

## IMPLEMENTATION OF THE RIGHT TO EDUCATION AND UTILISATION OF SCIENCE, TECHNOLOGY, ARTS AND CULTURE BASED ON ARTICLE 28C PARAGRAPH (1) OF THE 1945 CONSTITUTION

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### Abstract

This study discusses the implementation of the right to education and the utilisation of science, technology, arts, and culture based on Article 28C paragraph (1) of the 1945 Constitution, which guarantees every citizen the right to develop themselves to improve their quality of life. Education is considered a fundamental right that must be provided by the state, but reality shows that there are still gaps in access, quality, and equity of educational services between urban and rural areas, rich and poor groups, and majority and minority groups. Similarly, the right to utilise science, technology, arts, and culture has not been optimally realised due to a lack of research support, low digital literacy, weak protection of intellectual property, and the challenges of globalisation that have the potential to erode local cultural identities. The research method used is a normative juridical approach combined with a conceptual approach. Data was obtained from primary, secondary, and tertiary legal materials, which were then analysed descriptively and analytically. The results of the study show that despite various regulations and government programmes, the implementation of Article 28C paragraph (1) still experiences a gap between normative principles and empirical reality. The fulfilment of these rights requires strengthening access to and equity in education, support for research and innovation, technological literacy, cultural protection, and political commitment to holistic human development. In conclusion, the implementation of Article 28C paragraph (1) of the 1945 Constitution in Indonesia still faces structural, cultural, and technical obstacles in ensuring that all citizens can benefit from education, science, technology, arts, and culture. Therefore, synergy between the state, society, and the private sector is key to optimising these constitutional rights for the sake of national welfare and competitiveness.

**Keywords:** 1945 Constitution, right to education, science, technology, arts, culture, constitutional rights, implementation.

### Introduction

The 1945 Constitution of the Republic of Indonesia affirms all fundamental rights of citizens, which include not only political rights, but also social, economic and cultural rights. One of the provisions that occupies a crucial position is Article 28C paragraph (1), which affirms the right of every person to develop themselves through the fulfilment of

their basic needs, the right to education, and the right to benefit from science, technology, arts, and culture in order to improve their quality of life (Supriyanto, 2025). This provision philosophically shows that the development of the Indonesian people as a whole is not merely the responsibility of individuals, but a constitutional obligation of the state that must be realised in the education system, science and technology policies, and cultural development (Darmawan, 2023).

Education within the constitutional framework is not merely a process of knowledge transfer, but a fundamental instrument for building the quality of human resources. Equitable, inclusive, and quality education is an important social capital that determines the future direction of the nation (Komari & Aslan, 2025); (F. Firmansyah & Aslan, 2025). Article 28C paragraph (1) places education not merely as a necessity, but as a right that cannot be reduced under any circumstances. However, the reality on the ground shows that there are still gaps in access to education between urban and rural areas, between rich and poor communities, and between majority and minority groups. This raises serious questions about the extent to which the state is present and fulfilling its constitutional mandate (Kurniawan, 2023).

In addition to the right to education, Article 28C paragraph (1) also guarantees the right to benefit from the development of science and technology. In the era of digital transformation and the 4.0 industrial revolution, mastery of technology and science has become a key factor in a nation's competitiveness. Indonesia faces a major challenge in terms of equal access to information technology, especially in 3T (frontier, outermost, disadvantaged) areas, which still experience infrastructure limitations (Pramudito, 2023); (Aslan, 2019).

Art and culture are also given equal recognition in Article 28C paragraph (1). Art and culture are not only aesthetic aspects, but also means of preserving national identity, strengthening social solidarity, and supporting economic development through the creative industry. However, globalisation poses a serious challenge to efforts to maintain national identity (Wartoyo, 2016). The influx of global culture often disrupts local culture, making communities vulnerable to losing their traditional values. The state has a constitutional obligation not only to guarantee freedom of expression in the arts and culture, but also to ensure the preservation, protection, and constructive development of culture (Dewi, 2023).

