

Fulfillment of The Right to Education in the Border Area of West Kalimantan through a Legal Harmonization Integrative Model Based on Social Reality

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Abstract

The fulfillment of the right to education is a constitutional obligation and a state commitment stipulated in various international legal instruments, including international human rights principles that recognize education as a fundamental right of every individual. This principle guarantees equal access to and quality education without discrimination, including for communities living in border areas. This study aims to find out the actual conditions of the fulfillment of the right to education in the Aruk, Jagoi Babang and Entikong borders, as well as to develop and introduce a Legal Harmonization Integrative Model Based on Social Reality and International Human Rights Principles as a conceptual framework to connect formal legal norms with the social dynamics of border communities. Thus, education policies can be formulated in a more adaptive, participatory, contextual, and human rights perspective. The research approach uses empirical legal methods with a juridical-sociological approach through surveys, in-depth interviews, and participant observation. The results show that the reality on the ground of the border areas of West Kalimantan still face significant disparities due to limited infrastructure, a shortage of educators, and policies that are not fully aligned with local social, economic, and cultural conditions. The development of this model has received support from various parties in the West Kalimantan border region because it may strengthen the relationship between the legal framework and the actual needs of the community, create education policies that are responsive to the local context, and encourage the achievement of educational equity.

Keywords: *international human rights, right to education, legal harmonization, social reality, border regions.*

Introduction

Border areas of a country are regions within a nation's territory that share boundaries with other countries. These border areas play a vital role in demonstrating the existence of a sovereign state, particularly in West Kalimantan Province, which has the longest border with neighboring Malaysia and serves as Indonesia's gateway to East Asia through areas such as Entikong, Aruk, and Jagoi Babang.⁶ The fulfillment of the right to education in border regions is a crucial aspect of achieving fair and equitable national development, especially in 3T areas (frontier, outermost, and underdeveloped regions).

Normatively, the right to education is guaranteed under Article 31 of the 1945 Constitution and Law No. 20 of 2003 on the National Education System. Indonesia has also ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child, which emphasize the importance of non-discriminatory access to education. In this context, the concept of nationalism in border regions must encompass four fundamental pillars: Pancasila as the state ideology, the 1945

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⁶ Endah Rantau Itasari, 'Kebijakan Pemerintah Di Dalam Pemenuhan Hak Pendidikan Dasar Dan Menengah Di Wilayah Perbatasan Negara', *Perspektif Hukum*, 2021, pp. 59–78 <<https://perspektif-hukum.hangtuah.ac.id/index.php/jurnal/article/view/18%0Ahttps://perspektif-hukum.hangtuah.ac.id>>.

Constitution, the Unitary State of the Republic of Indonesia (NKRI), and the principle of unity and diversity, *Bhinneka Tunggal Ika*.⁷ In the era of globalization, education can no longer be considered an isolated domain that can be implemented without broader considerations. The globalization era demands a comprehensive and complex approach, particularly one that addresses the relationship between geodiversity and environmental landscapes, especially in border regions. Therefore, West Kalimantan holds a strategic position as a gateway to East Asia, making it imperative to improve the quality of education in these areas to develop citizens who are literate and possess strong character.⁸

However, educational disparities between border areas and urban centers remain significant. While geographical boundaries between countries are clear, humanitarian boundaries often become blurred. Special attention must be given to unique conditions and circumstances in these border regions. This highlights the need for contemporary research on cross-border processes and socio-spatial issues affecting these areas.⁹ Several factors contribute to the challenges faced, including limited infrastructure, a shortage of teachers, and low socio-economic conditions among the population. Schools in border areas often lack adequate classrooms and supporting facilities and face difficult transportation access. These conditions also result in delayed distribution of learning materials due to geographical barriers. Currently, the average length of schooling in border regions remains below seven years, indicating that most residents only complete elementary education. The shortage of teachers is another critical issue. Many teachers are reluctant to work in border areas due to limited facilities and low incentives, resulting in a lack of qualified educators, particularly for specialized subjects. Further complicating the situation, many children must assist their parents with work, while low parental education levels contribute to reduced school participation rates.¹⁰

Although education funding is allocated through the state budget (APBN) and regional budgets (APBD), its realization in border areas is far from optimal. Weak coordination and supervision among government agencies remain major obstacles. Many educational policies are top-down in nature and fail to take local socio-cultural contexts into account, leading to ineffective outcomes.¹¹ The population in these regions faces numerous hardships, including low income levels, unfavorable geographical

⁷ Dendi Tri Suarno and others, 'The Meaning and Experience on Nationalism among Indonesian Migrant Workers' Children in Border Area', *International Journal of Evaluation and Research in Education*, 11.3 (2022), pp. 1595–606, doi:10.11591/ijere.v11i3.21729.

