

Legal Compliance of Education Providers Against Article 53 Paragraph (1) of Law No. 20 of 2003 Concerning the National Education System (Case Study: M3 Vocational High School)

Cici Paramitha Simamora¹, Amin Songgirin²

¹²Pamulang University, Indonesia

Correspondent: cparamita383@gmail.com¹

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ABSTRACT: Article 53 paragraph 1 of the 2003 law concerning the National Education System is the absence of compliance caused by internal foundation conflicts so that legal compliance is legal compliance with Education Providers Against Article 53 Paragraph (1) of Law No. 20 Year drafted by Soerjono Sukamto related to Compliance, identification, internalization is not described at all related to SMK M3. Legal compliance was not carried out due to a foundation conflict which has also not received legal certainty to date. The problem in this thesis is how the M3 Vocational High School's Legal Compliance Against Article 53 Paragraph (1) Law No. 20 of 2003 Concerning the National Education System What is the legal standing of M3 Vocational High School Against Article 53 Paragraph (1) Law No. 20 of 2003 concerning the National Education. The research method used is research on the legal standing of the M3 Vocational High School against Article 53 Paragraph (1) of Law No. 20 of 2003 concerning the National Education System. The research method used is empirical research using field data. Data analysis was carried out in a qualitative normative way. The results of the study show that the government's indecisiveness towards educational institutions that do not use legal entities is of course based on history, meaning that this M3 school was founded before the foundation conflict was not a new school establishment. According to the author, the government also prioritizes students' rights in pursuing education and indirectly private schools are schools that assist the government in educating the nation's children.

Keywords: Legal compliance; Education; Foundation Legal Entity; National Education System.



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INTRODUCTION

Education is a planned effort in the process of mentoring and learning for individuals so that they develop and grow into human beings who are independent, responsible, creative, knowledgeable, healthy, and have good morals both in terms of physical and spiritual aspects. Humans who have noble character, who have high morality are required to be formed or built. The Indonesian nation

does not only radiate the importance of education, but how the Indonesian nation is able to realize the concept of education by fostering, training and empowering Indonesian human resources in a sustainable and equitable manner. This is in line with Law no. 20 of 2003 concerning the National Education System which states that the purpose of education is to become a human being who has faith and fears God Almighty, has noble character, is healthy, knowledgeable, capable, creative, independent, and becomes a democratic and responsible citizen.

Formal education is a structured and tiered educational path consisting of basic education, secondary education, and higher education. While non-formal education is an educational path outside of formal education that can be carried out in a structured and tiered manner. Non-formal education units consist of course institutions, training institutions, study groups, community learning activity centers, and taklim assemblies, as well as similar educational units. While informal education is the path of family and environmental education. Informal education activities are carried out by families and the environment in the form of independent learning activities.

Because there are no specific binding rules, this then has an impact on the various forms and procedures for establishing foundations. In general, people use a notary deed when establishing a foundation, but this is not stated in a written regulation so that it is not an obligation for the founder to use a notary deed when establishing a foundation. The absence of rules that specifically regulate foundations makes many people establish foundations as an excuse to take refuge behind the foundation's legal entity status. Foundations that carry out social functions and have non-commercial characteristics are often misused to become an organization that pursues profits so that it deviates from the principles of the Foundation.

In terms of quality, education in Indonesia is still lagging behind compared to developed countries, because it is necessary to set national education standards. The definition of National Education Standards is the minimum criteria regarding the education system in all jurisdictions of the Unitary State of the Republic of Indonesia. The National Education Standards consist of Graduate Competency Standards, Content Standards, Process Standards, Education and Education Personnel Standards, Facilities and Infrastructure Standards, Management Standards, Education Financing Standards, Educational Assessment Standards. Meanwhile, the function of education standards is as a basis for planning, implementing and supervising education in order to realize quality national education. The aim of the National Education Standards is to guarantee the quality of national education in the context of educating the life of the nation and forming dignified national character and civilization. The National Education Standards are refined in a planned, directed and sustainable manner in accordance with the changing demands of local, national and global life.

