

# Zoning Policy, Indirect Discrimination, and the Constitutional Right to Quality Education in Pangkalpinang City

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## Article history:

Received 2025-06-11

Revised 2025-07-20

Accepted 2025-08-01

## Keywords:

PPDB Zoning Policy; Constitutional Right to Education; Substantive Justice; Indirect Discrimination; Non-Discrimination.

## DOI:

[doi.org/10.26905/idjch.v16i2.15856](https://doi.org/10.26905/idjch.v16i2.15856).

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**Abstract:** The PPDB zoning policy, regulated through Permendikbud No. 1 of 2021, was designed to democratize access to public education by replacing merit-based competition with geographic proximity as the primary admission criterion. This study critically examines whether the policy fulfills the constitutional right to quality education guaranteed by Article 31 of the 1945 Constitution and Article 12(1)(b) of Law No. 39 of 1999 on Human Rights, with particular reference to its implementation in Pangkalpinang City. Employing a normative-empirical legal research design that integrates a statute approach, conceptual approach, and socio-juridical field investigation, this study analyzes the constitutional adequacy of the zoning framework and its operational reality. The findings reveal that the policy's exclusive reliance on domicile proximity, in a context of structurally unequal school quality distribution, generates indirect discrimination incompatible with the principle of substantive justice. In Pangkalpinang City, implementation is further compromised by systematic domicile manipulation, digital discrimination in online registration, inter-zonal infrastructure inequality, inadequate public socialization, and the complete absence of adaptive regional regulations. Evaluated against the UNESCO 4A framework, the policy fails the dimensions of accessibility, acceptability, and adaptability. This study concludes that fundamental policy reformulation premised on school quality equalization, affirmative provisions for vulnerable groups, and locally adaptive regulation is constitutionally necessary.

## 1. Introduction

Education is not merely a social program or a public service deliverable that can be configured at the discretion of those in power; it is a fundamental constitutional right whose fulfillment lies at the very core of the state's existential purpose.<sup>1</sup> Article 31(1) of the 1945 Constitution of the Republic of Indonesia (*Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, hereinafter "UUD

<sup>1</sup> Jimly Asshiddiqie, *Hak Konstitusional Dalam Undang-Undang Dasar 1945* (Jakarta: Konstitusi Press, 2006), 22; see also Dian Parluhutan Sirait, "Constitutional Right to Education in Indonesia: Juridical Analysis of Article 31 UUD NRI 1945," *Constitutional Review* 8, no. 1 (2022): 67-91, <https://doi.org/10.31078/consrev812>.

NRI 1945”) explicitly declares that “every citizen has the right to receive education,” while Article 31(2) mandates that the state fund compulsory basic education for all citizens. These provisions do not stand alone; they are reinforced by Article 28C(1), which guarantees every person’s right to develop themselves through education, and Article 28I(2), which prohibits discriminatory treatment on any basis whatsoever, including socioeconomic status and geographic location. In constitutional law theory, these clustered provisions generate a tripartite state obligation: to *respect* the right to education by refraining from interference with its enjoyment; to *protect* it by preventing third parties from impairing access; and to *fulfill* it through active legislative, administrative, and budgetary measures that make quality education materially available to all citizens without exception.<sup>2</sup>

The right to education in the Indonesian constitutional framework is further amplified and operationalized through multiple layers of legislation. Law No. 20 of 2003 on the National Education System (*Sistem Pendidikan Nasional*, hereinafter “*Sisdiknas*”) mandates in Article 5(1) that “every citizen has the same right to obtain quality education,” while Article 5(4) specifically provides that citizens in remote areas or areas of low population density are entitled to special educational services. Concomitantly, Law No. 39 of 1999 on Human Rights guarantees in Article 12(1)(b) that every child has the right to receive education and instruction in the context of developing personal formation in accordance with his or her interests, talents, and level of intelligence. Indonesia’s ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) through Law No. 11 of 2005 further binds the state to the progressive realization of the right to education as elaborated in Article 13 of the Covenant, including ensuring accessibility, availability, acceptability, and adaptability of educational institutions the UNESCO 4A framework that provides an internationally recognized evaluative architecture for assessing whether state education policy meets its human rights obligations.<sup>3</sup>

