

# LEGAL DISHARMONY IN THE NEW STUDENT ADMISSION SYSTEM (DOMISILI) ON THE FULFILLMENT OF THE RIGHTS OF PROSPECTIVE STUDENTS IN THE NATIONAL EDUCATION SYSTEM

## DESARMONIA JURÍDICA NO NOVO SISTEMA DE ADMISSÃO DE ESTUDANTES (DOMISILI) SOBRE O CUMPRIMENTO DOS DIREITOS DOS FUTUROS ESTUDANTES NO SISTEMA NACIONAL DE EDUCAÇÃO

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### Abstract

This study aims to find out how the Disharmonization of Education Policy on the Fulfillment of the Rights of Prospective Students in the National Education System. The research used is a type of empirical normative legal research, with a statutory approach method. The types and sources of legal materials used are primary and secondary legal materials using the technique of collecting legal materials for literature studies. The results obtained in this study are: (1) There is substantive disharmony in the form of restrictions on the right to choose schools guaranteed by law, causing legal uncertainty; (2) Policy implementation reaps complex challenges such as inequality in school capacity and unequal distribution of facilities in each school, thus potentially eroding the principle of substantive justice and creating new inequality of access.

**Keywords:** Disharmonization. Domicile. Rights of Students.

### Resumo

*Este estudo visa apurar como a Desarmonia da Política Educacional impacta o cumprimento dos Direitos dos Futuros Alunos no Sistema Nacional de Educação. A pesquisa utilizada é do tipo jurídico normativa empírica, com abordagem estatutária. Os tipos e fontes de materiais jurídicos utilizados são primários e secundários, empregando-se a técnica de coleta de materiais jurídicos para estudos bibliográficos. Os resultados obtidos neste estudo são: (1) Existe desarmonia substancial na forma de restrições ao direito de escolha da escola garantido por lei, causando insegurança jurídica; (2) A implementação da política acarreta desafios complexos, como a desigualdade na capacidade escolar e a distribuição desigual de recursos em cada escola, podendo corroer o princípio da justiça substancial e criar novas desigualdades de acesso.*

**Palavras-chave:** Desarmonia. Domicílio. Direitos dos Alunos.

## 1 INTRODUCTION

Education is a fundamental human right and an important pillar in the development of a nation. This right is constitutionally guaranteed by Article 31 of the 1945 Constitution of the Republic of Indonesia which states that every citizen has the



right to education. This guarantee is reaffirmed in Law Number 20 of 2003 concerning the National Education System law, especially in Article 5 paragraph (1) which affirms that every citizen has the same right to obtain quality education.<sup>1</sup> The principle of equality and justice in access to education is the ideal foundation for the implementation of national education, including in the process of accepting new students.

However, the implementation of these ideal principles is often faced with complexities and challenges in the field. The SPMB New Student Admission System policy has always been a sensitive issue that directly touches the lives of many people. The government, through the Ministry of Primary and Secondary Education (Kemendikdasmen), issued Regulation of the Minister of Primary and Secondary Education (Permendikdasmen) Number 3 of 2025 concerning the New Student Admission System in kindergarten, elementary, junior high, high school, and vocational school as a guideline for its implementation.<sup>2</sup> This Permendikdasmen regulates a domicile system that prioritizes the principle of zoning or the distance of residence of prospective students to schools.

This domicile-based policy, on the one hand, is intended to bring the school environment closer to where students live, reduce traffic density, and accelerate the equitable distribution of the quality of education between schools.<sup>3</sup> However, on the other hand, this policy has the potential to be disharmonized with the principle of freedom guaranteed by the national education system law. Article 12 paragraph (1)b of the National Education System Law expressly states that every student has the right to "choose the path, type, and unit of education".<sup>4</sup> This right to choose implicitly includes the freedom to choose the desired school, which is actually significantly limited by the domicile mechanism in Permendikdasmen Number 3 of 2025. The government must consider, assess, and evaluate in making decisions.<sup>5</sup> In this context, the government plays a role in maintaining the quality standards of education and ensuring that every child has an equal opportunity to receive quality education that suits their needs without discrimination.

This legal disharmonization creates tension between two interests that are equally protected by law. On the one hand, the state has an obligation to affirm and equalize through zoning policies. On the other hand, the state also has an obligation to protect individual rights, in this case the right of prospective students and parents to choose the

educational unit that is considered most appropriate. The conflict of norms between the guarantee of freedom of choice in the National Education System law and restrictions through the domicile policy is the fundamental problem and the background for the formulation of the first problem.

