A Perspective On Human Rights, The Economic Liberalization Of Education Provision In Indonesia

Obi Pratama
International Women University, South Korea
E-mail Korespondensi: obipratama@naver.com

Abstract

Education is a fundamental right that every citizen has access to, as stated in the preamble of the Undang-Undang Dasar 1945, which is about the nation's intellectual life. The economic liberalization of education provision refers to the recent use of education as a new tool to profit from all angles. Those with lower income levels may notice the effects of economic liberalization in implementing this education because it becomes more challenging for them to obtain the best education. The objectives of this study are to identify the economic liberalization that has taken place in the implementation of education in Indonesia, identify the effects of this economic liberalization, and discover the economic liberalization that has taken place in education provision in Indonesia through its perspective of human rights. A single embedded case study and a descriptive qualitative methodology are used in this study. The study results indicate that diverse parties must promote instruction that adheres to Indonesian national standards. Disparities and prejudice against particular groups seeking an excellent education must be removed to guarantee that every student has equitable access to a high-quality education that will help them develop their potential and talents. As the highest authority, the government should carry out planned programs in line with the desired objectives by evaluating field data and monitoring connected parties' performance.

Key words: Economic liberalization; Education provision; Indonesia; Human right

I. INTRODUCTION

The economy and education are inextricably linked like the two halves of a coin. They are connected and dependent on one another. A healthy economy is necessary for a good education; educated people can easily create a healthy economy. The national education system in the Republic of Indonesia is governed by Law No. 20 of 2003, which is a deliberate and planned effort to create a learning environment and learning process so that students actively develop their potential to have religious, spiritual strength, self-control, personality, intelligence, noble character, and the skills needed for themselves and the public. It goes without saying that in order to implement education in the way described above, adequate facilities and other elements are required. Undoubtedly, efforts to support all facets of education require financial support. An efficient and stable economic system will offer sufficient funding.

Economic liberalism holds that the state should refrain from interfering with the economy so that people who succeed in the market feel free to regulate themselves. In this instance, the theory of liberalism is used as one of the understandings to see an existing phenomenon in some of the understandings provided by experts as things that can help provide understanding. One liberal theory contends that because war would undermine each other's prosperity, economic interdependence will prevent states from
using coercive power in their interactions. The liberal paradigm, which rules both the intellectual climate and the social landscape of contemporary humanity, is today's dominant paradigm of thought and culture. Press freedom, free markets, and democracy, among other changes that gave rise to international idioms, seem inextricably linked to liberalism as their starting point. These idioms force changes not only in the political and economic system but also in culture and religion in many different parts of the world (Rosser, 2013).

After the fall of communism, which is sometimes also interpreted as the defeat of socialism, which in the modern era stood as its main political rival on both the national and international levels, liberalism became the only paradigm that all nations, countries, and humanity must "believe in" and "accept." It appears that world civilization must accept the establishment of new human values for the traditional values that developed earlier—liberalism is the central pillar—to succeed. Every country's cultural framework, which places a high value on education, must also change to meet the demands of liberalization. In reality, liberalism has left behind suffering and a humanitarian crisis and has become the cornerstone of Western progress with the advancement of science, technology, and industrialization, igniting a strong reaction with the rise of socialism-communism. Many people consider the history of colonialism in various parts of the world to be a consequence of liberalism, which takes the form of capitalism (Rosser, 2013).

Multiple international and supranational trade liberalization regimes are frequently used concurrently to advance non-trade issues that reflect fundamental societal values. This means that developments affecting the European Community's (EC) trade and non-trade policy-making now come from places other than the EC's legal system, such as the World Trade Organization (WTO). As such, careful assessment of developments outside of Europe has become necessary for the predictability and legitimacy of the European integration process. Modern trade and non-trade policy issues necessitate thorough multilevel analysis.

Everyone has a free and legal right to receive education, one of the Human Rights (HAM). The social life of the community contains a wedge of rights breaches committed both by individuals and by the state (Akmal, 2023). The UN General Assembly adopted the Declaration on the Rights of the Child in 1959 as one of the instruments of the international community to lay out principles for the granting of rights and fundamental treatment by adults to children and adolescents (up to the age of 18 years). These agreements cover housing, social security, health care, education, and safeguards against abuse, crime, and neglect. The Declaration was refined into the Convention on the Rights of the Child in November 1989. Indonesia (through KEPPRES No. 36/1990) is now counted among the at least 191 civilized nations that have ratified the Convention. In order to protect children and youth from the possibility of suffering human rights violations by adults in the economic, civil, political, social, and cultural spheres, this Convention
regulates the full spectrum of human rights (HAM). It explains how they can all be upheld. Children and youth are granted special rights expected to help them develop into members of society who are physically and mentally healthy, responsible, and productive. This is because they are vulnerable to various adult exploitation and abuse possibilities (Nugmanova et al., 2020).

