



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 3/PUU-XXII/2024**

**Concerning
Basic Education in Public and Private Schools Without Charging Fees**

- Petitioners** : Jaringan Pemantau Pendidikan Indonesia (Network Education Watch Indonesia/New Indonesia), Fathiyah, et al.
- Type of Case** : Judicial review of Law Number 20 of 2003 concerning the National Education System (Law 20/2003) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : The phrase “compulsory education at least at the basic education level without charging fees” in Article 34 paragraph (2) of Law 20/2003 is considered to be conditionally contrary to the 1945 Constitution
- Verdict** : 1. To grant the Petitioners’ petition in part
2. To declare that Article 34 paragraph (2) of Law Number 20 of 2003 concerning the National Education System (State Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 4301) is contrary to the 1945 Constitution of the Republic of Indonesia and conditionally has no binding legal force to the extent that it is not interpreted as “The Government and Regional Governments guarantee the implementation of compulsory education at least at the basic education level without charging fees, both for basic education units organized by the government and basic education units organized by the community”
3. To order the publication of this decision in the State Gazette of the Republic of Indonesia as appropriate
4. To dismiss the remaining petition of the Petitioners
- Date of Decision** : Tuesday, May 27, 2025
- Overview of Decision** :

The Petitioners are a legal entity and individual Indonesian citizens who deem to have been violated by the norm of Article 34 paragraph (2) of Law 20/2003, which, in their opinion, does not explicitly stipulate that basic education without charging fees shall be applied to private and public schools. The petitioners argue that the norm of this article gives rise to multiple interpretations, thereby, in its implementation, resulting in discriminatory impacts on students who attend compulsory education at private schools, thereby impeding the rights guaranteed by Article 28C paragraph (1) of the 1945 Constitution.

Regarding the Court's authority, because the Petitioners' petition is a review of the norm of law, *in casu* Article 34 paragraph (2) of Law 20/2003 against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

Regarding the Petitioners' legal standing, both Petitioner I, that is a legal entity organization, and Petitioner II through Petitioner IV, who are individual citizens, have been able to explain their constitutional rights deemed to be violated by the enactment of the norm of Article 34 paragraph (2) of Law 20/2003, which is being petitioned for review. The alleged constitutional loss suffered by Petitioner I through Petitioner IV is specific and actual, due to their constitutional rights to obtain legal certainty regarding the right to basic education free of charge, as mandated by the 1945 Constitution, not being fulfilled. Thus, regardless of whether the unconstitutionality of the norm being petitioned for review is proven or not, the Court is of the opinion that the Petitioners have the legal standing to act as Petitioners in the petition *a quo*.

Regarding the petition for judicial review, due to the different basis for judicial review and constitutional grounds between this case and Case Number 97/PUU-XVI/2018, the Court is of the opinion that the petition *a quo* is not formally hindered by the provisions of Article 60 of the Constitutional Court Law and Article 78 of Constitutional Court Regulation 2/2021, so that the provisions of the norm of Article 34 paragraph (2) of Law 20/2003 may be petitioned for review again.

Regarding the constitutional issue of the state's obligation to administer basic education, the following points are outlined.

The state's obligation to citizens in the education sector is fundamental, because one of its objectives, explicitly stated in the fourth paragraph of the Preamble to the 1945 Constitution, is to educate the nation. Efforts to educate the nation are basically carried out in a planned and integrated manner across various aspects of life in order to build and develop the life of the Indonesian nation, thereby growing and developing into an advanced and civilized nation. In this case, the educational pathway becomes an essential and strategic means to realize the intended state objectives. Therefore, the state recognizes education as a constitutional right that must be guaranteed, as explicitly stipulated in Article 31 paragraph (1) of the 1945 Constitution, which states, "Every citizen has the right to receive an education." The formulation of the provisions of Article 31 paragraph (1) *a quo* is the result of the fourth amendment to the 1945 Constitution in 2002. Before the amendment, the formulation of the citizens' right was formulated as "Every citizen has the right to instruction". In addition, it is also emphasized that "the Government endeavors to develop and administer a national system of instruction, which is regulated by law". In the course of discussing the amendment to Article 31 of the 1945 Constitution, debate arose over the need to broaden the meaning and scope of the term "instruction" and to emphasize the state's responsibility for a more comprehensive national education. The term "instruction" was considered too narrow, referring only to instructional activities in schools, whereas "education" encompasses broader aspects, including the development of moral, character, and the full human potential. Therefore, in the amendment process, it was proposed to replace the term "instruction" with "education". On this basis, the word "education" was introduced in the amendment to the 1945 Constitution because the scope was considered broader. Before the amendment to Article

