. Innovative and responsive change should be made in BPIP's program in the future, to

make it more well-known in the public and to enable it to reengineer and to change the people's behavior previously not supporting or implementing Pancasila values less optimally into the one corresponding to Pancasila character or profile.

BPIP along with BKSAP (Mendikbudristek), referring to the Pokok-pokok Haluan Negara developed by MPR, should develop a roadmap of Pancasila Ideology Building for education field from Primary Education to University level to welcome the Gold Generation in 2045, to enable the educational regulation to be implemented sustainably to prepare superior students with Pancasila character that can face the ever changing time challenge to welcome the Gold Generation era in 2045.

E. Conclusion

The ineffectiveness of educational regulation in instilling Pancasila character during Reform Era is due to three factors: firstly, the aim and objective of the educational regulation not delivered successfully because the regulation often changes leading to the students and the teachers' lost orientation; secondly, the contradiction between the objective of educational regulation to instill Pancasila character and the people's aspiration; and thirdly, the less powerful instrument to support the educational regulation to embody Pancasila character. In the future, the decision of MPR (House of Representatives) should be reconstructed to be the law protection for the blueprint of Pancasila character education that is implemented consistently and sustainably by BSKAP and BPIP to embody students and college students. BPIP along with BKSAP, referring to the Pokok-pokok Haluan Negara developed by MPR, should develop a roadmap of Pancasila Ideology Building for education field from Primary Education to University level to welcome the Gold Generation in 2045, to realize the synchronization and harmonization of educational regulation sustainably to prepare and to socialize superior students with Pancasila character that can face the ever changing time challenge to welcome the Gold Generation era in 2045.

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