

Critical Analysis of the Elimination of Pancasila Education in Government Policy Number 57 of 2021 concerning National Education Standards

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Abstract: *All elements of life in the unitary state will not be separated from the national legal system, in the theory of legislation it is known as the statutory hierarchy, this contains the content that all the rules under it are used as implementing rules for the rules above and there are no conflicting rules between the two. Recently, the public was surprised by the government's policy through Government Regulation Number 57 of 2021 regarding the elimination of Pancasila and Indonesian language education as compulsory curriculum content. Whereas government regulations are used as derivatives of the law on the national education system and the law on higher education. The research method used is the use of normative juridical critical analysis methods and viewed from various points of view in giving disapproval of government policies through Government Regulation Number 57 of 2021 precisely in Article 40 Paragraphs 2 and 3. The results of this study are to present 3 basic reasons why it is necessary to include Pancasila in the Government Regulation, namely First, the need to consider the previous regulations, second, the need for the formulation of this policy through an open political process, third, the need to review it from the point of view of Education Reformulation, both philosophically and ideologically. Thus, it is very necessary to review this legal product so that it is relevant to the law as the parent law.*

Keywords: *Elimination of Pancasila Education; PP. Number 57 of 2021; National Education Standards*

INTRODUCTION

Education is a process to provide humans with various situations that aim to empower themselves. (Umro, 2016) The definition of Islamic education is the process of guiding, learning and or training humans so that later they become Muslims who live and are able to carry out their roles and duties as Muslims. (Thoyib, 2012)

Education is something that has urgency in human life. Humans can improve their welfare by getting education. Education can build a positive culture in human life so that people can achieve their life goals with better and quality. Education can also make humans more dignified in behavior and instill good values or character.

Continuous efforts are made by the government in order to produce quality human resources by constantly striving to improve the quality of their education because this has become a necessity and a necessity in order to achieve the ideals of the nation and achieve the goals of national education equally and equitably.

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One of the government's efforts in the education aspect is proven by issuing the National Education Standards. The National Education Standards include minimum criteria regarding various aspects of education that must be met by the organizers and the Education Unit. As a basic guideline, the National Education Standards need to be periodically reviewed for their suitability with the development of science, technology, and changing challenges of the day, through improving the substance of the regulation. These improvements are intended to keep the National Education Standards up-to-date and relevant, so that they can support the acceleration of improving the quality of the education system and the development of Indonesian human resources. Several things that become the subject of improvement of the regulation are carried out on the composition of the National Education Standards, curriculum, evaluation of

student learning outcomes, and evaluation of the education system by the Central Government, Regional Governments, and independent institutions.

Recently, the government enacted Government Regulation of the Republic of Indonesia Number 57 of 2021 concerning National Education Standards. This Government Regulation is an implementing regulation for Law Number 20 of 2003 concerning the Education System. The regulation on National Education Standards was originally regulated in Government Regulation Number 19 of 2005, then underwent changes and the last was Government Regulation Number 13 of 2015 concerning the Second Amendment to Government Regulation Number 19 of 2005 concerning National Education Standards. The Government Regulation on National Education Standards is felt to have not been able to meet the needs of the current education system, so it was replaced with Government Regulation of the Republic of Indonesia Number 57 of 2021 concerning National Education Standards. (Pemerintah, 2021)

Juridically the provisions in chapter IV of Government Regulation of the Republic of Indonesia Number 57 of 2021 concerning National Education Standards regulate the curriculum, more specifically the provisions in Article 40 paragraph (2) mandates a compulsory curriculum for primary and secondary education, while Article 40 paragraph (3) concerning compulsory curriculum for universities. The compulsory curriculum for primary and secondary schools includes religious education, civic education, language, mathematics, natural sciences, social sciences, arts and culture, physical and sports education, skills/vocational education, and local content. Meanwhile, the compulsory curriculum for higher education includes religious education, citizenship education, and language. The mandate contained in Article 40 concerning the compulsory curriculum for elementary schools, secondary schools, and tertiary institutions is not found.