31 of the 1945 Constitution, the term “education” had been used in Law Number 2 of 1989 concerning the National Education System, which was subsequently replaced by Law 20/2003. The education in question means a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential in spiritual, religious, self-control, personality, intelligence, noble morals, and the skills needed by themselves, society, nation, and state.

Through the Constitution’s reaffirmation of education as a right, the state has an obligation to ensure that every citizen has access to education. Furthermore, Article 31 paragraph (2) of the 1945 Constitution states, “Every citizen is obliged to attend basic education, and the government is obliged to finance it.” Citizens’ obligation to attend basic education is reaffirmed not only because it is a level of education in the formal education pathway that constitutes the foundation for secondary education, but also because it is important for a nation to free its citizens from reading, writing, and arithmetic disabilities. Because disability is one of the factors that triggers poverty. Efforts to prevent poverty through the development of the education sector are a target of nations in the world, as stated in the Fourth Goal of the Sustainable Development Goals (SDGs), which states, “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”.

In principle, the right to education guaranteed in the constitution is in line with internationally recognized human rights standards. Therefore, the right to education reflects the principle of universality and non-discrimination in the fulfillment of human rights, as regulated in various international conventions, including Article 26 of the 1948 Universal Declaration of Human Rights (UDHR) and Article 13 paragraph (2) letter a of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) which has been ratified through Law Number 11 of 2005 concerning Ratification of International Covenant on Economic, Social and Cultural Rights. These constitutional provisions and international instruments acknowledge basic education not only as a right of every citizen but also as an obligation that must be fulfilled by the state. Such understanding cannot be separated from efforts to educate the nation, one of which is determined by the success of providing education that from an early age instills fundamental values to develop students’ characters so that they can become individuals who, among other things, have noble morals, are healthy, intelligent and responsible, which is in line with the function and goals of national education.

If we trace its history, the beginning of basic education cannot be separated from the existence of the *Volkschool* (People’s School), established during the Dutch Colonial period. In this period, basic education for natives was known as *Volkschool*, or People’s School (SR), and lasted 3 to 6 years. The goal was practical, namely, to produce low-level labor that could assist the colonial administration. The language of instruction is the local language or Malay. During the Japanese occupation (1942–1945), the People’s School was strengthened by maintaining and expanding the People’s School concept. At that time, basic education was formed to support Japanese propaganda. Therefore, the instruction was delivered in Japanese and was a compulsory subject from grade V (five) of People’s School. People’s Schools were considered part of “mass education” in order to strengthen native loyalty to Japan. Entering the early years of independence (1945–1950), the term “People’s School” was still used to refer to people’s basic education. In the 1947 Guidelines on Education and Instruction by Ki Hajar Dewantara, a unified, free school system was desired, as stated that “To strengthen the people’s unity, one type of school for all levels of society should be established” and that “no school fees will be charged in elementary schools”. On March 13, 1946, under the decision of the independent Indonesian government, the term “People’s School” was officially replaced by “Elementary School” (SD) with a six-year (6) study period. This change was reinforced by Law Number 4 of 1950 concerning the Basics of Education and Instruction (Law 4/1950), which was then declared to apply nationally

through Law Number 12 of 1954 concerning Statement of the Enactment of Law Number 4 of 1950 of the Former Republic of Indonesia concerning Basics of Education and Instruction in All Indonesian Schools. Elementary school is the first compulsory level in the Indonesian national education system, which is equal and inclusive, because basic education is the level of the formal education pathway that underlies secondary education. This is in line with the forerunner to the establishment of elementary schools, initiated since the beginning of independence, intended to provide easy access for all levels of society, and without charging fees. This desire was confirmed by the fourth amendment to the 1945 Constitution in 2002, which essentially states that the state is obliged to ensure that all citizens without exception can access basic education, and the government is obliged to finance it [*vide* Article 31 paragraph (1) and paragraph (2) of the 1945 Constitution], so that there are no financial obstacles for the community to obtain the basic education in question.