The philosophical basis of Article 28C paragraph (1) is the belief that human development is not only material, but also spiritual and cultural. The right to education, science, technology, arts, and culture as a whole shows that Indonesians are expected to develop a balance between intellectual intelligence, technological skills, and cultural sensitivity. The normative function of this article does not only stop at the recognition of rights, but also imposes an obligation on the state to organise inclusive national education, encourage research and innovation, and preserve the nation's culture (T. Firmansyah, 2023).

In the realm of international law, provisions similar to Article 28C paragraph (1) can be found in various international human rights instruments, such as the *Universal Declaration of Human Rights (UDHR)* Article 26 on the right to education and Article 27 on the right to enjoy the arts and sciences. Similarly, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) affirms the state's responsibility to gradually realise these rights. The existence of these international standards strengthens the constitutional legitimacy of Indonesia, while also providing a legal basis that allows for the monitoring of the fulfilment of the rights to education, science, and culture from a universal human rights perspective (Setiawan, 2025).

However, various state policies in the field of education and the utilisation of science and technology do not always run smoothly. For example, the 12-year compulsory education programme, which was rolled out to ensure universal access to education, still faces obstacles in the form of limited infrastructure in remote areas (Rizki, 2023). On the other hand, the digitisation of education that was promoted during the COVID-19 pandemic revealed a clear gap between groups of people who were able to access technology and those who were not. This situation shows that the implementation of these constitutional rights still faces a serious gap between the idealism of the norm and empirical reality (Caroline & Aslan, 2025); (Aslan & Sidabutar, 2025).

A similar situation occurs in the science and technology sector. The government has established special institutions such as the National Research and Innovation Agency (BRIN) to strengthen the research ecosystem. However, the low level of international publications, the lack of patents, and the limited commercialisation of research reveal systemic problems in the utilisation of technology for the benefit of society. The public is still positioned as consumers of foreign technology products, not producers or innovators. In fact, Article 28C paragraph (1) should guarantee opportunities for citizens to not only access but also contribute to the production of science and technology (Laila, 2024).

The field of arts and culture presents its own complexities. On the one hand, Indonesia has a wealth of cultural heritage that is recognised worldwide, such as batik, wayang, and cuisine. On the other hand, there are concerns that the tide of globalisation and the penetration of foreign cultures could erode the existence of regional cultures. Regulations on cultural preservation, such as Law No. 5 of 2017 on Cultural Advancement, do provide a legal basis, but their implementation is often limited to ceremonial activities without the support of a sustainable creative economy ecosystem. In fact, arts and culture are not only objects of preservation but must also be a source of community welfare (Nugroho, 2022).

In addition to implementation challenges, there are also issues regarding supervision and accountability in fulfilling these constitutional rights. Although the Constitutional Court and the National Human Rights Commission can be instruments to

assess the extent to which the state complies with its obligations, there are still minimal comprehensive evaluation mechanisms for access and quality of education, research, and cultural preservation.

As a result, government programmes are often measured only in terms of administrative output, rather than their substantive impact on improving the quality of life of the community in accordance with the constitutional mandate (Handayani, 2024). This research is very important because it will critically explore how the implementation of Article 28C paragraph (1) works in the realm of law and policy, as well as the factors that hinder or support it.

By dividing the analysis into two areas — the right to education and the right to utilise science, technology, arts, and culture — this research provides a structured and easy-to-understand mapping. The focus of the discussion is not only on legal norms but also on the accompanying social realities, thus providing a comprehensive picture of the meaning and challenges of implementing these constitutional rights.

## **Research Methodology**

This study uses a normative juridical approach with a focus on the interpretation and legal review of the provisions of Article 28C paragraph (1) of the 1945 Constitution and its relevance in the context of the implementation of the right to education and the utilisation of science, technology, arts and culture. This normative approach is combined with a conceptual approach that analyses the philosophical and theoretical foundations, as well as the principles of human rights as contained in international legal instruments, such as the *Universal Declaration of Human Rights (UDHR)* and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)* (Eliyah & Aslan, 2025). The main data sources for the study consist of primary legal materials (the 1945 Constitution, laws related to education, culture, and science and technology regulations), secondary legal materials (academic literature, law journals, research institute reports, and Constitutional Court decisions), and tertiary legal materials (legal dictionaries, encyclopaedias, and official web sources). Data collection techniques were carried out through literature studies and legal document reviews, then analysed using descriptive-analytical qualitative methods to describe the gap between constitutional norms and the reality of implementation, as well as to compile constructive recommendations for future policy formulation (Baumeister & Leary, 2020).

