

THE ROLE OF ARTICLE 28C PARAGRAPH (1) OF THE 1945 CONSTITUTION IN GUARANTEEING ACCESS TO EDUCATION AND CULTURAL DEVELOPMENT IN INDONESIA

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Abstract

This study aims to examine the role of Article 28C Paragraph (1) of the 1945 Constitution in guaranteeing access to education and cultural development in Indonesia. This article stipulates the right of every person to develop themselves through the fulfilment of their basic needs, including education and culture, as part of their human rights that must be protected by the state. The research method used is qualitative through the analysis of legal documents, education and cultural policies. The results show that Article 28C Paragraph (1) is an important constitutional basis that guides government policy in providing equitable and inclusive access to education and supporting the preservation and development of culture. However, in its implementation, there are still various challenges, such as inequality in access to education and a lack of attention to cultural diversity. This study recommends strengthening the synergy between the government and the community in order to optimise the role of this article in realising quality human resource development and sustainable cultural preservation in Indonesia.

Keywords: Article 28C Paragraph (1), 1945 Constitution, access to education, cultural development, human rights, public policy, Indonesia.

Introduction

Article 28C Paragraph (1) of the 1945 Constitution is one of the most important constitutional provisions in the framework of human rights protection in Indonesia. This article affirms that every person has the right to develop themselves through the fulfilment of their basic needs, including the right to education and access to cultural development.

In the context of a democratic country, the role of the right to education and culture is not only an individual right, but also a fundamental aspect of sustainable national development and the strengthening of national identity (UIN SSC, 2024). The right to education is a universally protected human right that is fundamental to the progress of individuals and nations.

In Indonesia, education is not only considered a means of achieving economic prosperity, but also an important instrument in shaping the character, morals, and culture of the nation. Within the framework of Article 28C Paragraph (1), the government has a constitutional responsibility to guarantee access to education for all citizens without discrimination (Lubis, 2023).

Cultural development in the context of human rights and the Indonesian constitution is also an equally important issue. Culture is the foundation of national identity that strengthens a sense of nationality and unity amid the diversity of ethnicities, languages, and traditions in the archipelago (Ministry of Education, 2022). Article 28C Paragraph (1) provides a legal basis that every person has the right to develop themselves, including in the context of preserving and developing local and national culture. Therefore, cultural development and education are closely related as important elements in building a civilised and socially just society (Effrata, 2025).

In practice, the implementation of Article 28C Paragraph (1) presents real challenges that require special attention from various parties, both the government and the community. There are still inequalities in access to education, especially for marginalised groups and remote areas, which have an impact on the quality of human resources. Similarly, efforts to preserve and develop culture face various obstacles, including globalisation, which often threatens the existence of local cultures and traditions (Saputra, 2024).

A clear and strong legal framework is needed to ensure that the implementation of the right to education and cultural development can run optimally. Article 28C Paragraph (1) of the 1945 Constitution is the main basis for formulating policies and programmes that support this. Furthermore, the current global context requires a country to not only be able to compete in terms of economy and technology, but also to be able to preserve and develop its culture as social capital and identity (Firdaus, 2023). Article 28C Paragraph (1) guarantees access to education and cultural development as part of the right to self-development, which has a direct implication on improving quality of life and sustainable development.

In this situation, education and culture play an important role as capital for inclusive and future-oriented national development (Susanto, 2022). Equal access to education and sustainable cultural development are also closely related to efforts to equalise development across all regions of Indonesia.

Regional disparities remain a critical issue that needs to be addressed in order to realise the vision of nationalism and unity. Article 28C Paragraph (1) as the main reference needs to be optimised so that the resulting public policies are able to meet the basic needs of every individual without exception (Zamhari, 2023).

Overall, this study provides an overview of the importance of Article 28C Paragraph (1) of the 1945 Constitution as a legal and moral foundation in ensuring the right to education and culture.