⁸ Lucie Kubalíková and others, 'Geodiversity Action Plans as a Tool for Developing Sustainable Tourism and Environmental Education', *Sustainability (Switzerland)*, 14.10 (2022), doi:10.3390/su14106043.

⁹ Beatriz Gallego-Noche and others, 'Towards Intercultural Education: Exploring Perceptions of Cultural Diversity and Identities of Adolescents Living in the Border Area between Spain and Morocco', *Education Sciences*, 13.6 (2023), doi:10.3390/educsci13060559.

¹⁰ Rohmatul Hasanah, 'Ketimpangan Akses Pendidikan Di Daerah Terpencil: Isu Ham Dan Kebijakan Hukum Di Indonesia', *Wicarana*, 3.1 (2025), pp. 1–9, doi:10.57123/wicarana.v3i1.97.

¹¹ Aylin A'ing, 'Studi Tentang Pembangunan Bidang Pendidikan Di Daerah Perbatasan Kecamatan Kayan Hulu Kabupaten Malinau', *Pemerintahan Integratif*, 3.4 (2015), pp. 545–59 <<http://jurnal.stitnualhikmah.ac.id/index.php/modeling/article/view/33>>.

environments, and inadequate access to educational services. The lack of empirical data further worsens policy implementation.¹²

Previous research indicates the need for advocating the right to basic and secondary education in border areas of West Kalimantan. Community involvement in policy planning has been shown to increase the effectiveness of educational implementation in remote regions. Each stakeholder plays a crucial role in this process.¹³ Studies on education in border regions aim to provide a foundation for more informed cross-border dialogue. By engaging local communities, it is hoped that challenges in delivering educational services can be addressed more effectively. Unfortunately, many national policies fail to consider the unique local contexts of border areas.¹⁴

Indonesia has an obligation to fulfill the right to education, particularly basic and secondary education. The essence of law in realizing this right lies in the state's commitment to ensuring education for all its citizens.¹⁵ The border between Indonesia and Malaysia holds significant strategic importance, influencing national defense, security, economic development, and social and cultural dimensions.¹⁶ To achieve optimal fulfillment of the right to education, the author conducted field research in June 2025 to observe the actual conditions of education in the border areas of West Kalimantan, specifically in Aruk, Jagoi Babang, and Entikong. In addition, this research introduces the Legal Harmonization Integrative Model Based on Social Reality and its urgency in ensuring the fulfillment of educational rights for communities in these border regions.

Legal Materials and Methods

This research employs an empirical legal approach within a juridical-sociological framework. This approach positions law not only as written norms, but also as a living social phenomenon that is shaped and influenced by societal conditions. Therefore, law is understood within the context of its practical implementation in society, rather than merely in theoretical or normative terms. The study utilizes primary data as the main source of information, complemented by secondary data.

Primary data were collected through interviews and observations, while secondary data were obtained by reviewing literature and legal documents relevant to the research topic. The primary data were analyzed using a qualitative approach, whereas the secondary data were examined using statutory and conceptual approaches. The data

¹² Marta Sampaio, Sara Faria, and Sofia Marques da Silva, 'Aspirations and Transitions to Higher Education: Portraits of Young People Living in Portuguese Border Regions', *Revista de Investigación Educativa*, 41.1 (2023), pp. 223–42, doi:10.6018/rie.520181.

¹³ Endah Rantau Itasari, Universitas Tanjungpura, and Korespondensi Penulis, 'Berdasarkan Ketentuan the International Covenant on Economic, Social and Cultural Rights Di Kawasan', 4.2 (2022), pp. 208–14.

¹⁴ Rupita, 'Analisis Situasi Pendidikan Di Wilayah Perbatasan Indonesia-Malaysia: Studi Di Kecamatan Puring Kencana, Kabupaten Kapuas Hulu, Kalimantan Barat', *Journal Community Development and Society*, 1.1 (2019), pp. 11–19.