Philosophically, Pancasila and Indonesian language subjects or subjects are personality development curricula, through personality development education it will shape the character, character, and abilities of the nation based on values that grow and develop in society, nation and state. Through Pancasila subjects or courses, it will produce a mental attitude that is intelligent, full of responsibility, and has a religious and Pancasila attitude. Meanwhile, through Indonesian, it will foster an attitude of pride in using Indonesian so that an appreciation for the importance of the values contained in the Indonesian language grows. (Hanum, 2020)

The importance of Pancasila and Indonesian language subjects or subjects to be included in the mandatory core curriculum for elementary

schools, secondary schools, and tertiary institutions requires confirmation in the regulation of legislation that is implementing the mandate of the law. Based on this background, it is interesting to conduct a critical analysis of government policies both from the juridical aspect and other aspects so as to produce recommendations for the reconstruction of government regulations on National Education National Standards.

RESEARCH METHOD

The implementation of this research uses normative juridical methods, the purpose of normative research is research that is focused on examining the application of rules or norms in positive law. Normative legal research is also called doctrinal legal research, because this research is carried out or aimed only at written regulations or other legal materials. This legal research is also referred to as library research. This is because research is mostly done on secondary data in the library and uses a statutory approach. (Ibrahim, 2012)

Research is generally distinguished between the data used and the data obtained, the data obtained through the literature study method is called secondary data, the secondary data itself consists of primary legal materials, secondary legal materials, and tertiary legal materials. Considering that this research uses a normative juridical method, the data used is secondary data. The use of data as primary legal material includes laws and regulations related to education, particularly in Government Regulations concerning National Education Standards. While secondary legal materials are sourced from literacy in the form of books, journals, and scientific papers that are relevant to the study being raised. Tertiary legal materials themselves are sourced from dictionaries, media, and other supporting information from primary legal materials and secondary legal materials.

RESULT AND DISCUSSION

Polemic substance pp. Number 57 of 2021 concerning national education standards

The provisions of Article 1 point 1 of Government Regulation of the Republic of Indonesia Number 57 of 2021 concerning National Education Standards provide the meaning of Education, namely "a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have religious spiritual strength, self-control, personality, intelligence, noble character, and skills needed by himself, society, nation and state. In line with this, the same meaning is also contained in Law Number 20 of 2003 concerning the National Education System. The process of

implementing learning requires a curriculum as a reference for national standards. The curriculum itself is "a set of plans and arrangements regarding the objectives, content, and learning materials as well as the methods used as guidelines for the implementation of learning activities to achieve certain educational goals".(Indonesia, 2021)

Juridically, the compulsory curriculum for primary and secondary education and tertiary institutions is stated in Article 40 of Government Regulation of the Republic of Indonesia Number 57 of 2021 concerning National Education Standards. The provisions of Article 40 do not explicitly mention Pancasila and Indonesian as the compulsory curriculum provided. Whereas Pancasila and Indonesian are compulsory subjects for students to take at the elementary, secondary, and tertiary levels.

One of the pillars of education to shape the character of love for the homeland is Pancasila and Indonesian Education. Pancasila itself has an important role to inspire the younger generation that the State of Indonesia was built on the noble values of Pancasila which include divinity, humanity, unity, deliberation and consensus, and social justice. So that Pancasila Education must be mentioned in the Government Regulation on National Education Standards as a mandatory curriculum, because Pancasila Education cannot be replaced with Citizenship Education in the Government Regulation.

Legal bias also occurs where Article 40 paragraph (2) letter "c" and Article 40 paragraph (3) letter "c" only mentions the word "language". The language words as listed will certainly result in multiple interpretations, interpretations can certainly occur by assuming English, Arabic, Regional Languages, or other languages. Although the language in question is certainly inseparable from Indonesian. In order to achieve legal certainty, it is necessary to clearly state Indonesian as a mandatory curriculum that must be provided in the education system, although other languages may be required in the compulsory curriculum.

Another reason for the need for reconstruction of Government Regulation of the Republic of Indonesia Number 57 of 2021 concerning National Education Standards is the occurrence of legal inconsistency between Article 40 paragraph (3) and Article 35 paragraph (3) of Law Number 12 of 2012 concerning Higher Education. The higher education curriculum that must be provided as mandated in Article 35 paragraph (3) of the Law on Higher Education is Religion, Pancasila, Citizenship, and Indonesian Language. Whereas in Article 40 paragraph (3) of Government Regulation Number 57 of 2021 the required higher education curriculum is religion, citizenship, and language.