The analysis is conducted explicitly from the standpoint of the laws and principles governing human rights. Human rights in the WTO and EC (European Court) legal frameworks are legally significant due to their binding nature in contrast to the norms primarily concerned with promoting and enforcing trade. This does not imply that it is always clear which human rights will most likely be strengthened or jeopardized during economic liberalization. Undeniably, the ongoing economic liberalization process forces human rights supporters to be more explicit about their concerns. In this context, international and European human rights standards about education are sufficiently clear to aid in reframing and possibly redefining the discussion over economic liberalization and educational access.

The economy has an impact on education. Communities with a strong economy are undoubtedly better able to offer high-quality education than those without one. Since those with capital will freely improve the quality of implementation by turning education into a business object that cannot be accessed by all groups when this is contrary to the human rights declaration, economic liberalization, an economic reform designed to create a market-based economy, makes education implementation uneven. This essay focuses on how economic liberalization impacts Indonesia’s education system from a human rights standpoint (Keet, 2018).

The most recent Western developments since the Renaissance and Aufklaerung eras, which profoundly influenced significant changes in its culture and civilization, are inextricably linked to liberalism’s emergence. The rise of liberalism in the West can be attributed to the need for each individual to create a value system that governs themselves due to the development of a humanistic consciousness that places humans at the center of the intellectual universe. Even in the name of God, legal actions are taken against particular groups with the sole authority to decide which laws and regulations will be passed down from generation to generation. This is so everyone can contribute to establishing the rules and regulations governing them.

Conceptually, this is an extension of the way of thinking that the ancient Greeks followed, which asserted that reason should rule over myth and tradition. The Greek tradition, which was accustomed to rational and pragmatic mindsets, was revived, in which humans were given the right to formulate their values. Discursive philosophers such as Socrates, Plato, and Aristotle had differing opinions about the degree of human ability to think. Human-made laws and value systems have authority over people as a result, and people obey the law out of awareness of self-discipline rather than out of compulsion, fear, or submission (Drake & McCubbins, 2021).
First proposed by Alexander Rustow and Walter Eucken in the early 1930s, liberalization became well-known for its use in the economic sector. A free market economy is supported by liberalism, and the state creates laws and regulations to support this free market. Wilhelm Ropke and Henry C. Simon developed the Rustow and Walter Eucken concept. A set of economic regulations known as Freiburger developed the Ordoliberalism policy package. This policy is a new liberal economic policy model (neoliberal). This policy focuses on recognizing private ownership of various production factors, allowing individuals to compete freely and effectively in the market, and setting market prices by regulating the market through laws. However, the Great Depression of the late 1970s forced neoliberal economics to the side and ushered in the Maynard Keynesian welfare state economy, which replaced it. The idea of a welfare state demands that the government's role in the economy be expanded to include the power to make fiscal interventions, particularly those that will move the real sector and generate jobs (Drake & McCubbins, 2021).

Milton Friedman developed the concept of neoliberal economics during the 1980s, especially during the economic crisis in Latin America in the late 1980s, when Ronald Reagan was the president of the United States and Margaret Thatcher was the prime minister of the United Kingdom. Latin America worked with the US Department of Finance and the IMF to implement the "Washington Consensus" economic policy to resolve this crisis. The four components of the Washington Consensus policy are: (1) implementing a strict budget policy, which includes eliminating all forms of state subsidies; (2) liberalizing the financial sector; (3) liberalizing trade; and (4) privatizing SOEs. Economic liberalization hurts developing nations like Indonesia because it makes it harder for their economies to serve the needs of foreign investors from certain wealthy nations (Filip, 2020).

The establishment of the Orde Lama under the leadership of President Ir. Soekarno coincided with the declaration of Indonesia as a nation. The shocking act was his initiative of the Trisakti concept, one of which tenets included independence (standing on one's own two feet) in economics. Additionally, Moh. Hatta, the vice president at the time, was an economic visionary who came up with the cooperative idea, which is still relevant today even though it needs to be reinterpreted in light of current changes. Generally speaking, the socialist-communist ideology that dominated this era's political ideologies was also directly reflected in its economic policies (Rajab, 2004).