Furthermore, apart from the potential for disharmony at the regulatory level, the implementation of domicile-based SPMB policies in the field also reaps various problems. This policy is often not purely applicable due to the limited capacity of public schools in a zoning compared to the number of prospective students.<sup>8</sup> As a result, unfair competition, the practice of falsifying domicile documents (such as ID cards and KK), and uncertainty for parents and prospective students arise. This condition can actually break the meaning of justice that is to be realized. This incident shows the negligence of the fulfillment of human rights that should have been fulfilled.<sup>9</sup>

Therefore, it is important to examine the extent to which the implementation of this policy is really able to guarantee the rights of prospective students. An assessment needs to be made by looking at whether this policy has met the principle of substantive justice, not just procedural justice.<sup>10</sup> In addition, it is necessary to see whether this policy actually creates new inequality of access, for example for families who are economically unable to move their domicile closer to their favorite school or for prospective students who have special talents and interests that are not accommodated in the nearest school.<sup>11</sup> This problem is the background for the formulation of the problem second.

Based on the description above, this research is important to be conducted to analyze these two crucial aspects. First, to legally examine the form of disharmony between the guarantee of voting rights in the National Education System Law and the restrictions stipulated in Permendikbudristek Number 3 of 2025. Second, evaluating the implementation of domicile-based PPDB policies in ensuring the rights of prospective students is reviewed from the perspective of justice and equal access to education. It is hoped that the results of this research can contribute to the improvement of the PPDB system in the future.

The objectives of the study are as follows:

1. To analyze how the legal harmonization between national and regional policies in protecting the rights of prospective students in the region-based SPMB system

2. To analyze the implementation of the policy of the domicile-based new student admission system in guaranteeing the rights of prospective students is reviewed from the perspective of justice and access to education.

## **2 METHOD**

### **2.1 Research types and approaches**

The author uses a normative legal research type by adopting an empirical and statutory approach to evaluate and analyze laws and legal systematics and systematics. This approach combines analysis of legal norms (normative aspects) with data from realities in the field (empirical aspects) to obtain a comprehensive picture. In this study, the researcher also used the type of legal research on the systematic laws and regulations to determine the harmonization of laws and regulations between one and the other,<sup>76</sup> and the law research on the synchronization of laws and regulations with the type of testing the level of synchronization of laws and regulations is shown to determine the conformity or synchronization of the substance contained in a regulation with other interrelated rules.

### **2.2 Research approach**

In the context of normative research, the types of approaches that are generally used are known, including the "Statute approach," "conceptual approach," "analytical approach," "comparative approach," "historical approach," "philosophical approach," and "case approach."

The approach used by the author in this study is that this research uses a type of empirical legal research (socio-legal), which combines analysis of legal norms (normative aspects) with investigations of the reality of practice in the field (empirical aspect). This approach is used to get a complete picture, starting from the level of regulation to the level of implementation. The normative aspect is that the research will analyze Permendikdasmen Number 3 of 2025 and other related regulations to understand the formal legal basis and the substance regulated. The empirical aspect is that the research will investigate the implementation of Permendikdasmen Number 3 of 2025 at the East

Java Provincial Education Office, focusing on the process, obstacles, effectiveness, and perceptions of the implementers.

### **2.3 Legal material collection techniques**

The technique of collecting legal materials is carried out through two main methods:

1. **Library Research:** Used to collect normative and secondary legal materials. This technique includes identifying and inventorying relevant laws and regulations. Searching and studying books, journals, and other scientific works to be used as a theoretical basis.
2. **Field Research:** Used to gather empirical legal material. The technique used is in-depth interviews by conducting structured and semi-structured interviews with key informants at the East Java Provincial Education Office to obtain qualitative data on policy implementation. **Document Study:** Analyzing the internal official documents of the Education Office related to the implementation of Permendikbud Number 3 of 2025.

## **3 RESULTS AND DISCUSSION**

### **3.1 Analysis of central-regional regulation conflicts in the admission of new domicile-based students**

Legal disharmony in the domicile-based New Student Admission (PPDB) policy can be traced through fundamental aspects. Theoretically, the concept of a hierarchy of laws and regulations put forward by Hans Kelsen explains that an ideal legal system must have a pyramidal structure where the lower legal norms should not contradict the higher norms.<sup>79</sup> This theory finds its concrete form in the Indonesian legal system through Article 7 of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations which expressly regulates the order of regulations legislation.

