

Sekolah Rakyat and the Fulfillment of the Right to Education From a Constitutional Law Perspective

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Abstract

This study examines the constitutional validity of the Sekolah Rakyat program as a state mechanism for fulfilling the right to education under Articles 31 and 34 of the 1945 Constitution of Indonesia. Despite the formal guarantee of tuition-free education, structural barriers—including subsistence costs, transportation expenses, and opportunity loss—continue to prevent economically marginalized groups from accessing education. This research employs a qualitative descriptive-analytical method using a constitutional law approach, supported by statutory, doctrinal, and jurisprudential analysis, including Constitutional Court Decision Number 3/PUU-XXII/2024. The findings reveal that Sekolah Rakyat, through its fully funded boarding school model, transforms abstract constitutional guarantees into substantive educational access by eliminating structural resource barriers that conventional free education policies fail to address. This study advances constitutional law scholarship by conceptualizing state-funded boarding education as an enforceable constitutional obligation rather than a discretionary social policy. However, the research also identifies critical risks related to institutional fragmentation, governance incoherence, and fiscal sustainability, which may undermine its constitutional function. Therefore, the study argues that comprehensive legal institutionalization, integrated governance, and sustainable public financing are essential to ensure the program's permanence and effectiveness. This research provides theoretical and policy contributions by strengthening the legal framework for socio-economic rights protection and offering a model for embedding transformative education policies within binding constitutional obligations to achieve substantive equality and sustainable human capital development.

Keywords: *Constitutional Law; Human Capital Development; Sekolah Rakyat; The 1945 Constitution*

1. INTRODUCTION

Prabowo Subianto, the President of the Republic of Indonesia, has emphasized since taking office that his administration will implement changes in various sectors to address both domestic and global challenges. The policies announced include food security and agricultural infrastructure, the provision of quality education with equal access, and job creation and poverty alleviation. These three priorities are crucial because they touch on the welfare of the people, economic competitiveness, and sustainable development strategies. In his remarks at the 2025 National Teachers' Day commemoration, President Prabowo Subianto emphasized that "The quality of education is the main determinant of a nation's progress". Indonesia has made a clear political decision to prioritize education as the foremost pillar of national development. The term "prioritize" implies a legal obligation for allocative efficiency. The boarding model of the Sekolah Rakyat requires a significantly higher level of capital investment than standard day schools. This fiscal disparity poses a risk that the substantial operational costs of these institutions could deplete the aggregate education budget. If such disproportionate spending

undermines the quality or accessibility of public education for the general public, then the policy would contravene the constitutional principle of distributive justice by failing to ensure the equitable distribution of resources. This article will outline the urgency of one of the priority programs in literature, official data, and its implications for state governance. This article the context of establishing quality education during the administration of President Prabowo Subianto, namely the Sekolah Rakyat program, which is then supplemented with analysis from scientific critically interrogates the urgency of the Sekolah Rakyat program, questioning whether this flagship initiative of President Prabowo Subianto serves as a permanent constitutional answer to structural poverty, or merely stands as a discretionary political remedy vulnerable to future executive shifts.¹

To fulfill the state's constitutional mandate, the Sekolah Rakyat Program is set to expand its coverage to elementary, junior high, and senior high levels starting in the 2025/2026 academic calendar. This initiative represents a targeted intervention to provide accessible, high-standard education for underprivileged youth, thereby aligning government policy with the fundamental social rights of the populace. The expansion of the Sekolah Rakyat Program across primary and secondary levels serves as a critical stress-test for the state's adherence to Article 5 of Law Number 20 of 2003, fundamentally shifting the paradigm from mere tuition waivers to a holistic boarding school model. This approach implicitly acknowledges that for the ultra-poor, the constitutional guarantee of 'quality education' is legally unenforceable without the concurrent provision of accommodation and nutrition to neutralize persistent structural economic trade-offs.

This initiative transcends the boundaries of discretionary executive policy; it represents a targeted constitutional intervention. Statutorily, the program aligns with Article 5 of Law Number 20 of 2003 on the National Education System, which guarantees every citizen's right to quality education. However, its constitutional validity becomes fundamental when analyzed through Article 31(1) of the 1945 Constitution and the recent Constitutional Court Decision Number 3/PUU-XXII/2024. By adopting a boarding school model that provides full accommodation and nutrition rather than merely waiving tuition fees, Sekolah Rakyat serves as a critical constitutional instrument designed to dismantle structural "resource barriers," specifically the living, transportation, and opportunity costs that remain unreachable by conventional free education schemes. Consequently, to prevent this mechanism from remaining a transient political commodity, legal institutionalization is imperative to transform the program from a discretionary executive measure into a binding state obligation that guarantees fiscal permanency and withstands executive succession.

¹ Muharam, Kautsar Ibnu, and Teguh Kurniawan. "Implementasi Kebijakan Program Sekolah Rakyat Kementerian Sosial RI (Studi Kasus: Sekolah Rakyat Menengah Atas 10 Jakarta Selatan)." *Jurnal Spektrum Analisis Kebijakan* 15, no. 1 (2025): 1–15. <https://doi.org/10.33007/ska.v15i1.3739>.

The administration of President Prabowo Subianto has set a significant budget allocation plan for the Sekolah Rakyat program in the 2026 Draft State Budget. Based on fiscal planning documents, the budget has increased substantially by 255.71%, from IDR 7 trillion in 2025 to IDR 24.9 trillion in the following fiscal year.² As recorded in the Financial Memorandum and 2026 Draft State Budget, the education budget is set at Rp 757.8 trillion. This figure is up 4.63% compared to the 2024 budget of Rp 724.3 trillion.³ This budget increase reflects the government's commitment to expanding access to and strengthening the quality of equitable basic education. The current Indonesian administration has unequivocally positioned educational investment as a primary state directive, acknowledging that in this rapidly developing digital age, the quality of Human Resources in the education sector is a determining factor in the success of national development.

