THE UNFULFILLMENT AND ACCOMPLISHMENT OF INDONESIAN GOVERNMENT IN PROVIDING EDUCATION SERVICE FOR CERTAIN AREAS BORDERING OTHER COUNTRIES

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ABSTRACT

Indonesia has land borders with three neighboring countries, namely Malaysia, Papua New Guinea and East Timor. Not only with those three countries, but also with other ten countries bordering the sea. Indonesia stated that the territory of the country is one of the elements that constitute a unity of land areas, internal waters, the archipelagic waters and territorial sea as well as the seabed and the land beneath it, as well as the air space above it, including all sources of wealth contained therein. While the state borders is a boundary line which is dividing the sovereignty of a state in terms of international law. Where the border area is part of the state that is located on the inner side along the boundary with Indonesia and other countries, in terms of State Boundary on land, the Border Region is located in the district. The protection given by Indonesia for its citizens in the border areas is in accordance with the existing rules, the fulfillment of human rights in the form of the right to education, health, participation in elections, as well as other regional infrastructure. Although there are still shortcomings in the fulfillment of human rights, Indonesia always puts the human rights to provide the protection and fulfillment. This article discusses the importance of international human rights instruments in terms of both declarations and agreements in the implementation of right to education in Indonesia. It attempts to explore the implementation of the right to education in Indonesia by focusing on its developments and difficulties in certain areas of Indonesia which are coterminous with three neighboring countries. At the beginning of a newly independent state named the Republic of Indonesia on 17 August 1945, the right to education was already considered to be an important issue and it can be seen through the Constitution of the Republic of Indonesia. With many difficulties faced by Indonesian government, the struggle to receive the proper right to education was not an easy thing to do. Especially to certain areas bordered to the neighboring countries. Hence, the following discussion raises some ideas and concrete actions provided and planned by civil society in terms of providing education service for those areas bordering other countries.

Key words: border, human rights, right to education

Introduction

Indonesia is an archipelagic state situated geographically in the South-east Asia with its ten immediate neighbors. Therefore, it has international land and maritime boundaries with the ten countries, i.e. Malaysia, Singapore, Vietnam, the Philippines, Palau, Papua, New Guinea, Australia, Timor-Leste, India, and Thailand (Sobar Sutisna, Sri Handoyo, 2006; 1).

Indonesian border with neighboring countries have a positive impact on the diplomatic relations although in border management in particular on the land borders never cause a problem or conflict with other countries, but always with the principles of good neighborliness it can be done well. The emergence of a problem at the border is very reasonable and often occur, but it can not be used as a reason to affect diplomatic relations that have been established properly and tightly between the countries bordering on land directly with Indonesia (Dewa Mangku, 2016).

Education in Indonesia falls under the responsibility of the Ministry of Education and Culture (Kementerian Pendidikan dan Kebudayaan or Kemdikbud) and the Ministry of Religious Affairs (Kementerian Agama or Kemenag). In Indonesia, all citizens must undertake nine years of compulsory education which consists of six years at elementary level and three in secondary level. Islamic schools are under the responsibility of the Ministry of Religious Affairs. Education is defined as a planned effort to establish a study environment and educational process so that the student may actively develop his/her own
potential in religious and spiritual level, consciousness, personality, intelligence, behaviour and creativity to him/herself, other citizens and the nation. The Constitution also notes that there are two types of education in Indonesia: formal and non-formal. Formal education is further divided into three levels: primary, secondary and tertiary education (https://en.wikipedia.org/wiki/Education_in_Indonesia).

Schools in Indonesia are run either by the government (negeri) or private sectors (swasta). Some private schools refer to themselves as “national plus schools” which means that their curriculum to exceeds requirements set by the Ministry of Education, especially with the use of English as medium of instruction or having an international-based curriculum instead of the national one. In Indonesia there are approximately 170,000 primary schools, 40,000 junior-secondary schools and 26,000 high schools. 84 percent of these schools are under the Ministry of National Education (MoNE) and the remaining 16 percent under the Ministry of Religious Affairs (MoRA). Private schools only comprise 7% of the total schools number (https://en.wikipedia.org/wiki/Education_in_Indonesia).