## **Results and Discussion**

### **Implementation of the Right to Education**

The right to education is one of the constitutional rights guaranteed by the 1945 Constitution, specifically in Article 28C paragraph (1) and Article 31, which more specifically regulates the rights and obligations of the state in organising national education. Within the constitutional framework, the right to education occupies a

strategic position because it is directly related to efforts to educate the nation, a fundamental objective as stated in the Preamble to the 1945 Constitution (Supriyanto, 2025). Thus, education is not merely an individual need, but also a mandate of the state to ensure that every citizen has fair and equal access.

The state has a primary obligation to provide quality education that is accessible to all levels of society. This is confirmed by the allocation of a minimum of 20% of the State Budget (APBN) and Regional Budget (APBD) for education. This budget policy is a tangible manifestation of the state's constitutional commitment to achieving educational equality (T. Firmansyah, 2023). However, the reality on the ground often shows that this allocation of funds has not been fully effective in reducing the gap in the quality of education between regions.

The implementation of the right to education is also realised through the 12-year compulsory education programme launched by the government. This programme is intended to provide all students with equal opportunities to pursue education up to secondary level. However, the implementation of this policy faces challenges such as limited school facilities in rural areas, a shortage of teachers, and financing problems for poor families (Kurnia, 2023). This shows that there are still structural disparities that hinder the fulfilment of the right to education, especially for vulnerable groups. In addition, the quality of education in Indonesia also faces various serious problems. Many schools in disadvantaged areas do not have adequate basic facilities such as laboratories, libraries, or internet access. This condition has an impact on the quality of learning, which lags far behind that of schools in urban areas. As a result, there is a significant competency gap between students from different regions, which in turn will affect their opportunities to continue their studies to higher levels or compete in the world of work (Nugroho, 2022).

On the other hand, the quality of teachers as educators is also a crucial factor in the implementation of the right to education. Although teacher certification has become a national programme, the reality shows that there are still disparities in the qualifications, competencies, and welfare of teachers. Many teachers in rural areas are still temporary employees with low salaries and minimal facilities. This condition not only affects the quality of teaching but also the enthusiasm of teachers in guiding students. This shows that the state has not been fully optimal in providing welfare for educators, who are at the forefront of education implementation (Cahyono & Aslan, 2025); (Aslan & Rasmita, 2025); (Pongpalilu & Aslan, 2025).

In the context of inclusive policies, the right to education must also embrace vulnerable groups such as children with special needs, street children, and indigenous peoples in remote areas. The government has launched various inclusion programmes, but their implementation is often hampered by a lack of resources and understanding at the school level. For example, many inclusive schools, which are supposed to provide facilities and specialised teaching staff for children with disabilities, are still merely a

formality without adequate infrastructure. This has the potential to cause covert discrimination in the education process (Widjaja, 2024); (S. E. P. Astuti et al., 2023).

The growing digitisation of education also adds a new dimension to the discussion on the implementation of the right to education. During the COVID-19 pandemic, online learning became the main solution, but this also revealed the issue of the digital divide. Many students in rural areas do not have adequate devices or stable internet connections (Suryadi & Aslan, 2025). As a result, although the right to education is formally guaranteed, substantively there are still groups of students who are left behind due to limited access to technology. This indicates the need for specific policies to narrow the digital divide as part of fulfilling the right to education (Fitriyanti & Aslan, 2025).

The aspect of education financing also affects the implementation of the right to education. Although the government has provided assistance programmes, such as the Indonesia Smart Card (KIP) and various scholarship schemes, many families are still unable to access them due to limited information or administrative problems. In addition, hidden costs such as transportation, books, and uniforms are often still a burden for underprivileged families (Setyawan, 2023).