Based on the knowledge of statutory regulations, it is known as a hierarchy, where the regulations below must not conflict with the rules above it, and the regulations below are implementing the regulations above. Hierarchically, it can be seen that government regulations are under the law, so that in order to achieve harmony and legal certainty, a legal reconstruction is required of the Government Regulation of the Republic of Indonesia Number 57 of 2021 concerning National Education Standards.

Critical analysis related to the elimination of pancasila education in pp. Number 57 year 2021

The world of education was shaken by policies that were deemed irrelevant. The government's policy in issuing Government Regulation (PP) Number 57 of 2021 concerning National Education Standards (SNP) dated March 30, 2021, has caused public controversy. After the issuance of PP Number 57 of 2021 regarding SNP which quickly circulated in the wider community, it has raised questions from various circles in the world of education. How is it possible that the name Pancasila can disappear without a rational reason.

The issuance of PP No. 57 of 2021 regarding SNP as stated in Article 40 paragraph (3) has removed the existence of Pancasila (and the Indonesian language) from the obligations of the Higher Education Curriculum, which certainly hurts the hearts of education circles. There is preamble evidence in PP Number 57 of 2021 which does not refer to the principle of *lex specialis* as referred to in Law (UU) Number 12 of 2012 concerning Higher Education in Article 35 paragraph (3) point c which clearly states that the Higher Education Curriculum must contain Pancasila. Tragically, the Ministry of Education and Culture still argues that PP No. 57 of 2021 regarding SNP is a mandate and a derivative of Law No. 20 of 2003 concerning the National Education System (UU Sisdiknas), so that the provisions regarding the higher education curriculum in PP SNP only follow the National Education System Law. On the other hand, legally, Law Number 12 of 2012 concerning Higher Education remains valid and does not conflict with the National Education System Law and the PP SNP itself and the Pancasila course remains a compulsory subject at the higher education level.

Carl J. Frederick's view on state policy as "a proposed course a given environment providing obstacles and opportunities which the policy was proposed to utilize and overcome in a effort to reach a goal or realize an objectives or a purpose". State policy is a series of actions proposed by a person, group or showing obstacles and opportunities for the implementation of the proposed policy in order to achieve certain goals.

In fact, the opinion of James E. Anderson gives a picture of wisdom as "A purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern". (Wisdom is a series of actions that have a specific purpose that is followed and carried out by an actor or group of actors to solve certain problems).(Lester & Jr, 2000) Anderson further stated that "Public policies are those develop by government bodies and officials".

In order for state policy to fulfill the demands (demand), public interest (public interest), and public opinion (support), as well as sources (resources) to support the demands, the state policy must be made as good as possible, and need to get a careful study and carefully, at every stage in the public policy process. If you want a policy to achieve the expected results, you are required to have a good plan followed by good policy implementation.(Suryono, 2016)

The government's efforts to overcome educational problems as part of efforts and solutions that are relevant to the current education gap situation are steps that need to be observed. Perhaps the policy holders forget that the national education of a nation becomes a unifying element, binder, grower and director of national ideals. Mistakes in placing education policies result in shocks that are prone to tearing diversity apart. The policy to abolish Pancasila as PP No. 57 of 2021 regarding the SNP feels unwise. The Ministry of Education and Culture "missed" because it did not explicitly include Pancasila as a compulsory subject. This makes the public heat up because in PP No. 57 of 2021 regarding the SNP, there is no mention of Pancasila. This means that the Pancasila policy in PP No. 57 of 2021 regarding the SNP must consider several related aspects

First Aspect, namely Aspect of Previous Regulations. Considerations for formulating PP No. 57 of 2021 regarding SNP should have looked at the previous regulations which were the main basis for elaborating or changing the rules. The previous regulations that should have been the basis of PP Number 57 of 2021 regarding SNP are as follows. First, the Amendment to the 1945 Constitution. The amendment to the 1945 Constitution has emphasized, especially in Chapter XIII on Education and Culture as stated in Article 31 paragraph (3) that the government shall endeavor and organize a national education system, which increases faith and piety as well as noble character in the context of the intellectual life of the nation, which is regulated by law.

