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Evaluation of the School Operational Assistance Program Based on Law Number 20 of 2003 concerning National Education (Case study of SMK Rayon III Bekasi City)

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Abstract: This research aims to evaluate the implementation of the School Operational Assistance (BOS) program in private Vocational High Schools (SMK) in the Rayon III area of Bekasi City, using a statutory approach and empirical juridical method. The study employs a descriptive method with qualitative analysis based on interviews and secondary data from primary and secondary legal materials. Results show that the implementation of the BOS fund program aligns with Law No. 20/2003 on the National Education System and its implementing regulations, with timely reporting on fund usage and no late fees incurred. Supervision by the Office Branch Office (KCD) of Sub Rayon III Bekasi also complies with relevant provisions. The empirical juridical analysis indicates that the implementation of BOS funds in this area fulfills the elements of legal certainty, justice, and community benefit. This study's implications highlight the importance of enhancing transparency and accountability in BOS fund management, as well as the need for increased supervision to more effectively support educational activities and ensure fair access to quality education.

Keyword: BOS, Evaluation, Juridical Analysis, National Education

INTRODUCTION

A nation's advancement is closely tied to enhancing its human capital. To achieve this, it's crucial to ensure that all citizens have ample opportunities to develop their talents and capabilities. Education is a cornerstone in this process, as it enables individuals to strive for and attain improved living standards (Andayani & Kurniawan, 2023). The onus falls primarily on the government to make sure that educational opportunities are within reach for every member of society.

In a nation governed by rule of law, efforts to enhance human capital must align with the principles enshrined in Pancasila and the 1945 Constitution (Sutrisno, 2021). Pancasila, serving as the philosophical bedrock of Indonesia, embodies the core cultural values of its people and nation. These values stem from the indigenous worldview of the Indonesian populace. Pancasila is also the foundation of national ideology because as an open ideology, Pancasila is responsive to the changes and dynamics of the life of the nation and state.

Pancasila is also a juridical foundation because its principles are in accordance with the ideals of the Indonesian nation. As a source of law, Pancasila is a guideline in the formation of the constitution, the Constitution, and laws and regulations, so that all these regulations must refer to and be based on Pancasila and the 1945 Constitution.

The School Operational Assistance (BOS) program is one of the government policies to improve the quality of education in Indonesia. The implementation of this program is expected to ease the burden of school operational costs and improve access and quality of education for all students. Law No. 20/2003 on the National Education System provides a strong legal basis for the implementation of education, including the implementation of the BOS program.

Research on the management of BOS funds in various schools in Indonesia highlights effective planning and implementation processes, such as readiness to manage funds and positive evaluation results (Lukas et al., 2024; Ruba'i et al., 2024). However, challenges remain, particularly in ensuring transparency and accountability in the allocation and utilization of funds, which requires improvements in the dissemination of information to relevant stakeholders (Lukas et al., 2024). The research highlighted the crucial role of internal oversight measures, particularly accounting information systems, in maintaining responsible and open management of BOS (School Operational Assistance) funds. It underscored the necessity for rigorous supervisory protocols in overseeing financial resources within educational establishments. By addressing these aspects, the BOS program can further improve its effectiveness in supporting educational activities and promoting equitable access to quality education (Agus et al., 2024).

Based on the prevailing laws and regulations, BOS funds should have been received in accordance with the student needs plan that was submitted based on student data officially recorded in the Basic Education Data (Dapodik). An issue developed in the community that the implementation of the BOS funds program for private vocational schools in Rayon III Bekasi was still not optimal. This is possible because of the unpreparedness of schools in managing the BOS funds, but also because in its implementation, the central and regional government actors often prioritize their own interests and neglect the interests of the community, for example, by delaying the disbursement of BOS funds by several months and reducing the amount that schools must receive. This was also caused, among other things, by the lack of supervision from the program owners and law enforcers, which gave the opportunity for the BOS funds not to reach their targets optimally.

The objective of this research was to assess the execution of the BOS program by empirically examining its legal framework, focusing on regulations that promote fairness and community benefits. The study encompassed 35 private vocational school within Bekasi City's Rayon III district. This research brings novelty in evaluating the implementation of the School Operational Assistance Program (BOS) in private SMKs in Rayon III Bekasi City, with an empirical juridical approach that considers aspects of legal certainty, justice, and expediency. The main focus of this research is to identify how the BOS program is implemented in accordance with existing regulations, as well as its impact on justice and benefits for the community.