In this rapidly developing digital age, the quality of Human Resources in the education sector is a determining factor in the success of national development. Improving the quality of human resources through investment in human capital, such as education and training, is crucial to facing the challenges of globalization and rapid technological advances.⁴ Education that focuses on developing digital skills and innovation is essential to prepare educators and students to face increasingly complex challenges. Allocating resources toward human capital elevates individual proficiency, which in turn bolsters the economic resilience and competitive standing of the nation.⁵ To achieve this, it is essential to build a strong foundation of digital and media literacy within educational curricula, ensuring that citizens are well-equipped to navigate the complexities of the modern era.⁶ Low levels of education are a major determinant contributing to the reproduction of intergenerational poverty. Children from economically vulnerable families are more likely to drop out of school due to financial constraints, a lack of learning support at home, and limited access to adequate educational facilities. According to the data, approximately 19.2% of children between the ages of 16 and 18 are not attending school, and 76% of their families cite economic factors as the main reason.⁷ This educational deficit reduces individuals'

² Kementerian Komunikasi dan Digital. "Anggaran Sekolah Rakyat Rp7 triliun tersebar di berbagai Kementerian." Berita Pemerintahan. 2025. Retrieved February 3, 2026. <https://www.komdigi.go.id/berita/berita-pemerintahan/detail/anggaran-sekolah-rakyat-rp7-triliun-tersebar-di-berbagai-kementerian>.

³ Kementerian Keuangan Republik Indonesia. Nota Keuangan APBN Tahun Anggaran 2025. (Jakarta: Kementerian Keuangan, 2025).

⁴ Sumual, Tinneke, Harow Lumapow, and Victory Rotty. "The Role of Human Capital Investment in Improving the Quality of Human Resources (HR) in Education in the Digital Era." *Asian Journal of Engineering, Social and Health* 3, no. 11 (2024). <https://doi.org/10.46799/ajesh.v3i11.449>.

⁵ Ridwan, Mahmud. "Pembangunan Sumber Daya Manusia pada Sekolah Kejuruan di Indonesia: Tantangan dan Peluang di Era Revolusi Industri 4.0." *Moderasi: Jurnal Studi Ilmu Pengetahuan Sosial* 2, no. 1 (2021): 1–10. <https://doi.org/10.24239/moderasi.Vol2.Iss1.35>.

⁶ Schülenkorf, Tessa, V. Krah, K. Dadaczynski, and O. Okan. "Addressing Health Literacy in Schools in Germany: Concept Analysis of the Mandatory Digital and Media Literacy School Curriculum." *Frontiers in Public Health* (2021). <https://doi.org/10.3389/fpubh.2021.687389>.

⁷ Pusat Layanan Pembiayaan Pendidikan Kemdikbudristek. "Fakta PIP mampu turunkan angka putus sekolah." Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi. 2024. Retrieved February 3, 2026. <https://puslapdik.kemdikbud.go.id/fakta-pip-mampu-turunkan-angka-putus-sekolah/>.

capacity to compete in the labor market and access quality jobs, thereby reinforcing the mechanisms of poverty reproduction that are difficult to break.

Rizqillah (2025) highlight the Sekolah Rakyat program as a fundamental strategy for inclusive education, specifically intended to increase accessibility for Indonesia's marginalized demographics. The initiative underscores the strategic importance of education in fostering human rights equality, which is particularly vital for populations grappling with socio-economic inequities. In the contemporary Indonesian setting, the Sekolah Rakyat framework initiated by President Prabowo serves as a direct intervention to address the necessity for inclusive, empowering, and equitable educational pathways. The findings demonstrate that Sekolah Rakyat serves as a mechanism for achieving equitable education through three primary channels: the application of contextual learning rooted in the community, the deliberate promotion of social equality values, and the integration of local stakeholders into the active learning process.⁸

A notable recent contribution to the discourse on education in Indonesia is the research conducted by Syafii (2021), which investigates the intersection of digital culture and academic practice. Published in the *International Journal of Educational Technology and Learning*, the study explores the transformative capacity of digital integration to optimize teaching methodologies and improve student engagement levels across the Indonesian educational system. They highlight several free educational resources available online that are designed to increase access and improve the quality of education, particularly in underserved regions. Numerous scholars have explored the discourse surrounding the government's effort to reduce educational inequality through the Sekolah Rakyat initiative.⁹ Mahrowi (2025) identifies the Sekolah Rakyat program as a pivotal initiative of President Prabowo Subianto's government, established in July 2025 to bridge educational gaps and alleviate extreme poverty. Under the mandate of Presidential Instruction No. 8 of 2025, this model provides a comprehensive, state-funded boarding school system for students from elementary to high school levels, ensuring that all necessities, including housing and uniforms, are provided free of charge. Mahrowi concludes that for the program to move beyond being a political symbol, the government must prioritize rigorous quality control, clear accreditation standards, and the improvement of school infrastructure in marginalized areas.¹⁰

While Rizqillah (2025) characterize community-based inclusive education primarily as a social strategy, this paper asserts that the boarding school model is a necessary legal intervention to

⁸ Rizqillah, Rizqilah, and Miftahul Ulum. "Sekolah Rakyat sebagai Strategi Pendidikan Inklusif untuk Pemberdayaan SDM Marginal di Indonesia: Analisis Program Era Presiden Prabowo." *Causa: Jurnal Hukum dan Kewarganegaraan* 13, no. 8 (2025): 1–10. <https://doi.org/10.6679/xve4jw22>.