¹⁵ Endah Rantau Itasari, 'Program Pendidikan Dasar Dan Menengah Di Wilayah', *Journal Komunitas Yustisia Universitas Pendidikan Ganesha Program Studi Ilmu Hukum*, 4.1 (2021), pp. 11–21.

¹⁶ Putri Lili; Adie Dwiyanto Nurlukman; Amiludin; Toddy Aditya, 'Enhancing Security, Economy, and Education: A Policy Analysis of the Indonesia-Malaysia Border Region', *Lex Scientia Law Review*, 8.2 (2024), pp. 743–76.

analysis is descriptive and evaluative, aiming to present and explain the findings, as well as assess the implementation of the law.

Result and Discussion

The Right to Education in the Border Areas of West Kalimantan

Border areas are strategic and vital regions for the Unitary State of the Republic of Indonesia (NKRI). Geographically, these areas hold significant potential for natural resources and market opportunities due to their proximity to neighboring countries. Politically, border areas are closely related to national sovereignty, defense and security, nationalism, ideology, as well as social, economic, and cultural dimensions. However, despite their importance, Indonesia's border regions have not received adequate attention from the government, which is evident from the lack of infrastructure development and the limited progress in social, economic, defense, and security sectors.¹⁷

The management of border regions remains suboptimal and uncoordinated, often marked by conflicts of interest among various parties, whether horizontal, sectoral, or vertical. As a result, border communities often appear neglected and marginalized. The challenges faced in these areas can be categorized into two main problems. The first relates to national sovereignty and the mechanisms for managing border regions. The second pertains to the direct needs of border communities, where people suffer from low quality of human resources, economic hardship, and limited access to information and knowledge. This second problem reflects the lack of government commitment in fulfilling the right to education in these regions. Residents of border areas must have the same fundamental rights as citizens living in urban areas, particularly in accessing quality education, which is crucial for improving their welfare and empowering communities. This last point will be discussed further.¹⁸

The essence of education lies in humanizing human beings. Humans are endowed with noble dignity given by their Creator, and education serves as the primary foundation of a nation's progress. A nation's advancement is often measured by the quality and dynamism of its educational system, which enables innovation and discovery.¹⁹ No country – whether a superpower, developed, developing, or underdeveloped nation – can ignore the importance of education for its citizens. Education is a fundamental necessity that must be fulfilled, as it is both a key factor and critical indicator of a country's ability to ensure its people's welfare. Beyond serving as a means of knowledge transfer, education plays a crucial role in shaping character, developing skills, and enhancing human resources, which are essential for national development. With strong and capable human resources, a country can strengthen its competitiveness and achieve societal prosperity.²⁰

¹⁷ Saru Arifin, *Hukum Perbatasan Darat Antar Negara*, 1st edn (Sinar Grafika, 2014).

¹⁸ Suryo Sakti Hadiwijoyo, *Perbatasan Negara Dalam Dimensi Hukum Internasional*, 1st edn (Graha Ilmu, 2011).

¹⁹ Nadziroh, Chairiyah, and Wachid Pratomo, 'Hak Warga Negara Dalam Memperoleh Pendidikan Dasar Di Indonesia', *Tribayun: Jurnal Pendidikan Ke-SD-An*, 4.3 (2018), pp. 400–05.

²⁰ Emmanuel Sujatmoko, 'Hak Warga Negara Dalam Memperoleh Pendidikan', *Jurnal Konstitusi*, 7.1 (2016), p. 181, doi:10.31078/jk718.

The right to education is a basic and fundamental human right that must be fulfilled by the state, especially the right to basic and secondary education. This principle is articulated in the Universal Declaration of Human Rights (UDHR), specifically Article 26(1), which serves as the basis for regulating the right to education under the International Covenant on Economic, Social and Cultural Rights (ICESCR). The article states that “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”

The Preamble of the 1945 Constitution of Indonesia establishes one of the nation’s primary goals as educating the life of the nation. This goal is reaffirmed in Article 28C(1) and Article 31, and elaborated in Law No. 20 of 2003 on the National Education System. Furthermore, Indonesia has ratified the ICESCR through Law No. 11 of 2005, solidifying its commitment to ensuring the right to education as part of economic, social, and cultural rights under Article 13 of the ICESCR. Education must be child-centered and student-oriented, focusing on three core elements: human integrity, freedom, and equality.²¹ Fulfillment of this right enables individuals to develop their talents, aspirations, and dignity free from discrimination based on nationality, race, religion, or gender.²² The government of Indonesia bears the primary responsibility for fulfilling the right to education, utilizing its authority to protect and promote educational rights for all citizens.