In contrast, as Soeharto's leadership changed (Orde et al.), the direction of economic policy also changed. When the previous era's economic collapse put pressure on improvement, signs of liberalization emerged. According to Winarno, the introduction of Law No. 1 of 1967 regarding PMA allows the government to welcome foreign investment into Indonesia. This policy was criticized by several parties and resulted in the Malari incident on January 15, 1974, due to the numerous foreign investments that entered and took control of the domestic economy. The banking industry is undergoing
different policy changes than in the past, and these changes are occurring quickly and intensely. Through this program of public policy, the deregulation of the banking sector can act as a springboard for further liberalization, enabling the immediate removal of previous barriers (Rajab, 2004).

Different perspectives exist on Indonesia’s involvement in economic liberalization. First, it can be inferred that the government views domestic circumstances as having a solid foundation for future global competition. Second, Indonesia is under pressure to ratify various forms of bilateral, regional, and global cooperation. Third, the government’s internal pressure as a result of its slow response to citizen welfare and self-development, which has been quite severe, has been a significant factor in its attempt to improve things through economic liberalization (Drake & McCubbins, 2021).

Liberalization becomes problematic when its adherents become overly optimistic that humans can control themselves without outside intervention. The rules that exist and must exist are not intended to limit a person’s freedom of movement, but rather to guarantee and protect against his free movement and behavior. A person has broad freedom in the field of politics (democratic life) to choose and be elected, think, associate, and organize. In the economic field, a person is free to enrich himself through hard work and to try anything as long as the market requires it.

When the government grants a lot of freedom, it appears "hands off" or it is more appropriate to give up control over education administration, as required by Article 31 of the 1945 Constitution, the term "liberalization" is hotly debated in the field of education. (conglomerate) to found elite colleges or schools. Private universities have also started collaborating with foreign tertiary institutions to found similar institutions in the nation using a variety of models, including hiring foreign lecturers or teachers, transferring credits, and adopting curricula. Several state universities adopted the model used by private universities in response to this phenomenon (Maylani et al., 2022). Since the passage of Law Number 22 of 1999 concerning Regional Government, which was later renewed by Law Number 32 of 2004 concerning Regional Autonomy, the government has granted autonomy in the area of government to provincial and district/city governments. This has led to the introduction of a term resembling “educational autonomy,” especially in line with the development of a society that tacitly accepts “liberalism in many sectors of life” (Hartono, 2015).

The issuance of Presidential Regulation Numbers 76 of 2007 and 77 of 2007, which classify education as a business sector as understood in the economic field, show that the previous government did appear to accommodate economic liberalization in the provision of education, among other things. See table 1 for more information. It is also made very clear in this presidential regulation that up to 49% of foreign capital investment may be made in the education sector. Many people are concerned that majority ownership could transfer to foreign hands, with all the repercussions, if the
partnership with domestic "owners of capital" is unbalanced (No, 76 C.E.). On the other hand, many people, particularly in the upper middle class, accept it.

Tabel 1. Excerpt from the National Education Sector's List of Open Business Fields Requiring Capital Ownership

<table>
<thead>
<tr>
<th>NO</th>
<th>Business fields</th>
<th>KBLI*</th>
<th>Limits on Foreign Capital Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>72</td>
<td>Elementary and Secondary Education</td>
<td>80121, 80122, 80123, 80221, 80222</td>
<td>Maximum 49%</td>
</tr>
<tr>
<td>73</td>
<td>Higher Education</td>
<td>80321, 80322</td>
<td>Maximum 49%</td>
</tr>
<tr>
<td>74</td>
<td>Non-formal Education</td>
<td>80921, 80922, 80923, 80929</td>
<td>Maximum 49%</td>
</tr>
</tbody>
</table>

Source: Attachment II to PERPRES No. 777 of 2007

*KBLI = Klasifikasi Baku Lapangan Usaha Indonesia (Standard Classification of Indonesian Business Fields)

II. METHOD

The approach used in this article is descriptive qualitative or library research, a technique for gathering data that involves comprehending and analyzing theories from various works of related literature. The four stages of conducting a literature review are setting up the necessary tools, creating a work bibliography, scheduling your time, and reading or recording your sources. The descriptive qualitative research essay was conducted in order to investigate a social phenomenon that exists in Indonesia. Observation and documentation techniques are used to collect data. The descriptive qualitative data analysis technique was used. A type of research known as descriptive research focuses on describing current phenomena, both natural and artificial. The characteristics, changes, relationships, parallels, and differences between one phenomenon and another phenomenon can all be considered phenomena. Descriptive research, in its most basic form, is research that seeks to describe and interpret something, such as situations and conditions with existing relationships, opinions that emerge, consequences or effects that occur, and so on (Vromen, 2018).