⁹ Izah, Nurul, and Siti Muyasaroh. "Analisis Wacana Kritis Program Sekolah Rakyat sebagai Upaya Pemerataan Pendidikan di Indonesia." *Jurnal Pendidikan Tambusai* 9, no. 2 (2025): 27525–27531. <https://doi.org/10.31004/jptam.v9i2.31294>.

¹⁰ Mahrowi, Agus F. "Polemik Pendidikan di Indonesia antara Hak Rakyat dan Tanggungjawab Negara." *Educatum: Jurnal Dunia Pendidikan* 3, no. 1 (2024): 13–32. <https://doi.org/10.62282/je.v3i1.13-32>.

mitigate "resource barriers," including transportation costs and the immediate economic pressures on families, which standard free-schooling policies often fail to overcome. Beyond the narrative of empowerment, this paper introduces a critical sociological dimension, arguing that targeting students exclusively based on low-income status risks institutionalizing social stigma and the internalization of "poverty labels". In conclusion, this research advocates for the transformation of Sekolah Rakyat from a transient remedial social intervention into a permanent, stable constitutional pillar. This evolution must be supported by coherent cross-sectoral governance and a substantial fiscal commitment, with budget projections estimated to reach Rp24.9 trillion by the 2026 fiscal year.

In mapping the state of the art, existing research has predominantly characterized the Sekolah Rakyat and similar state-funded boarding initiatives through the lens of social welfare policy or inclusive education management. Prominent studies, Rizqillah frame the program primarily through the lens of social inclusion, characterizing it as a strategic intervention designed to advance human rights equality for marginalized populations. Similarly, Mahrowi identifies the initiative as a crucial poverty alleviation tool under Presidential Instruction No. 8 of 2025, focusing on its operational capacity to provide comprehensive necessities like housing and uniforms. Complementing these perspectives, Syafii emphasizes the pedagogical dimension, exploring how digital integration and online resources can optimize engagement in underserved regions. Although these studies provide significant contributions, they tend to evaluate such programs primarily as discretionary political policies or as social safety nets designed to alleviate poverty.

Consequently, a significant research gap exists in the current academic literature regarding the constitutional enforcement of this educational model. While previous works have extensively covered the pedagogical and sociological impacts of free boarding schools, there is a paucity of research examining the Sekolah Rakyat as a specific constitutional instrument to overcome structural resource barriers. This article fills that void by analyzing how the boarding school model serves as a necessary constitutional mechanism to address the "hidden costs" of education, such as transportation and living expenses, that conventional free school policies fail to cover. By doing so, this study contributes to the development of constitutional law and education policy studies, offering a novel framework that reinterprets state-funded boarding schools as a requirement for substantive equality rather than mere policy benevolence.

It is a mandatory constitutional requirement that every policy implemented by the Indonesian government be fundamentally grounded in the mandates of the 1945 Constitution. This mandate is an obligation that must be carried out for the benefit of the Indonesian people. The existence of this article is not only a basis but also reinforces the urgency of creating policies aimed at improving the welfare of the people. The same applies to the launch of the Sekolah Rakyat Program, which aims to provide Indonesian children with access to quality education. Article 31

Paragraph (1) of the 1945 Constitution mandates that “Every citizen has the right to education.” This means that the state is obliged to guarantee the right of every citizen to obtain a proper education without discrimination, which is the constitutional basis for the Sekolah Rakyat Program.

Article 34 Paragraph (1) of the 1945 Constitution mandates that “the poor and neglected children shall be cared for by the state.” These articles provide the normative basis that the government must provide educational facilities for children who are socially and economically disadvantaged. The Sekolah Rakyat program represents a concrete form of the state's efforts to care for vulnerable citizens by providing free education, adequate supporting facilities, and psychological counseling services. Rather than being interpreted as a mere political strategy of President Prabowo Subianto’s administration, this policy constitutes a critical test of state compliance, demanding that the constitutional mandate for social rights be translated into enforceable guarantees rather than remaining abstract executive rhetoric. However, the effectiveness of this policy is not without challenges, both at the conceptual and operational levels, which require critical analysis of policy design, implementation mechanisms, and the institutional capacity of the government to ensure its sustainability. Therefore, this paper will examine in depth the dynamics between policy ideals and the reality of implementation in the field.¹¹

The introductory description of the objectives of the Sekolah Rakyat Program initiated by President Prabowo Subianto's administration leads to reflective questions about the extent to which the implementation of the Sekolah Rakyat truly represents the constitutional mandate as stated in the 1945 Constitution of the Republic of Indonesia, particularly in its efforts to educate the nation. This question is the starting point for analyzing whether the policy is not only symbolic but also substantive in realizing the right to education for all citizens, especially those who are most socially and economically vulnerable. Second, a fundamental question within this governance framework is whether the Sekolah Rakyat program can function as a substantive driver for enhancing Indonesia’s human capital. Under the welfare state doctrine, state-funded education is justified not merely by improvements in individual cognitive competencies, but by its capacity to generate a tangible multiplier effect on the socio-economic mobility of households.

2. METHOD

This study applies qualitative methods with a descriptive-analytical approach and a legal approach. Qualitative methods are used to obtain a comprehensive understanding of the implementation of the Sekolah Rakyat Program in an effort to improve the quality of human resources (HR) and its implications for the socio-economic conditions of families, through

¹¹ Indonesia. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. (Amandemen IV). (Jakarta: Sekretariat Jenderal MPR RI).

exploring the meanings, experiences, and perspectives of students, parents, educators, and school administrators. Complementing this empirical view, the legal approach is strengthened through the analysis of secondary legal materials. This involves a systematic review of legal literature, scholarly doctrines, and relevant jurisprudence to interpret the constitutional mandates, specifically Article 31 (1) and Article 34 (1) of the 1945 Constitution. The analysis is not only limited to technical implementation aspects but also includes the normative-legal dimension as a public policy that is required to reflect the principles of justice, equity, and the intellectual development of the nation. By synthesizing these approaches, the analysis extends beyond technical implementation metrics to address the normative-legal dimension, assessing whether the policy truly manifests the state's obligation to uphold principles of justice.