One of the ways to achieve these national education standards, and in order to enter the era of free trade, legislators issue Law no. 9 of 2009 concerning Educational Legal Entities. However, until now there are still many parties who doubt the effectiveness and efficiency of the law, and many parties even disagree with the law because it is considered that it will give birth to the liberalization of education in Indonesia. On the other hand, many people also agree with the law because it is considered to be able to accelerate the process of improving the quality of education.

However, on March 31, 2010 Law no. 9 of 2009 concerning Educational Legal Entities has been annulled (declared not to have binding legal force) by the Constitutional Court (MK) because it is considered contrary to the 1945 Constitution

Even though the BHP Law was annulled, article 53 paragraph (1) of the National Education System Law which became the legal basis for the BHP Law remains in force. The Constitutional Court stated that Article 53 paragraph (1) is constitutional as long as the phrase "educational legal entity" is interpreted as a designation of the functions of education providers and not as a specific form of legal entity. Through its decision, the Constitutional Court wants to strengthen the diversity of educational institutions. This means that educational units must be in the form of legal entities. However, it may not be limited to certain legal entities.

Each legal entity does have its own characteristics. Most of them are for business interests or for profit. Meanwhile, the characteristics of education are non-profit. Therefore, the most appropriate form of legal entity is a foundation. According to article 1 point 1 of Law no. 16 of 2001 concerning Foundations as Amended by Law no. 28 of 2004 concerning foundations, a foundation is a legal entity consisting of assets that are separated and intended to achieve certain goals in the social, religious and humanitarian fields, which do not have members. However, foundations are not automatically able to organize education. Foundations must form business entities to carry out business fields that are in line with their goals.

The establishment of a foundation in Indonesia, prior to Law Number 16 of 2001 in conjunction with Law Number 28 of 2004 concerning Foundations, was only based on living habits in society and the jurisprudence of the Supreme Court. The easy process of establishing a foundation encourages people to set up foundations in carrying out their activities. Therefore, foundations develop in society without clear rules, many foundations are misused and deviate from their original purpose, namely in the social and humanitarian field. Meanwhile, its legal status as a legal entity is still often questioned by many parties, because the existence of a foundation as a legal subject does not yet have firm and strong legal force.

At that time, there was a tendency for the public to choose the form of a foundation, partly because of the simple establishment process, without approval from the government, because there was a perception from the public that foundations were not legal subjects. In the Decision of the Supreme Court of the Republic of Indonesia dated 27 June 1973 Number 124K/Sip/1973 it has been argued that foundations are legal entities. However, the procedures that must be fulfilled by foundation managers to obtain legal entity status are still not clearly regulated in laws and regulations, the existence of foundation institutions is only based on the customs, doctrine and jurisprudence of the Supreme Court. This shows that although it is not stated explicitly, foundations in Indonesia have also been recognized as legal entities.

To be recognized as a legal entity, a foundation must fulfill:

Material requirements consisting of, there must be a separation of assets, the existence of certain goals and have an organization.

The formal requirement is that it was established with an authentic deed

This became the basis for the birth of Law Number 16 of 2001 concerning Foundations which was later amended to become Law Number 28 of 2004 concerning amendments to Law Number 16 of 2001 concerning Foundations (hereinafter referred to as the Foundation Law). After the ratification of Law Number 16 of 2001 in conjunction with Law Number 28 of 2004 concerning Foundations, the determination of the legal status of a foundation must follow the provisions contained in the Law. The law states that foundations obtain legal entity status after the deed of establishment obtains approval from the Minister of Law and Human Rights. With these provisions, it can be seen that foundations become legal entities because of laws or based on laws not based on an open system, namely based on custom, doctrine and jurisprudence. The initial capital is in the form of the founder's wealth which is separated from other personal assets. Has a specific goal which is the concretization of religious, social and human values, does not have members

The Law on Foundations stipulates that foundations born before the Law on foundations still obtain the status of legal entities by adjusting the articles of association of their foundations with the Law on foundations. However, in reality there are still many foundations that do not make adjustments until the time period given by the law expires. Even though the law has given sanctions to foundations that do not make adjustments, one of the sanctions is foundations that were established before the enactment of Law no. 28 of 2004 Amendments to Law no. 16 of 2001 concerning Foundations is emphasized in Article 71 Paragraph 1 Letter e which confirms that: "Foundations that do not adjust their Articles of Association within the period referred to in paragraph (1) and foundations referred to in paragraph (2), cannot use the word "Foundation" in front of their names and can be dissolved based on a court decision at the request of the Attorney General's Office or interested parties. ”

There are many factors that caused foundations that were established before Law Number 28 of 2004 Amendments to Law Number 16 of 2001 concerning foundations not conforming to the law, either because the organs of the foundation do not know the legal rules that have been stipulated, or because there are differences. opinions between the organs of the Foundation also because the time limit determined by the Law has passed.