This research combines normative legal analysis with empirical data from 35 private Vocational High School (SMKs), providing a comprehensive picture of the effectiveness of the BOS program at the local level. This approach is important because previous studies have tended to focus only on planning and fund management aspects without evaluating legal compliance and social impact in depth. As such, this study makes a significant contribution to understanding and improving transparency, accountability, and fairness in the distribution and use of BOS funds.

METHOD

This study employs a statutory approach, utilizing normative legal research methods with a focus on normative case studies that examine products of legal conduct. The primary aim of this investigation is to analyze the law, viewing it as a set of norms or rules that are in effect within society and guide individual behavior.

The collected data will be analyzed qualitatively, a method that does not rely on numbers but focuses on respondents' expressions, which are then arranged into logical sentences. This study takes a descriptive approach, detailing factual information about how the National Education System Law is implemented. It then compares these facts with existing legal regulations and established theories or principles within the field of legal science. The method of thinking used in this research is inductive, which is based on specific instances and then draws general conclusions.

This study utilizes two categories of data sources. The primary dataset was gathered through direct interviews with research participants. The secondary dataset comprises both primary and secondary legal resources. The main legal document referenced is Law No. 20 of 2003, which pertains to the National Education System. To supplement this, the researcher consulted various secondary legal sources that offer additional insights into the primary legal material. These include academic publications, law journals, web-based articles, and relevant regulatory documents.

RESULTS AND DISCUSSION

Law No. 20/2003 on the National Education System plays an important role in shaping various aspects of education, including school aid programs. The law ensures that the government provides assistance to support compulsory education, as seen in the implementation of programs such as the Operational Assistance for Schools (BOS) program in Indonesia (Supriyadi, 2017). In addition, the law aims to protect the rights of underprivileged individuals to participate in education, highlighting the importance of inclusivity and accessibility in the education system (Amalia & Puspytasari, 2018). Furthermore, the law addresses issues of misconduct within educational institutions, such as cases of violence against students by unscrupulous principals, leading to legal consequences for those found guilty of violating the National Education System Regulation (Wardana & Purwanti, 2021). Overall, Law No. 20 of 2003 serves as a framework to promote equitable access to education and ensure accountability in the education sector.

The BOS program has significantly contributed to improving access to education for students, especially from underprivileged families. With BOS funds, schools can reduce the education costs borne by students, thus encouraging more students to continue their education at SMK. This is in line with the objectives of Law No. 20/2003 which emphasizes the importance of equal access to education for all citizens (Yudiawan, 2016). Despite improvements in access, the quality of education in SMK remains a challenge. Some schools reported that although BOS funds are available, the use of these funds is not always directed towards improving the quality of teaching and facilities. The availability of adequate facilities and infrastructure, as well as training for teachers, are important factors that affect the quality of education. Without good management, BOS funds cannot fully improve the quality of education (Rindani, 2015).

Article 46 of Law No. 20/2003 on the National Education System emphasizes that education funding is a shared responsibility between the central government, local governments and the community. This reflects the decentralized approach in Indonesia's education system, where various parties contribute to financing to achieve national education goals. This decentralization of funding aims to increase the participation of various stakeholders in supporting education. The central and local governments are expected to

provide sufficient budgets to ensure the delivery of quality education. Meanwhile, the community, including parents and the private sector, also plays a role in providing financial support and other resources.

This collaborative approach is expected to address disparities in access and quality of education in different regions. By involving various parties, education funding is expected to be more equitable and in line with local needs. In addition, this shared responsibility also promotes transparency and accountability in the management of education funds, as each party involved has a stake in ensuring that funds are used effectively and efficiently to achieve national education goals.

Article 49 of Law No. 20/2003 stipulates that the education budget allocation must reach 20% of the State Budget (APBN) and 20% of the Regional Budget (APBD). This provision is designed to ensure that the funds allocated to the education sector are adequate and proportional to the needs and potential of education in each region. Thus, the allocation of funds for private vocational schools must be in accordance with the stipulated proportion to ensure an equitable and fair quality of education. The evaluation showed that the implementation of BOS funds for private vocational schools in the Rayon III region of Bekasi City had run well. The allocation and use of funds are in accordance with existing regulations, and are used to improve the quality of education, facilities and infrastructure in these schools. This assessment includes several factors such as the effectiveness of the use of funds, transparency in management, and the positive impact felt by educational institutions and students. This shows that the BOS Fund program functions effectively in supporting education in private vocational schools, in accordance with the applicable legal provisions.