3. RESULTS AND DISCUSSION

3.1 Conceptual and Legal Basis of the Sekolah Rakyat Program

The conceptual basis of the Sekolah Rakyat Program is rooted in the view that education does not merely function as a process of knowledge transfer, but also as a strategic instrument in shaping competitive human resources. Within the framework of national development, education is positioned as a determining factor that has a multiplicative effect on improving social welfare and economic growth.¹² Beyond its function in long-term individual skill enhancement, education acts as a critical structural catalyst for integrated, sustainable development. It plays a decisive role in fortifying the infrastructure of human resources and solidifying the foundations of economic productivity.¹³ Elevating educational standards represents an absolute necessity, given that a capable and learned citizenry serves as the cornerstone for success across all levels of social and professional organization.¹⁴ In this context, the existence of the Sekolah Rakyat Program can be seen as a concrete strategy to expand access to quality education, thereby supporting human capital transformation and strengthening national competitiveness. Human Capital Theory posits that investment in education serves as a fundamental determinant of increased labor productivity, as argued by Schultz. Education serves as a means to create a more skilled, efficient, and innovative workforce, thereby contributing directly to increased economic output.¹⁵

Legally, the establishment of Sekolah Rakyat must be framed not as a benevolent policy alternative, but as a non-negotiable constitutional imperative essential to redress the systemic

¹² Anies, A., and M. Ikhsan. "Sentiment Analysis of 'Free Lunch for Children' Policy on Social Media X Using Random Forest Algorithm." *Journal of Information Systems and Informatics* 7, no. 1 (2025): 649–662. <https://doi.org/10.51519/journalisi.v7i1.1039>.

¹³ Sudarwati, Ninik, and Sidrotun Naim. "The Urgency of Education in Economic Development and Human Resources: A Theoretical Perspective." *Tadbir: Jurnal Studi Manajemen Pendidikan* 6, no. 2 (2021). <https://doi.org/10.29240/jsmp.v6i2.4667>.

¹⁴ Hanushek, Eric and Ludger Woessmann. *The Role of Education Quality in Economic Growth*. (Washington DC: World Bank, 2007).

¹⁵ Schultz, Theodore W. *Investment in Human Capital: The Role of Education and of Research*. (New York: Free Press, 1971).

negligence of the state in realizing educational equity. While Article 31 paragraph (1) of the 1945 Constitution explicitly commands that "Every citizen has the right to education", the persistence of educational exclusion among the poor exposes a critical gap where this "fundamental right" has remained normatively absolute yet empirically inaccessible for marginalized demographics. Furthermore, the constitutional mandate in Article 31 paragraph (3) for the government to "strive for and implement a national education system that enhances faith, piety, and noble character in order to educate the nation" risks becoming a hollow promise if the system itself remains structurally exclusionary due to economic barriers. Consequently, the Sekolah Rakyat Program does not merely fulfill a bureaucratic function; it serves as a necessary materialization of these norms, proving that the "government's obligation" extends beyond establishing schools to actively dismantling the obstacles that prevent the realization of "fair, equitable, and quality education" as envisioned by the Constitution.

The right to state care for the poor and neglected children is an integral part of the economic, social, and cultural rights guaranteed by the constitution. This is explicitly stated in Article 34 paragraph (1) of the 1945 Constitution, which states that "*The poor and neglected children shall be cared for by the state*"¹⁶ This norm indicates the constitutional obligation of the state to protect and fulfill the basic needs of vulnerable groups through policies and programs oriented towards social welfare. This provision is also closely related to other constitutional rights guaranteed in Articles 28C and 28H of the 1945 Constitution, which recognize the right of every citizen to develop themselves and obtain social security. Furthermore, this principle is in line with international standards through the International Covenant on Economic, Social, and Cultural Rights, which Indonesia ratified through Law No. 11 of 2005, thereby strengthening the legal legitimacy for the implementation of public policies, including the provision of free education for the underprivileged.¹⁷

Furthermore, the legal basis at the legislative level is outlined in Law No. 20 of 2003 concerning the National Education System (Sistem Pendidikan Nasional). This law emphasizes that education must be conducted in a democratic, equitable, and non-discriminatory manner, as well as upholding human rights, religious values, and cultural diversity. In addition, Article 3 of the National Education System Law states, "*National education serves to develop abilities and shape the character and civilization of a dignified nation, with the aim of developing the potential of students to become people who are faithful, pious, noble, healthy, knowledgeable, capable, creative, independent, and become democratic and responsible citizens.*" This article emphasizes the objectives of national education, namely the development of students' potential to become people who are faithful, pious, noble, healthy, knowledgeable, skilled, creative,

¹⁶ Indonesia. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. (Amandemen IV). (Jakarta: Sekretariat Jenderal MPR RI).

¹⁷ Indonesia. Undang-Undang Nomor 17 Tahun 2007 tentang Rencana Pembangunan Jangka Panjang Nasional Tahun 2005–2025.

independent, and become democratic and responsible citizens. The formulation of these objectives is in line with the ideals of the Sekolah Rakyat Program, which seeks to expand access to quality education in order to produce a productive and competitive generation.¹⁸

From a national development perspective, Law No. 25 of 2004 on the National Development Planning System and Law No. 17 of 2007 on the 2005–2025 National Long-Term Development Plan (RPJPN) place education as a strategic development priority.¹⁹ Both regulations emphasize that educational development is a key instrument for creating high-quality human resources who are adaptable to global changes and capable of supporting the nation's economic transformation. In other words, educational development is not only understood as the fulfillment of basic rights, but also as a long-term investment in sustainable development.

