

CURRENT COMMENTARY

CAN SCHOOL DAY POLICY HAVE AN IMPACT FOR
INDONESIA? RESPONSE TO MARIA DITA
KRISTIANA'S ARTICLE, "POLITICS OF LAW ON
SCHOOL DAYS POLICY: LEGAL REFORM ON
INDONESIAN EDUCATION POLICY", JOURNAL OF
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ABSTRACT

This paper is a commentary on Maria Dita Kristiana's article, entitled Politics of Law on School Days Policy: Legal Reform on Indonesian Education Policy, published in *Journal of Law and Legal Reform*, 1 (1), pp. 5-24 (previous edition). The author emphasizes this comment on aspects relating to the method used by the author, and criticism of the relevance of the theory used. The article, written by Maria Dia Kristiana, can be used as reference material for further research relating to the political politics of education in Indonesia

Keywords: *Law, Policy*

COMMENT

Article written by Maria Dita Kristiana and published in the Journal of Law and Legal Reform, Vol. 1 No. (1). p. 5-24, it is very interesting to be further analyzed and commented on. That is because the issue written is an interesting issue and is still being updated. I tried to analyze the article in terms of advantages and disadvantages. There are some things that I will criticize and also appreciate. There are at least four things that will be reviewed in this paper on the article. The four things meant include introduction, method, discussion or content and closing. First, the author's preliminary or scientific reasons are related to school day legal politics. There are at least three scientific reasons that must be raised in each article, namely normative reasons, empirical reasons, and sociological reasons. Maria Dita Kristiana has accomplished this by outlining three scientific reasons for writing articles. The description written as a scientific reason is also quite detailed and sharp. At this point I give appreciation in raising the political issue of school day law based on scientific reasons.

Secondly, the research method conducted by Maria Dita Kristiana is related to the article written. I, in this condition, criticize the method used by the author. There are some things that must be considered and are worth asking. Starting from taking the location that is less precise. I personally question the method of location taking in research related to school day legal politics. The author only takes the location in the city of Semarang with the assumption that it represents the regency/city in Central Java. The justification has represented certainly not appropriate because it only took one city to represent 35 regencies/cities. This is clearly irrational because the city is considered to have also represented a district. Even though the condition of the city and regency is not necessarily the same. Likewise, the conditions of regencies/cities in Central Java are not necessarily the same as those of Semarang City. Culture and geography in each regency/city in Central Java are not always the same, so it is not quite right if it is stated that one city has represented thirty-five regencies/cities.

Furthermore, school sampling is also questionable. Maria Dita Kristiana in this case took four schools as research samples. The four schools were taken based on regional representation, namely north, west, south and east. This is not relevant to the research topic taken by the author that is related to full day school. Schools that should be used as research samples are not based on regional location but based on the implementation of full day school. This means that what should be sampled at least are schools that implement full day schools with schools that do not implement full day schools. So that more complex variables can be added between public schools and private schools then religion-based schools with non-faith-based schools. Sampling with these variables is more likely to represent the picture of full day school implementation in one area.

Third, it goes into discussion or content. I understand that the actual writing of Maria Dita Kristiana is to find legal politics from having a full day school. But in reality she does not write or make related to the construction of legal politics or what

is actually meant by legal politics. Construction or definition related to legal politics is very mandatory to be explained in detail first. This is because the foundations and instruments of analysis of the writing are actually done with the theory or definition of legal politics. The author has not done what is called by explaining or explaining the political theory of law. Even the definition of legal politics itself has not been described in detail by the author.

In fact, when talking about this, there are some things that must be observed, as confirmed by Moh. Mahfud MD in a book (2009: 1) that: "Political law is the legal policy or official line (policy) about the law that will be enforced either by making new laws or by replacing old laws, in order to achieve the goals of the country. Thus the politics of law is a choice of laws that will be enacted as well as choices about laws that will be revoked or not enacted which are all intended to achieve the objectives of the state as stated in the opening of the 1945 Constitution" (Mahfud MD, 2009).

Mahfud MD's opinion regarding legal politics can be concluded that legal politics is a legal policy issued by the state to realize state objectives in accordance with the Preamble of the 1945 Constitution of the Republic of Indonesia or the 1945 Constitution. If Mahfud MD's opinion on legal politics is related to written topics by the author, what is meant by legal policies issued by the state is the Minister of Education and Culture Regulation Number 23 of 2017 concerning School Days (Mahfud MD, 2009; Ulum & Wildana, 2019). The question is, has the Minister of Education and Culture Regulation No. 23 of 2017 concerning School Day reached the country's goals in accordance with the Preamble to the 1945 Constitution? Speaking related to the purpose of the state in accordance with the Preamble to the 1945 Constitution, there are many objectives, but the closest approach to the writings written by researchers is that the purpose of the state contained in the Preamble to the 1945 Constitution is to educate the life of the nation.

This means that it can be said briefly that the legal politics of Minister of Education and Culture Regulation No. 23 of 2017 concerning School Day is to educate the life of the nation. Has this been realized? Mahfud MD again states that there are at least three ways to investigate related to the realization of legal politics in a legal policy. The three methods referred to include (1) legal policies issued in this case Minister of Education and Culture Regulation Number 23 Year 2017 concerning School Days; (2) chronology in this case the reason for the birth of Regulation of the Minister of Education and Culture No. 23 of 2017 concerning School Days; and (3) law enforcement in this regard is the enforcement of Minister of Education and Culture Regulation No. 23 of 2017 concerning School Days. Those are the three ways that must be done to find out whether there is legal politics or not (Mahfud MD, 2009)

The point is the author has not stated explicitly what the legal politics of the Minister of Education and Culture Regulation Number 23 of 2017 concerning School Day and whether it has been realized or not. This clearly makes the research conducted by researchers on the politics of full day school law still with summary results. There is no emphasis as to what form of legal politics the Minister of Education and Culture Regulation No. 23 of 2017 concerning School Day and how to make it happen.

In the next discussion, the author elaborated related to the implementation of Minister of Education and Culture Regulation No. 23 of 2017 concerning School Day in Semarang City. The author has even taken a conclusion that is actually very premature. The conclusion drawn by the author is related to the implementation of the Minister of Education and Culture Regulation No. 23 of 2017 concerning School Days in the City of Semarang can be said to be premature. This is inseparable from the lack of appropriate methods. The method which is less precise will obviously affect the sample studied by the author. Moreover, the author also provides a framework or formula in the implementation of Minister of Education and Culture Regulation No. 23 of 2017 concerning School Days. What is the basis for the writer to provide the formula which consists of four aspects, namely communication, disposition, human resources, and bureaucracy? Is it true that the results of research conducted with samples that are almost the same in variables can provide conclusions and as a material to make a formula? of course this is a fundamental question.

Finally, it is related to the conclusion of the writings written by the author, which can be said in accordance with what the writer described in the discussion. But the question is, has the conclusion written by the author answered the problem formulation? In general, the conclusions written by the author have answered the problem formulation, but actually if traced from the method and construction of the theory, the conclusions written by the author have not answered the problem statement explicitly. Then related to recommendations can be said to be still normative.

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