

RIGHTS TO EDUCATION: HOMESCHOOLING IN INDONESIA

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Abstract

Children have the right to get a good education according to the best interests of the child. Formal schools have various obstacles that cause the right to education to be not optimally fulfilled. For this reason, alternatives are needed to fulfill children's right to education. Homeschooling is an informal education path that is increasingly being chosen by parents. Even though the legality of homeschooling has been recognized equally with formal education, attention must be paid to the fulfillment of children's right to education in homeschooling. This is because homeschooling is the realm of parents which is almost absolute, and then because the system of learning and supervision is different from other educational pathways, so further research is needed on how homeschooling is regulated within the national framework, and whether homeschooling can fulfill children's right to education. In this article it will be found that supervision of homeschooling in Indonesia is still weak. Supervision in homeschooling in this case is only supervision from parents and educators. The absence of technical guidelines and implementation instructions for Regulation of the Minister of Education and Culture Number 129 of 2014 makes supervision of homeschooling in Indonesia unclear and this leads to potential violations of children's rights to education where there is no guarantee of the quality of education for children who are homeschooling, as well as the potential for possible exposure to radicalism, abuse and exploitation of children.

Keywords: *Human Rights, Education, Homeschooling, Home Education*

I. INTRODUCTION

The right to education is a right guaranteed by the constitution, according to the constitution of the 1945 article 28 C that, "Everyone has the right to develop himself through meeting his basic needs, has the right to get education and to benefit from science and technology, art and culture, in order to improve the quality of his life and for the welfare of mankind". In the national education system, the right to get education is not only obtained in formal schools, it can be pursued through three channels, formal, non-formal and informal as stated in the Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System article 13 (1) that "The education path consists of formal, non-formal and informal education which can complement and enrich each other". Furthermore, article 27 (1) explains that informal education (in this case is home schooling) is an educational activity carried out by the family and the environment in the form of independent learning activities. Specifically, the legality of homeschooling is contained in the Regulation of the Minister of Education and Culture of the Republic of Indonesia Number 129 of 2014. The regulation states that home schooling or homeschooling is a conscious and planned process of educational services carried out by parents or family at home or in a place with a conducive atmosphere.

There are various reasons parents choose homeschooling for their children's education¹:

- a. Ideology and beliefs. Many parents feel that they do not fit in ideologically or in beliefs with the education system in ordinary schools.
- b. Failure of formal schooling. Failures that often occur in formal schools in producing better quality education, home schools are considered to be able to produce quality education.
- c. The theory of multiple intelligences. One of the educational theories that has been influential in the development of home schools is the Theory of Multiple Intelligences in the book *Frames of Minds: The Theory of Multiple Intelligences* (1983) initiated by Howard Gardner. Gardner initiated the theory of multiple intelligences. At first, he discovered the difference between 7 types of intelligence (intelligence) of humans. Then in 1999, he added 2 new types of intelligence so that it became 9 types of human intelligence. The types of intelligence are: Linguistic intelligence; Mathematical logical intelligence; intelligence-visual space; Bodily-kinesthetic intelligence; Intelligence music; Interpersonal intelligence; intrapersonal intelligence; environmental intelligence; and Existential Intelligence. Gardner's theory triggers parents to develop their children's intelligence potentials. Often formal schools are unable to develop children's intelligence, because the formal school system is considered to often stifle children's intelligence.
- d. Role model of a famous home school graduate. Many important world figures who were able to succeed in their lives without going through formal schooling also sparked the emergence of home schools. For example, Benjamin Franklin, Thomas Alfa Edison, KH. Agus Salim, Ki Hajar Dewantara and other figures. Benjamin Franklin for example, he managed to become a statesman, scientist, inventor, civic leader and public servant not because he studied at a formal school. Franklin only spent two years attending school because his parents could not afford the tuition fees. For the rest, he learns about life and things over time at home and other places where he can learn.
- e. The availability of various educational support facilities. Today, the development of home schools is also triggered by facilities that are developing in the real world. These facilities include educational facilities (libraries, museums, research institutes), public facilities (parks, stations, roads), social facilities (parks, orphanages, hospitals), business facilities (malls, exhibitions, restaurants, factories, rice fields, plantations), and technology and information facilities (internet and audiovisual).
- f. Children with special needs, so that if they are sent to a regular school, the parents and the child's needs will not feel maximally explored or facilitated.
- g. Reasons for religion Parents think that the knowledge given by ordinary schools to students about religious education is still far from what it should be.
- h. Learning styles that are not in accordance with the learning system at school. Most teachers in schools cannot understand how their students learn.
- i. Parents' fear of the security and safety of their children at school and outside school.
- j. The reason for authority. Children no longer see their parents as the only authority that must be obeyed. Often the teachers at school need them to obey more than their parents.
- k. The relationship between parents and children. Parents will lose 7-8 hours every day to educate their children if they send their children to regular schools.
- l. The best education a child can get is at home, not at school. At home children get a good role model from their parents. Children will learn about the work ethic of their parents, get along and be friendly with their siblings, learn to be polite to older people and those who are the same age or younger. Children can also be trained in academic skills and life skills according to their pace and abilities.
- m. School curriculum that is not in accordance with the views of parents (world view).
- n. Expensive tuition fees. Although currently the Indonesian government has waived education fees for elementary and junior high schools, for senior high schools, education costs are still quite high. Not only basic costs, such as tuition and books, but there are also other costs needed such as extracurricular fees. This is certainly a problem for people with low incomes.
- o. Children's activities to develop their interests and talents. Homeschoolers can adjust the time so that there is room to develop their interests and talents.