Furthermore, Government Regulation No. 57 of 2021 concerning National Education Standards provides operational guidelines for the implementation of education. This regulation stipulates standards for content, processes, graduate competencies, teaching staff, infrastructure, management, financing, and education assessment. The presence of this regulation serves to ensure that all forms of education, including public schools, remain within the nationally established quality standards.²⁰ This is important to ensure equality in quality among educational institutions and prevent disparities in educational services.

Constitutional Court Decision Number 3/PUU-XXII/2024 regarding the state's obligation to guarantee free basic education for all citizens, both in public and private schools, reaffirms the constitutional function of the state as the main party responsible for fulfilling the right to education. The ruling expands the meaning of compulsory education, which was originally limited to public education institutions, to also include education institutions run by the community. Normatively, this decision reinforces the mandate of Article 31 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms the government's obligation to finance basic education for every citizen.²¹ The constitutional obligation of the state to finance basic education, as mandated by Article 31 Paragraph (2) of the 1945 Constitution, applies to every citizen; consequently, the scope of state responsibility is not limited solely to public educational institutions but extends to encompass community-run (private) educational institutions. Therefore, the constitutional interpretation of 'compulsory education' must be construed to cover both sectors, mandating the state to guarantee tuition-free basic education in both public and private schools as a manifestation of the state's primary function in fulfilling the right to education.

¹⁸ Indonesia. Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional. Lembaran Negara Republik Indonesia Tahun 2003.

¹⁹ Mahkamah Konstitusi Republik Indonesia, Putusan Nomor 3/PUU-XXII/2024 (Jakarta: Mahkamah Konstitusi).

²⁰ Indonesia. Undang-Undang Nomor 2 Tahun 1989 tentang Sistem Pendidikan Nasional. Lembaran Negara Republik Indonesia Tahun 1989.

²¹ Indonesia. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. (Amandemen IV). (Jakarta: Sekretariat Jenderal MPR RI).

In the context of the Sekolah Rakyat Program, this ruling has strategic relevance because it reinforces the role of the state in guaranteeing access to education for poor and extremely poor groups through public financing mechanisms. Thus, the program can be understood not only as a social initiative, but also as a concrete manifestation of the state's constitutional responsibility to realize equal opportunities in education. However, the implementation of the “no fees” principle as stipulated by the Constitutional Court still faces structural challenges, including limited fiscal capacity, regional disparities, and accountability mechanisms for private educational institutions receiving public funding.

The constitution provides normative legitimacy in the form of the right to education, while laws detail the objectives and principles of education administration. Meanwhile, development planning regulations and government regulations set the direction, priorities, and standards for implementation.²² To ensure the sustainability of Sekolah Rakyat, the government should actively harmonize the normative legitimacy provided by the Constitution with the technical objectives detailed in education laws and development regulations. By establishing strict regulatory coherence, the state must guarantee that this program functions not merely as a temporary policy initiative, but as a permanent and standardized manifestation of its constitutional obligation to improve national competitiveness.

The Indonesian people were required to strengthen their identity as an independent nation in order to stand on equal footing with other great nations in the world. These efforts required creative innovation and collective responsibility for national progress. Indonesia's liberation from colonialism also fostered a new awareness and strengthened the sense of unity among various ethnic groups, which in turn gave birth to a shared determination to build a national life based on mutual trust.²³ It cannot be denied that our nation is currently at a crossroads. Our lives are being lived amid a torrent of cultural and civilizational influences from outside, which have emerged as a consequence of rapid advances in science and technology and have driven globalization in various aspects of life.

After eight decades of independence, it must be acknowledged that Indonesia has made significant progress in various sectors of national life. However, this progress has also been accompanied by an alarming decline in mental and moral values, which poses challenges for the future development of the nation. This decline is evident in the erosion of public trust, widespread manipulation, hypocrisy, and repeated scandals in the political, legal, economic, and socio-cultural spheres. In this context, it is important to boost the enthusiasm of the Indonesian people to pursue good quality education. Education is not only a means of developing

²² Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi (PANRB). “Sekolah Rakyat, Terobosan Presiden Prabowo Putus Mata Rantai Kemiskinan.” 2025. Retrieved February 3, 2026. <https://www.menpan.go.id/site/berita-terkini/berita-daerah/sekolah-rakyat-terobosan-presiden-prabowo-putus-mata-rantai-kemiskinan>.

²³ Mintarsih, Mimin, A. Abustan, and A. Gayo. “Development and Education Human Right Based.” *AMCA Journal of Education and Behavioral Change* 2, no. 2 (2022): 190. <https://doi.org/10.51773/ajeb.v2i2.190>.

intellectual capacity, but also a foundation for strengthening moral values, integrity, and national character. A strong commitment to education ensures that progress in various fields is balanced with ethical responsibility, thereby sustaining the nation's development and strengthening its dignity among other nations. Moreover, the existence of Sekolah Rakyat signifies a constitutional paradigm which expands state responsibility beyond basic financing to include robust institutional design and rigorous quality standards. Consequently, the commitment to education, as manifested in programs like Sekolah Rakyat, must be critically evaluated on its ability to guarantee these rights, ensuring that national development is underpinned by a constitutionally compliant educational infrastructure rather than abstract ethical aspirations alone.