In the context of the New Student Admission System, this provision is important because the technical policies regulated in the Regulation of the Minister of Education

and Culture must be in line with a higher legal umbrella, especially Law Number 20 of 2003 concerning the National Education System.<sup>81</sup> The legislative hierarchy is the main foundation in the Indonesian legal system, which serves to create legal certainty and prevent the occurrence of conflicts of norms. According to Jimly Asshiddiqie, the concept of legal hierarchy is a manifestation of the principle of *lex superior derogat legi inferiori*, where higher legal norms override lower legal norms<sup>82</sup>. This principle is expressly regulated in Article 7 of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, which establishes the formal order of laws and regulations in Indonesia, starting from the 1945 Constitution as a basic law to Regional Regulations as a technical implementation at the local level.

In the context of the domicile-based New Student Admission System policy, the legislative hierarchy becomes very relevant because this policy involves various layers of regulation. Regulation of the Minister of Primary and Secondary Education Number 3 of 2025 concerning the New Student Admission System must be sourced and must not contradict Law Number 20 of 2003 concerning the National Education System Law on the National Education System.<sup>84</sup> However, in practice, there are several provisions in the Permendikdasmen that have the potential to contradict the basic principles in the National Education System Law, especially related to the right to non-discriminatory education. emphasized that this kind of disharmony can cause legal uncertainty and reduce the effectiveness of the implementation of education policies.

Furthermore, in his book entitled *Legal Structuring in Indonesia*, he argues that one of the main causes of legal disharmony is the lack of coordination between policymakers at the central and regional levels.<sup>86</sup> This is evident in the implementation of region-based PPDB, where local governments often issue technical guidelines (*juknis*) that are stricter than central provisions. provides concrete examples where some regions set stricter domicile requirements, potentially ignoring the principle of fairness for students from migrant families or border areas.

From the perspective of the theory of the legislative hierarchy,) The need for a judicial review mechanism to test the suitability between the Permendikdasmen and the National Education System Law.<sup>88</sup> The Constitutional Court in Decision Number 35/PUU-XV/2017 has emphasized that education policy must prioritize the best interests of students and must not be contrary to the constitution. Therefore, the harmonization of

the policy of the region-based New Student Admission System is not only necessary from a technical point of view, but must also consider the philosophical and sociological aspects of education law. Legal disharmony in the policy of the region-based New Student Admission System (SPMB) can be identified through several articles that contradict each other between regulations at the central and regional levels. The following is an in-depth analysis of the articles that have been disharmonized and their explanations.

### **3.2 Disharmonization between Permendikdasmen Number 2025 concerning the new student admission system and Law Number 20 of 2003 concerning the National Education System**

The New Student Admission System (SPMB) through Permendikdasmen Number 3 of 2025 has reaped controversy because it is considered contrary to the basic principles in Law Number 20 of 2003 concerning the National Education System (UU Sisdiknas).<sup>90</sup> This disharmonization is especially seen in the aspect of domicile, which has the potential to create injustice in access to education. The domicile system in Permendikdasmen Number 3 of 2025 limits student admissions based on the area of domicile, which can ignore the academic potential of students outside the zone. In fact, Article 5 paragraph (1) of the National Education System Law is the same without discrimination. The zoning policy actually widens the disparity in school quality because the variation in facilities between zones is not balanced by the number of public schools, teacher redistribution and equitable infrastructure.

Permendikdasmen No. 3 of 2025 allocates an affirmation quota for students from underprivileged families, but this has the potential to reduce the opportunity for students to excel from non-affirmation circles. Article 12 paragraph (1) letter b of the National Education System Law guarantees the right of students to get education according to their talents and interests. Affirmation policies that are too rigid actually reduce motivation to excel if they are not accompanied by quality mentoring programs.<sup>94</sup> Article 11 paragraph (1) of the National Education System Law requires the government to ensure equal distribution of educational opportunities. However, Permendikdasmen No. 3 of 2025 tends to be centralistic by strictly regulating the domicile mechanism without considering the diversity of regional capacity. In the previous regulation, namely Permendikbud

Number 1 of 2021, the Minister of Education and Culture showed that 60% of regions had difficulty implementing the zoning system due to the lack of the number of excellent schools in remote areas.