Regarding the state's obligation in administering education, this is also reinforced in the provisions of Article 31 paragraph (4) of the 1945 Constitution, which states, "The state prioritizes the education budget of at least 20% of the State Revenue and Expenditure Budget and of the Regional Revenue and Expenditure Budget to fulfill the needs of administering national education". With this constitutional obligation, the state cannot abdicate its responsibility to provide basic education, as education is a fundamental right that the state must fulfill as part of its responsibility to educate the nation, in accordance with the mandate of the Preamble to the 1945 Constitution. The state's obligation to administer education is also emphasized in Article 31 paragraph (3) of the 1945 Constitution. Education is important for a nation because it is a pillar for realizing national civilization on the basis of noble moral values, integrity, and strong character, as also conveyed by Ki Hajar Dewantara, that education and instruction must be carried out with reference to the culture and society of the Indonesian nation towards inner happiness and physical safety. Therefore, education should not be limited to school, but should be essentially understood as building a noble life (*non scholae sed vitae discimus*). In other words, education is a key to a better future for the nation, so it must be carried out in a lifelong process [*vide* Article 4 paragraph (3) of Law 20/2003]. Even though it is the state's constitutional obligation to provide basic education for the nation, this does not mean that educational rights and obligations are removed from those of citizens, parents, and society. In this regard, the state has determined the rights and obligations of each element proportionally. To fulfill the needs of administering national education, Article 31 paragraph (4) of the 1945 Constitution stipulates that the education budget is allocated at least 20% of the State Revenue and Expenditure Budget and of the Regional Revenue and Expenditure Budget. These provisions are further regulated in Article 49 of Law 20/2003, in which, since Constitutional Court Decision Number 24/PUU-V/2007, the Court has held that Article 49 paragraph (1) of Law 20/2003, with respect to the phrase "educator's salaries and", is contrary to the 1945 Constitution. Thus, in preparing the education budget, educators' salaries are included in the education component, taking into account the preparation of the State Revenue and Expenditure Budget and the Regional Revenue and Expenditure Budget. Regarding the determination of at least 20% of the Regional Revenue and Expenditure Budget to meet the needs of administering national education, this cannot be separated from the implementation of regional autonomy and decentralization, in which basic education services are part of mandatory government affairs. In this regard, Law Number 23 of 2014 concerning Regional Governments (Law 23/2014) explicitly divides regional authority for administering education, where regency/municipal governments and provincial governments are responsible for the administration of basic education. The responsibilities of regency/municipal governments are reaffirmed in the management of concurrent government administration which determines the details of government affairs division in the education sector, where the management of basic education, early childhood education, and non-formal education are under the regency/municipal region's authority [*vide* Appendix to Law 23/2014 concerning the Division of Concurrent

Government Affairs between the Central Government and Provincial and Regency/Municipal Regions]. Meanwhile, the central government has the authority to set national education standards and manage higher education, and the provincial government has the authority to manage secondary education and special education.

Regarding the review of Article 34 paragraph (2) of Law 20/2003, Article 31 paragraph (1) of the 1945 Constitution states, "Every citizen has the right to receive an education". This right is reaffirmed in Article 31 paragraph (2) of the 1945 Constitution, which states, "Every citizen is obliged to attend basic education, and the government is obliged to finance it." These constitutional provisions contain two aspects, namely (i) basic education is an obligation for every citizen, and (ii) the state is obliged to finance its administration. The state's obligation, in this case, is not only to administer basic education but also to guarantee equal access for all citizens without exception. In line with the state's obligations, financing is a crucial factor in fulfilling the right to education. Therefore, the Court needs to quote again the formulation of the norm of Article 31 paragraph (4) of the 1945 Constitution, which states, "The state prioritizes the education budget of at least 20% of the state revenue and expenditure budget and of the regional revenue and expenditure budget to fulfill the needs of administering national education". With this formulation, the constitution does not leave open the possibility of any interpretation other than that (i) the state is obliged to prioritize the education budget in the State Revenue and Expenditure Budget and the Regional Revenue and Expenditure Budget; and (ii) the priority in question must be at least 20% of the State Revenue and Expenditure Budget and of the Regional Revenue and Expenditure Budget. Furthermore, as a follow-up to this provision, a Law concerning the State Revenue and Expenditure Budget is enacted with a validity period of one year. Thus, such Law concerning the State Revenue and Expenditure Budget regulates the allocation of the education budget, covering all activities aimed at increasing faith and piety as well as noble morals in order to educate the nation [*vide* Article 31 paragraph (3) of the 1945 Constitution], the management of which is then delegated to the ministry or technical institution that handles the education sector in general.