Education from a constitutional law perspective is not only an instrument of economic development, but also a constitutional right guaranteed by the state. The Indonesian Constitution, through Article 31 of the 1945 Constitution, affirms that every citizen has the right to education and that the government has the obligation to organize a quality national education system. Thus, state spending on the education sector is not merely a development policy, but rather the realization of a constitutional obligation to fulfill the rights of citizens. This will lead to a reduction in unemployment, poverty alleviation, and ultimately drive national economic growth. This condition shows how the implementation of the right to education has a direct impact on the achievement of the country's goals as mandated in the Preamble to the 1945 Constitution, namely, to promote general welfare.²⁴

The education budget allocation policy is both a legal and political instrument for optimizing the function of the state. The policy of allocating a minimum of 20% of the education budget in the Draft State Revenue and Expenditure Budget (Rencana Anggaran Pendapatan dan Belanja Negara) is a form of implementing the constitutional mandate as stated in Article 31 paragraph (4) of the 1945 Constitution of the Republic of Indonesia. This provision emphasizes that the state has an obligation to guarantee the implementation of national education through adequate financial support. This constitutional principle is further reinforced in Law Number 20 of 2003 concerning the National Education System, which regulates in more detail the state's obligation to provide resources for the implementation of education.²⁵ This reinforces the position of education as a national priority while demonstrating the close relationship between constitutional law, public policy, and human resource development.

The legal basis for the allocation of the education budget is regulated in the Fourth Amendment to Article 31 paragraph (4) of the 1945 Constitution, which stipulates that the state is obliged to prioritize at least 20% of the state and regional revenue and expenditure budgets to meet national

²⁴ Indonesia. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. (Amandemen IV). (Jakarta: Sekretariat Jenderal MPR RI).

²⁵ Muttaqin, Andhyka. "Politik Pendidikan: Studi Kasus Formulasi Kebijakan Alokasi 20 Persen APBN untuk Pendidikan." *Jurnal Kebijakan dan Manajemen Publik* 1, no. 2 (2013). <https://doi.org/10.38156/governancejkm.v1i2.25>.

education needs. These constitutional provisions were then further implemented through Law No. 20 of 2003 on the National Education System, specifically Article 49 paragraph (1), which states that education funds outside of educator salaries and education costs must be allocated at a minimum of 20% of the State Revenue and Expenditure Budget (APBN) and a minimum of 20% of the Regional Revenue and Expenditure Budget (APBD).²⁶ Under the amended Article 31, paragraph (4) of the 1945 Constitution and Constitutional Court Decision Number 026/PUU-III/2005, the Indonesian government is legally mandated to dedicate a minimum of 20% of both national and regional budgets to the education sector. Constitutional Court Decision No. 026/PUU-III/2005 arose from a legal challenge by the Indonesian Teachers' Association against the 2006 State Budget (APBN) Law, asserting its non-compliance with the 20% minimum education funding mandate established in Article 31(4) of the 1945 Constitution. Although the Court ultimately sustained the law's validity, the ruling was marked by dissenting opinions that advocated for an incremental attainment of the 20% threshold. This decision reflected a judicial attempt to reconcile immediate budgetary limitations with the state's overarching constitutional obligation to finance education as a fundamental human right. This judicial ruling specifically underscores that such financial allocations must be sufficient to ensure that basic education is provided free of charge to all citizens. The constitutionality of the State Budget Law depends entirely on its adherence to the absolute standards articulated in Article 31(4) of the 1945 Constitution. This requires that all education budget regulations remain fully consistent with the original mandate, as any incompatible or contradictory clauses would violate this core constitutional prerequisite.²⁷ This legal framework is essential for maintaining constitutional fidelity within budgetary allocations; however, deviations from this mandate can lead to questions of legality.

Research indicates that the educational landscape in Indonesia still suffers from disparities in access and quality. A national assessment conducted in 2023 has indicated that schools in less developed areas often struggle to meet minimum service standards in crucial areas such as infrastructure, teacher quality, and learning processes. This situation suggests inefficiencies in the management of the education budget, particularly in meeting the specific needs present within these regions.²⁸ The integrity of education budget management is severely undermined by chronic administrative stagnation at the local level. Rather than mere capacity issues, the persistence of technological illiteracy and regulatory ignorance reflects a systemic failure to professionalize regional bureaucracy. The lack of transparency is not just an operational

²⁶ Indonesia. Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional. Lembaran Negara Republik Indonesia Tahun 2003.

²⁷ Indonesia. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. (Amandemen IV). (Jakarta: Sekretariat Jenderal MPR RI).

²⁸ Jayadi, Usman, Harahap, and Aslan. "Educational Landscape in Indonesia in 2023: Challenges and Opportunities." *International Journal of Education and Digital Learning* 2, no. 2 (2023). <https://doi.org/10.54443/ijedl.v2i2.266>.

oversight but a fundamental breach of public trust, where insufficient engagement renders educational planning an exclusionary, rather than participatory, democratic process.

Particularly acute challenges arise in Indonesia's underdeveloped regions, where local governments heavily rely on central government allocations such as the General Allocation Fund and Special Allocation Fund. This dependence constrains local agencies' capacity to tailor educational programs to the specific needs of their communities, undermining the essence of regional autonomy. Though many local governments adhere to constitutional mandates, actual budget allocations frequently prioritize personnel expenses over capital investments that are essential for improving educational quality. Notably, fiscal disparities exacerbate these issues, as regions with stronger fiscal capacities can allocate more substantial funds for educational purposes, leaving poorer regions with inadequate resources that limit the quality of educational services. While Indonesia's constitutional mandates for education funding provide a strong foundation, the effective implementation of these policies remains fraught with challenges. Disparities in resource allocation, inefficiencies related to capacity at the local levels, and inadequate mechanisms for transparency and community engagement significantly impact educational outcomes. Improving local government capabilities and bolstering accountability in budget management are essential steps toward overcoming these obstacles and achieving the intended impact of educational investments.

3.2 Critical Scrutiny on the Sustainability and Governance of Sekolah Rakyat Under the Welfare State Doctrine

Examining the Sekolah Rakyat program through the lens of the Welfare State doctrine necessitates a critical shift from applauding its normative intent to scrutinizing its structural permanence, specifically questioning whether the initiative functions as a binding constitutional guarantee or merely a transient political commodity. While the program theoretically aligns with the state's obligation to ensure substantive equality by removing economic barriers, its implementation is currently jeopardized by governance fragilities ranging from bureaucratic incoherence to fiscal opacity that threaten to render the constitutional right to education empirically inaccessible.