Globally, the World Conference on Education for All emphasized that education must meet the basic learning needs of every individual, particularly children at the primary education level. Every person should have access to essential learning tools and materials, basic knowledge, and life skills that enable them to survive, develop their potential, live and work productively, participate fully in development, improve their quality of life, make informed decisions, and continue learning throughout life (*lifelong learning*).²³ UNESCO outlines four key pillars of education that must be the foundation of the learning process: learning to know, learning to do, learning to be, and learning to live together.²⁴

To better understand the real conditions of education in border regions, the author conducted field research through interviews²⁵ and direct observations in Aruk²⁶, Jagoi

²¹ Fuad Al-Darawesh and Dale T Sinuwer, *Human Rights Education Beyond Universalism and Relativism, A Relational Hermeneutics for Global Justice* (Palgrave MacMillan, 2015).

²² UNICEF, *Human Rights Approach to UNICEF Programming for Children and Women: What It Is, And Some Changes It Will Bring*, 1998.

²³ Susan Roberta Katz and Andra Mceaov Spero, *Bringing Education to Classroom* (Palgrave MacMillan, 2015).

²⁴ UNESCO & The World Bank, ‘Education in Indonesia: Managing the Transition to Decentralization, Indonesia Education Sector Review’, 2 (2004), pp. 1–164.

²⁵ On July 2025, Interview with Kepala SDN 08 Risau, Kepala SDN 1 Jagoi Babang, Kepala SMPN 1 Jagoi Babang, Kepala SMPN 3 Jagoi Babang, Kepala SMK 1 Jagoi Babang, SMAN 1 Jagoi Babang, Kepala SDN 3 Sontas, Kepala Sekolah SMPN 1 Entikong, SMAN 1 Entikong, dan SMKN 1 Entikong, Kepala SDN 04 Tapang, Kepala SMP Negeri 1 Sajingan, Kepala SMP Negeri 2 Sajingan Besar, Kepala SMP Negeri 4 Sajingan Besar, Kepala SMA Negeri 1 Sajingan Besar, Kepala SMK Negeri 1 Sajingan Besar.

²⁶ <https://hukum.untan.ac.id/dosen-fh-untan-dan-unoso-laksanakan-survei-partisipasi-dan-persepsi-di-wilayah-perbatasan-aruk-sajingan-besar/>, accessed on September 1, 2025.

Babang²⁷, and Entikong²⁸, West Kalimantan, in July 2025. The research focused on three main aspects. First, the physical condition of schools, including the state of main buildings such as walls, roofs, floors, windows, and doors, as well as the school environment's cleanliness, safety, landscaping, toilet facilities, lighting, ventilation, and general infrastructure like canteens, parking lots, and drainage systems. Second, the availability of supporting learning facilities, such as student desks and chairs, blackboards or whiteboards, cabinets and bookshelves, educational teaching aids, libraries, information and communication technology (ICT) facilities, and laboratories. Third, the teaching and learning process, which included classroom interactions, teaching methods, utilization of facilities, classroom management, and learning evaluation.

The results are revealed as explained in the following tables:

Table 1. Fulfillment of the Right to Education in Aruk

School Name	Assessment	Subject
SDN 04 Tapang	Good	-
	Sufficient	Security, garden, toilet/WC, lighting and ventilation, tables and chairs, whiteboard, learning activities.
	Poor	Walls, roof, floor, windows and doors, cleanliness, canteen, parking lot, drainage, cupboards and bookshelves, teaching aids, library, information and communication technology (ICT), laboratory.
SMP Negeri 1 Sajingan	Good	Garden.
	Sufficient	Walls, roof, floor, windows and doors, cleanliness, security, toilet/WC, parking lot, drainage, tables and chairs, whiteboard, laboratory, learning activities.
	Poor	Classroom lighting, canteen, cupboards and education, educational teaching aids, library, information and communication technology (ICT).
SMP Negeri 2 Sajingan Besar	Good	Garden and parking lot.
	Sufficient	Walls, roof, floor, windows and doors, cleanliness, security, toilet/WC, lighting and ventilation, drainage, tables and chairs, whiteboard, library, learning activities.
	Poor	Canteen, cupboards and bookshelves, educational teaching aids, information and communication technology (ICT), laboratory.
SMP Negeri 4 Sajingan Besar	Good	-
	Sufficient	Security, lighting, parking lot, drainage, whiteboard, learning activities.