The distribution of BOS (School Operational Assistance) funds for SMK (Vocational High School) institutions, as outlined in Article 49 of Law No. 20 of 2003, involves a careful process of planning, implementation, monitoring, and reporting to ensure transparency and accountability. The implementation of the distribution of BOS funds for SMK as mentioned in Article 49 of Law No. 20 of 2003 includes two types of funding sources. First, the central BOS, which comes from 20% x APBN, is regulated in the Regulation of the Minister of Education, Culture, Research, and Technology of the Republic of Indonesia Number 63 of 2022 on Technical Guidelines for the Management of Operational Assistance Funds for Education Units. This Ministerial Regulation is updated annually as a guideline for all education units receiving BOS funds, including supervisors and supervisors of the distribution of BOS funds in all private vocational schools in the Rayon III area of Bekasi City, totaling 35 vocational schools. Second, the Provincial BOS or BPMU that comes from 20% x APBD, with implementing regulations issued by the Regional Government of West Java Province. This implementation ensured that each SMK received adequate operational funds in accordance with the applicable regulations, both from the central and regional governments.

All of the BOS fund recipients, namely the 10 private SMKs in Rayon III of Bekasi City, have fulfilled the specified administrative requirements. They all have a National School Identification Number (NPSN) recorded in the Basic Education Data (Dapodik) application. The student data submitted to receive BOS funds is also in accordance with that recorded in Dapodik and is always updated no later than August 31 each year. All of these SMKs also had operational licenses from the Bekasi Sub Rayon III Branch Office (KCD) of West Java Province and had opened BOS fund management accounts at the West Java Development Bank in the name of their respective schools, with account identities that matched the data in Dapodik. In the use of BOS funds, all of these SMKs determined the allocation of funds based on needs and included them in the education unit planning documents with clear details. Procurement of goods and services using BOS funds was conducted in accordance with the prevailing laws and regulations and did not conduct

procurement that had already been financed by other sources of funds. There were no unrecorded leftovers of BOS funds; if there were leftovers, they were recorded in the School Activity and Budget Plan (RKAS), validated and verified by the local government and taken into account in the following year's realization.

The implementation of the School Operational Assistance Fund (BOS) program for Private Vocational High Schools (SMK) in the Rayon III area of Bekasi City, West Java, based on the Regulation of the Minister of Education, Culture, Research, and Technology of the Republic of Indonesia Number 63 of 2022 on Technical Guidelines for the Management of Education Unit Operational Assistance Funds, showed significant results in terms of compliance and effectiveness. This regulation sets clear guidelines on the allocation and use of funds, ensuring that BOS funds are used for operational purposes that support the improvement of education quality. The evaluation showed that most private SMKs in the region complied with the stipulated provisions, from the submission of proposals to accountability reports. Compliance with these regulations indicates a good management system and transparency in the use of funds. In addition, the effectiveness of the use of BOS funds can also be seen in the improvement of the quality of education and facilities in private SMKs, which has a positive impact on the teaching-learning process and students' academic outcomes. Overall, the implementation of the BOS Fund program in the Rayon III area of Bekasi City showed encouraging results, with high compliance with regulations and effectiveness reflected in improvements in the quality of education.

The management of BOS funds is conducted through an application system provided by the Ministry for various activities such as planning and budgeting, administration, reporting, and accountability. School principals are responsible for filling in and updating Dapodik data, preparing activity plans and budgets, confirming the receipt of funds, administering the use of funds, and submitting reports on the realization of the use of BOS funds. Overall, the evaluation shows that private vocational schools in Rayon III Bekasi City have complied well with the technical guidelines for the management of BOS funds, demonstrating transparency and accountability in the management of education funds. This has the potential to improve the quality of education in the region in accordance with the objectives of the BOS fund program.

According to the Regulation of the Minister of Education, Culture, Research and Technology of the Republic of Indonesia Number 63 of 2022, which outlines the Technical Guidelines for Managing School Operational Assistance (BOS) Funds, oversight and direction of BOS fund management should be conducted by regional authorities. In the case of Vocational High Schools (SMKs), this responsibility falls to the provincial government. Specifically, in Bekasi City, West Java, this duty is carried out by SMK supervisors and the Head of the Sub-Rayon 3/KCD 3 Office.