Regarding the status of foundations that were established before the enactment of Law Number 28 of 2004 Amendment to Law Number 16 of 2001 Concerning Foundations, in the provisions of Law Number 28 of 2004 Amendments to Law No.16 of 2001 a time limit is given to foundations. which was established before the enactment of Law Number 28 of 2004 amendment to Law No. 16 of 2001 concerning foundations as stated in Article 71 that:

At the time this Law comes into effect, Foundations that:

"Has been registered at the District Court and announced in the Supplement to the State Gazette of the Republic of Indonesia; or. has been registered at the District Court and has permission to carry out activities from the relevant agency; continue to be recognized as a legal entity provided that within a period of no later than 3 (three) years from the date this Law comes into force, the Foundation is obliged to adjust its Articles of Association to comply with the provisions of this Law.

"A foundation that has been established and does not comply with the provisions referred to in

paragraph (1), can obtain legal entity status by adjusting its Articles of Association to the provisions of this Law, and submitting an application to the Minister within a period of no later than 1 (one) year from from the date this Law comes into effect.”

"Foundations as referred to in paragraph (1), must be notified to the Minister no later than 1 (one) year after the implementation of the adjustments".

"Foundations that do not adjust their Articles of Association within the period referred to in paragraph (1) and foundations referred to in paragraph (2), may not use the word "Foundation" in front of their names and may be dissolved based on a court decision at the request of the Attorney General's Office or other interested parties. ”.

Based on these provisions, foundations that were established before the existence of Law no. 28 of 2004 Amendments to Law Number 16 of 2001 who do not register or are late to register against the provisions of the law are not permitted to use the word "Foundation".

The implications for foundations that were established before Law Number 28 of 2004 Amendments to Law Number 16 of 2001 concerning Foundations are regulated in the provisions of Law Number 28 of 2004 concerning Amendments to Law Number 16 of 2001 concerning Foundations in CHAPTER X Dissolution The foundation in articles 62-68 contained:

Article 62 of Law Number 28 of 2004 concerning Amendments to Law Number 16 of 2001 concerning Foundations

The Foundation Disbanded because:

“The time period stipulated in the Articles of Association ends; The purpose of the Foundation that is placed in the Articles of Association has been achieved. Court decisions that have obtained permanent legal force based on the reason that the Foundation violated public order and decency; Unable to pay its debts after being declared bankrupt; or the Foundation's assets are insufficient to pay off its debts after the bankruptcy declaration is revoked.”

Article 63 of Law Number 28 of 2004 concerning Amendments to Law Number 16 of 2001 concerning Foundations:

"In the event that a foundation is dissolved due to the reasons referred to in Article 62 letters a and b, the Trustees appoint a liquidator to settle the foundation's assets. In the event that a liquidator is not appointed, the management acts as a liquidator. In the event that the Foundation is dissolved, the Foundation cannot take legal action, except to settle its assets in the liquidation process. In the event that the Foundation is in the liquidation process for all outgoing letters, the phrase "in liquidation" is included behind the name of the Foundation.

Article 64 of Law Number 28 of 2004 concerning Amendments to Law Number 16 of 2001 concerning Foundations, which states that:

"In the event that a foundation is dissolved due to a court decision, the court also appoints a liquidator. In the case of dissolution of a foundation due to bankruptcy, laws and regulations regarding bankruptcy will apply. Provisions regarding the appointment, appointment, temporary dismissal, dismissal, powers, obligations, duties and responsibilities, as well as supervision of management also apply to liquidators.

Article 65 of Law Number 28 of 2004 concerning Amendments to Law Number 16 of 2001 concerning Foundations:

"The liquidator or curator appointed to settle the assets of a dissolved or disbanded Foundation, no later than 5 (five) days from the date of appointment, must announce the dissolution of the Foundation and its liquidation process in an Indonesian language daily newspaper."