²⁷<https://hukum.untan.ac.id/tim-peneliti-fh-untan-unoso-laksanakan-survei-lapangan-di-wilayah-perbatasan-jagoi-babang-bengkayang/>, accessed on September 1, 2025.

²⁸ <https://hukum.untan.ac.id/observasi-pemenuhan-hak-atas-pendidikan-di-perbatasan-entikong-oleh-tim-peneliti-fh-untan-dan-unoso/>, accessed on September 1, 2025.

	Poor	Walls, roof, floor, windows and doors, cleanliness, garden, toilet/WC, canteen, tables and chairs, cupboards and bookshelves, educational teaching aids, library, information and communication technology, laboratory.
SMA Negeri 1 Sajingan Besar	Good	-
	Sufficient	Walls, roof, floor, windows and doors, cleanliness, security, garden, toilet/WC, lighting and ventilation, canteen, parking lot, drainage, tables and chairs, whiteboard, cupboards and shoe racks, educational teaching aids, library, laboratory, learning activities.
	Poor	Information and communication technology (ICT).
SMK Negeri 1 Sajingan Besar	Good	Information and communication technology.
	Sufficient	Walls, roof, floor, windows and doors, cleanliness, security, garden, lighting and ventilation, parking lot, drainage, tables and chairs, whiteboard, cupboards and bookshelves, library, laboratory, learning activities.
	Poor	Toilet/WC, canteen, educational teaching aids.

The fulfillment of the right to education in the Aruk border area still faces serious challenges, particularly in terms of educational facilities and supporting infrastructure. Only a few aspects received good evaluations, such as the presence of school gardens, certain safety measures, and information technology facilities at SMK Negeri 1 Sajingan Besar. The other three schools did not receive good evaluations at all, with most schools falling into the fair to poor categories.

Facilities that are generally lacking include the physical condition of school buildings (walls, roofs, floors, windows, and doors), school environment cleanliness, toilets/WC, canteens, libraries, educational teaching aids, and laboratories. In addition, the use of information and communication technology (ICT) as a learning tool remains very limited, even though it is essential for improving the quality of education in the digital era.

Table 2. Fulfillment of the Right to Education in Jagoi Babang

School Name	Assessment	Subject
SD Negeri 08 Risau	Good	Classroom lighting.
	Sufficient	Walls, roof, floor, windows and doors, cleanliness, security, garden, toilet/WC, drainage, tables and chairs, whiteboard, cupboards and bookshelves, and learning activities.
	Poor	Canteen, parking lot, educational teaching aids, library, information and communication technology, laboratory.
SMP Negeri 1 Jagoi Babang	Good	-
	Sufficient	Walls, roof, floor, security, parking lot, drainage, whiteboard, cupboards and bookshelves, library, and learning activities.

	Poor	Windows and doors, toilet/WC, lighting and ventilation, canteen, tables and chairs, educational teaching aids, information and communication technology (ICT), laboratory.
SMA Negeri 1 Jagoi Babang	Good	Library.
	Sufficient	Walls, roof, floor, windows and doors, cleanliness, security, garden, lighting and ventilation, canteen, drainage, tables and chairs, whiteboard, cupboards and bookshelves, information and communication technology (ICT), and learning activities.
	Poor	Toilet/WC, educational teaching aids, laboratory.
SMK Negeri 1 Jagoi Babang	Good	Roof, floor, windows and doors.
	Sufficient	Walls, cleanliness, security, garden, lighting and ventilation, canteen, drainage, tables and chairs, whiteboard, cupboards and bookshelves, library, information and communication technology (ICT), and learning activities.
	Poor	Toilet/WC, parking lot, educational teaching aids, laboratory.