¹ Waluyo Saputro, et. al., *Model penyelenggaraan sekolah rumah*, PP-PAUD dan Dikmas Jawa Barat, 2016

II. Regulation and Supervision of Homeschooling

The development of homeschooling in Indonesia is rapid, which is conditioned by the existence of a pandemic in recent years which has caused children to learn from home. After the pandemic was over, many parents who felt comfortable with their children's learning methods from home decided to continue their children's education with homeschooling. Ministry of education policies also strongly support the development of homeschooling. One of the initiative programs launched by the Minister of Education and Culture Nadiem Makarim is Merdeka Belajar, with the aim that teachers, students and parents can have a happy learning atmosphere. Freedom to learn means that education units, such as schools, teachers and students have the freedom to innovate and the freedom to learn independently and creatively. Freedom to learn was born because of the many complaints about the national education system. One of them is the complaint about student achievement which is pegged to certain values, the state exam material is too dense so that students and teachers tend to test content mastery, not reasoning competence. Based on that matter, the minister has established four main policies in independent learning. Among others the 2020 National-Based School Examination will be carried out with exams organized by schools, the implementation of the 2021 state exam will be changed to an Assessment, Simplification of preparation of Learning Implementation Plans, and more flexible Zoning in Admission of New Students. What was proclaimed by the Minister also became the soul of homeschooling in implementing the concept of "Freedom to Learn".² In principle, formal and non-formal education use the same curriculum. The difference is only in the standard process.² Process standards in informal education are not regulated, so that informal education has flexibility in developing the curriculum. This is what makes homeschooling able to provide education according to the needs, uniqueness, talents and interests of children.

The implementation of homeschooling or home education in Indonesia has actually been regulated in the Regulation of the Minister of Education and Culture of the Republic of Indonesia Number 129 of 2014 concerning Homeschooling. Informal homeschooling will be recognized as non-formal education in the form of a Community Learning Activity Center (PKBM). Therefore the results of homeschooling education are also considered equivalent to formal education as long as children can pass exams according to national education standards. However, this regulation, which should be a strong legal umbrella, has become a polemic, especially among homeschoolers. Without technical implementation guidelines, this regulation is seen as only touching the surface and even confusing the home-based form of homeschooling education with PKBM in the form of an institution.³ As a consequence, children who wish to obtain an official diploma must take an equivalence exam held by PKBM which is registered in the Basic Education Data (Dapodik) of the Directorate General of Early Childhood Education, Basic Education and Secondary Education of the Ministry of Education, Culture, Research and Technology.

