

Yudicial Review of Teacher's Certification Implementation in Magelang City

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Abstract. This study aims to analyze the suitability between the implementation of primary school teacher certification policies with the laws and regulations in the city of Magelang. This study used a qualitative research method by conducting in-depth interviews, observation and documentation of research objects with data analysis techniques with interactive models proposed by Milles, Huberman and Saldana. The results of the analysis show that (1) Structural analysis shows that the implementation of the Teacher Certification Policy involves many organizations from the central government to regional governments with greater authority to the central government than regional governments, 2) Substance Analysis shows that the contents and material of the policy are not entirely applicable in the regions because there are variations in the conditions of schools and teachers in each district and city. Therefore, we need policies that specifically regulate the implementation of teacher certification policies in the regions. 3) Cultural analysis shows that there is no rejection of policy implementation due to the provision of professional allowances for teachers who have received an educator certificate. However, equity is needed in determining the quota of teachers receiving education certificates in order to meet the principles of justice and equity.

Keywords: Implementation, Teacher Certification, Juridical

INTRODUCTION

Law Number 20 Year 2003 concerning the National Education System. mandates the central and regional governments to ensure the quality of education for every citizen without discrimination. This shows that the central government and regional governments together provide educational facilities and infrastructure to realize quality education. In 2008 statistics at the Ministry of National Education indicated that teachers in Indonesia had relatively low academic qualifications compared to neighboring countries.

The data shows that more than 60% of the total 2.78 million teachers do not have S1 or Diploma IV educational qualifications, and even mentioned the majority of teachers with Diploma II education (Jalal, 2009). Research conducted by King (1998) mentions the low quality of education is caused by the way of teaching that is not qualified even though teachers have been given training, many institutions are given responsibility for educational services, and there is no monitoring of feedback. Data from the World Bank (2008) shows Indonesia organizational system that responsible for administering education is very complex, the management of education management is too centralistic, and the autonomy of principals is very limited. The complexity of the organization of education providers is due to the large number of government institutions involved in financing and managing schools.

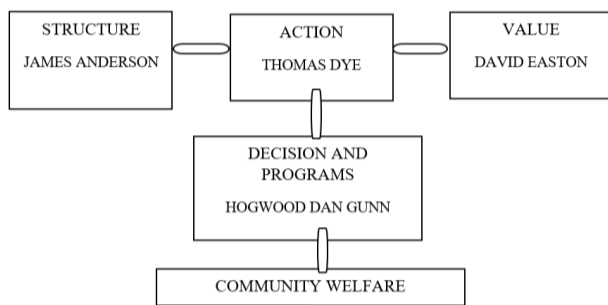
Suwandi (2011) mentions the management of education funding by several government institutions namely the development budget prepared by the

National Development Planning Agency (Bappenas), the Ministry of Education and Culture (Kemendikbud) and the Ministry of Home Affairs (Kemendagri) while the routine budget is prepared by the Ministry of Finance, Kemendikbud and Kemendagri. The stipulation of Law Number 14 Year 2005 concerning Teachers and Lecturers is intended to encourage the reform agenda, namely to make massive changes in the field of teacher management and governance. Follow up from the enactment of the law on teachers and lecturers is that the professional allowance is given to teachers who already have an educator certificate as an appreciation for their professionalism. This policy of granting educator certificates has been implemented since 2007 and is targeted in 2015 all educators and education staff have been certified but until 2017 the target has not been achieved and it is not yet clear how the policy objectives will be achieved. The above problems occur because of obstacles in implementing teacher certification policies. However, the teacher certification policy has a positive side which is to improve teacher welfare, and make teachers not do odd jobs outside the teacher's teaching hours. This is due to teachers receiving certificates of educators must teach at least 24 hours a week so that they do not have much time to provide additional lessons to students at home.

