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DECENTRALISATIE VAN HET ONDERWIJS AS AN EARLY STEP TO ACCULTURATION

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Abstract

A lack of proper interpretation of Decentralisatie Van Het Onderwijs or education decentralization in practice has led to confusion in understanding the legal aspects of education decentralization to oversee the targeted acculturation of Indonesian citizens. Decentralisation Van Het Onderwijs, a Dutch education reform law, was the impetus for this study, which seeks to shed light on the role that decentralization plays in the process of cultural assimilation. Through an examination of the decentralization concept associated with Law No. 23 of 2014 concerning regional government, the legal meaning of education decentralization is determined. Of primary importance is creating an educational framework, which includes teaching student's values such as morality and respect for others. This framework can only be established through a well-resourced educational system. When it comes to education, moral training, character development, and social responsibility are all part of formal education. Only traditional religious schools, such as pesantren, can provide all of this information.

Keywords: *Decentralization of Education, Law, Acculturation*

INTRODUCTION

Education, according to Will Durant, is a means of passing on civilization. No culture can survive if it tries to be exclusive, Mahatma Gandhi said. Many people admire both philosophers, especially those who work in education and culture. The state of education in Indonesia is now out of control because the focus of education is no longer on the quality but rather on the quantity of formal educational outcomes.

According to etymology, education is derived from the English word "education." To put it simply, it has known as Educare in Latin, which translates to "education" (to lead forth).¹ All Indonesians have a fundamental right to self-improvement by meeting their basic needs, receiving education, and benefiting from the advancement of science and technology, as stated in Article 28C of the

¹ Romi Librayanto. 2016. *Sistem Norma Hukum dalam Mewujudkan Rumusan Norma Hukum yang Ideal*. Disertasi. Pascasarjana Universitas Hasanuddin. p. 170.

1945 Constitution of the Republic of Indonesia. in addition to the well-being of humanity

Concerns about education are included in concurrent government affairs relating to basic services when we examine Law Number 23 of 2014. As a result, it can be classified as a decentralized government activity. There are a number of issues with education decentralization at the moment, particularly in secondary education, which is still falling short of demand.

Political, functional, and cultural differences are all decentralized by Amrah Muslimin in a three-tiered approach to decentralization.² To begin, political decentralization is the delegation of authority from the government to political bodies in the regions that have been elected by the local populace. This delegation results in the right for political bodies in the regions to manage their own household affairs. Due to the "regional" component, political decentralization is also referred to as territorial decentralization. Second, functional decentralization is the process by which regions are granted authority based on their functions. Indeed, functional decentralization is not dissimilar to territorial decentralization, the only distinction being the manner in which authority is delegated. Thirdly, cultural decentralization, or culturele decentralization, is the ceding of rights to minorities in order to organize their own culture (regulating education, religion, and others). However, the majority of countries delegate this authority to foreign embassies for the purpose of educating their citizens.

Irawan Soejito takes a contrary position, arguing that cultural decentralization should not be included in decentralization. According to him, decentralization is comprised of only three components: administrative decentralization (deconcentration), territorial decentralization, and functional decentralization. Amrah Muslimin, on the other hand, did not include administrative decentralization (deconcentration) in her definition of decentralization. Deconcentration, he asserts, is a regional issue, but not decentralization.

Apart from the distinctions and similarities between the experts, they emphasize that the definition of decentralization they propose is broader than Van der Pot's definition, which recognizes only two types of decentralization, territorial and functional. However, these definitions of decentralization depart significantly from Hans Kelsen's decentralization definition.

Decentralization, according to Kelsen, is a form of state organization. As a result, decentralization is inextricably linked to the definition of the state. The state is a judicial system. Thus, decentralization is always associated with a system or legal order that is inextricably linked to a country's territory. The decentralized legal structure demonstrates the existence of numerous legal rules applicable to distinct areas. There are rules that apply to all regions of the country, referred to

² Amrah Muslimin. 1978. *Aspek-Aspek Hukum Otonomi Daerah*. Alumni: Bandung, p. 15.

as central norms, and rules that apply to specific regions, referred to as decentral or local norms.³

Hans Kelsen refers to the decentralized legal arrangement related to the area as an environment regarding the place where legal rules apply legally as a static concept of decentralization, as stated in the following paragraphs:⁴

*“However, we speak of decentralization only if the organization is carried out according to **the territorial principle**, if the norms of a legal order are differentiated with respect to their territorial sphere of validity, although the differentiation with respect to their personal sphere of validity has a similar effect”.*

As previously stated, the static concept of decentralization does not allow for the creation of regional regulations for regulating and managing their households⁵. Local governments are not bound by the rules that have been established by the central government. In other words, Kelsen looks at decentralization in terms of the dynamic conception as follows⁶:

*“There is an inclination to speak of decentralization whenever there is a **plurality of normcreating organs**, regardless of the territorial spheres of validity of the norms created by the organs. When we do so, the term decentralization acquires a dynamic meaning, totally distinct from its static meaning”.*

It is not the authority of local governments to create separate rules for their territory that Kelsen focuses on, but rather the organs that have the authority, in accordance with each region's specific problems, to grant this authority.