It is against this rich constitutional and normative background that the policy of school zoning in the New Student Admissions system (*Penerimaan Peserta Didik Baru*, hereinafter “*PPDB*”) must be rigorously examined. Introduced through the Minister of Education and Culture Regulation No. 14 of 2018 and progressively revised through Regulation No. 44 of 2019 and No. 1 of 2021, the zoning system mandates that a minimum of 50 to 80 percent of student admission quotas in public schools be allocated to applicants whose registered domiciles fall within a designated geographical radius from the school. The policy emerged from a historically specific problem: for decades, a narrow cohort of so-called “favorite schools” absorbed the highest-performing students from across entire cities, producing a self-reinforcing cycle of resource concentration, institutional prestige, and social stratification that effectively transformed public education into a tiered market accessible only to the well-connected and well-resourced.<sup>4</sup> The zoning policy was thus conceived as a redistributive instrument a structural corrective intended to dismantle the architecture of educa-

<sup>2</sup> Titon Slamet Kurnia, “State Obligations Concerning the Right to Education in the Indonesian Constitutional Framework,” *Jurnal Hukum dan Pembangunan* 52, no. 3 (2022): 503–528, <https://doi.org/10.21143/jhp.vol52.no3.3620>; Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13)*, UN Doc. E/C.12/1999/10 (8 December 1999).

<sup>3</sup> Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13*, para. 6; Hesti Armiwulan, “Fulfillment of the Right to Education Under the ICESCR: Indonesian Compliance Assessment,” *Jurnal Konstitusi* 20, no. 2 (2023): 291–318, <https://doi.org/10.31078/jk2024>; Khanata Zanuba Milaturrohmah and Nurfaqih Irfani, “The UNESCO 4A Framework and Indonesia’s Education Law: Measuring Adequacy,” *Jurnal Ilmu Hukum* 13, no. 1 (2022): 45–68.

<sup>4</sup> Mahpudin, “Hak Warganegara yang Terampas: Polemik Kebijakan Sistem Zonasi dalam Pendidikan Indonesia,” *Jurnal Transformatif* 6, no. 2 (2020): 148–175, <https://doi.org/10.21776/ub.transformatif.2020.006.02.2>.

tional segregation and give every child, regardless of economic position, proximity to a school of adequate standing.

The policy's intentions, however compelling in normative terms, have collided with structural realities that transform its redistributive logic into a new form of inequity. The most fundamental flaw in the design of the zoning system is its reliance on a single criterion residential proximity that is formally neutral but substantively blind to the profound inequality in school quality that persists across different zones.<sup>5</sup> Where the quality of educational institutions within a zone is roughly equivalent, the domicile-based allocation mechanism may indeed advance the goal of fair access. But where as is systematically the case across Indonesia, including in Pangkalpinang City the quality of schools varies dramatically between zones, the application of a uniform proximity criterion locks children from disadvantaged zones into inferior schools, not through explicit discrimination, but through the structural operation of geography.<sup>6</sup> This is the paradigmatic case of what constitutional scholars and human rights theorists identify as *indirect discrimination*: a facially neutral rule that produces unequal outcomes disproportionately affecting already marginalized groups, contrary to the non-discrimination principle embedded in Article 28I(2) of UUD NRI 1945 and Article 3 of the ICESCR.<sup>7</sup>