The legality of homeschooling is certainly needed to carry out supervision and evaluation so that the quality of educational outcomes is maintained.⁴ Therefore not necessarily all independent learning activities at home with parents can be equated with homeschooling which is recognized by the government. Because there are prerequisites that must be met by parents before starting homeschooling activities. In order to obtain legality from the local Education Office, apart from identity documents and a statement, parents need to design a home school program that at least includes a lesson plan. The learning curriculum must also refer to the national curriculum while continuing to teach religious education, Pancasila and citizenship education, and Indonesian language education. However, the absence of technical guidelines for implementation in the field and supervision will create difficulties in ensuring the fulfillment of these requirements.

The purpose of holding supervision is so that the results of the implementation of activities are in accordance with a predetermined plan. It is better before the goal is achieved, it is better if supervision measures are carried out so that they can act as a prevention (preventive control) compared to taking action after deviations occur (repressive control).⁵ In the field of education, the term educational supervision is known, where the word consists of the words supervision and education. Supervision in this case according to the Big Indonesian Dictionary (KBBI) refers to main supervision, highest control, supervision. As for etymologically the word supervision comes from the English language namely "supervise" which has the meaning of supervising. Supervision is an effort to provide services to teachers either individually or in groups in an effort to improve teaching and curriculum.⁶ Furthermore, Ohiwerei and Okoli put forward the definition of supervision as follows:⁷

Supervision is the process whereby an authorized person whose nomenclature is thereafter called supervisor sees to the work of others to see whether it is in line with stated standard, and if not, he corrects, directs, teaches, demonstrates,

² Adminhspg, Merdeka Belajar Sudah Ada di Homeschooling, homeschooling hspg, Mar 5, 2020, <https://homeschooling-hspg.com/merdeka-belajar-sudah-ada-di-homeschooling/>

³ Rohayati, et. al., Homeschooling: Menakar Ketahanan dan Kerentanan, 2020

⁴ Maringan Masry Simbolon, *Dasar-dasar Administrasi dan Manajemen*, Jakarta : Penerbit GhaliaIndonesia, 2004, pg.62

⁵ Micha Radikal Dachi, *Pentingnya Pengawasan Orangtua dalam Optimalisasi Kedisiplinan Remaja*, Jurnal Teologi Praktika, Volume 1, Nomor 2, Mei 2020, pg.87

⁶ Sahertian, Piet A., *Konsep Dasar dan Teknik Supervisi Pendidikan dalam Rangka Pengembangan Sumber Daya Manusia*, Jakarta: Rineka Cipta, 2000, pg.19

⁷ Ohiwerei, F.O dan Okoli, B.E., *Supervision of Business Education Teachers : Issues and Problems*, Asian Journal of Business Management, 2(1), 2010, pg.24

assisting in teaching techniques, conferring with teachers, assisting in processing of evaluating and examination and revising curriculum and courses of study, holding conferences or group meeting to discuss problems, attending local, state, regional and national professional conventions, etc.

The importance of the role of a supervisor has four kinds of roles, namely as coordinator, consultant, group leader and evaluator.⁸ So, an educational supervisor must be able to carry out these roles in relation to curriculum development, learning or school management in general.⁹ In Indonesian education, it is estimated that the concept of supervision has been implemented since the enactment of the Decree of the Minister of Education and Culture, RI. Number: 0134/1977 which states that those who have the right to become supervisors at school are the school principal, school inspectors for the sub-district level and supervisors at the district/municipality level as well as field office staff in each province. As for the emergence of Government Regulation Number 38 of 1992, there is a difference between the terms "supervisor" and "inspector" in which the term "supervisor" is more specific to educational supervisors in schools while "inspector" is specifically for education outside of school.¹⁰ This is in line with Government Regulation Number 19 of 2005 concerning National Education Standards, specifically Article 39 which states that supervision of formal education is carried out by supervisors of educational units and to become supervisors of educational units must meet the following criteria:

- a. Have status as a teacher for at least 8 (eight) years or a school principal for at least 4 (four) years at the level of education appropriate to the supervised educational unit
- b. Have a functional education certificate as an educational unit supervisor
- c. Passed selection as supervisor of education unit

Supervision of non-formal education is carried out by inspectors of educational units as stated in Article 40 PP Number 19 of 2005 and to become inspectors must meet the following minimum criteria:

- a. Have status as tutor/pamong or similar position in non-school and youth education environment for at least 5 (five) years, or have been a supervisor of a formal education unit
- b. Have academic qualifications and competencies as learning agents in accordance with applicable laws and regulations
- c. Have a functional education certificate as an overseer, and
- d. Passed the selection as the owner

However, with the enactment of Government Regulation Number 57 of 2021 concerning National Education Standards, the nomenclature of education unit supervisors as guarantors of education quality has disappeared and supervision of education in schools as stated in Article 30 paragraph (3) is carried out by heads of education units, university leaders, school/madrasah committees, central government and/or regional governments. Likewise with overseers who are not explicitly mentioned in Government Regulation Number 57 of 2021, the whereabouts of overseers is unclear. However, the existence of supervisors can be found when viewed from Law Number 20 of 2003 concerning the National Education System, namely Article 39 which states that "educational staff are tasked with carrying out administration, management, development, supervision, and technical services to support the educational process in educational units" then followed by an explanation of Article 39 paragraph (1) which states that education personnel include education unit managers, inspectors, tutors, supervisors, researchers, developers, librarians, laboratory assistants and learning resource technicians. Furthermore, in PP Number 19 of 2005 to PP Number 57 of 2021 and then PP Number 4 of 2022 concerning Amendments to PP Number 57 of 2021 there is no mention of supervision in the realm of informal education pathways.

In Article 2 paragraph (1) of Government Regulation Number 57 of 2021 it is stated that "national education standards are used for education organized by the central government, local government, and the community in formal education, non-formal, and informal education." This states that home schooling or homeschooling is an educational path that must guarantee the quality of education in accordance with national education standards. However, as can be seen, there are no specific regulations governing supervision of homeschooling with the aim of guaranteeing the quality of education. Even though there are cases such as visits by inspectors from Arcamanik District who pay visits to Focus Homeschooling¹¹ in the context of quality control and evaluation of education, this is not clearly stated in any regulations regarding how supervision and quality control and evaluation of homeschooling education should be carried out. In addition, there are no regulations governing the agency or division that is responsible for supervising homeschooling, so there is ambiguity in the role of inspectors.

Within the national framework, the requirements for implementing homeschooling as stated in Article 6 of the Minister of Education and Culture 129 of 2014 concerning Home Schooling are to include the identity of parents and students, a statement letter from both parents responsible for carrying out education at home, a statement letter from students who are aged 13 years as well as a home school program document that includes a lesson plan. As for supervision in the

⁸ Peter F.Oliva, *Supervision For Today's Schools*, Second Edition, New York : Longman, 1984,pg.19-20

⁹ Singgih Aji Purnomo dan Zakiatul Badriyah, *Tren Baru Perilaku Supervisi Pendidikan : Fenomena Pengawasan di Sekolah*, Jurnal Media Informasi dan Komunikasi Ilmiah, Volume 3, Nomor 1, 2021, pg.99

¹⁰ Slameto, *Supervisi Pendidikan Oleh Pengawas Sekolah*, Jurnal Manajemen Pendidikan, Volume 3, Nomor 2, Juli-Desember 2016, pg.193

¹¹ "Kunjungan Penilik Kecamatan Arcamanik", 2021, (Kunjungan Penilik Kecamatan Arcamanik -Focus Homeschooling Bandung » Focus Homeschooling Bandung)

implementation of homeschooling completely depends on parents and educators depending on the type of homeschooling pursued. The lack of specific supervision applied in this field and the conditions imposed on parents who register homeschooling for their children are still relatively loose. This is especially clear when compared to homeschooling systems in some parts of other countries as follows:

a. North Dakota

In North Dakota which in N.D. Cent. Code § 15.1-20-04 concerning home education states that homeschooling is an educational program supervised by the parents of students. To carry out homeschooling for their children, parents must meet the following qualifications¹²:

- 1) Parents must have at least a high school diploma or GED or
- 2) Monitored or supervised by certified teachers during the first 2 (two) years of homeschooling. The teacher can be selected from the local school or from the parents and reports on the child's learning process must be submitted to the local supervisor twice every year. If the child scores below 50%, this supervision process must be extended.