Thus, the promise of free education still leaves real problems for the poor. The implementation of the right to education is also closely related to the quality standards of the curriculum applied. Changes to the national curriculum, including the implementation of the Merdeka Curriculum, are an effort to make education more relevant to the times.

However, in reality, curriculum adaptation requires the readiness of teachers, facilities, and adequate regulatory support (Hasanah, 2023). Otherwise, the curriculum's objectives will only remain a discourse without significant implementation at the school level. Therefore, the curriculum reform programme must be accompanied by teacher training and supporting facilities strategies.

Disparities between regions are a serious problem in the implementation of the right to education in Indonesia. Urban areas generally have schools with complete facilities and highly qualified teaching staff, while remote areas still struggle with very limited infrastructure. Affirmative programmes such as scholarships for children in Papua and 3T areas are positive steps, but they are not enough to overcome long-standing systemic inequalities. If this gap is not addressed immediately, equality in the right to education will remain difficult to achieve (Sari, 2023).

In addition to structural issues, culture and public awareness also influence the fulfilment of the right to education. In some areas, children are still faced with social norms that prioritise education, especially for girls who are married at an early age. This makes education not only a matter of state policy, but also an issue of social and cultural change (Yulianto, 2024). Therefore, state policy must pay attention to socio-cultural

dimensions by educating the public about the importance of education as a basic right and a means of development.

The implementation of the right to education must also be viewed in relation to economic development. Quality education is one of the prerequisites for creating a competitive workforce in the global era.

With the quality of education still uneven, the competitiveness of the Indonesian workforce tends to be low compared to neighbouring countries in ASEAN. As a result, the right to education does not fully benefit the improvement of quality of life, as it has not yet produced superior human resources (Indriani, 2024). Higher education also plays an important role in fulfilling the right to education. Universities, as centres for the development of science and technology, serve to encourage innovation.

However, access to higher education is still limited for economically disadvantaged groups. The Bidikmisi, KIP Kuliah, and LPDP scholarship programmes have helped, but the available quotas are still insufficient to meet all needs. This raises the issue of equality in obtaining opportunities to continue studying at university (Pangaribuan, 2017).

The participation of the community and the private sector in education also needs to be taken into account. Private schools make a significant contribution to providing education, but higher costs make private schools less accessible to poor groups. Therefore, the state needs to provide cross-subsidy mechanisms or regulations that ensure access to private education remains open to all communities. Synergy between the government, community, and private sector is key to the successful implementation of the right to education as a whole (Rahmat Fadhli, 2024).

Monitoring and evaluation of the implementation of the right to education must be carried out continuously. Without a clear accountability mechanism, many education programmes only produce administrative outputs without actually improving the quality of education. The involvement of independent institutions such as Komnas HAM, as well as community participation in monitoring policies, is important to ensure that the state is consistent in carrying out its constitutional mandate. This evaluation must be based on transparent data so that policymakers can make the right decisions (Suryani, 2023).

Thus, the implementation of the right to education in Indonesia still faces various major challenges, in terms of access, quality, and equity. The state has demonstrated its commitment through regulations, budgets, and various education programmes, but their implementation has not yet substantively reached all levels of society. Therefore, a more serious, equitable, and sustainable approach is needed so that the right to education guaranteed in the 1945 Constitution can truly be realised for all Indonesian people, without exception.

## **Utilisation of Science, Technology, Arts, and Culture (IPTEKS-Budaya)**

Article 28C paragraph (1) of the 1945 Constitution emphasises that every person has the right to develop themselves to fulfil their basic needs, has the right to education, and to benefit from science, technology, arts, and culture. This phrase emphasises that the utilisation of science, technology, arts, and culture is not only the privilege of certain groups, but a universal right of every citizen (Supriyanto, 2025).

Thus, the state has an obligation to create a system that allows all citizens to access, utilise, and participate in the development of science, technology, and culture in a fair and equitable manner. The utilisation of science in a constitutional context requires support for research and development. In Indonesia, various policies have been issued to strengthen research, such as the establishment of the National Research and Innovation Agency (BRIN).