Article 66 of Law Number 28 of 2004 concerning Amendments to Law Number 16 of 2001 concerning Foundations

"The liquidator or curator within a period of no later than 30 (thirty) days from the date the liquidation process ends, must announce the results of the liquidation in an Indonesian language daily newspaper."

Article 67 of Law Number 28 of 2004 concerning Amendments to Law Number 16 of 2001 concerning Foundations

"The liquidator or curator within no later than 7 (seven) days from the date the liquidation process ends is obliged to report the dissolution of the Foundation to the Trustee. The foundation does not apply to third parties.

Article 68 of Law Number 28 of 2004 concerning Amendments to Law Number 16 of 2001 concerning Foundations

"The remaining assets from the liquidation will be handed over to other foundations that have the same activities as the disbanded foundation. The remaining assets from the liquidation proceeds as referred to in paragraph (1) may be handed over to another legal entity that has the same activities as the disbanded foundation, if this is regulated in the law regarding said legal entity. In the event that the remaining assets from the liquidation are not handed over to other foundations or to other legal entities as referred to in paragraphs (1) and (2), these assets are handed over to the state and their use is carried out in accordance with the activities of the dissolved foundation."

The provisions contained in Chapter X Dissolution In articles 62-68 of Law Number 28 of 2004 amendments to Law Number 16 of 2001 concerning Foundations provides an overview of Foundations that were established before the enactment of Law Number 28 of 2004 amendments to Law Number 16 of 2001 concerning foundations that do not make adjustments to the provisions of the law on foundations because they have passed the deadline specified in the articles of association, they must liquidate the assets of the foundation and the foundation cannot take any legal action other than liquidating its assets.

But on the other hand, the Al-Kamal Islamic Boarding School Foundation, which was founded in 1987, is currently referred to as the Al-Kamal Islamic Boarding School, which is a foundation that was established before the enactment of Law No. 28 of 2004 Amendments to Law No. 16 of 2001 concerning Foundations cannot register legal entities with the Ministry of Law and Human Rights of the Republic of Indonesia because they are considered to have passed the time limit determined by law. The fact is that Al-Kamal Islamic Boarding School has business fields, one of which is the field of Education, namely an independent multi-media vocational high school as an Educational Institution that requires a legal entity.

But in fact the Al Kamal Islamic Boarding School, which has not been declared a legal entity, is still carrying out educational operations because the operational stake holders of the Foundation are of the view that the Al Kamal Islamic Boarding School Foundation has never been disbanded

and has never carried out the process of liquidating its assets so that stakeholders in educational operations still under the auspices of Al Kamal Islamic Boarding School.

With the delay in the Al Kamal Islamic Boarding School Foundation making adjustments to the rules of the Foundation Law, this resulted in the emergence of a Foundation dispute in which two new foundations were established at the location of the Al-Kamal Islamic Boarding School Foundation/PP Al-Kamal which were declared not to have legal entities. The two new foundations that claim the assets and operations of the old Al Kamal Foundation have taken civil law, including civil lawsuit No: 112/Pdt.G/2014/PN.Jkt.Brt and civil lawsuit No. 266/Pdt.G/2020/PN.Jkt.Brt. Until now there has been no Court Decision at any level explaining the position of the Foundation because the two lawsuits resulted in a judge's decision "NO/Niet Ontvankelijke Verklaard/Unacceptable).

However, there is something interesting from the legal considerations of the panel of judges at the West Jakarta District Court in case no. 266/Pdt.G/2020/PN.Jkt.Brt which states that the Al Kamal Islamic Boarding School Foundation is considered to still exist because there are no legal facts stating that the Al Kamal Islamic Boarding School Foundation was disbanded/disbanded so that the Al Kamal Islamic Boarding School Foundation simply cannot Using the word Foundation in front of its name, the decision adds to the long list of unclear legal status of the Al Kamal Islamic Boarding School Foundation, which the Ministry of Law and Human Rights of the Republic of Indonesia has explained in fact is no longer a legal entity, but in judges' considerations it still exists because it has not been dissolved or disbanded. Meanwhile, educational operations under the auspices of the Al Kamal Islamic Boarding School Foundation require clear legal entities for the implementation of educational operations.