Education plays a crucial role in human life. Through education, individuals are able to fulfill their needs independently. Based on Law No. 2 of 1989, education is defined as a conscious process designed to prepare students through orientation, learning, and/or training activities for their future roles.²⁹ Education also plays a major role in encouraging the advancement of society's thinking, thereby improving its quality of life. Over time, the education system has developed into a systematically organized structure in accordance with the provisions of Law Number 20 of 2003 concerning the National Education System. Article 11, paragraph 1

²⁹ Indonesia. Undang-Undang Nomor 2 Tahun 1989 tentang Sistem Pendidikan Nasional. Lembaran Negara Republik Indonesia Tahun 1989.

emphasizes that education is carried out through three main channels, namely formal, informal, and non-formal education. These three channels are interdependent and must be able to respond to social changes occurring within society. Most modern societies view educational institutions as important instruments in achieving the social goals of a nation.³⁰ Framed through the lens of Human Capital Theory, this research contends that state educational initiatives like Sekolah Rakyat transcend the role of basic public service; they represent a critical strategic investment designed to drive national productivity and foster individual empowerment.³¹

The legal analysis of the Sekolah Rakyat program must be fundamentally anchored in the Welfare State doctrine (*Verzorgingsstaat*), which explicitly rejects the passive 'night-watchman state' (*Nachtwächterstaat*) model in favor of active state intervention to ensure social justice.³² This doctrine is constitutionally enshrined in the Preamble of the 1945 Constitution, mandating the state to 'educate the nation' and 'advance general welfare' and is further operationalized through Articles 31, 33, and 34, which collectively impose a binding obligation on the government to manage economic resources for public prosperity and care for the impoverished. Consequently, the Sekolah Rakyat initiative functions not as a discretionary political policy, but as a necessary constitutional mechanism to realize 'equality of opportunity' and 'equitable wealth distribution,' serving as the requisite public safety net that translates abstract legal rights into tangible educational access for marginalized citizens."

This program affirms the role of education as a public good that has a transformative function in breaking the chain of poverty and strengthening the foundations of human development. Basic education not only serves as a means of improving individual capabilities but also as a structural mechanism that expands access to the formal labor market and strengthens intergenerational social mobility. Thus, easy access to education through Sekolah Rakyat has significant normative implications for the achievement of the state's constitutional goal of improving public welfare. More broadly, this policy has the potential to be a catalyst for improving the quality of life of the community and strengthening national competitiveness through sustainable investment in human resources. Education in the modern era can give birth to a new generation that is skilled in creativity and critical thinking. This generation shows resilience that allows them to survive in the face of difficulties and adapt to changing circumstances.³³

Limited access to basic education significantly restricts employment opportunities for individuals from low-income groups, thereby reinforcing and prolonging the cycle of poverty. When access

³⁰ Indonesia. Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional. Lembaran Negara Republik Indonesia Tahun 2003.

³¹ Li, Yu, Xin Zhao, and Bo Wang. "Public Education Expenditure and Corporate Human Capital: Evidence from China." *Research in International Business and Finance* 64 (2023). <https://doi.org/10.1016/j.ribaf.2022.101859>.

³² Van Kersbergen, Kees, and Uwe Becker. "The Netherlands: A Passive Social Democratic Welfare State in a Christian Democratic Ruled Society." *Journal of Social Policy* 17, no. 4 (1988): 477–99. <https://doi.org/10.1017/S0047279400017025>.

³³ Zamani, Fadli. "Peran Pendidikan Teknologi dalam Proses Transformasi Sosial." *Jurnal Dialektika: Jurnal Ilmu Sosial* 20, no. 1 (2023). <https://doi.org/10.54783/dialektika.v20i1.36>.

to education is uneven, children from disadvantaged families find it difficult to acquire the knowledge and skills needed to improve their social and economic status.³⁴ Education serves not only as a means of learning, but also as a strategic mechanism for overcoming structural poverty. In this context, the existence of Sekolah Rakyat in Indonesia is very important as providers of inclusive and affordable education. As of October 2025, there are 166 Sekolah Rakyat operating with nearly 15,945 students from underprivileged families, spread across various regions such as Java, Sulawesi, Maluku, and Papua.³⁵ The existence of these community schools is an important pillar in efforts to break the cycle of poverty sustainably by improving the economic and social capacity of underprivileged communities.³⁶

First, placing the administration of an educational program under the Ministry of Social Affairs rather than the Ministry of Education raises concerns about institutional misalignment. Scholarship on education governance consistently emphasizes that effective policy implementation requires coherence between organizational mandates and sectoral expertise.³⁷ When responsibility shifts to an agency without core competence in educational planning, issues of overlapping authority, fragmented accountability, and reduced professional capacity often emerge.³⁸ Such institutional fragmentation is widely identified in the literature as a barrier to delivering consistent educational quality and achieving long-term policy objectives.³⁹ From an administrative law perspective, the transfer of an educational mandate to the Ministry of Social Affairs constitutes a potential defect in subject-matter jurisdiction. The principle of statutory assignment requires that government affairs be managed by the agency explicitly empowered by law to possess the technical expertise and legal mandate for that specific sector. By placing educational administration under a social welfare agency, the state risks violating the principle of specialty, where an authority acts beyond its core competency, leading to ultra vires actions and diminishing the legal validity of the educational certifications issued.⁴⁰

³⁴ Rizqillah, Rizqilah, and Miftahul Ulum. "Sekolah Rakyat sebagai Strategi Pendidikan Inklusif untuk Pemberdayaan SDM Marginal di Indonesia: Analisis Program Era Presiden Prabowo." *Causa: Jurnal Hukum dan Kewarganegaraan* 13, no. 8 (2025): 1–10. <https://doi.org/10.6679/xve4jw22>.