LITERATURE REVIEW

Professional teachers are characterized by the acquisition of certification obtained through evaluations and

statements of the eligibility of a person to perform tasks that require certain expertise, both in terms of academic and applied in the authentic context of his field of work. The implementation of the policy on improving the quality or quality of teachers is currently underway even with various obstacles in an effort to achieve policy objectives. Basically, public policy is a government action made with the intention to achieve the desired goal of better conditions for the community and the state, and public policy is not only a decision but must also be implemented in real world. In connection with that, the poor public policy set by the government will be an obstacle to national development. Understanding of public policy can be learned from the opinions of several public administration scientists such as James Anderson, Thomas Dye, David Easton, and Hogwood and Gunn. Each of these scientists gives a different meaning about public administration. Visually it can be described as follows:



Based on this picture, it appears that public policy has one goal in common, namely to provide welfare to the community. Therefore according to Nugroho (2015) there is never a poor country but there are countries with bad policies and a good nation when they are able to develop good public policies. Given the importance of the concept of public policy that public administration focuses on public policy to determine the direction that must be taken in addressing community issues, determine the scope of the problem thatms faced by the government and know how broad and the size of government organizations (Thoha, 2008).

The problem of discrepancy between the regulation of a public policy and the implementation of the policy can occur because of the hierarchy in the policy making process. According to Broomley (1989) there are three levels related to the hierarchy of the policy making process, namely the policy level, organizational level and operational level. This policy level indicates the broad scope of the problem to be resolved by the policy. At the Policy level, the legislature determines the direction of the policy outlines, namely general statements about the wants and needs of the community are discussed and formulated. Then the executive will translate into regulations that can support the implementation of the contents of the policy. These regulations are referred to as Institutional Arrangements.

The next stage is Organizational Level, which is a policy made by the executive body in accordance with the mission specified in the Policy Level, so organizations are developed as the organizer of the policy. Policies made by the executive are rules and laws for the operation of an organization. At the Operational Level, operational units are formed that are ready to carry out policies that have been determined by institutional arrangements at the policy stage and organizational stage. Public policy at the Operational level is a technical description of the policy at the organizational level that aims to facilitate the implementation of a policy. The results achieved at the operational level will be seen directly by the community so that at this stage there will be a collective reaction from various groups (Pattern of Interaction) which will ultimately produce certain outcomes which are considered good or bad. Poor outcomes will lead to collective responses through political processes to change institutional arrangements that limit a set of individual choices at the operational level. Thus, input or feedback coming from the community will be directed to the policy level to look for a new constellation of institutions (laws and regulations) that will change the choices available to operational units in the community.

Understanding the existence of this policy formulation hierarchy is important because the unsuccessful implementation of the policy is caused by a mismatch between the policies set at the policy level at the central government level and the implementation at the operational level. This issue attracts the attention of the research community to develop studies on the integration of national and local policies (National and Local Integration Policies) by focusing on understanding how national policies are implemented at the local level and whether local governments formulate their own policies (Emilsson, 2015). Integration is defined as the co-existence of various policy elements including the objectives, policies and governments involved in the design and creation of policies so that conflict can be minimized even if it is possible to synergize and complement each other (Howlett, Vince, Rio, 2017). The multi-level government system is an approach to the integration policy aimed at bringing the central government closer to the regional government. The argument is, when the central government has to provide public goods and services to all its people, there are limitations to the government in terms of knowing the preferences of local communities for the desired public goods and services. The implementation of a decentralized system will be a solution to bring the government closer to the people and improve the economic welfare of the people in the regions compared to when public goods and services are provided uniformly by the central government through a centralized system.