The evaluation mechanism implemented in North Dakota is as follows:

- 1) Homeschooling students in grades 4, 6, 8 and 10 must undergo a standardized test used by local schools or a national standardized test. This test can be administered in a learning setting or, at the request of parents, in a public school. If the standard test chosen is the local school standard test then the costs will be borne by the school, if the chosen is a national standard test then the parents will bear the test costs. In the case of selecting a test administrator, parents must select a certified teacher and notify the local school administration. Then the test results must be submitted to the local supervisor.
- 2) If parents object philosophically, morally or religiously to this standard test and parents have a teaching license, have a bachelor's degree or have achieved a passing score on the national teaching test, this standard test can be waived. Parents must notify the local school of this objection.
- 3) If the results of student tests are less than 30% nationally, students must be evaluated regarding learning barriers by the assessment team. If students have no distractions or obstacles in learning, parents must make improvements in the lesson plan with the help of the teacher certified and submitted the plan to the local supervisor. If parents do not submit a repair plan, parents will be considered unable to organize homeschooling.

b. Denmark

The Danish constitution guarantees the right of parents to choose the path of education as stated in §76 of Chapter VIII of 1849. Parents can carry out homeschooling with the following mechanism:

- 1) Parents are required to ensure that children receive education that is equivalent to school education (Danish Folkeskole Education)
- 2) Learners are supervised by individuals from the local government who have the obligation to ensure that children receive an equal education. Supervision is carried out in different ways from one region to another depending on the implementation.

a. Singapore

According to Singapore's Ministry of Education, parents who wish their children to be homeschooled must register for "Compulsory Education Exemption". Parents should also provide details regarding curriculum plans. There is an evaluation that must be passed by students¹³:

- 1) When in grade 4, students must take a benchmarking test which covers the syllabus throughout the year
- 2) Several years later, students must take the Primary School Leaving Examination (PSLE) in four languages namely English, mother tongue, Mathematics and Science at a standard level. Students must meet PSLE standards, namely being part of 33% of all students in national primary schools in the same year. Then, they have to go through the National Education Quiz before PSLE.

The homeschooling system in Indonesia still does not regulate in detail regarding the supervision carried out on homeschooling learning. Furthermore, as stated in Article 12 of the Minister of Education and Culture Number 129 of 2014, students are given the same opportunity to take the National Examination in formal or non-formal education units that have been approved by the Regency/City Education Office but no evaluation is carried out on periodic homeschooling students during homeschooling, especially for single homeschooling. As for homeschooling in the form of a community, it is stated in Permendikbud Number 129 of 2014 article 6 paragraph (4) that community home schools are required to obtain permits to establish non-formal education units as study groups from the district/city education office in accordance with statutory provisions. The non-formal education unit in question is the Community Learning Activity Center (PKBM) whose definition can be seen in the Government Regulation of the Republic of Indonesia Number 17 of 2010 concerning Management and Implementation of Education, namely non-formal education units that organize various learning activities according to the needs of the community on the basis of initiatives from, by and for the community. PKBM in

¹² North Dakota, Coalition For Responsible Home Education, North Dakota – Coalition for Responsible Home Education (responsiblehomeschooling.org)