Although decentralization is derived from the Latin word *de* meaning "to let go" and *centrum* meaning "center," some theories and views imply that decentralization is a transfer of authority. Decentralization actually frees up this authority and gives it to those who are entitled to it, making it permanent. As a government, the central government relinquishes control over government affairs related to education, from primary to secondary, to the district/city governments.

District and city governments currently have limited authority over education-related government affairs, particularly secondary education, which falls under provincial jurisdiction. Unifying educational policies that disregard cultural differences in each region damages the decentralization of society, which has an impact on the order of civilization itself. As a matter of fact, the preservation and decentralization of culture is essential to acculturation in higher education.

³ Hans Kelsen. 2016. *Teori Umum Tentang Hukum dan Negara*. Cetakan Kesembilan. Nusa Media: Bandung, p. 303-304.

⁴ Kelsen., p. 305.

⁵ Balkar, B., & Kasurka, M. G. "Decentralization as an Educational Planning Strategy in Turkish Education System." *International Journal of Education*, 7(2). (2015): p. 415-436.

⁶ Kelsen, p. 309.

METHOD

In this type of research, a conceptual and statutory approach are used. For this study, the author employed the document study technique, which is a method of collecting data by analyzing various documents, especially statutory documents related to education decentralization and acculturation. The collected data is reviewed theoretically, and then qualitatively analyzed. Deconstructing the relationship between education decentralization and upstream acculturation through the legal concept of education decentralization, the first step of acculturation is done through qualitative analysis.

RESULT & DISCUSSION

1. *Cultured Education*

Pancasila-based national education is defined in Article 1 paragraph (2) of Law Number 20 of 2003 concerning the National Education System as an education grounded in religious values and Indonesian national culture and responsive to changes in society. a new era is upon us.

Everybody's right to education is guaranteed by Article 13 of the International Covenant on Civil and Political Rights.⁷ To Hunt and Horton's view, educational institutions serve four primary functions: first, preparing community members to earn a living; second, developing individual talents for personal satisfaction and the good of society; third, preserving culture; and fourth, instilling the skills needed for participation in democracy. There are five functions that education serves, according to David Popenoe: cultural transmission; the selection and teaching of roles in the community; the teaching of personal characteristics; the generation of social innovation.

The core of education, in fact, consists of four fundamental elements⁸. First, Education is fundamentally a process of developing the human mind, which is the most important aspect of humans' ability to think and function as thinking creatures. Humans are expected to increase their intelligence and thinking maturity as their thinking develops, with a particular emphasis on having intelligence in problem-solving situations in their daily lives.⁹

Second, education is essentially a skill-building process that occurs after humans acquire sufficient knowledge from certain outcomes that benefit human life, because these skills enable humans to seek sustenance and maintain their lives.

Thirdly, education takes place in both formal and informal institutions, such as schools, families, and communities. Fourth, education aims to demonstrate a society with a high culture and civilization, with the primary indicators being an increase in people's intellectual intelligence, the development of strong and

⁷ ICESCR, Article 13.1

⁸ Hasan Basri. 2009. *Filsafat Pendidikan Islam*. Pustaka Setia: Bandung., p. 56.

⁹ Cohen, D. K., & Ball, D. L. "Relations between policy and practice: A commentary." *Educational Evaluation and Policy Analysis*, 12. (1990): p. 331-338.

authoritative community ethics and morals, and the formation of a noble personality.

Education is a process of self-inspiration and civilization. Because education is more than a means of imparting knowledge; it is also a means of imparting culture and disseminating social and cultural values. Thus, education should impart knowledge about the nature or fundamental essence of humanity.

