



The Nature and Legal Position of Non-Formal Educators According to Indonesian Positive Law

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Abstract

A person or a human community needs learning (the need for knowledge, skills, and attitudes) to emerge, so there should be non-formal education. It's in this capacity that non-formal education is said to be multi-audience, not only in terms of age, but also individual and social characteristics such as gender and gender, demographics, geography, occupation, formal educational background, and so on. Various problems are still often faced by these non-formal educators, where they should be guaranteed protection under the law. In fact, non-formal educators continue to experience discomfort conditions without an adequate protection system. Legal efforts to improve the status of non-formal educators according to the national education system, so that non-formal educators haven't been recognized by the government even though they are temporary teachers who work in private educational institutions, so they haven't received the protection and protection of the government as provided to teachers. Civil servants and private teachers.

Keywords: *Educator; Positive Law; Essence*

Introduction

A person or a human community needs learning (the need for knowledge, skills, and attitudes) to emerge, so there should be non-formal education. It's in this capacity that non-formal education is said to be multi-audience, not only in terms of age, but also individual and social characteristics such as gender and gender, demographics, geography, occupation, formal educational background, and so on.

There are so many human learning needs that can only be approached and resolved through non-formal education. While it is clear that the ability of schools to reach and meet the learning needs of target audiences outside the main school stream (age requirements, prerequisites for preliminary education, housing, and other formal prerequisites) is very limited. Thus the target audience for non-formal education are all people who need educational services to improve their abilities (knowledge, skills and attitudes) in an effort to achieve a better, more beautiful, more valuable, and more meaningful degree, dignity and quality of life. In 2003, the Non-Formal Education Unit was included in the domain of the Directorate of Non-formal and Youth Education. Based on the Law of the Republic of Indonesia Number

20 of 2003 concerning the National Education System, the pathways, types, and units of non-formal education have changed to suit the demands of society regarding education.(1)

Various problems are still often faced by these non-formal educators, where they should be guaranteed protection based on law. In fact, non-formal educators continue to experience discomfort conditions without an adequate protection system. Non-formal educators don't really understand what protection is and how it can be implemented. Departing from the idea of educational autonomy, several problems arise in the implementation of educational autonomy, namely the legal basis of the nature and position of non-formal education educators in the national education system in Indonesia and the arrangement of non-formal educators in educational law in Indonesia.(2)

Method

Using normative research with an orientation that isn't based on the conceptual attitude that must be taken but also a combination of laws and regulations which are fundamental beliefs. This belief is important for producing objective research results.(3)

Research Results and Discussion

Non Formal Education Concept

The opinion of non-formal education experts regarding the definition of non-formal education varies considerably. Philip. H.Coombs argues that non-formal education is any organized educational activity that is organized outside the formal system, either independently or as part of a broad activity, which is intended to provide services to specific students in achieving learning goals.(4)

Non-formal education has been around for a long time and is integrated into people's lives older than the existence of school education.(5) The Prophetes and Apostles who made fundamental changes to beliefs, ways of thinking manners and ways of living in enjoying the life of this world, based on history, efforts or movements carried out moved in the non-formal education path before the birth of school education. The movement or da'wah of the Prophet and Rasul has a very large portion of guidance aimed at adults and young people.

The type of cadre education program is related to the target population who is currently or will be holding leadership or managerial positions in a business sector in the community, whether in the business sector, socio-economic or socio-cultural fields.(6) This type of education is expected to be attended by figures or cadres of leaders and managers from business groups spread across the community. This type of educational program deals with various variables of the target population, it's educational target is limited to understanding and becoming more aware of something. The scope of movement can be very broad from matters of religion, state, health, legal environment and others.

Meanwhile, the content of non-formal education programs is related to skills to increase income, is related to the mastery of knowledge and skills that are intended as provisions for work, provisions for earning income. Like agriculture, fisheries, plantations and so on.

The types of activities that are included in similar educational units according to the Government of the Republic of Indonesia Regulation Number 37 of 1991 concerning Non-Formal Education are pre-school (play groups, child care), training and counseling centers, scouting, pencak silat hermitage, art studios, workshops / theater, educational communication institutions through mass media (print and

electronic) and majlis ta'lim (in Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System) stand alone as non-formal education units).(7)

Non-formal students are anyone who is registered as a student object at a non-formal educational institution. According to the Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System, students are members of society who try to develop their potential through a learning process available at certain paths, levels and types of education. So it can be interpreted that a student is someone who is registered in a certain path, level, and type of educational institution who always wants to develop his potential both in academic and non-academic aspects through the learning process that is held.