Research Methodology

This study uses a qualitative method by analysing the role of Article 28C Paragraph (1) of the 1945 Constitution in guaranteeing access to education and cultural development in Indonesia. Data was collected through a study of policy documents,

legal literature, and other relevant regulations (Eliyah & Aslan, 2025). The analysis was conducted using content analysis techniques to examine the content and implementation of these constitutional provisions in practice. The literature review covers literature on human rights in the 1945 Constitution, the concepts of access to education and cultural development, and the basic theories that support the protection of the rights to education and culture, in addition to previous studies that focus on the interpretation and implementation of Article 28C Paragraph (1) in the context of national law and policy (Cronin et al., 2008).

Results and Discussion

The Role of Article 28C Paragraph (1) of the 1945 Constitution in Guaranteeing Access to Education in Indonesia

Article 28C Paragraph (1) of the 1945 Constitution states that every person has the right to develop themselves through the fulfilment of their basic needs, including the right to education. In the Indonesian context, this article serves as a very important constitutional basis for ensuring that every individual has equal access to education, without discrimination based on social, economic, geographical or cultural background (Harahap, 2023). The right to education guaranteed by this article is not merely a theory, but rather an obligation for the state to ensure that all its citizens can enjoy proper and quality education (Sari, 2023).

The Indonesian Constitution, through Article 28C Paragraph (1), explicitly stipulates that the right to education is part of every person's basic rights. This requires the government to provide accessible, affordable, and acceptable educational facilities and services for all Indonesian citizens. With this mechanism, this article implies that access to education is a right that must be fulfilled without exception. This legal framework provides a strong basis for efforts to develop an inclusive national education system, especially for minority groups and remote areas that have experienced limitations (Rahayu, 2022).

The importance of Article 28C Paragraph (1) in the context of access to education is evident in its emphasis on self-development. Education is a key instrument for improving the quality of life of individuals, opening up employment opportunities, and improving the socio-economic conditions of society. Through education, individuals are empowered to become productive citizens and contribute positively to national development (Wahyudi, 2024). Therefore, this article not only emphasises physical access to education, but also the quality and relevance of education for human potential development.

In practice, the Indonesian government has developed various policies to fulfil the mandate of Article 28C Paragraph (1). One of the main efforts is to implement 12 years of universal and free compulsory basic education. However, in reality, the distribution of educational facilities and qualified teaching staff is still very uneven. This

shows that this article poses a real challenge in formulating policies that can address the geographical and social inequalities that exist in Indonesia (Putra, 2022).

Barriers to access to education in Indonesia are not limited to physical facilities, but also include economic factors that limit families' ability to send their children to school. Many families from low-income groups struggle to meet educational needs, including the costs of uniforms, books, and transportation. Article 28C Paragraph (1) provides a legal framework for the government to develop subsidy and educational assistance programmes as part of fulfilling the right to equitable and fair education (Nurhadi, 2022). In addition, this article also serves as a tool for monitoring the implementation of the right to education by the government and society. With a clear constitutional basis, the community and civil society institutions have the right and obligation to monitor and ensure that access to education is not hampered by corruption, discrimination, or harmful practices. This encourages transparency and accountability in the implementation of education at the national and regional levels (Sembiring, 2023).

From a legal perspective, Article 28C Paragraph (1) also forms the basis for various Constitutional Court decisions that reinforce citizens' rights to proper education. These decisions emphasise that the state must take concrete action to eliminate all forms of educational discrimination and provide inclusive services for all segments of society. Thus, this article is not only a textual norm, but also a legal protection instrument for citizens (Syakrani, 2023).

The role of this article is increasingly important in the era of technological revolution and globalisation, where education is the key to preparing adaptive and innovative human resources. Without guaranteed equal access, Indonesia risks losing the enormous potential of its young generation, which is constrained by educational inequality. Therefore, this article serves as a constitutional reminder that every educational policy must take into account the principles of social justice and equity (Hidayat, 2023).

It is also important to highlight how Article 28C Paragraph (1) encourages the development of inclusive and participatory education. Education is not only provided by the state, but also involves the active participation of the community, non-governmental organisations, and the private sector. This principle enables the creation of an education system that is flexible and responsive to the needs and local characteristics of various regions in Indonesia (Fitriani, 2024).