Judging from the highest Laws and Regulations in Indonesia, namely the 1945 Constitution of the Republic of Indonesia in the fourth paragraph which reads: "Then from that point on, to form an Indonesian state government that protects the entire Indonesian nation and all Indonesian bloodshed and to promote public welfare, educate the life of the nation, and participate in implementing a world order based on Independence, lasting peace and social justice". From the fourth piece of alenia, since the declaration of independence by IR. Soekarno and Hatta, Indonesia has aspired to improve the intelligence of its nation.

### **3.3 Regulation on the domicile system in the admission of new students based on the Minister of Education Regulation No. 3 of 2025**

The New Student Admission System is a crucial mechanism in ensuring equitable access to education for all citizens, in which every citizen has the same right to quality education.<sup>97</sup> Every year, SPMB receives intense public attention, especially related to objectivity, transparency, and the principle of justice. In its development, various complexities and challenges were encountered in its implementation, such as uneven population density and limited school capacity in certain zones. Permendikdasmen Number 3 of 2025 concerning the New Student Admission System in Early Childhood Education, Basic Education, and Secondary Education is present as a response and evaluation to previous policies, by introducing a new emphasis on the domicile aspect.

The domicile system policy in SPMB is rooted in the philosophy of equal distribution of education and the elimination of discrimination based on socio-economic status. This policy is intended to bring the learning environment closer to the social environment of students, create an educational ecosystem that is integrated with the community where they live from a juridical perspective, this policy is a derivative of the mandate of the Constitution of the Republic of Indonesia of 1945 Article 31 paragraph (1) which states that every citizen has the right to education, and Article 11 paragraph (1) of Law Number 20 of 2003 concerning the National Education System emphasizing that

the Government and Regional Governments are obliged to ensure the implementation of quality education for every citizen without discrimination.

Permendikdasmen Number 3 of 2025 provides clarity on a more detailed definition of domicile. Students' domicile is no longer based solely on a large geographical zone, but on a valid and administratively recorded residential address. This domicile must be proven by valid and valid evidence, such as a Family Card (KK) or a certificate of domicile issued by the authorities (such as Rukun Tetangga/Rukun Warga or kelurahan) that has been valid for a certain period of time. This approach is intended to minimize the practice of domicile manipulation that often occurred in the previous zoning system.

The main consideration for determining domicile as the main criterion is to prioritize students who actually live around the educational unit. This is in line with the aspiration to reduce congestion, optimize the use of school infrastructure, and strengthen the role of the community in education supervision and development. Domicile is concrete evidence of students' attachment to the surrounding environment, so that selection based on the proximity of domicile is considered more relevant and can be accounted for administratively compared to the domicile system whose boundaries are looser and vulnerable to interpretation.

This Permendikdasmen explicitly regulates the hierarchy and types of proof of domicile that can be accepted. The primary and strongest evidence is the Family Card which shows the residential address of the prospective student. If there are certain things, such as families who are in the process of legally moving their domicile, supporting evidence can be included such as a certificate of domicile from the village head or village head that is legalized. Verification of the authenticity and validity of these documents is key in preventing fraud. This Regulation regulates the allocation of quotas for the domicile route very clearly. The quota for prospective students who reside in the area closest to the educational unit receives the largest portion, often more than 50% of the total capacity. The rest of the quota is then allocated for other paths, such as achievements or the transfer of parental duties. This proportional arrangement shows the government's commitment to really prioritize the principle of proximity to domicile as the main foundation of SPMB.

The domicile system in the context of education is a strategy of management and structuring of education that involves dividing a certain area or area into several parts or zones with clear boundaries, which further integrate schools and students in it. The main goal of the implementation of this domicile system is to achieve a more planned, equitable, and efficient management of education. At the local or national government level, the concept of domicile is used to ensure that access to education is distributed fairly and equitably throughout the region. Domicile serves as a solution to address inequities in accessibility and quality of education between regions, which can be triggered by socio-economic, geographical, or infrastructural differences. By dividing the area into zones, the government can allocate resources and attention more effectively to ensure that each zone receives balanced educational benefits.

Domicile is also an important foundation for the overall structuring and reform of education, starting from the Kindergarten (TK) level to Senior High School (SMA). The preparation of this zone allows for more focused and directed planning in improving the quality of education in each zone. In addition, zoning helps in decision-making related to the placement of educators, book distribution, and curriculum development that suits the needs of each zone. Thus, the domicile system becomes a strategic instrument in an effort to achieve more equitable, quality, and comprehensive education in Indonesia. The implementation of this domicile is expected to have a positive impact in increasing the level of access to education, improving the quality of learning, and supporting the vision of national education reform.