In connection with the discrepancy between the policy levels of the policy, the study of the successful implementation of the teacher certification policy will be decomposed using the theory proposed by Lawrence M. Friedman, namely by analyzing: Structure, Substance, and Legal Culture of the policy (Lawrence M. Friedman, 1987). Structure Analysis covers organizations and organizational structures both in the Central Government, Provincial Governments, and Regency / City Governments, related to authority and span of control in relation to the duties and responsibilities of the institution. Substance analysis includes all the contents and material of the policy implemented, there is no confusion and misinterpretation so that a common perception and goal are reached. Legal Culture Analysis which includes the legal culture of the community that supports the rights and obligations (legal subjects) of the legal system or policies in force. Lawrence's opinion is in line with the opinion of Mazmanian and Sabatier (1983) which states that the implementation of policies must be considered several things such as the behavior of administrative institutions responsible for a program, target groups (target groups) and networks of political, economic and social forces that are directly or indirectly directly influences the behavior of the parties involved in the program and ultimately has an impact on the program. The involvement of many parties in the implementation of policies is undeniably can lead to conflicts in policy implementation because of differences in commitment.

METHODS

This study formulates the research problem: How is the implementation of teacher's certification policies in terms of the compatibility between policy regulations and their implementation. The research objective is to conduct a study of the teacher certification policy by basing it on the laws and regulations governing the implementation of the policy while the benefit of the research is to provide policy recommendations so that the objectives of the policy can be achieved as outputs from the implementation of teacher certification policies. This study uses a qualitative approach because it has the goal of understanding social problems holistically and deeply on the phenomena that occur in the formulation and implementation of teacher certification policies. The selection and determination of informants refers to a purposive technique with the aim of obtaining valid, objective and real data in accordance with the actual conditions in the field. Data analysis techniques use an interactive model as proposed by Milles, Huberman and Saldana (2014). In the interactive model there are three main cycles, namely data condensation, data presentation and conclusion.

RESULT

Curtis (in Danim, 2003) suggests four major strategies that can be implemented in education reform, namely standards-based accountability, overall school reform, market strategies and democratic decision making or delegation of authority. The implementation of this strategy is expected to be able to change incremental reforms into systemic and systematic education reforms. Basically education reform is putting schools, namely principals and teachers, as the spearhead of the success of education development in Indonesia. However, in accepting these reform initiatives, sometimes school principals and teachers become confused, shocked, premature and insecure about their ability to stimulate community participation, build shared vision and make parents equal partners (Danim, 2003). The Teacher and Lecturer Law is a political provision that asserts that teachers as professional workers are entitled to rights as well as professional obligations. The hope is that the teacher can devote himself totally to his profession and be able to live a decent life from the profession. A review of the education literature conducted by Lortie (in Bjork, 2006) revealed that most teachers faced unpleasant working conditions, low salaries, and did not get psychic rewards so they could not carry out their duties properly. Uno (2009) states that teachers are a profession so special skills are needed as teachers and cannot be done by just anyone outside the field of education. However, along with advances in information technology, teachers no longer only act as information presenters but must be able to act as facilitators, motivators and mentors who provide opportunities for students to find and process their own information.

Quality or quality of education plays an important role in improving the competitiveness of the nation because quality education will produce human resources that have high competitiveness. Efforts to improve the quality of education by the government are carried out by issuing Law No. 20/2003 concerning the National Education System and Law No. 14/2005 concerning Teachers and Lecturers. Both of these laws are aimed at facilitating the improvement of management of the national education system in particular the role of teachers to ensure the success of education system reforms. Since the enactment of the law, the condition of teacher education has changed because the government provides funds and opportunities for teachers to continue their education. As stated in the National Education System Law article 41, it is the duty of the government and regional governments to facilitate schools with educators and education staff to provide quality education. In this connection, the regional government through the Regional Budget (APBD) provides a budget for teachers who will continue their education and facilitates scholarships in collaboration with other agencies such as the National Development Planning Agency. Data at the Department of Education and

Culture in the City of Magelang shows that in 2017 elementary level teachers in Magelang City had S1 education including 193 Kindergarten (Kindergarten) teachers (10.81%), Elementary School teachers totaling 768 people (43.05%) and 531 junior high school teachers (29.76%). Complementing the National Education System Law, Article 2 of Government Regulation No. 74 of 2008 concerning Teachers confirms that teachers must

have academic qualifications, competencies and certificates for educators, be physically and mentally healthy and have the ability to realize national education goals so that primary school teachers in the Magelang City has received an educator certificate, although not all of them have received it. In detail the conditions of teachers based on educator certificates are as follows:

Table 1. The Data of Teacher on Basic Education Level Based on Educator's Certificate.