Furthermore, this article has implications for a humanistic approach to education, namely respecting cultural diversity and meeting the special needs of vulnerable groups such as children with disabilities, indigenous groups, and minorities. The government is obliged to formulate inclusive policies that ensure that these groups are not marginalised and have access to quality education in accordance with their human rights (Rahmani, 2024).

The implementation of Article 28C Paragraph (1) also encourages the involvement of information technology in education as a means to reach areas that are physically difficult to access. The government can utilise digitalisation solutions in education to expand access and quality of learning, especially during pandemics and other emergency conditions (Mulyani, 2023). This shows that the article is not limited to physical access alone, but is inclusive of innovative methods and media for delivering education. However, the implementation of Article 28C Paragraph (1) in the context of education also faces various obstacles, such as budget constraints, the quality of teaching staff, complex bureaucracy, and disparities in infrastructure between regions. These obstacles indicate systemic challenges that must be addressed comprehensively so that the dream of equal access to education can be realised in practice (Bedner & Vel, 2021).

In the context of policy, Article 28C Paragraph (1) requires synergy between government institutions at both the central and regional levels so that education policies can be implemented in an integrated and effective manner. Good coordination between relevant ministries, local governments, and other stakeholders is crucial to optimise the distribution of educational resources to all levels of society (Santosa, 2023).

Finally, the role of Article 28C Paragraph (1) of the 1945 Constitution in guaranteeing access to education in Indonesia is a constitutional mandate that requires strong commitment from all parties. The guaranteed right to education will provide a strong foundation for the development of high-quality human resources with good character who are able to compete at the global level. Through the fulfilment of this right, Indonesia can realise its ideals of independence and maintain its cultural sovereignty.

The Role of Article 28C Paragraph (1) of the 1945 Constitution in Cultural Development in Indonesia

Article 28C Paragraph (1) of the 1945 Constitution guarantees the right of every person to develop themselves through the fulfilment of their basic needs, including in this case the right to cultural development. This constitutional provision emphasises that cultural development is not only an individual right, but also the responsibility of the state to provide space and opportunities for culture to be preserved, developed, and utilised as social capital in national development. In the context of multicultural Indonesia, this article is one of the cornerstones for the preservation and strengthening of the nation's identity, which is rich in cultural diversity (Effrata, 2025).

Culture is one of the fundamental aspects for the formation of character, identity, and national unity. Article 28C Paragraph (1) directly mandates that every citizen has the right to participate in cultural development in accordance with their respective potential and needs. This means that the state must provide fair and equal

treatment to the cultures of various ethnic and tribal groups in Indonesia, so that there is no discrimination or neglect of minority cultures (Rosmawiah, 2025).

Cultural development through the provisions of Article 28C Paragraph (1) has broad implications, especially in terms of protecting intangible and tangible cultural heritage that symbolises the history and identity of the community. The government is obliged to provide regulations and preservation programmes that support cultural development so that it is not lost to modernisation and globalisation. In this case, the article serves as a legal basis for promoting the sustainability of national culture (DPR RI, 2025).

Indonesia's context, which is rich in cultural diversity, requires a strong legal framework to manage conflicts of interest between different cultural developments. Article 28C Paragraph (1) is a constitutional instrument that allows the state to balance the interests of cultural groups in order to create harmony and tolerance. The role of this article is very strategic in supporting a sustainable multicultural system in Indonesia (Ramadhan, 2023). In addition to providing legal certainty, this article also requires the government to play an active role in creating inclusive and participatory cultural development policies. The state is not only tasked with facilitating, but also initiating and forming cooperation with various cultural institutions and communities to advance national culture. This cooperation is very important so that cultural development efforts are more effective and reach the grassroots level of society (Wijaya, 2024).

Cultural development through Article 28C Paragraph (1) is also closely related to the education system and mass media as the main means of disseminating cultural values. The state must ensure that formal and non-formal education is able to instil and preserve cultural values in its curriculum. In addition, the mass media plays a role as a means of promoting and preserving culture so that it can be enjoyed and understood by the younger generation and the wider community (Fatmawati, 2024).