### **3.4 The implementation of domicile-based PPDB policies in ensuring the rights of prospective students is reviewed from the perspective of justice and access to education**

Based on the implementation of the domicile-based New Student Admission System (SPMB) in ensuring the rights of prospective students from the perspective of justice and access to education, this research is analyzed through the perspective of Donald Black's theory and Human Rights Theory. Donald Black's theory of behavior of law states that law moves as a quantitative variable whose distribution is influenced by social structures, including stratification, morphology, culture, organization, and social

control. and the Theory of Human Rights of non-discrimination that should be upheld in the admissions system.

### **3.5 Analysis of equitable access to education in state high schools (SMA) in East Java Province**

Senior secondary education is a crucial level in preparing the younger generation to enter the world of work and continue to college. In this context, public schools are often the top choice for most Indonesians due to the affordability factor and perception of quality. However, in East Java Province, the equitable distribution of public school provision at the high school level is still a complex multidimensional problem and has not been fully realized.

**Figure 1**

*Number of Schools, Teachers, and High School Students Under the Ministry of Education, Culture, Research, and Technology by Regency/City in East Java Province, 2024/2025*

| Kabupaten/Kota | Jumlah Sekolah SMA (Negeri) | Jumlah Sekolah SMA (Swasta) | Jumlah Sekolah SMA (Negeri+Swasta) | Jumlah Guru SMA (Negeri) | Jumlah Guru SMA (Swasta) | Jumlah Guru SMA (Negeri+Swasta) | Jumlah Murid SMA (Negeri) | Jumlah Murid SMA (Swasta) |
|----------------|-----------------------------|-----------------------------|------------------------------------|--------------------------|--------------------------|---------------------------------|---------------------------|---------------------------|
| Pacitan        | 8                           | 2                           | 10                                 | 294                      | 21                       | 315                             | 4.098                     | 109                       |
| Ponorogo       | 15                          | 10                          | 25                                 | 629                      | 128                      | 757                             | 8.927                     | 1.791                     |
| Trenggalek     | 12                          | 4                           | 16                                 | 491                      | 35                       | 526                             | 7.951                     | 372                       |
| Tulungagung    | 11                          | 12                          | 23                                 | 663                      | 147                      | 810                             | 12.350                    | 1.912                     |
| Blitar         | 7                           | 16                          | 23                                 | 397                      | 152                      | 549                             | 7.754                     | 1.414                     |
| Kediri         | 14                          | 13                          | 27                                 | 851                      | 138                      | 989                             | 15.446                    | 2.418                     |
| Malang         | 13                          | 58                          | 71                                 | 764                      | 876                      | 1.640                           | 13.235                    | 15.687                    |
| Lumajang       | 12                          | 18                          | 30                                 | 540                      | 171                      | 711                             | 9.825                     | 2.069                     |
| Jember         | 18                          | 44                          | 62                                 | 936                      | 602                      | 1.538                           | 17.173                    | 8.956                     |
| Banyuwangi     | 17                          | 33                          | 50                                 | 944                      | 386                      | 1.330                           | 15.825                    | 4.559                     |
| Bondowoso      | 10                          | 19                          | 29                                 | 353                      | 206                      | 559                             | 4.946                     | 2.459                     |
| Situbondo      | 9                           | 9                           | 18                                 | 383                      | 169                      | 552                             | 6.681                     | 4.518                     |
| Probolinggo    | 17                          | 59                          | 76                                 | 525                      | 562                      | 1.087                           | 8.387                     | 6.930                     |
| Pasuruan       | 8                           | 34                          | 42                                 | 436                      | 417                      | 853                             | 7.790                     | 6.121                     |
| Sidoarjo       | 13                          | 58                          | 71                                 | 900                      | 1.010                    | 1.910                           | 15.191                    | 18.864                    |
| Mojokerto      | 11                          | 27                          | 38                                 | 694                      | 219                      | 913                             | 11.914                    | 2.881                     |
| Jombang        | 12                          | 34                          | 46                                 | 617                      | 597                      | 1.214                           | 9.897                     | 9.101                     |
| Nganjuk        | 14                          | 12                          | 26                                 | 815                      | 138                      | 953                             | 13.494                    | 2.684                     |
| Madiun         | 10                          | 2                           | 12                                 | 441                      | 19                       | 460                             | 7.598                     | 269                       |
| Magetan        | 10                          | 5                           | 15                                 | 477                      | 41                       | 518                             | 8.427                     | 536                       |
| Ngawi          | 10                          | 10                          | 20                                 | 485                      | 92                       | 577                             | 8.083                     | 762                       |
| Bojonegoro     | 20                          | 30                          | 50                                 | 838                      | 294                      | 1.132                           | 14.520                    | 3.216                     |
| Tuban          | 19                          | 17                          | 36                                 | 673                      | 163                      | 836                             | 11.776                    | 1.544                     |
| Lamongan       | 13                          | 56                          | 69                                 | 884                      | 686                      | 1.570                           | 13.203                    | 7.199                     |
| Gresik         | 12                          | 40                          | 52                                 | 716                      | 604                      | 1.320                           | 13.204                    | 7.941                     |