According to Tilaar, education is the key to all facets of cultural, social, economic, and political life. Because social change can only be accomplished through education and capacity building, which should be accomplished through education rather than through power.¹⁰

The legal consequences of mandatory government affairs are that local governments must and cannot carry out government affairs under their authority. Education and culture fall under this category.¹¹

In Indonesian, the term *budaya* is often used as a synonym for the English word culture. The Latin word *cultura*, which means to plant or cultivate, and the Latin word *colere*, which means to cultivate the land, are the origins of the word culture. Indonesians refer to natural processes like cultivation as "cultivation" when discussing culture in the natural sciences, such as agriculture. In fact, according to Raymond Williams in Yudi Latif, the concept of "culture" as commonly understood by social-humanities scientists today actually emerged later than the 19th century.¹²

According to Sanskrit, the word "buddhayah," which is the plural form of "buddhi," is a guide to the combination of reason and feeling in order to determine what is right and wrong. The word "buddhi" and "daya" have also been cited as a source of culture by some (cultivation or character). First, the term "culture" meant something that was happening. However, in its development, the term encompasses both tangible and intangible results of work (noun).¹³

"budidaya" is frequently replaced with "budaya" in Ki Hadjar Dewantara's writings, and the educational process (culture) is frequently compared to cultivating plants. It is important to remember that human beings, like seeds, have an innate nature and must be planted in fertile soil with adequate lighting and irrigation (environment). As a result, Ki Hadjar Dewantara's definition of budidaya (cultivation) matches the etymological definition of "budaya." As a result, cultivation yields a set of beliefs, a body of knowledge, and a set of values, all of which are transformed into norms, social and political institutions, economies, and tangible cultural goods.¹⁴

¹⁰ Romi Librayanto, p. 169.

¹¹ Koesoemahatmadja. *Pengantar Kearah Sistem Pemerintahan Daerah di Indonesia*. Binacipta, 1979.

¹² Yudi Latif. 2020. *Pendidikan yang Berkebudayaan*. PT Gramedia Pustaka Utama: Jakarta. p.170-171

¹³ Latif.

¹⁴ Latif, p. 172.

2. *Decentralization Of Education, Upstream Acculturation*

According to the title of this paper, Decentralization of Education is the first step toward acculturation. The title was created after examining decentralization and education separately but inextricably linked and connected, and discovering the phrase "culture" as the nexus of decentralization and education. Thus, where does "acculturation" stand in this debate? Before proceeding, it is necessary to understand the definition and essence of acculturation.

Gillin and Raimy define acculturation as the process of modifying a society's culture through the introduction of other cultures. This process occurs as a result of interactions with other cultures, which contribute to the emergence of the acculturation process. Acculturation, in general, is a process of cultural adaptation that maintains one's culture while allowing for the acceptance of other cultures.

Sociologist Trina Harlow illustrates acculturation with a salad bowl. As if the bowl were filled with various types of food ingredients, each of which is self-contained but complements and enhances the position of the others.

According to Deverux and Loeb, acculturation is a group process that ignores the individual's role in a culture, as the group becomes a source of constituent interest. Unlike Dohrewen and Smith, who emphasized the individual's influence on acculturation.

Diverse definitions of acculturation, as well as debates over the two dimensions of acculturation's role, namely between individuals and groups, all have the same tendency, namely to preserve an existing culture.

Occasionally, acculturation is viewed as a fusion of cultures through the elimination of the original culture in favor of a new one; this is incorrect. Acculturation and assimilation, according to Raymond Teske and Bardin Nelson, are distinct processes. Acculturation does not require external cultural acceptance or a positive orientation from other groups, in contrast to assimilation, which requires the fusion of external cultures into one's own. A small example of assimilation that we see on a daily basis is the use of the word "sorry" from the Bugis word "sorry" or "tabe."

Sutomo believes that Western culture and education have poisoned the Indonesian people by producing untapped intelligence. Where people are no longer motivated by cultural ideals but by the prospect of secure employment, specifically as employees. Additionally, he believes that western education primarily focuses on teaching and not on education in the true sense, which includes moral education, character development, and a sense of social responsibility. Sutomo held this position due to his support for traditional religious schools, specifically Islamic boarding schools.¹⁵

According to Ki Hadjar Dewantara, education and culture must be capable of carrying out creative synthesis efforts by utilizing benefits from the West that

¹⁵ Kartamihardja, 1954. *Polemik Kebudayaan: Pokok-Pokok Pikiran St. Takdir Alisjahbana, Sanusi Pane, Purbatjaraka, Sutomo, Tjindarbumi, Adinegoro, M. Amir [dan] Ki Hadjar Dewantara*. Perpustakaan Perguruan Kementerian P.P. and K: Jakarta. p. 23-25.

are consistent with eastern wisdom, as a dynamic effort to liberate individuals from western materialism and oppressive local traditions, allowing students to realize their full potential. in the context of "collective guidance." Through this selective cultural borrowing, ancient traditions can be repurposed for the future, ensuring that Indonesian culture retains its vitality.¹⁶ This is the primary component of the acculturation process that we all desire.