The supervision and guidance of BOS funds were conducted through several steps. First, verification and validation of school data were conducted to ensure the validity of the data. Second, training and guidance were provided to schools receiving BOS funds to fill in and update the data in the Dapodik application. Third, coordination, socialization, or training on the management of BOS funds was conducted by involving school supervisors, school committees, and the community. Fourth, assistance and efforts were given to schools that had limitations in conducting independent data collection. Fifth, schools were instructed to organize the use of BOS funds through the system provided by the ministry. Furthermore, the management of BOS funds was monitored in all schools in accordance with their authority. A community complaint service was also provided through a special information channel on the management of BOS funds. In addition, schools are required to prepare a plan for the use of BOS funds based on the results of the evaluation. Schools also had to prepare the completeness and validity of up-to-date data and be responsible for the data. The RKAS

(School Activity and Budget Plan) must be prepared in accordance with the planning and budget stages of the BOS funds, inputted in the application system provided by the ministry, and its use must be in accordance with the planning. All stages of reporting and accountability of BOS funds must also be ensured to be fulfilled by schools.

There are several restrictions for local governments in the supervision and guidance of BOS funds in SMK Sub Rayon 3 KCD 3 Bekasi City, West Java. Local governments are prohibited from making levies in any form to schools, forcing or arranging the purchase of goods and services for personal or other interests, ordering or influencing schools to violate regulations, becoming distributors or retailers, directing the purchase or procurement of books or goods financed by BOS funds, obstructing the process of disbursement and use of BOS funds, and violating existing regulations and being subject to sanctions.

Legal certainty in education is essential for the effective implementation of regulations such as Law No. 20 of 2003 on the National Education System, which guarantees constitutional rights and the quality of human resources (Limpo et al., 2017). In addition, Ministry of Education and Culture regulations such as Number 1 of 2018 on funding operational costs and Number 80 of 2015 on Technical Instructions play an important role in ensuring transparency, accountability and efficiency in managing education funds and resources (Tahim et al., 2023). The need for legal certainty is further emphasized in the context of wage regulations, where inconsistencies in the law can cause uncertainty for stakeholders such as employers, workers, and investors. In addition, the quality assurance system in higher education, as discussed in (Romanova et al., 2018), highlights the importance of a legal framework to maintain standards and ensure compliance with educational requirements, ultimately contributing to the overall quality of education and management in educational institutions.

Gustav Radbruch (2006) asserts that law must embody the principle of legal certainty (*rechtmatigheid*), which is evaluated from a juridical perspective. This normative principle is achieved when regulations are created and implemented with clarity, featuring logical and unambiguous language. This clarity prevents multiple interpretations and avoids conflicts between norms. When legal uncertainty arises from legislation, it may manifest as norm contestation, reduction, or distortion. Legal certainty is established through both the existence and consistent application of rules.

Radbruch proposed four key elements defining legal certainty:

1. Law is positive, meaning it exists in the form of codified legislation.
2. Law is grounded in factual reality.
3. Legal facts must be articulated clearly to prevent interpretative confusion and ensure ease of implementation.
4. Once established, positive law should resist frequent alterations.

Based on Gustav Radbruch's theory of the principle of legal certainty, which states that the law must meet the criteria of clarity, non-interpretation, and not causing norm conflicts, the analysis of the implementation of School Operational Assistance (BOS) funds in Rayon III Bekasi provides a fairly positive picture. This theory emphasizes that laws and regulations must be designed in such a way as not to cause legal uncertainty, which can have an impact on the implementation and enforcement of the law itself. In the context of BOS funds, which are regulated by the 1945 Constitution, Law No. 20/2003 on the National Education System, and Regulation of the Minister of Education, Culture, Research, and Technology of the Republic of Indonesia No. 63/2002, these three regulations establish clear guidelines and mechanisms for the management of BOS funds. The implementation of these regulations in Rayon III Bekasi at 35 private SMKs showed that these regulations had been well implemented. The understanding of the regulations by the schools, as well as the success in

supervision and reporting, showed that there was no significant ambiguity in the implementation of BOS funds in the region.

The supervision and reporting that were conducted in accordance with the applicable regulations reflected the legal certainty applied in the administration of BOS funds. This indicates that the regulations related to BOS funds in this region have successfully fulfilled the principle of legal certainty according to Radbruch. This means that the parties involved in the management of BOS funds not only understand and follow the existing regulations but can also implement them without encountering norm conflicts or different interpretations. This is an important indicator that the legal system that regulates BOS funds has succeeded in creating a stable and reliable environment in the implementation of education in Rayon III Bekasi.