The domicile-based SPMB New Student Admission System is faced with very tough exams when applied in large districts in East Java, such as Malang, Jember, Banyuwangi, or Kediri. The main problem lies not only in the difference in facilities between schools, but also in the deeper roots, namely the uneven distribution of the number of public high schools and the extreme gap in facilities between schools in the city center, the district and the suburbs. This condition makes the ideal of the domicile system to create equal access to quality education counterproductive.

Donald Black's theory in *The Behavior of Law* states that the quantity and distribution of law, or in this context state-regulated educational services, are a direct

function of the structure of social stratification. Stratification refers to the degree of vertical inequality in society, such as differences in wealth, status, and power. This means that in a highly stratified society characterized by wide socio-economic gaps, the distribution of resources such as schools tends to be uneven. Community groups with higher social status and economic capacity will be able to concentrate quality educational institutions in their area. In contrast, low-status groups often only have access to schools with limited facilities and lower quality.

The extreme geographical disparity between the district capital and the distant sub-district area creates an unequal "education area". In fact, the concentration of State High Schools with the best facilities is almost always in the center of the district city. Meanwhile, schools in distant sub-districts are often limited in number and the facilities are very basic. The domicile system, which in principle maps students to the nearest school, indirectly legitimizes this inequality by limiting students' choices based on their coincidental geographical location. An outstanding student from a remote sub-district in Banyuwangi Regency, for example, will be faced with a difficult choice: accept a public high school in his area with limited facilities or have to pay a large fee to attend school in the city by looking for a private school or even a boarding house. In this case, the domicile system does not bridge the gap, but rather perpetuates existing structural injustices.

This problem is exacerbated by a very real hierarchy of quality among State High Schools whose number is not proportional to the area area. In the city center, there are several "favorite" public high schools with complete facilities, followed by "secondary" and "suburban" schools with fewer facilities. The domicile system, which removes the selection of purely academic achievements, actually triggers manipulative practices that are only accessible to certain circles. Parents with economic and social capital will try to move their domicile (Family Card) to their favorite school zone, As a result, the system designed for equity precisely marginalizes children from underprivileged families who do not have the ability to transfer domicile, while at the same time concentrating students with middle-to-upper economic backgrounds in schools that are already superior. This creates new socio-economic segregation within the education system. From the perspective of regional development, this inequality shows failures in long-term planning. The number of public high schools that are disproportionate to the area and population growth makes the domicile system ineffective. The zones created are often very wide and

illogical, because they must cover an area that is too large to be accommodated by the only State High School in a sub-district. The domicile system that is the basis of the New Student Admission System (SPMB) is actually aimed at creating equal access to education and reducing discriminatory practices based on academic achievement alone. However, in the context of the lack of schools in several education areas, it is actually a tool that makes it difficult for students to be able to enter the desired state schools. Students who live in areas with a limited number of public schools automatically have very limited choices, while students in areas with many public schools enjoy greater freedom of choice. Thus, the domicile system perpetuates existing spatial injustices.

From a human rights perspective, this policy can be seen as a violation of Article 31 of the 1945 Constitution which guarantees the right of every citizen to education. Restrictions on access based on domicile, without being accompanied by the availability of equitable educational facilities, are essentially a form of denial of these constitutional rights. Every learner should have an equal opportunity to access quality education without being limited by geographical factors that are completely beyond their control.