Second, Law Number 20 of 2003 concerning the National Education System (Sisdiknas) which of course should not be seen in pieces. Because it is explained in article 38 paragraphs (3) that the higher education curriculum is developed by the concerned university by referring to the national education standard for each study program. Likewise, paragraph (4) states that the basic framework and structure of the higher education curriculum is developed by the

tertiary institution concerned with reference to national education standards for each study program. This means that national education standards should not be interpreted superficially, but need to be detailed and in-depth by considering other regulatory aspects.

Third, it is very clear and stated in Law Number 12 of 2012 concerning Higher Education as referred to in Article 35 paragraph (3) that the higher education curriculum as referred to in paragraph (1) must contain the following subjects: a. religion; b. Pancasila; c. Citizenship; and D. Indonesian. So that Law Number 12 of 2012 does not conflict with the National Education System Law and is linear with the PP SNP itself as well as the Pancasila course remains a mandatory subject at the higher education level accompanied by the side of regulation. Fourth, before the birth of PP Number 57 of 2021, there was Government Regulation Number 13 of 2015 concerning the Second Amendment to Government Regulation Number 19 of 2005 concerning National Education Standards as referred to in Article 17 paragraph (4) that the curriculum for the education unit level for each study program in higher education is developed and determined by each university with reference to the National Education Standards. The issuance of PP 57 of 2021 should complement the previous regulations that did not exist.

With the regulation of the compulsory higher education curriculum that has been regulated in Law Number 12 of 2012 concerning Higher Education, it is necessary to emphasize. The existence of Pancasila is mandatory in the curriculum in order to prevent further misunderstandings. It is not taboo if the Government is willing to cancel PP Number 57 of 2021 regarding SNP or revise Article 40 which contains the substance of the compulsory curriculum for various levels of education.

Fifth, there is a Decree of the Directorate General (Dirjen) of Higher Education Number 84/E/KPT/2020 concerning the Implementation of Guidelines for Compulsory Courses in Higher Education. The existence of PP Number 57 of 2021 concerning SNP must pay attention to the Decree of the Director General of Higher Education because it has previously regulated. There should not be any overlapping of the existence of PP No. 57 of 2021 concerning SNP against existing regulations.

Sixth, Presidential Regulation of the Republic of Indonesia number 8 of 2012 concerning the Indonesian National Qualifications Framework (KKNI). The development of higher education curriculum, especially Pancasila education courses, must be in accordance with the vision and mission of the institution in each study program. In this context, PP No. 57 of 2021 concerning the SNP must be revised because what will be reconstructed is the curriculum for

Pancasila education courses, the curriculum development must be adjusted to the vision, mission and objectives of the study program.

The stipulation of Presidential Regulation of the Republic of Indonesia number 8 of 2012 concerning the Indonesian National Qualifications Framework (KKNI) curriculum must of course refer to the scope of learning outcomes. Thus, Pancasila education courses, which are general courses and are mandatory for undergraduate and diploma programs, must have uniform learning outcomes for all students from various majors and educational study programs. The existence of PP Number 57 of 2021 concerning SNP should refer to Presidential Regulation of the Republic of Indonesia number 8 of 2012 concerning the Indonesian National Qualifications Framework (KKNI).

The second aspect is Educational Politics. The process of issuing any policy certainly cannot be separated from various political interests, including the formulation of PP Number 57 of 2021 concerning SNP. Because the so-called education reform will certainly involve many elements both at the level of the superstructure and infrastructure, the main goal of which is change and renewal in the field of education. The issuance of PP No. 57 of 2021 regarding the SNP certainly cannot be separated from the political interests of education behind it.

In the view of political scholars, education is known as two groups of schools: (Wong, 1995) who has vigorously proposed a conceptualization of the power structure and practice of democracy. The first is the "elitist" group that proposes a framework to focus on how the economic community and political elite closely dominate education policy-making. Second, the "pluralist" group, whose perspective focuses on educational policies that are influenced by competing interests, partisan disputes, and limited elections.

In line with Easton's theorization of the study of political systems by analyzing how authoritative decisions are made, political education policy analysis will be closely related to political decision-making processes (educational policy). It is in the decision-making process that the work of political mechanisms (input-process-output) greatly determines the accommodation and aggregation of values championed by the government, interest groups, and other community organizations. The process of accommodation and aggregation of interests requires a variety of negotiations.