Category	Kindergarten		Primary School		Yunior High School		Total Number
	Certified	Not Certified	Certified	Not Certified	Certified	Not Certified	
Government employees	63	11	348	112	444	23	1001
Non Gov' employees	69	122	94	363	29	106	783
Total Number	132	133	442	475	473	129	1784

Source: Department of Education and Culture in Magelang City, 2017

The implementation of the teacher certification policy is a problem related to workloads that are the responsibility of a teacher receiving professional allowance. Republic of Indonesia Government Regulation Number 19 of 2017 concerning Teachers in lieu of Republic of Indonesia Government Regulation Number 74 of 2008 concerning Teachers stipulates the workload of teachers in carrying out learning or coaching at least meeting 24 hours face to face and at most 40 hours face to face in 1 week. The results of observations that primary school teachers are not easy to meet these requirements if they do not have additional duties as vice-principal, head of the expertise program, head of library, head of the laboratory, special supervisor in exclusion education or other additional tasks related to education in the education unit. Likewise, for teachers who teach religious, sports and arts subjects often experience a lack of face-to-face hours as required by these government regulations. Teachers who cannot meet the 24-hour work load face-to-face in 1 week will try to teach in other schools or will not receive professional teacher allowance.

DISCUSSION

According to Broomley's (1989) theory, there are three levels related to the hierarchy of the policy making process, namely policy level, organizational level and operational level. The policy hierarchy shows the differences in implementing institutions and the broad scope of the policy so that it can lead to problems in policy implementation. This is because each level has objectives to be achieved in relation to the policy while different policy contexts at each level will affect the success of the policy in achieving its objectives. The teacher certification policy is a consequence of the enactment of a law by the government namely Law No. 20 of 2003 concerning the National Education System

and Law No. 14 of 2005 concerning Teachers and Lecturers. Structure analysis of the teacher certification policy, namely at the policy level of the legislature, formulates the fulfillment of community needs, namely quality education for the community, achieved by providing professional teachers. The granting of teacher certificates to teachers is a tangible manifestation of the country's commitment to the availability of professional teachers to implement the national education system and realize national education goals. Efforts to meet the needs of the community for quality education are carried out by establishing teacher qualifications in obtaining an educator certificate. Teachers are required to be educated at least D4 or S1 to be proposed to take the teacher certification exam even though at the beginning of the implementation of the teacher certification policy there are still many teachers who have not been educated in D4 or S1. Therefore, portfolio assessment is determined for teachers who do not have a D4 or S1 diploma so that every teacher has the same right to get an educator certificate.

At the organizational level the technical guidelines for implementing the policy are stipulated in the form of Government Regulation Number 74 Year 2008 concerning Teachers which clearly and in detail governs the professionalism of teachers. Pursuant to the Government Regulation, teacher professionalism is obtained through professional education programs and requirements for teachers who are entitled to participate in and obtain professional titles. The implementation of the teacher certification policy involves organizations from the central to regional levels, namely the Ministry of Education and Culture, the Provincial Education and Culture Office, the District / City Education and Culture Office, the Educational Quality Assurance Agency and the Higher Education Institutions. The teacher certification policy is implemented in stages from the central government to regional governments. The involvement of several agencies in the implementation