¹³ Kate Dimarco, "The Lowdown on Homeschooling in Singapore", 2021, The lowdown onhomeschooling in Singapore | HoneyKids Asia

this homeschooling program will then be tasked with registering homeschooling students in the Indonesian Ministry of Education's Dapodik system so that at the end of the education level they can be included in the list of participants for the National Examination/UNBK set by the government. PKBM will then facilitate homeschooling students to get report cards and test scores held by schools where these two things are determined as a condition for participation of homeschooling students in the Computer-Based National Examination (UNBK). However, registration in this case is only an administrative requirement. Supervision carried out in general is internal supervision as is the case in PKBM Anugrah Bangsa Semarang City where supervision of homeschooling program learning is carried out every two months by the elementary school coordinator and internal school supervisor where the form of supervision is through checking tutor attendance lists, student attendance lists, lesson planning, learning processes, and assessment processes.¹⁴ It can be said that children are not exposed to the outside world because homeschooling is basically a learning activity at home that involves the role of parents or tutors so that in this case it is necessary to have supervision from the Ministry of Education, Culture, Research and Technology (Kemendikbudristek) in collaboration with the Ministry of Social Affairs of the Republic of Indonesia (Kemensos) to conduct "home visits" so that children's rights can be guaranteed.

III. Right to A Quality Education

Homeschooling has shown tremendous growth in the United States over the last 30 years, as the public education system continues to face challenges, parents have become increasingly dissatisfied and choose homeschooling as a viable option. Homeschooling is an alternative as family involvement in uncertainty about the future of their students. The implementation of educational programs must be carried out optimally through various existing alternatives in order to improve the quality of education for children. Homeschooling is an educational model in which families choose to organize themselves and be responsible for the education of their children. The existence of the family plays an important role in restoring culture and lifestyle in dealing with changes in society towards children with competitive advantages as members of society. The success of homeschooling will have an impact on increasing social attitudes in the work environment and society.¹⁵

The family educational environment has communication patterns that contain the transformation of knowledge, values and functional skills that last a lifetime from generation to generation and is one type of education that can be carried out through homeschooling.¹⁶ Homeschooling has the basic assumption that every family has the right to be critical of the definitions and external systems offered to families.¹⁷ Homeschooling learning programs are carried out in the community or at home with the help of parents or peers as learning tutors.¹⁸ With homeschooling, it is hoped that it will be a solution to the problems of students in the modern world so that educational programs to improve the quality of human resources are in accordance with the constitution of the 1945 Constitution article 28 C which reads "Everyone has the right to develop himself through meeting his basic needs, has the right to education and obtains the benefits of science and technology, art and culture, in order to improve the quality of life and for the welfare of mankind"

Homeschooled children have the right to a quality education that focuses their interests and prepares them for an open future¹⁹:

- a. The right to an education that prepares them for an open future: that is, a significant ability to successfully enter their chosen career or to attend institutions of higher learning in their chosen major without significant barriers.
- b. The right to education that supports the maximum development of a child's personality, talents, and mental and physical abilities.
- c. The right to an education that is, at a minimum, academically comparable to that which would be available to children in public schools.
- d. The right to provide input and make choices regarding their own education, in a way that is in accordance with the child's developing abilities; the right to attend public school if they wish to do so.
- e. The right to be introduced to and access teaching materials covering a wide range of subjects, including reading, writing, mathematics, science, history, and arts; the right to information and technology literacy; the right to age-appropriate sex education material.
- f. For older children, the right to access educational records and related support, including: secondary school certificates and transcripts; and provision of records or other documents required by higher education institutions; and access to professional colleges and career counseling and information.

The awareness that every child has talents, interests and the ability to process information differently and these differences should be facilitated by providing equal opportunities for every child so that they can pursue their education to the fullest.

¹⁴ Dameis Surya Anggara, Candra Abdillah, *Proses Pembelajaran Program Homeschooling Tingkat Sekolah Dasar Di PKBM Anugrah Bangsa Kota Semarang*, Eduka: Jurnal Pendidikan, Hukum, dan Bisnis, Volume 3, Nomor 1, 2018, pg.16

¹⁵ Angelia M Yount, *A Case Study Exploring Homeschoolers' Social Skills in the Workplace as Perceived by Homeschooled Professional Adults in Indiana*, Northcentral University San Diego, California, Proquest LLC, 2018

¹⁶ Haryanto Susilo, *Membangun Perilaku Etis Melalui Homeschooling: Strategi Membangun Karakter Anak*, 2016

¹⁷ Sumardiono, *Apa Itu Homeschooling*, 35 Gagasan Pendidikan Berbasis Keluarga, Jakarta: Panda Media, 2014, pg. 6.