METHOD

The type of research used is empirical legal research, which the author will do is examine how law works in society. Because this research examines people in the relationship of living in society, the empirical legal research method can be said to be sociological legal research. It can be said that legal research is taken from facts that exist in a society, legal entity or government agency.

In this regard, the author will take the facts contained in SMK M3 to find out the legal events that occurred regarding the application of Article 53 paragraph 1 Law number 20 of 2003 juncto after the entry into force of Law number 28 of 2004 changes to law number 16 of 2001 regarding the Al Kamal Islamic Boarding School Foundation which did not make adjustments to the provisions of the Foundation Law.

Empirical legal research is intended to invite researchers not only to think about legal issues that are normative (law as written in book), technical in nature in operationalizing legal regulations such as machines that produce and produce certain results from a mechanical process, and of course only and should only be prescriptive in nature, although this is reasonable given the true nature of legal norms that are "ought to be". Furthermore, the perspective as mentioned earlier shifts

towards a change towards awareness that law, in fact from a social science perspective, turns out to be more than just legal norms and operating techniques, but also a social phenomenon related to human behavior in the midst of a unique and unique social life. captivating to be researched not from its prescriptive nature, but rather descriptive in nature.

RESULT AND DISCUSSION

A. Position Case

An independent multi-media vocational high school, commonly abbreviated as SMK M3, is an educational institution founded in 2010 under the auspices of the Al Kamal Islamic Boarding School Foundation which was established in 1987 so that SMK M3 is an expanded educational institution owned by the Al Kamal Islamic Boarding School Foundation.

In 2012 the Al Kamal Islamic Boarding School Foundation experienced an internal conflict with the Foundation, causing there to be three Foundations in one location and there was also a struggle for the management rights of the Educational Institution by each Foundation, but in the end SMK M3 still chose to be under the auspices of the Al Kamal Islamic Boarding School Foundation.

But in fact, the Al-Kamal Islamic Boarding School Foundation was declared not to have the status of a legal entity by the Ministry of Law and Human Rights of the Republic of Indonesia, which was confirmed through a letter from the Ministry of Law and Human Rights of the Republic of Indonesia with letter number: C2-HT-1.02.A-3929, dated 30 August 2007 which emphasized that YPP Al-Kamal had not yet had the status of a legal entity based on Article 71 paragraph (1) of Law Number 28 of 2004 concerning amendments to Law Number 16 of 2001 concerning Foundations.

Based on the letter, in essence the Al Kamal Islamic Boarding School Foundation has attempted to amend the foundation's articles of association in order to conform to the Foundation law, but the time period specified by the Law has passed the time limit set forth in the provisions of the Law. the Foundation law in article 71 paragraph 3 law number 16 of 2001 changes to law number 28 of 2004 concerning Foundations which provide a time limit of 3 years, the Al-Kamal Islamic Boarding School Foundation should have made adjustments in 2007 but the facts were only in In 2008, the management composition was changed.

Since the Al Kamal Islamic Boarding School Foundation was declared not to have the status of a legal entity, education operations have continued to run using a valid education administration permit from the DKI Jakarta Education office so that the education office continues to issue operational permits for education as long as it is related to the teaching and learning process.

There are several lawsuits against the law filed by each party including:

1. Lawsuit for Unlawful Acts filed by the Al-Kamal Jakarta Islamic Boarding School Foundation to one of them the Jakarta Amanah Education Foundation in 2014 which was registered at case number: 112/Pdt/G/2014/PN.JKT.BRT where the lawsuit is declared "Unacceptable", an appeal was filed and the panel of judges in the appeal decision upheld the West

Jakarta District Court's decision.