Primary and secondary data sources were used. The primary data utilized is primary legal material, which is authoritative legal material. The principal legal source, in this case, consists of statutory regulations, official documents, or treatises in establishing statutory
regulations. The following significant legal documents were employed in this study: the 1945 Constitution, many laws about research themes, the Criminal Code (Kitab Undang Hukum Pidana/KUHP), and several government regulations. Secondary data, on the other hand, is the type of data used to solve the difficulties in this study through library research. The secondary legal material used is legal material that supports and strengthens the primary legal material, provides an explanation of the existing primary legal material to allow for more in-depth analysis and understanding, and results in an excellent legal analysis. As a result, the secondary legal information in this study consists of explanations of the laws and regulations utilized as primary legal material, Books for literary reading that describe how education is implemented in Indonesia, Results of research, as well as expert opinions (Ali, 2021).

III. RESULT AND DISCUSSION

Being self-reliant, which entails making an effort to provide the best conditions, means that one cannot abandon the need for education. The ability to handle every situation with the best possible approach and outcome is what is meant by being in the best condition for oneself. This then develops into a special image that each person must possess in order for the larger community to acknowledge their existence. The fact of the matter is that people with advanced degrees frequently take on special roles in society.

The educational process and learning activities must be planned, and preparation and funding cannot be separated because education is the most important need in human life. This is because a lot of things need to be finished, organized, and then held for the educational process to go smoothly. All parties must prepare and provide a number of things, especially when it comes to the infrastructure for education and learning, which requires a sizable investment. These funds can be used by schools to cover operational and infrastructure costs related to education. The history and aspirations of a nation-state in bringing about significant changes in the world to achieve its progress cannot be separated from the various interests or desires of the community, which include education.

1. Influence of the Economy on Education

Basically, the economy has an impact on education. Communities with a strong economy are undoubtedly better able to offer high-quality education than those without one. Without economic growth, Prathama and Mandala in Puput emphasized, there won’t be an improvement in welfare, employment opportunities, productivity, or income distribution within a nation. As a result, raising the community’s per capita income is necessary to expand the economy of the community. A country's economy can be improved in a variety of ways. Regarding tax amnesty, Joko Widodo’s administration was in one of its more recent phases. The tax amnesty initiative is anticipated to increase state revenue, which will have an impact on economic growth. Boediono in Devi defined
economic growth as the process of long-term increases in output per capita. A rise in the gross domestic product or real national income is a process known as economic growth (Amrulloh, 2022).

In terms of education, parents with a higher socioeconomic status are more likely to provide their children with a better education. According to Maftuh and Ruyadi, socioeconomic status is a person's position in society in terms of income, wealth, and position. Meanwhile, according to Koentjaraningrat in Khalinda et al, a person's socioeconomic status is a condition that reflects a person's position in society as measured by three factors: work, education, and income.

The process of national development is most heavily reliant on education, which also has an impact on a nation's economy. Economists also concur that a nation's human resources (human resources) do not take the form of physical or material capital but rather are key determinants of the nature and rate of a country's social and economic development. Socioeconomic factors have a significant impact on family decisions about whether to invest in the education of their children. It is not surprising that many nations around the world responded quickly to the need to prioritize non-physical investment in people. Consider education as a future-paying investment, according to classical economists like Theodore Schultz, Harvey Leiben Stein, and Garry S. Backer, who developed their analysis (Schultz, 1961).

Higher education is extremely expensive in Indonesia. It costs a lot of money for students to be able to continue their education at tertiary institutions. The leaders have only advocated for primary and secondary education to be provided free of charge. Large sums of money are therefore required so that all people can receive higher education for nothing. Public schools are the only places where primary and secondary education is provided for free. It is well known that there are not enough state-run schools to house all students of school age. Children from economically disadvantaged groups are also not required to be accommodated in public schools. Based on the aforementioned information, it is apparent that education is still generally expensive, even for higher education (Ulfah, 2021).