Pre-School education in Indonesia is covered under PAUD (Pendidikan Anak Usia Dini, lit. Early Age Education) that covers Taman Bermain (playgroup) and Taman Kanak-Kanak (kindergarten, abbreviated as TK). PAUD is under direct supervision and coverage of Directorate of Early Age Education Development (Direktorat Pengembangan Pendidikan Anak Usia Dini). From the age of 2, parents send their children to attend Taman Bermain. From the age of 4, they attend Taman Kanak-Kanak. Most TK arrange the classes into two grades, grade A and grade B, which are informally called kelas nol kecil (little zero grade) and kelas nol besar (big zero grade) respectively. While this level of education is not compulsory for Indonesian citizens, it is aimed to prepare them for primary schooling. Of the 49,000 kindergartens in Indonesia, 99.35% are privately operated schools. The kindergarten years are usually divided into “Class A” and “Class B” students spending a year in each class.

Indonesians are required to attend twelve years of school (Jakarta Post. 26 June 2013). They must go to school six (or five, depending on the institution) days a week from 6:30 a.m. until afternoon (usually 2 or 3 p.m.). They can choose between state-run, nonsectarian public schools supervised by the Department of National Education (Depdiknas) or private or semi-private religious (usually Islamic) schools supervised and financed by the Department of Religious Affairs (William H. Frederick and Robert L. Worden, eds, 2012).

Students can also choose to participate in extracurricular activities provided by the school such as sports, arts, or religious studies. However, although 86.1 percent of the Indonesian population is registered as Muslim, according to the 2000 census only 15 percent of school-age individuals attended religious schools. Overall enrolment figures are slightly higher for girls than boys and much higher in Java than the rest of Indonesia.

School grades
The school year is divided into two semesters. The first commences in July and ends in December while the latter commences in January and ends in June.

<table>
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<tr>
<th>Level/Grade</th>
<th>Typical age</th>
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<tr>
<td>Preschool</td>
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<td>Pre-school playgroup</td>
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<td>Middle School</td>
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<td>7th Grade</td>
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<td>9th Grade</td>
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<td>High School</td>
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The right to education has constitutionally been guaranteed by the Indonesian Constitution of 1945 (Undang-Undang Dasar Tahun 1945) which was approved by the State founders just one day after the Independence Proclamation proclaimed on 17 August 1945 or four years before the formal transfer of sovereignty from the Netherlands on 27 December 1949. When the State founders drafted the Constitution for the newly Republic of Indonesia, they believed that “education would be the strategic vehicle for ensuring that the newly independent Indonesian nation would be modern, democratic, prosperous, and with a concept of social justice based on the state philosophy of Pancasila (Soedijarto; 2009;1, see Manan, 2015).

In this article will discuss about “The Unfulfillment and Accomplishment of Indonesian Government in Providing Education Service For Certain Areas Bordering other Countries”

**Research Methods**

Based on the features of legal research, Soekanto (1986; 10) categorizes it into three types, namely:

1) Exploratory research is conducted if knowledge about a phenomenon that will be investigated is none or still lacking;
2) Descriptive study is done to provide accurate data about people, circumstances, or other symptoms;
3) Explanatory research is research that is intended to test specific hypotheses.

Viewing from the objectives, legal research is divided into two categories (Soekanto & Mamudji, 2003; 14) they are :

1) The literature research is done by researching library materials or secondary data.
2) The empirical or sociological legal research is conducted primarily by examining primary data.

Based on the category of the types of research, this research employed descriptive design that is intended to provide a clear picture of a country's reasons to issue a travel warning to a state in the perspective of international law. The objective of the present research is normative law, of which the data were obtained through the study of documents or literature by examining library materials, such as: books, international conventions, international agreements, papers, journals, articles, newspapers as well as internet sites related to the object under study.