2. Unlawful Act Lawsuit filed by Drs. Mohammad Hatta acting for and on behalf of the founder of the Al-Kamal Islamic Boarding School Foundation sued the Al-Kamal Jakarta Islamic Boarding School Foundation in 2014 with case register number: 209/G/2014/ PN.JKT.BAR, which the panel of judges decided on the case with the verdict "claim can not be accepted"

3. Lawsuit for Unlawful Acts filed again by the Al-Kamal Jakarta Islamic Boarding School Foundation by suing the Jakarta Amanah Education Foundation with case registration number: 266/Pdt.G/2020/PN.Jkt.BrT which was decided by the Jakarta District Court Barat with the ruling "Plaintiff's lawsuit cannot be accepted" however, interestingly in this decision the Al-Kamal Islamic Boarding School Foundation is considered to still exist, because there are no legal facts proving that YPP Al-Kamal has been disbanded/disbanded under the provisions of Article 62 Law No. 16 2001, thus legally YPP Al-Kamal still exists, it's just that with the ministry of law and human rights not ratifying the statutes of the Republic of Indonesia, YPP Al-Kamal cannot legally use the word "Foundation" in front of its name so that originally YPP Al-Kamal -Kamal became Al-Kamal Islamic Boarding School only”

4. After the decision of the west Jakarta district court was accompanied by legal considerations of the panel of judges of the west Jakarta district court which stated that the Al-Kamal Islamic Boarding School Foundation still existed, for this reason Drs. H Abu Jusuf, S.H filed a lawsuit against the Al-Kamal Jakarta Islamic Boarding School Foundation which was recorded in the case register number: 204/Pdt.G/2022/PN.Jkt.BrT which is currently still being examined by the panel of judges at the West Jakarta District Court .

5. SMK M3 legal compliance with Article 53 paragraph 1 Law number 20 concerning the national education system.

Law is a rule that is binding and must be obeyed by people in everyday life. The law requires awareness from the community to be obeyed. Legal awareness and compliance are basically values that must be owned by society to be subject to and obey the law. attitude of legal awareness, for this reason it is necessary to instill legal values to form public awareness so that it can be implemented through the rules that have been formed so that an attitude of obedience to applicable law arises.

After the decision of the Constitutional Court of the Republic of Indonesia (MKRI) Formal Education Providers By Private Returned to the Foundation. On March 31, 2010 the Constitutional Court of the Republic of Indonesia (MKRI) with decision number 11-14-21-126-136/PUU-VII/2009, has decided among other things to declare Article 53 paragraph (1) of Law Number 20 of 2003 concerning The National Education System (State Gazette of the Republic of Indonesia of 2003, Number 78, Supplement to the Statute Book of the Republic of Indonesia Number 4301), is constitutional as long as the phrase educational legal entity is interpreted as a designation of the function of providing education and not as a specific form of legal entity.

Foundations, which are social, religious and humanitarian institutions that operate in Indonesia and carry out all their activities and activities in Indonesia, should be subject to and comply with binding regulations, especially regarding foundations, in this case Law Number 28 of 2004 concerning Amendments to Laws Law Number: 16 of 2001 Concerning Foundations.

On the other hand, the Education business unit is only a sub-section of the Foundation's activities, so it is the foundation that has the legal responsibility to become a legal entity from its foundation activities.

The results of the author's interview with the secretary of the elementary school manager Al Kamal stated that:

"SMK M3 was established in 2010, at that time the Foundation had not yet experienced a conflict so we had no difficulties in establishing SMK M3, but in 2012 our foundation experienced a conflict which disrupted the activities of the Foundation"

Furthermore, according to the manager's secretary al Kamal:

"Indeed, at the time of the conflict, the opposing party claimed that it was appropriate for SMK M3 to use their Foundation legal entity, however, SMK M3 continued to use the old Foundation legal entity, even though there was a letter from the Indonesian Ministry of Law and Human Rights stating that YPP Al Kamal was declared not to have the status of a legal entity and Stakeholders of SMK M3 know that so far the old foundation has never had its assets liquidated."

According to the author, based on information from the secretary manager of al-kamal which stated that SMK M3 is still under the auspices of YPP Al Kamal because there is no legal certainty regarding the status of which foundation has the right to manage all of the assets of the al-kamal foundation.

The Constitutional Court of the Republic of Indonesia (MKRI) has provided a separate interpretation regarding Education Legal Entities, namely that it was decided that the term "educational legal entity" as referred to in Article 53 paragraph (1) of the Law on the National Education System is not a specific name and legal entity, but a designation the function of administering education and not as a particular form of legal entity. The verdict of this decision has a firm meaning if it is related to one of the MKRI's legal considerations when deciding on the lawsuit it was emphasized that an educational institution must be managed by a legal entity. As for the forms of legal entities that are known in laws and regulations, for example foundations, associations, associations, waqf bodies and so on.