Archer's View (Archer, 1985) grouping the types of negotiation in the political analysis of education, namely the type of "internal initiation," the type of "external transaction," and the type of "political manipulation." In the internal initiation type, efforts to change educational policies come from the education profession, such as teacher organizations or relevant educational

graduate groups. The purpose of the initiative can also vary, but it will always depend on the profession it acquires and the legal rights to realize it in everyday reality. At internal initiation it is necessary to exchange resources with external interest groups.

Meanwhile, in the type of external transaction, negotiations by internal education groups will involve external interest groups. On the other hand, specifically for the type of political manipulation, the negotiation process is intended to influence between the government and professional groups on the one hand, and the first type with the third type. On the other hand, it is also to provide rejection or support for the allocation of values that will be fought for as public policy.

Ironically, the formulation of PP No. 57 of 2021 regarding the SNP may not have gone through an open political process. So that when there is a gap in the formulation of PP Number 57 of 2021 regarding the SNP, other interests that are disturbed will react quickly in response to the rejection of existing policies. In fact, the public will reject or negotiate their interests in order to enter into the vortex of policies that benefit their interests.

The third aspect, namely Education Reformulation, Pancasila Education is one of the most important subjects for most countries in the world. This subject contains several contents of state politics which are directed at increasing the sense of nationalism of each country. Pancasila education basically boils down to political democracy. In the context of schooling, Pancasila education has the main obligation to make students smart and good citizens. Good citizens are citizens who have an understanding and awareness of their rights and obligations as Indonesian citizens.

In the modern context, nationalism is more directed at the concept of the highest loyalty to the nation and state. The state of Indonesia as a nation-state has undergone several stages of the process of developing nationalism. Based on this, it is important to reformulate Pancasila education in order to increase the values of nationalism. As the opinion that states the need for a re-conception of Pancasila Education in the 21st century in order to be able to effectively educate students to become citizens who have a function. So that the terminology of Pancasila education must be interpreted in a broad concept to face global challenges. Education reform will reap success when it bases transformative knowledge from mainstream knowledge. The reformulation which is intended to direct Pancasila Education to become one of the subjects that is able to make students have what is referred to as "Act locally and think globally" which is meant to maintain the values, culture, indigenous Indonesian customs, but has a perspective that does not lag behind the international scene.

Government Regulation Number 57 of 2021 concerning SNP must be interpreted broadly philosophically and ideologically. Pancasila education as one of political education, democratic education, and moral education within the scope of schooling, must be able to provide a complete understanding of the meaning of preserving national values which stem from the quality of Indonesianness.

From various existing aspects, the government should be willing to accept input in the revision process of PP No. 57 of 2021 concerning SNP. The Ministry of Education and Culture does not need to be in a hurry to propose revisions that only focus on one educational issue, but must look comprehensively at all issues of Pancasila education. The purpose of the revision of PP No. 57 of 2021 regarding the SNP should not only be due to public pressure and rejection, but how the strategy is to regulate and strengthen the implementation of the Pancasila curriculum and the practice of Pancasila values in the world of education.

CONCLUSION

The Pancasila education policy in Government Regulation Number 57 of 2021 concerning National Education Standards (SNP) must be revised. Pancasila must be a mandatory content in the Indonesian education system. Moreover, the goal of the Merdeka Learning program is the profile of Pancasila students as educational transformation. The introduction of Pancasila in the understanding and application of Pancasila became the main pillar of the transformation of Indonesian education.

The Pancasila education policy in Indonesia in the reform era through the revision of PP No. 57 of 2021 regarding SNP cannot be separated from the national politics behind it. Reforms in all aspects of national and state life through the revision of PP No. 57 of 2021 concerning SNP, in turn bring changes to the paradigmatic aspects of the study and learning of Pancasila education in Indonesia from the aspect of educational standardization.

Steps to revise PP No. 57 of 2021 regarding SNP require strengthening the position of Pancasila Education as a mandatory subject for personality development (as good citizens). In fact, on the other hand, the developers of Pancasila education hope that in the future the development of the substance of their studies will not depend on the change of regime of power. ■

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