Research is a scientific activity that is related to the analysis and construction done methodically, systematically and consistently. Methodological means in accordance with a method or a certain way, systematic is based on a system, while consistent means the absence of contradictory things within a certain framework. (Soerjono Soekanto, 2012).

This research is descriptive research that provides the data as accurately as possible about The Unfulfillment And Accomplishment Of Indonesian Government In Providing Education Service For Certain Areas Bordering Other Countries and this research is a normative research is legal research done by researching library materials or secondary data. The data were analyzed qualitatively is this analysis want to find the truth based on the value or quality of data obtained through the process: collecting the data, the data were then grouped according to the object, the data that have been classified was then outlined and explained, then data described further in the evaluation using legal provisions that apply to see kesusuian or vice versa and then compared, and establish conclusions and ius constitutendum.

**The Portrait of Indonesian Education at the Land Borders**

**Definition of Border**

Definition of the general border is a line of demarcation between the two sovereign states. At first the borders of a country or border states formed with other countries, before the people living in a particular area does not feel the difference is not uncommon even they are from the same ethnic. But with the advent of their country separated from the mentor of the country they have a different nationality. Said border or the border according to Guo, implies a restriction of a political area and the area of movement, while the border region implies as an area that plays an important role in the political competition between two different countries, which is an area that limits between two interests of different jurisdictions.

An area of the country ideally have borders that the state can implement its sovereignty in accordance with the rights and obligations as a subject of international law. Sometimes a permanent state border agreed upon through agreements do not
necessarily adhered to, and often violated. Nothing like this happened due to a shift in the structure and system of political life that triggered war with the intention of questioning the existing state borders, it could be due to the war raised new agreements to split to form a new country or region merging. As the geographical space from the beginning is a region of a power struggle between countries, mainly characterized by their fight to expand the boundaries of the state, as part of the history and existence of the state (Dewa Mangku, International Journal of Business, Economics and Law, Vol. 10, Issue 4 (Aug).

Thus that, the task of monitoring borders and territorial integrity is a primary duty of states to protect their citizens in the territory autonomy while protecting society. For the role of the state border is the duty of protection so that outsiders will enter into a state-owned land should be stopped and that there should not be appropriated by foreign parties who are not authorized. A country's borders shows the complexity of its own which shows that not only divides the state border of different entities. He was even the same ethnic divide, because of their history of different nationalities by the same ethnicity (Dewa Mangku, International Journal of Business, Economics and Law, Vol. 10, Issue 4 (Aug).

The Importance of Border Area for Indonesia

As indicated by the above quotations, state borders actually plays an important role in determining national security and sovereignty and even state boundaries (borders) has an important position in the making of inter-states interactions in a certain particular region. Even though, the phenomena of globalization has marked the contemporary international relations, however it is also still dominated by traditional issues such as state borders. This is of course hardly related to any national security and territorial sovereignty (Banyu; 2007; 7).

On the other side, globalization phenomenon with all its aspects seems to neglect the traditional boundaries of inter-states relations and to vanish the physical distance of nation-states. The rapid development of information technology, communications and weapons has also shown how states border lines increasingly less relevant in international relations in this globalization era. Globalization, according to Anthony Mc Grew (2000), not only has made territoriality in many states becomes increasingly less relevant, but also 3 questions the sovereignty existence of territorial of nation-states.

State border is the main manifestation of a country's territorial sovereignty. The borders of a country has an important role in determining the boundaries of sovereignty, the utilization of natural resources, and maintaining security and territorial integrity. Border country in many ways determined by the historical, political, and national and international law (Moeldoko, 2014).

Border region is a very strategic area for stability, social, and economic, both communities on the border as well as all citizens in a country. Border regions in Indonesia too. Indonesia's vast border area requires effective border management policies and accountable on social, economic, and security. However, during this time, the conditions on the ground indicate that the border management system in Indonesia tend to be less effective and accountable (Marwasta; 2016; 12).