In this regard, the Court through several decisions has considered the importance of fulfilling the education budget of 20% (twenty percent) of the State Revenue and Expenditure Budget and of the Regional Revenue and Expenditure Budget, including in Constitutional Court Decision Number 026/PUU-IV/2006, pronounced in a plenary session open to the public on May 1, 2007, which was then reinforced by Decision Number 24/PUU-V/2007, pronounced in a plenary session open to the public on February 20, 2008, Constitutional Court Decision Number 13/PUU-VI/2008, pronounced in a plenary session open to the public on August 13, 2008, and Constitutional Court Decision Number 135/PUU-XXI/2023, pronounced in a plenary session open to the public on November 29, 2024. Therefore, the matters that require attention are the extent to which the realization of the 20% (twenty percent) budget allocation can in fact be fulfilled for the essential education sector, and how much education budget is realistically required. This cannot be separated from the substance of the Petitioners' petition in the case *a quo*, particularly regarding the mandate of Article 31 paragraph (2) of the 1945 Constitution, which requires every citizen to attend basic education, while the government is obliged to finance it, as stipulated in Article 31 paragraph (4) of the 1945 Constitution.

The obligation regarding basic education as mandated in Article 31 paragraph (2) of the 1945 Constitution requires every citizen to attend the level of education in question, while the government is obliged to finance it. This means that the government's failure to fulfill its obligation to fund basic education can hinder citizens' efforts to fulfill their constitutional obligation to attend it. Therefore, the government must not shirk or transfer its responsibility for financing the administration of basic education, as explicitly stated in the constitution. In this regard, although the 1945 Constitution does not further elaborate on the definition and criteria of basic education,

Article 17 of Law 20/2003 states that basic education means a level of education on the formal education pathway that underlies the secondary education level, which is administered at education units in the form of Elementary Schools (SD) and Islamic Elementary Schools (MI) or other equivalent forms, and constitutes a unified educational continuation at education units in the form of Junior High Schools (SMP) and Islamic Junior High Schools (MTs) or other equivalent forms. Law 20/2003 also explicitly stipulates the obligation to attend basic education, which among other things specifies that every citizen aged seven to fifteen years is obliged to attend basic education [*vide* Article 6 paragraph (1) of Law 20/2003], and parents of children of compulsory school age are obliged to provide basic education to their children [*vide* Article 7 paragraph (2) of Law 20/2003]. Thus, the constitution has clearly and firmly mandated the state's obligation to administer national education, with priority given to basic education, a mandate reaffirmed through Law 20/2003. In this regard, the government's financing and administration of basic education are necessary so that citizens can fulfill their constitutional obligation to attend it.

The problem is that the government has in fact implemented the constitutional norm outlined in Article 34 paragraph (2) of Law 20/2003, which essentially states that the government and regional governments guarantee the implementation of compulsory education at the basic education level without charging fees, by establishing and administering basic education through state-owned basic education institutions (SD/MI and SMP/MTs), namely public elementary schools and public junior high schools, or schools established and managed by the government and/or regional governments. In reality, basic education, apart from that being administered by the government and regional governments, is also provided by the community through education units known as "private schools/Islamic schools." The establishment of education units not managed by the government is pursuant to Article 34 paragraph (3) of Law 20/2003, which, in essence, states that compulsory education is the responsibility of the state and is administered by government education institutions, regional governments, and the community. Furthermore, the community's role in the administration of education is further regulated in CHAPTER XV of Law 20/2003 and in its implementing regulations. In this regard, even though Article 34 paragraph (3) of Law 20/2003 lists the community as one of the parties that may administer compulsory education, it is still emphasized that the compulsory education itself falls under the state's responsibility. Therefore, even though the community administers basic education in the context of implementing compulsory education through private schools/Islamic schools, the state cannot abdicate its responsibility. This is because the interpretation of the legal basis for the role of society in the administration of education cannot be separated from the spirit contained in Article 34 paragraph (2) of Law 20/2003, which, in essence, states that the government and regional governments guarantee the administration of compulsory education at the basic education level without charging fees. The phrase "without charging fees" in such a norm, as previously considered by the Court, is a juridical-constitutional consequence of the mandate in Article 31 paragraph (2) of the 1945 Constitution, which imposes on the government the obligation to finance basic education.