The return on investment in education is typically higher in developing nations than the return on investment in physical capital. The return on investment in education is lower than the return on investment in physical capital in developed nations. This situation can be explained by the fact that there aren’t as many skilled and educated workers in developing nations as there is a demand for them. As a result, wages are higher and education has a higher return on investment. Of course, if it has to do with educational quality, the government’s current promotion of free education must also be called into question. Sometimes it seems like the free education being provided is of very low quality. A number of previously high-quality schools saw their quality decline as a result of rules that prohibited collecting tuition from parents (Psacharopoulos & Patrinos, 2018).
Education is a component of the many interests or aspirations of society that are inextricably linked to a nation-state's history and aspirations for progress in the world. The Indonesian people are currently dealing with this issue. The cost of education is currently being driven up by competition among Indonesian educational institutions. This is because of a number of factors, including the economic liberalization of the provision of education.

2. **Indonesia's Economic Liberalization of Education Provision**

Education has become more liberalized as a result of Indonesia's membership in the WTO (World Trade Organization), which dates back to 1994. Since the promulgation of Law Number 7 of 1994 concerning Ratification (ratification) "Agreement Establishing the World Trade Organization," the people (through their representatives in the DPR) have also implicitly agreed to join the WTO. Indonesia cannot avoid various trade liberalization agreements, including trade in education services, because it is a WTO member. Additionally, the General Agreement on Trade in Services (GATS), which governs trade liberalization in 12 service sectors including health services, information and communication technology, accounting services, higher education, and lifelong learning, as well as other services, was signed by WTO member countries in May 2005 (Verger, 2010).

The WTO has identified four models that can be used in the delivery of educational services, namely: (a) Cross-border supply, which refers to foreign higher education institutions offering online degree programs and lectures, or Model 1; (Consumption abroad, which until now has been the most prevalent form of providing higher education services, refers to students studying at foreign universities, or Model 2; and (c) Commercial presence, which refers to the presence of foreign universities through forming partnerships. (d) The presence of natural persons, foreign lecturers, teachers, or instructors teaching in local educational institutions, or Model 4. subsidiary, or twinning arrangement with local tertiary institutions (Verger, 2010).

Because Model 1 above occurs in cyberspace, it is basically very difficult for the government to control. This program is beneficial for increasing the knowledge and perhaps also the skills of the students as long as they do not require formal recognition from the government, such as the verification of certificates after completing their education. Given that the ease of accessing the internet in many locations in Indonesia is still comparatively limited, this program won't have a significant negative impact in the short term because it is still restricted to large cities or the provincial capital. Model-2 will also not be a cause for concern in the short term, because studying at universities abroad is still relatively expensive, so only a limited number of people will go there. On the other hand, within the country itself there are many options for continuing studies for high school graduates. Model-2, like Model-1, is not something many people need to worry about.
Because foreign universities are entering the country, Model-3 may pose a risk. Tuition fees are expected to be lower if students must travel to the country of origin of the college in question. As a result, not only the elite, but also the middle class, which previously served as input for local (domestic) universities, will be admitted. Local universities will lose potential market share in terms of "economy," because their resources may still be inferior to those of these foreign universities. Many local universities are concerned about their future because they believe they are not prepared to compete with the free market mechanism desired by the WTO/GATS. Aside from that, the influx of new values that may not always be in harmony with the noble values of the Indonesian people that have been upheld for a long time is also concerning.

Model-4, like Model-3, is expected to come with a lot of risks because the entry of foreign teaching staff will be fierce competition for local teaching staff, especially if these foreign workers are willing to be paid less than local teaching staff, say from fellow developing countries, like India, the Philippines, China, or Thailand. The ability to communicate in English will be one of the main draws for local education providers in the face of increasingly ferocious global competition, even though foreign teachers may not differ significantly from local teaching staff in terms of their mastery of scientific content. Similar to Model 3, it is feared that Model-4 will be adopted and include new values introduced by the teaching staff, which could alter the ranking of the noble values of the Indonesian nation.

The typology frequently used by economists, in Effendi's viewpoints, divides societal business activities into 3 (three) sectors. The primary sector includes all mining and agricultural product extraction industries. The process of converting raw materials into finished products, buildings, manufactured goods, and utilities is known as the secondary sector. The shape of material things (physical services), immaterial things (human services), and symbolic things (information and communication services) are all altered by tertiary sector industries. Since its primary objective is to transform individuals with little or no knowledge and skill into those with more knowledge and skill, the WTO views education as one of the tertiary sector industries.