The Rights to Education in Indonesian Perspective

The 1945 Constitution of the Republic of Indonesia

The 1945 Constitution of the Republic of Indonesia, as amended by the First Amendment of 1999, the Second Amendment of 2000, the Third Amendment of 2001 and the Fourth Amendment of 2002. The preamble to the constitution, be explained: Whereas independence is the inalienable right of all nations, therefore, all colonialism must be abolished in this world as it is not in conformity with humanity and justice; And the moment of rejoicing has arrived in the struggle of the Indonesian independence movement to guide the people safely and well to the gate of the independence of the state of Indonesia which shall be independent, united, sovereign, just and prosperous; By the grace of God Almighty and motivated by the noble desire to live a free national life, the people of Indonesia hereby declare their independence.

Subsequent thereto, to form a government of the state of Indonesia which shall protect all the people of Indonesia and all the independence and the land that has been struggled for, and to improve public welfare, to educate the life of the people and to participate toward the establishment of a world order based on freedom, perpetual peace and social justice, therefore the independence of Indonesia shall be formulated into a constitution of the Republic of Indonesia which shall be built into a sovereign state based on a belief in the One and Only God, just and civilized humanity, the unity of Indonesia, and democratic life led by wisdom of thoughts in deliberation amongst representatives of the people, and achieving social justice for all the people of Indonesia.

In chapter I about form of the state and sovereignty, article 1 paragraph (1) the state of Indonesia shall be a unitary state in the form of a republic; paragraph (2) sovereignty is in the hands of the people and is implemented according to this Constitution; paragraph (3) the state of Indonesia shall be a state based on the rule of law.

In Chapter XIII The 1945 Constitution of the Republic of Indonesia about education. In article 31 paragraph (1) every citizen has the right to receive education; paragraph (2) very citizen has the obligation to undertake basic education, and the government has the obligation to fund this; paragraph (3) the government shall manage and organise one system of national education, which shall increase the level of spiritual belief, devoutness and moral character in the context of developing the life of the nation and shall be regulated by law; paragraph (4) the state shall prioritise the budget for education to a minimum of 20% of the State Budget and of the Regional Budgets to fulfil the needs of implementation of national education, and paragraph (5) the government shall advance science and technology with the highest respect for religious values and national unity for the advancement of civilisation and prosperity of humankind.
In article 32 paragraph (1) the state shall advance the national culture of Indonesia among the civilisations of the world by assuring the freedom of society to preserve and to develop cultural values, paragraph (2) the state shall respect and preserve local languages as national cultural treasures.

Republic of Indonesia Legislation Number 39 of 1999 Concerning Human Rights

In article (1) Republic of Indonesia legislation number 39 of 1999 concerning human rights paragraph (1) human rights mean a set of rights bestowed by God Almighty in the essence and being of humans as creations of God which must be respected, held in the highest esteem and protected by the state, law, Government, and all people in order to protect human dignity and worth, paragraph (2) human obligations mean a set of obligations which, if not undertaken, would make it impossible for human rights to be executed and upheld, paragraph (3) discrimination means all limitations, affronts or ostracism, both direct and indirect, on grounds of differences in religion, ethnicity, race, group, faction, social status, economic status, sex, language, or political belief, that results in the degradation, aberration, or eradication of recognition, execution, or application of human rights and basic freedoms in political, economic, legal, social, cultural, or any other aspects of life, paragraph (4) torture means all deliberate acts that cause deep pain and suffering, both physical or emotional, inflicted on an individual person to obtain information or knowledge from that person or from a third party, by punishing an individual for an act carried out or suspected to have been carried out by an individual or third party, or by threatening or coercing an individual or third party, or for reasons based on discriminative considerations, should this pain or suffering arise as a result of provocation by, with the approval of, or with the knowledge of any person or public official whosoever.

Paragraph (5) children mean all unmarried persons under the age of 18, including, should this be in their interest, all unborn children.

paragraph (6) human rights violations mean all actions by individuals or groups of individuals, including the state apparatus, both intentional and unintentional, that unlawfully diminish, oppress, limit and/or revoke the human rights of an individual or group of individuals guaranteed by the provisions set forth in this Act, and who do not or may not obtain fair and total legal restitution under the prevailing legal mechanism.