So based on Article 53 of the Law on the National Education System (Sisdiknas), which has also been explained through the Constitutional Court's decision, which in essence emphasizes that an educational institution must be managed by a legal entity. As for the forms of legal entities that are known in laws and regulations, for example foundations, associations, associations, waqf bodies and so on. So that it is appropriate for SMK M3 to use foundations and/or associations to oversee its educational operations, but due to the foundation conflict until now, SMK M3 is still under the auspices of YPP Al Kamal which has not been declared a legal entity.

According to Soerjono Sukamto, there are several factors that can cause citizens to comply with the law, namely as follows:

Compliance "An overt acceptance induced by expectation of rewards and an attempt to avoid possible punishment – not by any conviction in the desirability of the enforced rule. Power of the influencing agent is based on „means-control” and, as a consequence, the influenced person conforms only under surveillance”.

An obedience based on the hope of a reward and an effort to avoid punishment or sanctions that may be imposed if someone violates the provisions of the law. This compliance is not at all based on a belief in the purpose of the rule of law in question, and is more based on the control of those in power. As a result, legal compliance will exist if there is strict supervision of the implementation of these legal principles.

In the author's opinion, in the Compliance stage, it is appropriate for the holder of power, in this case the Office of Education and the Ministry of Law and Human Rights, which are ministries related to the legality process of a legal entity concerned with the SMK M3 problem, so that legal compliance is related to legal principles which in essence require the operation of education. Under the auspices of a legal entity can be run by SMK M3.

The next level is;

Identification "An acceptance of a rule not because of its intrinsic value and appeal but because of a person's desire to maintain membership in a group or relationship with the agent. The source of power is the attractiveness of the relation which the persons enjoy with the group or agent, and his conformity with the rule will be dependent upon the salience of these relationships"

Occurs when compliance with the rule of law exists not because of its intrinsic value, but so that group membership is maintained and there is a good relationship with those who are authorized to apply the rule of law. The attraction to obey is the benefit derived from these relationships. Thus compliance depends on good or bad interactions.

In principle, if SMK M3 complies with legal regulations regarding legal entities that should oversee education, schools will receive benefits, one of which is financial assistance. According to the statement of the secretary manager of al kamal Ms. Zakiah., S.I.Kom., M.I.Kom., M.H explained that:

"at this time SMK M3 is experiencing problems in submitting funding applications, one of which is applying for BOS funds, but we accept this government policy graciously because we are aware that up to now conflicts with foundations are still going on"

Based on the results of the interview, legal compliance, which should have a beneficial impact on schools, one of which is school operational funding assistance that can be used for school progress, cannot be given to SMK M3 on the grounds that it is still in trouble or has a foundation conflict. So it is clear that non-compliance does not bring benefits to the school.

Tahap berikutnya ialah Internalization "The acceptance by an individual of a rule or behavior because he finds its content intrinsically rewarding ... the content is congruent with a person's values either because his values changed and adapted to the inevitable".

At this stage a person complies with the rule of law because intrinsically the compliance has a reward. The content of these rules is in accordance with the values of the person concerned, or because he changes the values he originally adhered to. The result of this process is a conformity that is based on intrinsic motivation. The central point of the strength of this process is the person's belief in the purpose of the rules in question, regardless of their influence or values on the group or power holder or oversight. This stage is the highest degree of obedience, where obedience arises because the law that applies is in accordance with the values that are adhered to.

According to the author, with the non-fulfillment of Compliance and Identification, the

Internalization stage is also not implemented by SMK M3, in fact the school accepts the government's policy sincerely that it cannot disburse school operational assistance funds for the school, because it is part of the supervisory function carried out by the school administrator. power.