However, there are still significant implementation challenges, such as insufficient research budgets, low numbers of international publications, and weak links between research results and the needs of industry and society. In fact, the goal of mastering science is not merely academic, but must have a practical impact on development and people's welfare (Fitria, 2023).

Technology is an important element in social and economic transformation in the modern era. The 4.0 industrial revolution, artificial intelligence, big data, and the internet of things are clear examples of how technology can change people's lifestyles. However, in the Indonesian context, the use of technology still faces a large digital divide. Urban communities have broad access to advanced technology, while communities in rural and remote areas still have difficulty accessing the internet and even electricity. As a result, not all citizens can enjoy their constitutional right to equal access to technology (Mahmudah, 2023).

In the digital age, the use of technology is also closely related to the issue of digital literacy. Many Indonesians still have limited understanding of how to use technology productively. Instead of being a means of empowerment, technology is often misused for negative purposes, such as spreading hoaxes or destructive content. Therefore, fulfilling the right to utilise technology must be accompanied by a comprehensive digital literacy strategy so that the community is not only consumers but also active users and creators of technology (Soraya, 2021).

The utilisation of arts and culture has great significance in the development of national identity. Indonesia's rich and diverse culture is an invaluable national asset. Intangible cultural heritage such as batik, wayang, gamelan, and traditional dances have been recognised by UNESCO as world heritage. However, the challenge is how to preserve traditional culture amid the tide of globalisation that brings in foreign cultures. The government must be able to balance the preservation of indigenous culture with openness to global cultural interaction (Wibowo, 2023).



Culture is not only viewed from a traditional perspective, but also from a modern dimension in the form of creative industries. Music, film, design, and digital content are expressions of art as well as new sources of economy. The creative industry in Indonesia shows promising development, but still faces obstacles in terms of copyright protection, access to capital, and infrastructure support. If the creative industry can be managed properly, the utilisation of arts and culture will not only have an impact on preserving national identity, but also improve the economic welfare of the community (Hartono, 2024).

The utilisation of culture also involves issues of diversity and inclusiveness. Each ethnic group in Indonesia has unique artistic and cultural traditions, and all have the same right to recognition and protection from the state. Unfortunately, not all local wisdom is given adequate space in national policy. Some minority cultures are even marginalised due to centralisation bias or the dominance of the majority culture. In fact, the implementation of Article 28C paragraph (1) demands fair treatment of all cultures as part of the collective identity of the nation (Hidayat, 2021). In addition to preservation, the utilisation of science, technology, arts, and culture must be oriented towards improving quality of life and sustainable development. For example, research in the field of health technology can improve medical services, the use of agricultural technology can increase productivity, while cultural preservation can strengthen the tourism sector. The synergistic utilisation of science, technology, art, and culture will strengthen the nation's competitiveness in the global era. Therefore, integration between sectors is essential so that science, technology, art, and culture do not operate independently but support each other (Bodrohini, 2024).

The right to utilise science, technology, and culture must be accompanied by clear legal policies. Legal protection of intellectual works, whether in the form of patents, copyrights, or geographical indications, is an important instrument for encouraging creativity in society. However, copyright infringement, piracy, and theft of works are still rampant in Indonesia. This not only harms artists, researchers, and innovators, but also weakens the ecosystem for the constructive utilisation of science, technology, and culture (Santoso, 2021).

In a global context, the utilisation of science, technology, and culture is also influenced by the trend of internationalisation. Deregulation and free trade agreements have opened up enormous opportunities for the exchange of technology, art, and culture. However, without adequate regulation, global interaction can lead to dependence and erode the cultural and technological independence of a nation. Therefore, a foreign policy strategy is needed that is capable of protecting national interests while taking advantage of global opportunities to strengthen Indonesian science, technology, and culture (Ramadhan, 2023).