International Instrument

International human rights law is binding on all States and their agents, including law enforcement officials. Moreover, most of the international human rights conventions obligate party states to take certain measures with regard to the provisions contained therein, whether by creating domestic legislation or by other effective implementations (Human Rights Committee, General Comment 3, Article 2, para 1, see Heribertus Jaka Triyana). But the most important obligation is that states have to ensure that all individuals enjoy their rights within their territories and their jurisdictions (Phillip Alston, John Cerone, Jaka Triyana). Or, in simple terms, states have to implement the effectiveness principle which requires that provisions of human rights treaties or conventions ‘be interpreted and applied so as to make (their) safeguards practical and effective’ (emphasis added) (European Court of Human Rights, 1995).

Therefore, states have the ultimate obligation to implement and to enforce human rights, although there are many other mechanisms to implement and to enforce them. These include, for example, reporting to the Human Rights Committee (international mechanism), and complaints to the European and American Human Rights Tribunals (regional mechanism) (United Nations High Commissioner for Human Rights, 1997; Conforti; Phillip Alston, 2000), whose aims are complement each other (Francioni, 2000). A state can create domestic legislation relating to certain international human rights conventions by ratifying the conventions. Those conventions are then enforced by its national court to prosecute, to punish perpetrators of human rights abuses, or to give remedies to the victims (Ratner, 2006; Sunstaein, 2006).

The legal status of the international treaties or conventions on international human rights law in Indonesia is determined by means of approval, signature, ratification, or by other mutually agreed means (Article 3 Act Number 24 of 2000; Tahzib, 2006). In practice, ratification is mainly applied by giving international human rights treaties or conventions the form of an act (Article 9 paragraph (2), Act 24 of 2000). As a result, after the ratification, international human rights treaties or conventions become binding, enforceable and concurrent with national legislation (Heribertus Jaka Triyana).

Human rights mean a set of rights bestowed by God Almighty in the essence and being of humans as creations of God which must be respected, held in the highest esteem and protected by the state, law, Government, and all people in order to protect human dignity and worth. The Republic of Indonesia acknowledges and holds in high esteem the rights and freedoms of humans as rights which are bestowed by God and which are an integral part of humans, which must be protected, respected, and upheld in the interests of promoting human dignity, prosperity, contentment, intellectual capacity and justice (article 2 Law No. 39 Year 1999 - Concerning Human Rights).

**Indonesian Governments in Providing Education at the Land Border**

**The Unfulfillment**

**Teacher shortages in the Border Region**

As a spearhead in maintaining the sovereignty of a nation, the people residing in the border area has a very vital role, especially concerning the delimitation of the territorial sovereignty, the utilization of natural resources and maintain the security and integrity of the state. Data says there are at least 11 provinces, divided into 36 districts/cities which directly borders with neighboring countries, where the whole of the area included in the priority scale development of disadvantaged areas in 2012-2014. This shows how far the frontier yet to get a decent place in the national development policy (Afandi, 2013).

It is inevitable that in addition to having rights, citizens also have obligations, one of which is an obligation to defend the country's sovereignty. However, when the government can not fulfill the rights of citizens, citizens of these countries also tend to ignore their obligations. Socio-economic gap frontier society with communities neighboring countries affect the character and lifestyle of local communities and negatively affect the security of the border area and the sense of nationalism. This is the impact that occurs when the education and welfare of the people in the border area are ignored, because it would erode the sense of nationalism that is not likely to threaten the sovereignty of the nation (Afandi, 2013).

**The Accomplishment**

**Gerakan Indonesia Mengajar (Indonesia Teaches Movement)**

Gerakan Indonesia Mengajar/GIM (Indonesia Teaches Movement) is a collective effort in fulfilling Indonesia founding fathers’ promise in declaring nation independence through spreading out quality education to all over Indonesia. GIM does not pretend to solve all education problems in Indonesia, instead, encourage positive initiatives and interactions between individuals and communities.