The fulfillment of the right to education in the Jagoi Babang border area still faces various limitations, particularly concerning facilities and infrastructure that support teaching and learning activities. Some aspects were rated as good, such as classroom lighting at SDN 08 Risau, the library at SMA Negeri 1 Jagoi Babang, and the physical condition of roofs, floors, windows, and doors at SMK Negeri 1 Jagoi Babang. However, most other facilities were only rated fair or even poor. The most prominent deficiencies include toilets/WC, canteens, parking areas, educational teaching aids, laboratories, and the utilization of information and communication technology (ICT) in the learning process.

Table 3. Fulfillment of the Right to Education in Entikong

School Name	Assessment	Subject
SD Negeri 1 Sontas	Good	Whiteboard and library.
	Sufficient	Walls, cleanliness, security and garden, toilet/WC, canteen facilities, parking lot and drainage, number of chairs, and learning activities.
	Poor	Roof, floor, windows and doors, lighting and ventilation of classrooms and other rooms, condition of tables and chairs, cupboards and bookshelves, educational teaching aids, information and communication technology (ICT), and laboratory.
SMP Negeri 1 Entikong	Good	Educational teaching aids.
	Sufficient	Walls, roof, floor, windows and doors, cleanliness, security and garden, lighting and ventilation, canteen, parking lot, drainage, student tables and

		chairs, whiteboard, cupboards and bookshelves, library, projector, laboratory, and learning activities.
	Poor	Toilet/WC cleanliness, computer/laptop.
SMA Negeri 1 Entikong	Good	Roof.
	Sufficient	Windows and doors and learning activities.
	Poor	Walls, floor, cleanliness, security, garden, toilet/WC, lighting and ventilation, canteen, parking lot, drainage, student tables and chairs, whiteboard, cupboards and bookshelves, educational teaching aids, library, information and communication technology, and laboratory.
SMK Negeri 1 Entikong	Good	Walls, roof, floor, windows and doors, cleanliness, security, parking lot, student tables and chairs, and computer.
	Sufficient	Garden, lighting and ventilation, canteen, drainage, whiteboard, cupboards and bookshelves, educational teaching aids, library, internet, laboratory, and learning activities.
	Poor	Toilet/WC and projector/screen.

The fulfillment of the right to education in Entikong shows several aspects that were rated as good, such as the availability of blackboards and a library at SDN 1 Sontas, educational teaching aids at SMPN 1 Entikong, roof conditions at SMAN 1 Entikong, as well as physical facilities and computers at SMKN 1 Entikong. However, most indicators still fall into the fair or even poor categories, particularly those related to learning support facilities. The most prominent aspects rated as poor include building conditions (roofs, floors, walls, windows, and doors), lighting and ventilation, toilets/WC, canteens, educational teaching aids, libraries, laboratories, and the use of information and communication technology (ICT).

Based on the fulfillment of the right to education in the border areas of Aruk, Jagoi Babang, and Entikong, it can be concluded that, in general, these three regions still face significant challenges in providing adequate educational facilities and infrastructure. Although there are a few aspects in each region that have been rated as good, their number is relatively limited and does not address the fundamental elements of the learning process.

Most schools in these three border areas are still categorized as fair to poor, particularly regarding the physical condition of buildings (walls, roofs, floors, windows, and doors), school cleanliness, toilets/WC, canteens, libraries, educational teaching aids, laboratories, and the use of ICT. These facilities are crucial components that directly affect comfort, effectiveness, and the quality of learning in the modern era.

Thus, it can be emphasized that the fulfillment of the right to education in the border areas of Aruk, Jagoi Babang, and Entikong is far from optimal. There remains a significant gap between ideal needs and real conditions on the ground. Therefore, affirmative policy interventions from the government are urgently needed, including the development of

proper educational infrastructure, the provision of technology-based facilities, and strengthening the quality of educational services to ensure that students in border areas have equal opportunities with those in other regions.

Despite the various shortcomings in each school, the enthusiasm of the students deserves appreciation. Many students come from distant locations, with some even living in school dormitories to pursue their education and fight for a better future. This spirit is mirrored by the teachers in the border areas of Aruk, Jagoi Babang, and Entikong, who demonstrate high dedication. These teachers strive to provide the best possible education, despite limited facilities and resources. They are often required to innovate and creatively utilize limited resources to make learning materials more understandable for students. Their dedication is evident not only in the classroom but also in guiding students beyond school hours. For this reason, greater attention should be given to the welfare of these teachers, especially those who are still non-permanent (honorary) teachers, as their commitment plays a pivotal role in ensuring the right to education for children in these border regions.