The phrase "compulsory education at least at the basic education level without charging fees" in Article 34 paragraph (2) of Law 20/2003, when explicitly applied to public schools only, has created a gap in access to basic education for students who are forced to attend private schools/Islamic schools due to the limited capacity of public schools, as argued by the Petitioners. In the Court's opinion, in such conditions, the state still has a constitutional obligation to ensure that no student is hampered in obtaining basic education simply because of economic factors and limited basic education facilities. Therefore, the phrase "without charging fees" in the norm *a quo* can indeed lead to differential treatment for students who do not get a place in a public school and must attend a private school/Islamic school with higher costs. Although the state has attempted to fulfill its obligation to provide basic education without charging fees by establishing

government-managed education units, there are still gaps that leave many students unable to be accommodated in public schools and therefore must rely on private schools/Islamic schools. This means that, in fact, there still are citizens as students who carry out their obligation to attend basic education at education units that are not administered by the state (private schools/Islamic schools) and being charged a certain amount of fees to be able to attend the basic education, the fact of which is not in accordance with what is mandated by the 1945 Constitution, particularly Article 31 paragraph (2) of the 1945 Constitution, because the constitutional norm does not limit or stipulate limitations on which the state must fund basic education. The constitutional norm *a quo* requires the state to finance basic education to enable citizens to fulfill their obligation to attend it. In this case, the norm of Article 31 paragraph (2) of the 1945 Constitution must be interpreted as basic education, both administered by the government (public) and administered by the community (private).

If the phrase “compulsory education at least at the basic education level without charging fees” in Article 34 paragraph (2) of Law 20/2003 is interpreted as only applying to public schools, then the state has ignored the fact that the limited capacity of public schools has forced many children to attend schools/Islamic schools administered by the community (private), which ultimately burdens the parents or guardians of students with education costs. This is contrary to the state’s obligation to guarantee basic education to all citizens without charging fees. Therefore, the state must implement a basic education financing policy that covers basic education for all children, both those attending public schools and private schools/Islamic schools, through the mechanism of educational assistance or subsidy, so that there is no gap in access to basic education as mandated in Article 31 of the 1945 Constitution. However, the Court also understands that the principle of basic education without charging fees in public schools prioritizes the state’s role in managing education and does not necessarily mean that basic education must be completely free in all schools, *in casu* schools/Islamic schools administered by the community (private). Ideally, the phrase “funded by the state”, as mandated by the constitution, should result in free basic education so that all students can attend it. Moreover, this is done in order to fulfill the obligation to attend basic education, which is part of fulfilling the rights to economic, social, and cultural (Ecosoc). The fulfillment of Ecosoc’s rights can be carried out gradually, taking the state’s capabilities into account, as it is always tied to the availability of facilities, infrastructure, resources, and budget. Therefore, the realization of free basic education in relation to the fulfillment of rights to Ecosoc can be carried out gradually, selectively, and affirmatively without giving rise to discriminatory treatments.

The Court understands that all private schools/Islamic schools in Indonesia that also administer basic education cannot be considered in the same category in terms of the financing conditions underlying fee charging to students. In addition, several private schools/Islamic schools implement curricula beyond the government’s national curriculum, such as international or religious curricula, which are unique or used as a “selling point” for the school’s advantages. Schools like this certainly influence the motivation or goals of students who attend basic education at the school/Islamic school in question, so that citizens who attend basic education at the school/Islamic school are not entirely motivated by the lack of access to public schools. In this case, these students consciously understand the consequences, in terms of higher funding, of their choices and motivations when deciding to attend basic education at a particular school/Islamic school. Therefore, in order to reduce costs that can burden students, particularly in fulfilling the obligation to attend basic education, the state must prioritize the allocation of the education budget for the administration of basic education, including in private schools/Islamic schools run by the community, taking into account the “needs” of the private schools/Islamic schools.