6. Legal Position of SMK M3 Against Article 53 Paragraph (1) Law No 20 of 2003 Concerning the National Education System

Legal standing or locus standi is a situation when a party is deemed eligible to apply for a dispute settlement in a court. Usually the legal position can be shown in the following ways:

1. A party is directly harmed by the law or action at issue, and this loss will continue unless the court intervenes by ordering compensation, determines that the law in question does not apply to that party, or declares that the law is null and void. .
2. The plaintiffs were not harmed directly, but they have a reasonable relationship with the circumstances which led to the loss, and if left unchecked the damages could be inflicted on other persons who are unable to seek assistance from the court.
3. A party is given legal status by a law"

The legal position of SMK M3 basically stands on the legal standing of school operational permits which are de facto and de jure recognized by the government, even though the government, in this case the DKI Jakarta Education Office, knows that the foundation that oversees SMK M3 is experiencing an internal conflict.

Referring to the provisions of Article 53 Paragraph (1) of Law No 20 of 2003 Concerning the National Education System, the Constitutional Court of the Republic of Indonesia (MKRI) has provided a separate interpretation regarding Educational Legal Entities, namely that it is decided that the term "educational legal entity" as referred to in Article 53 paragraph (1) The Law on the National Education System is not a specific name and legal entity, but rather a designation of the function of administering education and not as a specific form of legal entity. The verdict of this decision has a firm meaning if it is related to one of the MKRI's legal considerations when deciding on the lawsuit it was emphasized that an educational institution must be managed by a legal entity. As for the forms of legal entities that are known in laws and regulations, for example foundations, associations, associations, waqf bodies and so on.

According to the author, based on the results of an interview with Mrs. Zakiah., S.I.Kom., M.I.Kom., MH, who basically explained that YPP Al Kamal was declared not to have the status of a legal entity, then the legal position of SMK M3 as an educational institution cannot be protected by law. despite the fact that until now the Educational Institution is still carrying out its activities until there is a binding legal decision regarding which Foundation has the right to manage the Education unit in the Al kamal environment.

Based on the results of an interview with Mr. Anhar., S.Pd. related to how the legal position in the eyes of the education office is related to education operations at SMK M3, he said that:

"Until now, SMK M3 is still allowed to carry out the teaching and learning process like other schools in DKI Jakarta, but this was decided by the government because it prioritizes the rights of students who are still enthusiastic about going to school at SMK M3, then the government also understands that prior to foundation conflict, SMK M3 is one of the quality vocational high schools in the West Jakarta area as evidenced by the large number of students who registered for the first time that SMK M3 was opened in 2010 before the foundation conflict "

According to the author, the government's indecisiveness towards educational institutions that do not use legal entities is of course based on history, meaning that this M3 school was established before the foundation conflict was not a new school establishment. According to the author, the government also prioritizes students' rights in pursuing education and indirectly private schools are schools that assist the government in educating the nation's children.

Even though the legal position of SMK M3 is still recognized by the government as evidenced by the granting of permits to operate Educational Institutions which are still running today, the government has also given firmness, one of which is that SMK M3 cannot receive assistance from third parties, one of which is from the government, namely assistance operational funds (BOS) so that the government only grants permits in the context of organizing teaching and learning activities until there is a permanent legal decision which foundation has the right to an educational institution in the Al Kamal environment.

CONCLUSION

Based on the problems discussed in the previous chapter, the conclusions of the research entitled "Legal Compliance of Education Providers Against Article 53 Paragraph (1) Law No 20 of 2003 Concerning the National Education System (Case Study Against M3 Vocational School)", are as follows:

1. 2003 concerning the National Education System is the absence of compliance caused by internal foundation conflicts so that the legal compliance of Education Providers with Article 53 Paragraph (1) of Law No. 20 Year drafted by Soerjono Sukanto related to Compliance, identification, internalization is not reflected at all in relation to SMK M3. Legal compliance was not carried out due to a foundation conflict which has also not received legal certainty to date. Legal non-compliance has an impact on SMK M3, one of which is not being able to receive all forms of financial assistance from third parties, one of which is funding from the government, namely the School Operational Fund, which should be used for school progress if legal compliance is carried out by the school.
2. The legal position of Education Providers Against Article 53 Paragraph (1) of Law No 20 of 2003 Concerning the National Education System should have prevented SMK M3 from carrying out its educational operations, but due to the existence of permits from the government related to the implementation of Education which is only permitted in the context of teaching and learning, then Until now, SMK M3 is still running its operations. Even though legally there is certainly no legal protection for SMK M3 because until now SMK M3 still uses a foundation which is declared not a legal entity.

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