The Legal Harmonization Integrative Model Based on Social Reality and Its Urgency for Fulfilling the Right to Education in Border Communities

The Legal Harmonization Integrative Model Based on Social Reality is an approach aimed at harmonizing formal legal norms (*law in the book*) with the dynamics and real needs of society (*law in action*). To be effective and comprehensive, the implementation of MIH-HRS must be structured, applicative, adaptive, and accommodative to local contexts, while also being replicable across various legal sectors. This model seeks to bridge the gap between positive law and social practices by incorporating local realities into the formulation of legal norms. It emphasizes an integrative, participatory, and contextual approach, with the goal of creating a responsive legal system that aligns formal legal norms with social, customary, and local norms while driving law reform based on actual societal needs.

The Legal Harmonization Integrative Model Based on Social Reality consists of three core principles: integrative, harmonization, and social reality-based. *Integrative* refers to the combination of national, local (customary), and relevant international legal norms. *Harmonization* seeks to resolve conflicts or overlaps between norms through the principle of alignment, without negating existing laws. *Social reality-based* means placing community aspirations, social practices, and local needs as the primary basis for legal formation and adjustment. This model has several characteristics to function effectively. It must be participatory, involving active community engagement; contextual, ensuring relevance to local conditions; flexible, allowing adaptability to different regions and issues; transformative, fostering social change based on justice; and replicable, so it can be applied in various legal fields.

The implementation structure of the model involves five stages. The first stage is identifying social realities and existing norms by observing social practices and current legal issues in the community while mapping positive laws, customary rules, religious laws, and traditions. This stage employs qualitative methods such as Focus Group Discussions (FGD), in-depth interviews, and legal ethnographic studies. The second stage

is analyzing discrepancies and integration potential, identifying conflicts between formal laws and social practices, as well as laws that are unresponsive to local needs or have stagnated in implementation. This includes a gap analysis between formal legal norms and community needs. The third stage involves designing the integrative model by formulating new norms or reinterpreting existing ones using an interdisciplinary approach, including socio-legal, anthropological, and legal-economic perspectives. This stage results in a structured model consisting of basic principles of integrative law, steps for harmonizing conflicting norms, and flexible implementation guidelines tailored to local contexts. The fourth stage is field testing, where the model is tested in specific locations, such as border areas, indigenous communities, or digital villages, involving local legal institutions, government officials, and law enforcement officers. The fifth and final stage is evaluation and refinement, carried out through participatory evaluations and collective reflection with all stakeholders. The model's effectiveness is measured using indicators such as increased conflict resolution, improved compliance, and greater community participation in legal processes.

The expected outputs of the implementation this model include the creation of a documented local legal model, community-based law enforcement guidelines, legal drafts such as Village Regulations or Regional Regulations based on harmonization results, and a sustainability evaluation to ensure ongoing effectiveness. By producing these outputs, MIH-HRS aims to develop a legal system that is just, participatory, and contextual, which is particularly relevant in multicultural areas, border regions, and indigenous communities. Successful implementation requires synergy and collaboration among various stakeholders to transform MIH-HRS into a sustainable tool for legal reform.

The Legal Harmonization Integrative Model Based on Social Reality has been introduced by the author to stakeholders directly involved in fulfilling the right to education in the border areas of Aruk, Jagoi Babang, and Entikong. These stakeholders include subdistrict heads, village leaders, customary leaders, school principals, teachers, and community members. They expressed strong support for this model, recognizing that education-related regulations must accommodate actual needs and unique local conditions in border communities. Currently, there is a noticeable disparity in educational access and a lack of an integrated mechanism for conveying aspirations, grievances, and proposals from schools, teachers, students, parents, local communities, and customary leaders. To address this issue, stakeholders agreed on the formation of a Regional Legal Harmonization Forum, which would serve as a cross-sectoral dialogue platform for collaborative problem-solving in education.²⁹

The urgency of applying the model in the fulfillment of the right to education in border regions stems from the fact that education is a fundamental human right guaranteed