Turning the palm of the hand toward the estuary of acculturation is not as simple as turning the palm of the hand. Additionally, acculturation between Islam and culture requires considerable thought, which must be guided by a strong conscience. Acculturation in life begins with the sowing of acculturation seeds at a young age, specifically through education.

A centralized educational system becomes an impediment to navigating the ark of an acculturated life.¹⁷ Thus, the first thing that must be established is the blueprint for acculturation itself, which includes character education, morality, and a dignified culture, all of which can be acquired only through formal education.

It is consistent with current conditions to borrow Sutomo's view that pesantren is a patron of acculturation. We now prefer foreign language lessons over lessons in our native tongue. We now prefer external civilizations to preserving our own, which is clearly in accordance with humane standards. Nowadays, we assimilate rather than acculturate. This is what we need to consider together: how to instill acculturation values in our hearts so that when we enter the world of higher education, we will not feel awkward about differences because the foundation of acculturation has been established from an early age, because a leader with an acculturation spirit is also very much needed through policies. One of the legal policies is to empower district/city governments to oversee all aspects of education, particularly secondary education, which serves as a springboard for students entering the world of higher education.

We know that higher education is the pinnacle of Indonesia's formal education system. And in the world of higher education, there are frequently thought dynamics that create a discrepancy in thought, leading to the conclusion that this thought should be rejected. If the spirit of acculturation has been instilled in him since he was in secondary education, disagreements in thought and opinion will always be a blessing. A solid educational foundation, bolstered by a strong acculturation spirit, will undoubtedly produce superior human beings and characters. Because decentralizing cultural education is the first step toward acculturation.

CONCLUSION

Turning the palm of the hand toward the estuary of acculturation is not as simple as turning the palm of the hand. Acculturation in life begins with the

¹⁶ Latif, p. 193.

¹⁷ Juwana, H. "Legal Education reform in Indonesia". *Asian Journal of Comparative Law*, 1(1). (2006): 1932-0205

sowing of acculturation seeds at a young age, specifically through education. The centralized educational system is a hindrance to navigating the ark of an acculturated life. Thus, the first thing that must be established is the blueprint for acculturation itself, which includes character education, morality, and a dignified culture, all of which can be acquired only through formal education. In its truest sense, formal education is moral formation, character development, and the development of a sense of social responsibility. All of this is only available at traditional religious schools, specifically pesantren.

BIBLIOGRAPHY

Book

- Basri, Hasan. *Filsafat Pendidikan Islam*. Pustaka Setia. 2009.
- Kelsen, Hans. *Teori Umum Tentang Hukum dan Negara*. Cetakan Kesembilan. Nusa Media. 2016.
- Koesoemahatmadja. *Pengantar Kearah Sistem Pemerintahan Daerah di Indonesia*. Binacipta, 1979.
- Kartamihardja. *Polemik Kebudayaan: Pokok-Pokok Pikiran St.Takdir Alisjahbana, Sanusi Pane, Purbatjaraka, Sutomo, Tjindarbumi, Adinegoro, M. Amir [dan] Ki Hadjar Dewantara*. Perpustakaan Perguruan Kementerian P.P. dan K. 1954.
- Latif, Yudi. *Pendidikan yang Berkebudayaan*. PT Gramedia Pustaka Utama. 2020
- Muslimin, Amrah. *Aspek-Aspek Hukum Otonomi Daerah*. Alumni, 1978.

Articles

- Balkar, B., & Kasurka, M. G. "Decentralization as an Educational Planning Strategy in Turkish Education System." *International Journal of Education*, 7(2). (2015): 415-436
- Cohen, D. K., & Ball, D. L. "Relations between policy and practice: A commentary." *Educational Evaluation and Policy Analysis*, 12. (1990): 331-338
ICESCR, Article 13.1
- Juwana, H. "Legal Education reform in Indonesia". *Asian Journal of Comparative Law*, 1(1). (2006): 1932-0205
- Librayanto, Romi. *Sistem Norma Hukum dalam Mewujudkan Rumusan Norma Hukum yang Ideal*. Disertasi. Pascasarjana Universitas Hasanuddin. 2016