Gerakan Indonesia Mengajar recruits and trains Indonesia's best graduates to be deployed to various remote areas of Indonesia to teach for one year in elementary schools. These tightly selected individuals are called "Pengajar Muda (“Young Teacher” or Educational Improvement Facilitator). Anies Baswedan founded Gerakan Indonesia Mengajar in 2009 to be an establishment beyond programmatic approach, with an aspiration to be a movement of Indonesian citizens to collaborate and take a part in improving education quality.

Gerakan Indonesia Mengajar does not simply encourage young people to become teachers. Through teaching experience, it also provides a means for these young people to learn about leadership as well as to sharpen their social awareness and understanding of the challenges faced by the country. Simply put, it gives them the tools for character building. When these young people complete their teaching service, they will be able to share this valuable experience in their workplace and in extension, inspire others. Thus why our tagline is "setahun mengajar, seumur hidup menginspirasi" (teach for a year, inspire for a lifetime).

Gerakan Indonesia Mengajar has a mission:

1. Creating a sustainable impact of the presence of Young Teachers at the village and district placement;
2. Build a network of future leaders who have an understanding of the grassroots;
3. Build a social movement of education in Indonesia.

Indonesia Teaching has a main activity that is to recruit, train and send young children Indonesia which is the best college graduates to serve for one year in various regions in Indonesia as an elementary school teacher. Basically off-duty as a teacher, the Young Teachers have a mandate to drive behavior change in his place of duty.

Since the end of 2010, Indonesia has placed the Teachers Teaching Younger in 24 districts spread across Indonesia. These areas, among others;

- a) Kabupaten Aceh Utara - Propinsi Nanggroe Aceh Darussalam
- b) Kabupaten Bengkalis - Propinsi Riau
- c) Kabupaten Muara Enim - Propinsi Sumatera Selatan
- d) Kabupaten Musi Banyuasin - Propinsi Sumatera Selatan
- e) Kabupaten Tulang Bawang Barat - Propinsi Lampung
- f) Kabupaten Natuna - Propinsi Kepulauan Riau
- g) Kabupaten Lebak - Propinsi Banten
- h) Pulau Bawean, Kabupaten Gresik - Propinsi Jawa Timur
- i) Kabupaten Kapuas Hulu - Propinsi Kalimantan Barat
- j) Kabupaten Paser - Propinsi Kalimantan Timur
- k) Kabupaten Hulu Sungai Selatan - Propinsi Kalimantan Selatan
- l) Kabupaten Nunukan - Propinsi Kalimantan Utara
- m) Kabupaten Kep. Sangihe - Propinsi Sulawesi Utara
- n) Kabupaten Banggai - Propinsi Sulawesi Tengah
- o) Kabupaten Majene - Propinsi Sulawesi Barat
Besides teaching, they also do community activities to educate the children of the people around the country that shortage of teachers. The program was first rolled out in 2011. In a year 2021, Kabupaten Konawe - Propinsi Sulawesi Tenggara, Kabupaten Bima - Propinsi Nusa Tenggara Barat, Kabupaten Rote Ndao - Propinsi Nusa Tenggara Timur, Kabupaten Halmahera Selatan - Propinsi Maluku Utara, Kabupaten Maluku Tenggara Barat - Propinsi Maluku, Kabupaten Maluku Barat Daya, Kabupaten Fakfak - Propinsi Papua Barat, Kabupaten Kepulauan Yapen - Propinsi Papua, Kabupaten Pegunungan Bintang - Propinsi Papua.

**Sarjana Mendidik di Daerah Terdepan, Terluar, dan Tertinggal (SM3T)**

Educating undergraduate in Regions Frontier, Outermost, and Disadvantaged which is part of the program educating Together Forward Indonesia initiated by the Directorate of Education and Education Personnel, Directorate General of Higher Education, Ministry of Education and Culture. In this program, the graduate education are recruited, prepared and deployed in the service area. Besides teaching, they also do community activities (https://uny.ac.id/berita/mengajar-dalam-keterbatasan-kisah-guru-sm3t-uny.html). Educating Undergraduate Program Frontier, Outermost and Disadvantaged abbreviated SM3T true is a noble program to educate the children of the people around the country that shortage of teachers. The program was first rolled out in 2011 are felt a lot of benefits. The needs of students are met, and the teacher get the reward. Reward because it is matchless devotion to his beloved country. Until this year, 7962 teachers Kemendikbud has been sent to the Regional 3T (http://www.kompasiana.com/verona).