In the face of the challenges of rapid globalisation, this article provides a legal basis for the protection of local culture from the homogenisation of foreign cultures that can erode local wisdom. The state is obliged to ensure that national cultural policies are able to preserve the uniqueness of Indonesian culture amid the tide of modernisation. With Article 28C Paragraph (1), the protection, revitalisation, and innovation of culture become an essential part of national development (Kusuma, 2023).

The role of this article is also driven by the demand for community involvement in cultural development. The community, as the owner and practitioner of culture, needs to be empowered by providing space for artistic freedom and cultural expression. This article serves as the legal basis for national cultural policies to reach and empower cultural communities throughout Indonesia in a fair and equitable manner (Kompas.com, 2022).

On the other hand, Article 28C Paragraph (1) also pays attention to the recognition and protection of the collective rights of indigenous groups and traditional communities. The right to culture guaranteed by this article includes the freedom to preserve customs, traditions, and local wisdom that are part of the social harmony and identity of these groups.

Thus, this article strengthens the legal position of indigenous peoples in maintaining their cultural existence (Nadziroh, 2022). However, the implementation of this article faces various obstacles, including a lack of budgetary support and government attention to the cultural sector, as well as a lack of public understanding of the importance of cultural development as part of national development.

There are still many regions and cultural groups that are not reached by cultural development programmes. Therefore, Article 28C Paragraph (1) must be used as a tool to encourage more responsive and proactive policy reforms (Handoyo, 2022).

Cultural protection must also be linked to the development of the creative economy as a form of utilising cultural potential for the welfare of the community. Article 28C Paragraph (1) enables individuals and cultural communities to develop the economic potential of art, crafts, and cultural traditions, so that cultural development also contributes to local and national economic development.

In the digital era, cultural development as guaranteed by Article 28C Paragraph (1) also includes the utilisation of information and communication technology to document, disseminate, and innovate culture. This opens up great opportunities for the dissemination of Indonesian culture to the international community while preserving culture more effectively through digital media. Cultural technology development policies are highly strategic in this context (Tome, 2024). In addition, synergy between the central government, regional governments, and the community is key to the effective implementation of the right to cultural development. Article 28C Paragraph (1) must serve as a glue that strengthens coordination and collaboration among various stakeholders so that cultural development can proceed in an integrated and sustainable manner throughout Indonesia (Kurniawan, 2022).

Finally, the role of Article 28C Paragraph (1) of the 1945 Constitution in the development of Indonesian culture is a reflection of the state's commitment to preserving and promoting cultural values as the unique and distinctive identity of the nation. Strengthening this constitutional right is not only important for cultural preservation, but also serves as social capital to strengthen national unity and integrity amid ongoing socio-political dynamics.

Conclusion

Article 28C Paragraph (1) of the 1945 Constitution plays a vital role as a constitutional basis in guaranteeing the right of every citizen to develop themselves through the fulfilment of their basic needs, particularly in the fields of education and

cultural development. This article affirms the state's obligation to provide equitable, inclusive and quality access to education for all levels of society without discrimination. This is the main foundation for efforts to equalise education as an important means of improving the quality of human resources and national development.

On the other hand, Article 28C Paragraph (1) also reinforces the position of the right to cultural development as an integral part of national identity that must be protected and developed by the state. With this constitutional guarantee, cultural development is not only directed at preserving cultural heritage, but also as social capital in facing the challenges of globalisation and modernisation. This article provides space for the recognition and empowerment of various cultural groups and indigenous communities in Indonesia to continue to exist and develop sustainably.

Overall, the role of Article 28C Paragraph (1) of the 1945 Constitution is not only normative but also serves as a strategic instrument in encouraging concrete policies and steps by the government and society to ensure fair access to education and inclusive cultural development. The optimal implementation of this article will contribute significantly to creating an advanced Indonesian society with social justice and a strong cultural identity as the foundation for sustainable development.

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