Foreign investors (education providers) are the reason that economic liberalization in the provision of education is feared to be more profitable. Under the guise that foreign universities could encourage improvements in the quality of Indonesian education, including raising accountability for education delivery, enhancing the effectiveness of education management, and lowering the flow of money abroad, the WTO wrapped it up in the meantime. Many people are worried that what is meant by "quality" is actually "quality and personality" as liberals, which is obviously more in favor of the capital owners than in favor of the people. It's possible that the issue is not just that some social groups oppose Indonesia's WTO membership, but rather that the current momentum is not favorable. This is due to the uncertain state of the national education system. For instance, compared to a number of neighboring countries, the
percentage of people who are illiterate and drop out of school is still high. Under such circumstances, education will only turn into a commercial good that is more and more out of reach for the majority of Indonesians in accordance with the WTO’s economic logic (Akhrorjon & Zumradkhan, 2022).

This raises the question of what human rights law actually is and how it affects non-trade policy-making in the context of economic integration. An explicit treatise is necessary given the level of skepticism surrounding the justifications for bringing up human rights issues in a trade context. The debate or polemic surrounding economic liberalization in the management of education can be divided into two camps: pro-liberalization and anti-liberalization. The following is a succinct explanation of the explanation. First, pro-liberalizationists believe that Indonesia and its citizens cannot avoid the globalization wave, which brings with it the issue of liberalization, including in the field of education, whether they like it or not. This group believes that economic liberalization in the delivery of education, particularly in the form of giving foreign parties a larger role, can be a tool for enhancing educational quality as well as increasing access and equity in education (which local education managers have not fully implemented). These people contend that commercialization of education is not the same as economic liberalization of educational delivery because foreign education will be protected from entry into Indonesia by laws and regulations that foreigners must abide by. (Akhrorjon & Zumradkhan, 2022)

3. An Analysis of the Economic Liberalization of Education From the Perspective of Human Rights

Usually, there is polarization in discussions about the benefits of general trade liberalization as well as the effects of particular trade liberalization on societal values and the protection of human rights. It is uncommon to come across an observer from the trade, non-trade, or human rights disciplines who is not only knowledgeable about the specifics of “others” law but also makes an overt effort to arrive at a just result. One well-known trade attorney claimed that “the approach in the literature often exacerbates the division between trade and human rights...both sides may have displayed an air of advocacy.” Determining how trade liberalization typically affects non-trade policies and what a human rights perspective can add to this discussion are therefore necessary (Jackson, 2006). It is frequently challenging for each side to clearly articulate or explain how their respective disciplines are thought to be interconnected, which is one of the reasons why traders and supporters of any non-trade issue generally lack understanding of one another. Without a doubt, it is not easy. It might be useful to present a condensed articulation of the interactions between trade liberalization and non-trade issues in order to track the human rights dimension.

Education is one of the public's facilities that requires the most financial resources; annually, people all over the world spend more than one trillion dollars on
education. In OECD countries, public spending on education averages 88% and can reach 98%, according to UNESCO research. Cross-border education has always contributed significantly to the globalization of higher education, but it has never been subject to international trade regulations and, until recently, was hardly considered a practice falling under the purview of commercial trade. At the outset of this section, a brief summary of the GATS regulations is provided. The nature of the debate between global economic liberalization and educational access is then discussed. Then, a human rights perspective is introduced in an effort to start understanding how the claims of free traders and education experts could be critically viewed from the standpoint of individuals' fundamental rights (Ruch, 2003).

A human rights analysis of the liberalization of trade in services typically begins with the observation that very little is known about how GATS and human rights interact. After all, the GATS was only recently put into effect after being signed in the middle of the 1990s. The conclusion that GATS should be reviewed to determine where it intersects with the realization of economic and social rights was reached after an intriguing attempt to find common ground between development economists and human rights lawyers (Devidal, 2012).

The WTO Secretariat has admitted, which is interesting to note, that "given its importance for human and social development, countries throughout the world tend to consider instruction up to a certain level - commonly primary and secondary education - as a basic entitlement." The obvious questions that follow are what states should do in the context of trade negotiations and adjudication to act upon the legal obligation corresponding to the individual entitlements and how to go about determining this. The remaining sentences will primarily address the human right to education, but it should be noted that many other human rights principles may also be relevant (Devidal, 2012).