The use of technology in government is also an important indicator of the implementation of this constitutional right. The concepts of e-government and

digitalisation of public services are concrete examples of the use of technology to optimise the state's services to the people. Digitalisation can strengthen transparency and accountability. However, the biggest obstacle remains the disparity in infrastructure and digital literacy, which means that the use of technology in public services has not yet fully reached all levels of society (Latifah, 2024).

In the field of culture, the use of technology provides new opportunities, for example through the digitisation of cultural archives, the promotion of art through social media, and virtual cultural festivals. Technology enables people to more easily access and learn about their local culture as well as other cultures in the archipelago. However, this also brings new challenges in the form of the risk of excessive commercialisation, where the original meaning of culture can be displaced by economic orientation alone (S. Astuti, 2023). Therefore, policies are needed to ensure a balance between preserving authenticity and utilising cultural economics. To ensure that every citizen can enjoy their rights to science, technology, and culture, the government must ensure the fair distribution of resources. For example, research laboratories, cultural centres, museums, and technology centres should not only be concentrated in big cities but also be present in rural areas. Equal access will ensure community participation in the utilisation of science, technology, arts, and culture. Without fair distribution, the rights guaranteed by the 1945 Constitution will only be formal rights without real substance (Suharto, 2023).

Community participation is also an important factor in the utilisation of science, technology, and culture. Utilisation cannot only come from above through state policy, but requires the support of the community as the main subject. Public awareness to appreciate local culture, utilise technology productively, and support scientific research will accelerate the implementation of this right. Thus, the state and society need to work together to create a conducive ecosystem that allows science, technology, and culture to develop sustainably (Wulandari, 2024).

Monitoring the implementation of the utilisation of science, technology, and culture is also an important part. State institutions such as the National Human Rights Commission, the Ombudsman, and the Constitutional Court can act as guardians of this constitutional right. In addition, civil society and academics also have a role in providing criticism and input regarding government policies in the field of science, technology, and culture. Without clear monitoring and evaluation mechanisms, state policies will only remain at the normative level without being able to have a real impact on society (Safitri, 2023).

Thus, the implementation of science, technology, arts, and culture in Indonesia still faces various serious challenges, ranging from infrastructure limitations, access gaps, weak legal protection, to the threat of globalisation. However, there are also great opportunities to make science, technology, arts, and culture the foundation of sustainable national development. The state must be present through inclusive, rights-

based policies that are oriented towards the welfare of the people, so that the mandate of Article 28C paragraph (1) of the 1945 Constitution is truly felt in a substantive way by all citizens.

## Conclusion

Article 28C paragraph (1) of the 1945 Constitution explicitly states that education, science, technology, arts and culture are constitutional rights of every citizen. In terms of the right to education, Indonesia has demonstrated its commitment through compulsory education policies, education subsidies, curriculum reforms and the strengthening of inclusive education. However, implementation in the field still faces obstacles in the form of regional access gaps, limited teaching staff, poor quality facilities and infrastructure, and digital divide issues. This shows that although education as a formal right is guaranteed by the constitution, its substantive achievement is still uneven and unfair for all Indonesian people.

The right to utilise science, technology, arts, and culture (IPTEKS-Budaya) has also been pursued in various regulations and policies, such as the establishment of national research institutions, the protection of cultural heritage, the development of creative industries, and the digitisation of public services. However, classic problems still loom, ranging from minimal investment in research, weak copyright protection, technological access gaps, to the threat of cultural homogenisation due to globalisation. These conditions have resulted in the utilisation of IPTEKS-Culture not yet being able to optimally improve the quality of life of the community, as well as leaving injustices for communities in 3T areas or minority groups.

Thus, the implementation of the right to education and the utilisation of science, technology, arts, and culture based on Article 28C paragraph (1) of the 1945 Constitution is still in a transitional stage between constitutional idealism and implementation reality. To realise the substance of these rights, the state needs to strengthen equal access, improve the quality of educators and facilities, support research and innovation, provide legal protection for cultural and intellectual works, and build an inclusive and sustainable ecosystem. With strong political commitment and active community participation, the mandate of Article 28C paragraph (1) can be realised as the foundation for the development of the whole Indonesian people in facing global challenges.

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