³⁵ Kementerian Komunikasi dan Digital. "Anggaran Sekolah Rakyat Rp7 triliun tersebar di berbagai Kementerian." *Berita Pemerintahan*. 2025. Retrieved February 3, 2026. <https://www.komdigi.go.id/berita/berita-pemerintahan/detail/anggaran-sekolah-rakyat-rp7-triliun-tersebar-di-berbagai-kementerian>.

³⁶ Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi (PANRB). "Sekolah Rakyat, Terobosan Presiden Prabowo Putus Mata Rantai Kemiskinan." 2025. Retrieved February 3, 2026. <https://www.menpan.go.id/site/berita-terkini/berita-daerah/sekolah-rakyat-terobosan-presiden-prabowo-putus-mata-rantai-kemiskinan>.

³⁷ Grindle, Merilee S. "Good Governance: The Inflation of an Idea." *HKS Faculty Research Working Paper Series RWP10-023* (2010): 10–23. Cambridge: Harvard Kennedy School. <http://nrs.harvard.edu/urn-3:HUL.InstRepos:4448877>.

³⁸ Levin, Benjamin. *Governance and Reform in Education*. (Paris: UNESCO International Institute for Educational Planning, 2001).

³⁹ Hill, Michael, and Peter Hupe. *Implementing Public Policy: An Introduction to the Study of Operational Governance*. (London: Sage Publications, 2002).

⁴⁰ Peters, B. Guy. 2018. "The Challenge of Policy Coordination." *Policy Design and Practice* 1 (1): 1–11. doi:10.1080/25741292.2018.1437946.

Second, targeting an educational program exclusively at students from low-income households risks reproducing social stigma associated with poverty-based categorization.⁴¹ Scholarship in the sociology of education has long shown that when learners are visibly segregated by socioeconomic status, they may internalize deficit-oriented labels that weaken self-esteem and reduce their sense of belonging.⁴² Such stigmatizing dynamics can further limit social acceptance within broader peer networks and constrain future educational and occupational trajectories.

Third, the Sekolah Rakyat Program stipulates that children from underprivileged families will have full access to boarding school education from elementary to secondary level, complete with facilities and free education, as part of efforts to break the cycle of poverty. Boarding-school programs for students from low-income families require significant government spending, including operational costs, facility development, and maintenance. Studies on education financing indicate that without careful budget planning and consistent public funding, maintaining program quality and ensuring long-term continuity become increasingly difficult.⁴³ It is important to ensure that the policies of this education program will continue to benefit students even after Prabowo's administration has ended.

Synthesizing concerns about institutional alignment, financial sustainability, and program quality highlights a key priority: ensuring that Sekolah Rakyat becomes a stable and well-integrated component of Indonesia's education landscape. Rather than functioning as a temporary or peripheral initiative, the program serves as a social laboratory that offers important insights for future national education policy. It shows that inclusive, human-centered learning is achievable when the state commits to supporting underprivileged children beyond test scores and formal credentials. To secure its long-term contribution, however, Sekolah Rakyat requires coherent governance, reliable funding, and strong educational expertise. With these foundations, the program can evolve into a credible model for a more democratic, equitable, and learner-centered education system. Therefore, it is time for initiatives such as Sekolah Rakyat to be recognized as valuable sources of inspiration for building a more democratic and human-centered national education system.⁴⁴

4. CONCLUSION

This study establishes that the Sekolah Rakyat program constitutes not merely a social welfare initiative but a necessary constitutional mechanism for realizing substantive equality in the

⁴¹ Goffman, Erving. *Stigma: Notes on the Management of Spoiled Identity*. (Englewood Cliffs, NJ: Prentice-Hall, 1963).

⁴² Reay, Diane. "The Zombie Stalking English Schools: Social Class and Educational Inequality." *British Journal of Sociology of Education* 27, no. 3 (2006): 289–307. <https://doi.org/10.1080/01425690600802907>.

⁴³ Levin, Henry M., and Patrick J. McEwan. *Cost-Effectiveness Analysis: Methods and Applications*. (Thousand Oaks, CA: Sage Publications, 2001).

⁴⁴ Takasawa, N. "Democratisation and Education Reform in Indonesia." *In The Politics of Education in Indonesia*, edited by Andrew Rosser, 102–129. London: Routledge, 2018. <https://doi.org/10.4324/9780429437557-6>.

fulfillment of the right to education under Articles 31 and 34 of the 1945 Constitution. By institutionalizing a fully funded boarding school model, the program directly addresses structural resource barriers—such as subsistence costs, geographic exclusion, and opportunity loss—that have historically rendered constitutional guarantees formally valid yet materially inaccessible for marginalized populations. This research advances constitutional law scholarship by reconceptualizing state-funded boarding education as an enforceable constitutional obligation rather than a discretionary executive policy, thereby shifting the analytical framework from formal access toward substantive constitutional compliance. However, the study also demonstrates that without explicit legal institutionalization, coherent inter-ministerial governance, and long-term fiscal safeguards, Sekolah Rakyat remains vulnerable to institutional fragmentation, policy discontinuity, and symbolic constitutionalism. Therefore, its transformation into a permanent constitutional instrument requires binding statutory regulation, integrated governance architecture, and sustainable public financing to ensure durability beyond political cycles. These findings provide critical theoretical and policy insights for strengthening the legal architecture of socio-economic rights protection and highlight the necessity of embedding transformative social programs within enforceable constitutional and regulatory frameworks to achieve sustainable educational justice and inclusive human capital development.

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