²⁹ On July 2025, the Legal Harmonization Integrative Model based on Social Reality was introduced by our team as Researchers to Camat Jagoi Babang, Kepala Desa Jagoi Babang, Ketua DAD Jagoi Babang, Tokoh Adat, Kepala TK Pembina Jagoi Babang, Kepala SDN 08 Risau, Kepala SDN 1 Jagoi Babang, Kepala SMPN 1 Jagoi Babang, Kepala SMPN 3 Jagoi Babang, Kepala SMK 1 Jagoi Babang, SMAN 1 Jagoi Babang, Kepala SDN 3 Sontas, Kepala Sekolah SMPN 1 Entikong, SMAN 1 Entikong, dan SMKN 1 Entikong, Camat Sajingan Besar, Kepala SDN 04 Tapang, Kepala SMP Negeri 1 Sajingan, Kepala SMP Negeri 2 Sajingan Besar, Kepala SMP Negeri 4 Sajingan Besar, Kepala SMA Negeri 1 Sajingan Besar, Kepala SMK Negeri 1 Sajingan Besar.

by the 1945 Constitution of Indonesia (UUD 1945). However, its realization in border areas is often hindered by limited infrastructure, a shortage of qualified teachers, and regulations that lack contextual relevance. Top-down education policies are frequently misaligned with local realities, resulting in ineffective implementation. The model addresses this issue by bridging the gap between formal laws and actual conditions in the field, enabling the development of education policies that are grounded in the social and cultural context of border communities.

This approach emphasizes active participation from local communities, regional governments, and law enforcement agencies, ensuring that resulting regulations are relevant, flexible, and practical. By applying the model, issues such as limited educational access, teacher shortages, and inadequate facilities can be addressed through localized collaboration. This includes initiatives such as community-based schools, education that reflects local cultural values, and curricula tailored to local wisdom and needs.

Moreover, the model not only enhances educational access but also strengthens national identity and loyalty in border areas, which are often vulnerable to external cultural and political influences from neighboring countries. Education becomes a strategic tool for fostering national unity and resilience. Importantly, MIH-HRS ensures sustainability by incorporating mechanisms for evaluation and the development of local regulations, preventing education programs from being mere short-term projects without lasting impact. In conclusion, the implementation of the model is essential for achieving equitable, participatory, and sustainable education in border regions. This model ensures that the state's presence is felt not only through physical infrastructure development but also through the fulfillment of educational rights that reflect the unique needs, values, and identities of border communities. By addressing both structural and systemic challenges, the model builds a foundation of justice, inclusivity, and long-term development, contributing to a more equitable education system for all Indonesian citizens, including those living in the most remote and marginalized border areas.

Conclusion

The fulfillment of the right to education in the border areas of Aruk, Jagoi Babang, and Entikong still faces major challenges, particularly in providing proper educational facilities and infrastructure. Although there are a few aspects in each region that have been rated positively, their number remains relatively limited and does not address the fundamental elements of the learning process. Therefore, affirmative policy interventions from the government are needed, including the construction of proper educational infrastructure, the provision of technology-based facilities, and the strengthening of education service quality. The enthusiasm for learning among students deserves appreciation. Many students come from areas far from their schools, with some even living in school dormitories to gain access to education. Similarly, teachers in these border regions demonstrate high levels of dedication, working tirelessly to deliver quality teaching despite facing severe limitations in facilities and resources. These teachers, especially those who are still working under honorary status, should receive greater attention and support to improve their welfare.

The Legal Harmonization Integrative Model Based on Social Reality is an approach designed to harmonize formal legal norms (*law in the book*) with the dynamics and actual needs of society (*law in action*). The implementation of MIH-HRS must be structured, applicative, adaptive, and accommodative to local contexts, while also being replicable across various legal sectors. This model aims to bridge the gap between positive law and social practices by incorporating local realities into the formulation of legal norms, thereby promoting the creation of laws that truly reflect the actual needs of the community. The application of MIH-HRS is particularly important for achieving equitable, participatory, and sustainable education. It ensures that the state's presence is felt in border areas, not only through physical infrastructure development but also through the fulfillment of the right to education that is aligned with the needs and cultural identity of local communities. This approach strengthens both the quality of education and the social fabric of border communities, fostering a more just and inclusive educational system.

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