Whereas the Court also considers the fact that some private schools/Islamic schools, which have received budget assistance from the government, such as the School Operational Assistance (BOS) program or other scholarship programs, still charge students or collect fees from them for administering education at their respective schools in order to meet the needs of carrying out their school's educational activities. In addition, some other private schools/Islamic schools have never accepted, or are unwilling to accept, government budget assistance and administer educational activities for their students on the basis of educational costs paid entirely by the students. For such private schools/Islamic schools, it would be inappropriate and irrational to force them to stop charging their students or collecting fees from them for administering their educational activities, while on the other hand, the government's fiscal (budget) capacity to assist with the costs of administering basic education for education units administered by the community (private schools/Islamic schools) originating from the State Revenue and Expenditure Budget and the Regional Revenue and Expenditure Budget is now still limited. Therefore, although it is not prohibited for private schools/Islamic schools to fully finance the administration of education themselves from students or other sources that do not conflict with statutory regulations, the private schools/Islamic schools in question still provide opportunities for students in the private schools/Islamic schools to become students by offering certain easy financing schemes, particularly for areas where there are no schools/Islamic schools that receive financing from the government and/or regional governments. Pursuant to these legal considerations, the Petitioners' argument that challenges the constitutionality of the phrase "compulsory education at least at the basic education level without charging fees" in the norm of Article 34 paragraph (2) of Law 20/2003, which, in the Petitioners' opinion, gives rise to multiple interpretations and discrimination because it only applies to public schools/Islamic schools, is legally justifiable.

Meanwhile, regarding the Petitioners' argument with respect to the inequality in the basic education budget allocation which has an impact on the high dropout rate at the basic education level, the Court considers that this issue is more of an implementation and administrative nature, which should be the domain of government policy in determining the education budget allocation in accordance with the priorities and needs of the education sector in each region. In this case, the Court reiterates that the constitution only sets the minimum limit for the education budget, while the details of its allocation are part of the policy set out by the government and legislative institutions through the mechanism of preparing the State Revenue and Expenditure Budget and the Regional Revenue and Expenditure Budget. However, through the decision *a quo*, the Court needs to reinforce that the granting of the Petitioners' argument regarding the constitutionality of the norm of Article 34 paragraph (2) of Law 20/2003 has the legal consequence of requiring a paradigm shift to focus the budget for basic education, both public and private. Therefore, in using the budget of the State Revenue and Expenditure Budget and the Regional Revenue and Expenditure Budget for education allocation, priority should be given to the basic education budget as stipulated in Article 31 paragraph (2) and paragraph (4) of the 1945 Constitution.

Furthermore, the Court concludes that, pursuant to all the legal considerations above, the phrase "compulsory education at least at the basic education level without charging fees" in Article 34 paragraph (2) of Law 20/2003 has clearly given rise to multiple interpretations and discriminatory treatment regarding the fulfillment of rights and obligations regarding basic education, thereby violating the citizens' rights to develop themselves through the fulfillment of their basic needs, obtaining education, and gaining benefits from science and technology, arts and culture, in order to improve the quality of life and for the welfare of humanity, as guaranteed by Article 28C paragraph (1) of the 1945 Constitution, as argued by the Petitioners, to the extent that it is not interpreted as "The Government and Regional Governments guarantee the implementation of compulsory education at least at the basic education level without charging fees, both for basic education units organized by the government and basic education units

organized by the community.” Since the Court’s interpretation differs from the Petitioners’ petition, the Petitioners’ petition is partially legally justifiable.

Accordingly, the Court subsequently passes down a decision in which the verdicts were as follows:

1. To grant the Petitioners’ petition in part.
2. To declare that Article 34 paragraph (2) of Law Number 20 of 2003 concerning the National Education System (State Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 4301) is contrary to the 1945 Constitution of the Republic of Indonesia and conditionally has no binding legal force to the extent that it is not interpreted as “The Government and Regional Governments guarantee the implementation of compulsory education at least at the basic education level without charging fees, both for basic education units organized by the government and basic education units organized by the community.”
3. To order the publication of this decision in the State Gazette of the Republic of Indonesia as appropriate.
4. To dismiss the remaining petition of the Petitioners.