Even though "quite a few countries where education is both a right and a traded service" already exist, it would be practical to identify the primary justifications for postponing commitment in education services at this time in order to begin analyzing human rights law. These have been categorized as firstly having to do with the uncertainty surrounding the scope and nature of GATS obligations and secondly having to do with the likelihood and requirements for governments to want to adopt future policies in education that might conflict with specific GATS commitments (Joseph, 2013).

The first broad figuring about how GATS might affect public services is that it seems to place more emphasis on the particular activities than the provider organization. In other words, GATS primarily has functional concerns as opposed to institutional ones. As a result, it was correctly pointed out that it is false to assume that, once, say, a university develops one commercial service, all of its other non-commercial and non-competitive activities will be impacted and equally considered a service (and thus impossible to "protect" by exclusion from GATS's scope). According to Adlung, Article I:3 explicitly refers to the conditions governing the supply of a specific service and does not
refer to its overall role within a supplier's accounting system or the existence of remunerative activities that may be performed concurrently (Devidal, 2012).

The right to education, like all other human rights, is primarily directed at the state and only requires governments to permit or provide adequate educational facilities. Contrary to popular belief in human rights circles, and in keeping with the quotation above, this does not imply that all universities, colleges, and vocational training centers must be founded and run solely by the government. If sufficient private facilities are available, a state can fulfill its human rights obligations by ensuring that all international law requirements, such as those relating to education provision or general and equal access to secondary and higher education, are met, for example, by enacting legislation, maintaining state control over the process, and providing subsidies.

When assessing the likelihood and requirements for governments to adopt future education policies that might conflict with specific GATS commitments, there is a crucial human rights law component to take into account. According to OECD officials, “each country is free to choose nationally how much it will publicly finance higher education for its own citizens, and this prerogative cannot be called into question by the development of trade in education services, nor by GATS negotiations on liberalization.” This observation has a flaw in that it completely fails to take human rights into account (Lyons, 2019).

IV. CONCLUSION

After laying the analytical groundwork for this discussion, it has become clear that choosing a course between unwavering trade liberalization and categorical opposition to anything associated with economic liberalization leads to largely uncharted territory. Given that it offers a crucial perspective to evaluate both claims based on trade and those not, the human rights law compass can offer some direction. Liberalization is required to give stakeholders flexibility in how education is organized, for instance, by allowing the private sector to participate in this process, implementing higher education autonomy, and implementing School-Based Management (SBM). The laws governing this liberalization must, however, be able to support the upholding of the country's noble values, be implemented gradually following the level of social development, and set strict restrictions to prevent the entry of foreign investors (foreign education providers) from decimating local education providers. This is because some groups oppose educational liberalization mainly because it would allow foreigners to influence the country's educational policies and turn educational institutions with complex social structures into commercial hubs.

Education will be oriented toward producing those who have a good quality education and can benefit the larger community if it has a direction and goals to educate the nation's life. Learning in luxurious facilities and magnificent rooms does not indicate
that a school or educational institution is successful in producing competitive students on national and international levels. Education capitalization attempts to train the next generation of workers for low-wage jobs. With the reality on the ground, the educational orientation specified in the opening of the Undang-Undang Dasar 1945 to educate the nation’s life will serve as the state’s foundation.

Economic Liberalization in Education Implementation refers to educational institutions with costly funding programs; in this sense, education can only be enjoyed by a small group of economically powerful people; therefore, these institutions cannot be called commercialized because they do not trade in education, but school fees are very high. The collection of high fees is solely to facilitate education services and provide quality education infrastructure, such as providing good information technology facilities, laboratories, and libraries and a standard salary to teachers or lecturers. The remainder of the budget is put back into re-establishing educational infrastructure. The ideals of national education and Pancasila will not be threatened by economic liberalization in implementing this type of education, but it may result in discrimination within it.

Based on the study’s result, the authors conclude that various parties must support education consistent with Indonesian national ideals. Gaps and discrimination against specific groups that want to receive a quality education must be eliminated to ensure that every student has equal access to a quality education that can help them develop their potential and talents. As the highest authority, the government should carry out planned programs according to the desired goals by examining field data and assessing the performance of related parties. This will allow the government to maintain overall control over program implementation without singling out or favoring specific groups.

REFERENCES