¹⁸ Setya Wijayanta, et. Al., *Sekolah Alternatif Berbasis Homeschooling Dengan Memanfaatkan Learning Kit Sebagai Pengembangan Potensi Masyarakat*, 2005

¹⁹ CRHE, *Bill of Rights for Homeschooled Children*, <https://responsiblehomeschooling.org/bill-of-rights/>

Presenting a fun learning process is a form of concrete action from the thoughts of the national hero Ki Hajar Dewantara. By understanding the nature of a child so that the treatment for the child varies according to the character and learning style, the child's right to fulfill education will be maximized. This concept has been implemented where it can be seen that the education curriculum in Indonesia is always being evaluated and updated so that children get more choices in their learning. As is the case with Freedom of Learning which encourages students to master various knowledge that is useful to encourage the fields they want to deepen, homeschooling has the same goal, to provide better educational rights to children where children can choose for themselves what is the focus of their learning, and appropriate learning style.

To achieve maximum goals by homeschooling, guarantees for the fulfillment of children's rights must be carried out first. Where homeschooling is an area of almost absolute parental authority, because these learning activities are fully supervised by parents.²⁰ Lack of good supervision from the state in homeschooling will make this a gray area where children are at risk of being manipulated and exploited. Especially in the form of single homeschooling where in this case there are no other parties involved, in other words, only children and parents, this is very risky for violations of children's rights to education if parents do not properly fulfill them. The right to education as guaranteed in Article 31 of the 1945 Constitution which states that every citizen has the right to education; Article 9 paragraph (1) of Law Number 23 of 2002 concerning Child Protection which states that every child has the right to receive education and teaching in the framework of developing his personality and level of intelligence in accordance with his interests and talents; Article 5 paragraph (1) of Law Number 20 of 2003 concerning the National Education System which states that every citizen has the same right to obtain quality education. Homeschooling is a potential medium for the development of a "spiral of encapsulation" which is a condition of self-alienation that is exacerbated by time which results in the distance of children from the common values of citizenship. Homeschooling can be used as a controlling tool for groups of people who commit violent extremism by forming a "spiral of encapsulation" through narratives of exclusivism of identity and religious values that challenge the legitimacy of the existing system and reject the concept of diversity. Likewise the risk of violence and exploitation of children carried out in the private sphere of the family, where homeschooling children carry out learning activities within the family, so that they are sometimes far from the supervision of authorities outside the family.

In this case, legal protection is needed for fulfilling children's education in homeschooling so that children can enjoy the rights they should have as young people who will continue the ideals of the nation. Legal protection is protection of dignity from abuse, as well as recognition of human rights owned by legal subjects based on general provisions, or as a collection of rules or rules that can protect. Therefore, in order to achieve legal protection in the aspect of homeschooling education, a legal protection solution is needed. The absence of implementing guidelines and technical instructions for Regulation of the Minister of Education and Culture Number 129 of 2014 and the absence of a special division to supervise and evaluate homeschooling, is an urgency that must be resolved to protect children's right to education in order to obtain quality education, as well as the child's right to be free from violence, which can immediately affect the growth and development of children. Therefore it is necessary to make technical guidelines and implementation instructions of Permendikbud Number 129 of 2014, as well as a special division in the education office that is tasked with ensuring the quality of homeschooling. The Ministry of Education and Culture can also adopt a homeschooling mechanism from other countries which involves several tests in homeschooling learning where the implementation involves local governments and local schools so that the quality of education received by students is guaranteed. Moreover, the requirements for registration of homeschooling by parents should be further regulated like the conditions applied by North Dakota where parents must meet certain educational qualifications or invite certified teachers to supervise children's education in the homeschooling learning process.

²⁰ Ng Kim-Soon, et.al., *Homeschool In Malaysia : A Foresight Study*, International Education Studies, Volume 8, Nomor 10, 2015, pg. 163