The management of BOS funds in Indonesian schools, as outlined in various studies, is governed by specific regulations such as PERMENDIKBUD No 6 of 2021, which emphasizes transparency, accountability and adherence to guidelines. These regulations ensure that the allocation and utilization of BOS funds are aligned with the principles of fairness and equity, promoting equal access to education resources and improving the quality of education. By following the legislative framework, schools can uphold the values of equality and objective justice in the distribution of BOS funds, ultimately contributing to the improvement of the education system in Indonesia. Research Djou & Kindangen (2023) shows that the implementation of this regulation helps in minimizing the misuse of funds, ensuring that funds are used as needed, and increasing community participation in the supervision of BOS funds, thus creating a more transparent and accountable education environment.

Second, in the perspective of justice based on Gustav Radbruch's theory, where justice is distinguished between subjective and objective justice and emphasizes the importance of equality, the distribution of School Operational Assistance (BOS) funds in Rayon III Bekasi can be considered to have met the principles of justice. Subjective justice refers to individual perceptions of what is considered fair, while objective justice refers to broader and measurable standards regulated by positive law and legal ideals. In the context of the distribution of BOS funds, the principle of justice is reflected in the uniform and consistent application to all schools based on valid data, such as the Basic Education Data (Dapodik).

The central and regional governments, together with the community, work together to ensure that access to education is open to all without discrimination. The equal treatment of all schools in the distribution of BOS funds, as well as the strictly regulated use of the funds, shows that the distribution of these funds has been done fairly. This reflects the harmony between the implementation and the underlying legal principles, so that the distribution of BOS funds does not only fulfill the requirements of positive law but also reflects the broader legal ideals of justice. Thus, the distribution of BOS funds in this case succeeded in reflecting justice in both aspects, namely in the application process and its use.

Third, the principle of expediency complements the principles of justice and legal certainty. When applying legal certainty and justice, the potential benefits should also be taken into account. This consideration is crucial as the public expects positive outcomes from law enforcement. It's important to avoid situations where law enforcement causes societal distress. Often, discussions about law focus solely on regulations, which may be imperfect or out of touch with people's lived experiences. In the context of distributing School Operational Assistance (BOS) funds to private vocational schools in Rayon III Bekasi, this principle is particularly pertinent. The allocation of BOS funds has been shown to significantly enhance the educational process in recipient institutions.

With the BOS funds, these schools can plan and implement various activities that support the improvement of the quality of education, such as the procurement of facilities,

teacher training, and curriculum development. These benefits are not only felt by students but also contribute to the progress of the community in general. The continuous improvement in the quality of education has the potential to create a society that is safer, more orderly, and better able to face global challenges. Therefore, BOS funds serve as an effective tool to advance education and provide wider benefits for the people of Bekasi, in line with the principle of expediency that demands the implementation of law to provide beneficial results and advance the general welfare.

The distribution of School Operational Assistance (BOS) funds to Private Vocational High Schools (SMK) in Rayon III Bekasi has generally fulfilled the criteria of legal certainty, justice, and expediency. This indicates that the program is progressing as intended and meeting its established goals. The aspect of legal certainty in BOS fund distribution is evident through the presence of well-defined regulations and rigorous oversight mechanisms, which ensure that the funds are utilized as allocated. The aspect of fairness was also fulfilled, where all private vocational schools in Rayon III Bekasi received BOS funds based on the needs and criteria that had been determined without discrimination. The usefulness of the BOS funds was also reflected in the various improvements that occurred in the schools, such as the improvement of facilities and infrastructure, the increase in the quality of learning, and the improvement of teachers' welfare. Thus, the implementation of the distribution of BOS funds in private vocational schools in Rayon III Bekasi has run well and had a positive impact on improving the quality of education in the region.

CONCLUSION

The execution of the School Operational Assistance (BOS) program for private Vocational High Schools (SMK) in Bekasi City's Rayon III district adheres to two key regulatory frameworks: Law Number 20 of 2003, which pertains to National Education, and the Regulation of the Minister of Education, Culture, Research and Technology of the Republic of Indonesia Number 63 of 2022, which outlines the Technical Guidelines for Managing Education Unit Operational Assistance Funds. This compliance is evident in the administrative adherence of schools receiving funds, the transparent use of funds, and timely reporting, with no schools incurring fines due to delays. Supervision conducted by inspectors from the Bekasi Sub Rayon III Branch Office (KCD) also aligns with applicable regulations, ensuring correct and effective fund utilization. The empirical juridical analysis reveals that the implementation of BOS funds in private vocational schools in the region fulfills the elements of legal certainty, justice, and community benefit. This demonstrates that the program not only adheres to applicable regulations but also provides tangible benefits in improving education quality and school facilities, as well as ensuring fairness in the distribution and use of BOS funds.

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