

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

Gunawan Widjaja

Senior Lecturer Faculty of Law Universitas 17 Agustus 1945 Jakarta

widjaja_gunawan@yahoo.com

Abstract

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

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

Introduction

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

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

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