The objectives SM3T program, are:

1. Helping the 3T in addressing the issue of education, especially shortage of educators.
2. Provide devotion to undergraduate education experience thus forming a professional attitude, love of the homeland, to defend the country, caring, empathy, skillful solve education problems, and is responsible for the progress of the nation, and has a soul ketahanan-malangan in developing education in areas classified as 3T.
3. Set up a prospective educator who has the soul of calling to devote himself as a professional educator in the area 3T.
4. Preparing candidates for professional educators before joining the Professional Teacher Education Program (PPG).

**Scope:**

1. Carry out the duties of learning in the educational unit in accordance with the areas of expertise and the demands of local conditions.
2. Encouraging learning innovation activities at the school.
3. Extra-curricular activities.
4. Help the tasks associated with the management of education in schools.
5. Empower communities to support the development of education programs in the area 3T.
6. Implement social tasks.

**Conclusion**

The 1945 Constitution of the Republic of Indonesia, as amended by the First Amendment of 1999, the Second Amendment of 2000, the Third Amendment of 2001 and the Fourth Amendment of 2002. The preamble to the constitution, be explained: Whereas independence is the inalienable right of all nations, therefore, all colonialism must be abolished in this world as it is not in conformity with humanity and justice; And the moment of rejoicing has arrived in the struggle of the Indonesian independence movement to guide the people safely and well to the gate of the independence of the state of Indonesia which shall be independent, united, sovereign, just and prosperous; By the grace of God Almighty and motivated by the noble desire to live a free national life, the people of Indonesia hereby declare their independence.

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References

Act 24 of 2000


Cerone argues the application of extra territoriability principle (jurisdiction) to KFOR forces that “KFOR forces, a security NATO led multinational forces can be held accountable for their behaviors in Kosovo in their respective countries based on individual state responsibility for violation of human rights obligations”;


Djak Marwasta, Pendampingan Pengelolaan Wilayah Perbatasandi Indonesia: Lesson Learned Dari Kkn Ppm Ugm Di Kawasan Perbatasan, Fakultas Geografi Universitas Gadjah Mada. jakamar@ugm.ac.id, Indonesian Journal of Community Engagement . Vol. 01, No. 02, Maret 2016


Munafrizal Manan, The Implementation Of The Right To Education In Indonesia, Volume 5 Number 1, January - April 2015 INDONESIA Law Review

Ratified by Act 1 of 2000.
Ratified by Act 10 of 2012
Ratified by Act 11 of 2005
Ratified by Act 12 of 2005
Ratified by Act 19 of 2011
Ratified by Act 20 of 1999.
Ratified by Act 48 of 1993
Ratified by Act 5 of 1998.
Ratified by Act 68 of 1958.
Ratified by Act 7 of 1984
Ratified by Presidential Decree 36 of 1990
Ratified by Presidential Decree 58 of 1991


The penal sanction for violations of human rights are found in many domestic legislations, such as in Filartiga v Pena Irala, (1980) 630 F.2d 876 (2nd Cir), see Beth Stephens and Michael Ratner, International Human Rights Litigation in US Courts (1996), 10 applying the Alien Claim Torture Act (28 USC ss 1350 (1988). The notion remedy means that where there is a right, there is a remedy which is used to make human rights abuse claims, see Stephen Holmes and Cass R. Sunstain, “The Cost of Rights: Why Liberty Depends on Taxes”, (1999) in Steiner and Alston, above n 15, 260. In Indonesia, the term of remedy means that the government has to give compensation, restitution and rehabilitation according to Article 35 of the Act 26/2000 concerning Human Rights Tribunal.