The body of Article 31 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "Every citizen has the right to receive instruction".(8) In fact, there are still many citizens from the poor, disadvantage areas and so on who haven't received the teaching referred to in this law.

Human Rights in Education

Article 4 paragraph (2) of Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System states that "Education is carried out in a democratic and just manner and isn't discriminatory by upholding human rights, religious values, cultural values, and national diversity".(9) However, in reality some of the education administration hasn't complied with these regulations. The provision of education is still discriminatory and doesn't uphold human rights.(10)

The pursuit program is classified into two, namely:

1. Functional Learning Groups (included in this group are : functional literacy, Business Study Groups, Rural Productive Youth Groups, Community Self-Help Empowerment Groups and Independent Productive Youth Groups.
2. Equality Study Group (Pursuing Package A is equivalent to Elementary School, Pursuing Package B is equivalent to Junior High School, Package C Study Group is equivalent to Senior High School).

With the variety of programs carried out by various parties, it will allow overlapping programs. The same program may be undertaken by various institutions, on the other hand, it may be that a program that requires an integrated workmanship will receive less attention from various institutions. Therefore, coordination between non-formal education program providers is needed to increase the efficiency and effectiveness of planning, implementation to make more directed use of resources and facilities so that the program achieves optimal results. Professional educators or learning resources are still lacking. Up to now, most of the providers of learning activities and management of non-formal education programs are carried out by personnel who don't have a background in non-formal education experience. Their involvement in educational programs is driven by a sense of community service or because of the tasks they receive from the institutions they work for, and they generally have formal educational backgrounds.

The national education system is designed as an effort to educate the nation's life.(11) Thus, all Indonesian citizens have the right(12) to education without exception. This has been explicitly stated in the amendment to the 1945 Constitution of the Republic of Indonesia which mandates the importance of national education, which is specifically stated in Article 31 paragraph (1) that "Every citizen has the right to education" and Article 31 paragraph (2) that "Every citizen is obliged to attend basic education and the government is obliged to finance it".

Meanwhile, Article 5 paragraph (1) of Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System also states that every citizen has the same right to obtain quality education. To fulfill the rights of citizens, education is carried out in three ways, namely formal, non-formal, and informal.(13)

In formal political and juridical terms, the position of non-formal education(14) as an institution is supported by Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System. Article 13 paragraph (1) of Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System states that the education pathway in Indonesia consists of formal education, non-formal education and informal education which can complement and enrich each other. Furthermore, in Article 26 paragraph (1) of Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System, it's stated that non-formal education is held for citizens who need educational services that function as substitutes, enhancers, and or complement to formal education in order to support education throughout life.

Protection and appreciation for non-formal educators also determine the success or failure of non-formal education services in the field.(15) Therefore, the program of providing legal assistance for non-formal educators is an important part of the protection of the non-formal teaching profession which needs special attention.

The weakness of students' motivation to learn is relatively low. This weakness is related to:(16)

1. There is a general impression that the value is lower than formal education in which students have strong motivation for obtaining a diploma.
2. The approach taken by educators who have a formal educational background and applying it to non-formal education learning activities is generally not conducive to developing the interest of students.
3. There are still educational programs related to efforts to equip students to develop abilities in the economic field, not complemented by other inputs so that students or graduates cannot apply their learning results.
4. Non-formal education graduates are considered to be lower in status than formal education status, in fact, it often happens that the first-named graduates are under the influence of a non-formal education graduate.

On the other hand, there is educational autonomy(17) which according to Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System is the regulation of the rights and obligations of citizens, parents, society and the government. Article 8 of the Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System states that "The public has the right to participate in the planning, implementation, monitoring and evaluation of educational programs".

Conclusion

Legal efforts to improve the status of non-formal educators according to the national education system, so that non-formal educators have not been recognized by the government even though they are temporary teachers who work in private educational institutions, so they have not received the protection and protection of the government as provided to teachers civil servants and private teachers.

There are not many legal cases that arise from non-formal educators and education personnel in the non-formal education path because conditions like this indicate a low legal awareness of the non-formal teaching profession.

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