of teacher certification policies requires good coordination between these agencies. Coordination between policy implementing agencies is carried out not only through coordination meetings but also using information technology facilities. The development of information technology requires the government to utilize this technology in verifying data and to coordinate. The data about teachers who will take the certification exams as well as those already certified are connected from the central to the regional level. At the operational level, operational units are involved to facilitate and supervise facilitate the implementation of policies, namely the School Supervisor, the Education Board, the Office of Financial Management and Regional Assets and Teacher's Organization. The results of the implementation of the policy will be felt by the community at this level so that there is often a mismatch between the implementation with the policies set at the policy level and organizational level. The socialization of the teacher certification policy carried out at the provincial level will then be followed up by the Department of Education and Culture of the City of Magelang by conducting socialization to the Principal, School Superintendent and teachers. The implementation of teacher certification policy in the City of Magelang was analyzed using Lawrence M. Friedman's theory, so the structural analysis showed that the policy implementing organization in implementing the policy had too long a range of control, namely the involvement of the organization from the central level to the organizations in the regions. The long span of control results in weak supervision and low authority of the organization in the region over the implementation of policies. Teacher certification policy in its implementation is based on laws and government regulations set at the central level. The socialization at the provincial and district / city level is intended so that implementing organizations have a common understanding and perception of the policies set by the central government. The purpose of the socialization is not fully achieved because the socialization carried out in the framework of implementing teacher certification policies emphasizes more on the process of policy implementation. The policy implementing organization is oriented towards adherence to policies not to the authority held by the regions in implementing policies. The results of the study showed that the regional government did not use its authority to make discretion towards the teacher certification policy if there were provisions that were not in accordance with local conditions. Substance analysis of teacher certification policies is observed by observing the achievement of policy objectives after the policy is implemented. The policy has not reached the goal because there are still differences in understanding of the policy objectives. In general the teacher certification policy is better understood as a government award to teachers so that teacher certification is provided. Therefore, the

relationship between the provision of allowances and improvement in teacher professionalism are not significantly correlated. The teacher certification allowance is more interpreted as an effort by the government to improve teacher welfare so that it is equal to other professions in other fields. Observations in the field show that most teachers use the teacher's professional allowance to send their children to school, improve their homes, pay the cost of the pilgrimage and fulfill their daily needs. The hope after the Teacher Certification Policy is implemented is that teachers prepare learning materials well because the government has provided professional allowances in lieu of additional teacher income earned through side jobs. The results of research in the field related to the teacher's task to provide learning in accordance with his expertise is that the teacher will fulfill competencies in accordance with the teacher certification policy. Each semester the teacher will be assessed in the Class Teacher Performance Assessment document (PKG) including assessment of pedagogical competence, personality competency, social competence and professional competence.

Legal Culture analysis of teacher certification policies that the community, target groups and policy implementing institutions support the implementation of the policy. The teacher certification policy can improve teacher discipline in carrying out their duties as educators in schools. In accordance with the Technical Guidelines for the Distribution of Professional Allowances through DIPA Directorate of PTK (Educators and Education Personnel) Basic Education in 2015, that teachers have the obligation to teach at least 24 hours a week in accordance with their educator certificates. The goal is that teachers pay attention and devote their knowledge to students. The regulation stipulates that teachers must teach at least 24 hours a week forcing teachers to concentrate on carrying out their duties as a teacher and not much time is wasted on non-teaching activities such as giving extra tutoring at student homes or at tutoring places.

CONCLUSION

Based on the results of research that has been conducted on teacher certification policies examined by the analysis of the structure, substance and culture concludes:

1. Structural analysis shows that the implementation of the Teacher Certification Policy involves many organizations from the central government to regional governments with greater authority over the central government than regional governments.
2. Substance Analysis shows that the contents and material of the policy are not entirely applicable in the regions due to variations in the conditions of schools and teachers in each district and city. Therefore, we need policies that specifically regulate

the implementation of teacher certification policies in the regions.

3. Cultural analysis shows that there is no rejection of policy implementation due to the provision of professional allowances for teachers who have received educator certificates. However, equity is needed in determining the quota of teachers receiving education certificates in order to meet the principles of justice and equity.

Recommendation

1. The Regional Government (Regency/City) determines policies to adjust the policies set by the central government to the conditions in the regions.
2. The central government gives greater authority to regional governments to ensure the success and compatibility of policies with their implementation.

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