### **3.6 Implications of the implementation of the domicile system in the National Education System**

In connection with the regulation of the SPMB domicile system, it will certainly have various implications, especially for the target or object of policy, namely Prospective Students. With the existence of a domicile system policy in SPMB, there are positive and negative implications, which are as follows:

#### **1. Positive Implications**

##### **1) Ease of Access to Education**

The domicile system at SPMB regulates school graduates at each level of education more evenly to get access to school. By taking into account the distance of school and residence, as well as the ideal capacity ratio, prospective students have the same opportunity to continue their education at the next level.

##### **2) Equitable Education**

Through this domicile system, there is no longer a favorite school, because all students are only allowed to continue their education at the school at their domicile.

### 3) Negative Implications

- a. Prospective Students cannot choose a school that meets expectations. Students do not have the best choice to get a place to study according to expectations. Moreover, the number of schools that have good quality is still far from expectations, as a result of which prospective students who have good quality and achievements, are forced to get education in a place that is not of high quality.
- b. The lack of appreciation for prospective students who excel in SPMB which is regulated based on Permendikdasmen No. 3 of 2025 which uses SPMB standards with domicile, is very detrimental to prospective new students who have good quality and outstanding grades, because the school will prioritize proximity to home rather than achievement. It could be that even those who excel do not get public schools because the distance from their homes is not within the circle of domicile set by the government, which is due to the uneven distribution of public schools in a certain area.
- c. The system of accepting new students who use domicile policies has caused a number of negative impacts from socio-economic aspects. First, this system can reproduce existing social inequality. Residential areas with a high economic level usually have more quality schools, while areas with low economic conditions tend to have limited educational facilities. As a result, the domicile system reinforces social segregation by limiting the access of children from underprivileged families to enjoy quality education. This reduces the opportunity for vertical social mobility through education channels.
- d. Sixth, this system widens the inequality of access to educational resources. The distribution of quality teachers, budget allocation, and the quality of educational facilities are uneven between areas of residence. As a result, there is a systematic difference in academic achievement based on the geographical location and economic conditions of the surrounding community.
- e. The long-term impact of all these problems is the inhibition of human resource development nationally.

The limited talent potential of plosok areas with the number of public schools ultimately contributes to the reproduction of intergenerational poverty and the widening

of the national income gap. Therefore, equal distribution of the quality of teachers and facilities, as well as subsidies for students from underprivileged families.

Based on the description mentioned above, it can be known that the implications for prospective students regarding the regulation of the domicile system in Permendikdasmen Number 3 of 2025, include 2 (two) things, namely: First, the positive implications include prospective new students gaining access to education and the occurrence of equal distribution of education; Second, negative implications include that prospective new students cannot choose the school that meets expectations, and prospective students who excel are less likely to receive awards.

Thus, the domicile-based New Student Admission System policy has not been able to guarantee the equal protection of the rights of all prospective students. This policy has only succeeded at the level of equal distribution of quantity, which is distributing students to all schools regardless of quality, but it fails to create equal access to quality education. Therefore, justice in the substantive sense, namely providing the same right to quality educational services, has not been achieved. The success of the zoning policy absolutely depends on strategic steps and a strong commitment to equalize the quality and facilities of all State High Schools in East Java as the main prerequisite.

#### **4 CONCLUSION**

The domicile-based SPMB policy creates a real legal disharmonize. The core of the problem lies in the contradiction between Permendikdasmen Number 3 of 2025 and Law Number 20 of 2003 concerning the National Education System which guarantees quality education without discrimination with the existence of domicile practices that actually create discrimination based on the location of residence. As a result, students' right to a fair education has been neglected, especially for those living in zones with low quality schools.

The implementation of the domicile-based New Student Admission System (SPMB) policy in East Java Province reveals significant inequality in the distribution of the number of schools, facilities, and access to education. The data shows extreme geographical disparities, where public schools with adequate facilities are concentrated in the district's urban centers, while suburban and remote areas have a limited number of

schools with low quality facilities. This inequality is exacerbated by the quality hierarchy between public high schools, creating new socio-economic segregation. The domicile policy, which is supposed to be a tool for equity, perpetuates structural injustice by limiting students' choices based on their geographical location. As a result, students from underprivileged families and remote areas are forced to receive low-quality education.

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### Authors' Contribution

All authors contributed equally to the development of this article.

### **Data availability**

All datasets relevant to this study's findings are fully available within the article.

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