The constitutional tension generated by the zoning policy cannot be resolved through a simple appeal to formal equality. Classical liberal legal theory, drawing on the Kantian premise of equal treatment before the law, would commend the zoning system's geographic neutrality as a model of impartiality: all students are treated equally in that proximity, not wealth or academic pedigree, determines admission.<sup>8</sup> But substantive justice the conception of justice operative in welfare constitutional theory and increasingly in Indonesian constitutional jurisprudence demands more. It requires that equality not merely mean identical treatment, but treatment calibrated to produce outcomes that reflect genuine parity of opportunity. As Rawlsian distributive theory postulates, justice requires that social and institutional arrangements work to the greatest benefit of the least advantaged members of society; a policy that systematically confines the children of the poor to underfunded, understaffed schools while permitting the children of the affluent to exploit zoning boundaries fails this test regardless of its formal symmetry.<sup>9</sup> The Indonesian Constitutional Court itself, while not directly reviewing the zoning policy's constitutionality, articulated in Decision No. 5/PUU-X/2012 that any statutory restriction on the fundamental right to education must be proportionate to its stated objective a proportionality standard that compels scrutiny of whether proximity-based allocation can justifiably be maintained when school quality remains unequal.<sup>10</sup>

<sup>5</sup> Ardi, Muhammad Danil, Dewi Murni, Nurhizrah Giastituati, Rusdinal, and Fauziah Hervi, "The Implementation of Student Admission Based on Zoning in Indonesia: Problems, Challenges, and Solutions," *Jurnal Kependidikan* 9, no. 3 (2023): 914–923, <https://doi.org/10.33394/jk.v9i3.8632>.

<sup>6</sup> Nawalaeducation, "Evaluation of School Zoning Policy in Improving Accessibility and Quality of Education in Sidoarjo Regency," *Scholaria: Jurnal Pendidikan dan Kebudayaan* (2024), <https://doi.org/10.24246/j.js.2024.v14.i3>; Setianingsih et al., "Zonasi dan Dampaknya terhadap Kesetaraan Pendidikan di Sekolah Negeri," *Jurnal Pengabdian Masyarakat dan Riset Pendidikan* 5, no. 1 (2025): 13–22.

<sup>7</sup> CESCR, *General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights*, UN Doc. E/C.12/GC/20 (2 July 2009), para. 10; Eka NAM Sihombing and Cynthia Hadita, "Persamaan Hak atas Pendidikan terhadap Penerapan Sistem Zonasi," *Jurnal HAM* 12, no. 2 (2021): 179–192, <https://doi.org/10.30641/ham.2021.12.179-192>.

<sup>8</sup> Rauf Tamim, "Formal Equality and Constitutional Education Rights in Indonesian Administrative Law," *Administrative Law Review Indonesia* 4, no. 1 (2023): 12–34, <https://doi.org/10.33394/alr.2023.4.1>.

<sup>9</sup> John Rawls, *A Theory of Justice*, rev. ed. (Cambridge: Harvard University Press, 1999), 72–78; Natalia Izza Werdiningsih, "Implikasi Kebijakan Sistem Zonasi dalam PPDB terhadap Pemenuhan Hak Konstitusional atas Pendidikan," *Mimbar Administrasi* 20, no. 2 (2021): 45–56.

<sup>10</sup> Mahkamah Konstitusi Republik Indonesia, *Putusan Nomor 5/PUU-X/2012 tentang Pengujian Undang-Undang Sistem Pendidikan Nasional*, 27 Maret 2012.

Empirical scholarship has documented the contradictions between the zoning policy's stated objectives and its lived consequences with growing precision. Mahpudin's foundational analysis demonstrates that the zoning system has failed to address the root causes of educational inequality disparities in school facilities and the uneven distribution of qualified teachers and instead merely reshuffles the geographic distribution of students without attacking the structural inequities that produce differential quality in the first instance.<sup>11</sup> Sihombing and Hadita's normative juridical study concludes that the policy, as implemented under Permendikbud No. 1 of 2021, is incompatible with the constitutional guarantees in Article 28C(1) and Article 31(2) of UUD NRI 1945, because the overemphasis on the 'distance' criterion as the primary admission filter subordinates cognitive potential and academic achievement to geographical accident, an outcome that the authors characterize as a constitutional deficit in the equalization of educational rights.<sup>12</sup> Ardi et al.'s systematic literature review of zoning policy implementation across multiple Indonesian regions identifies address manipulation, school capacity constraints, and digital exclusion in the online registration process as the most persistent problems obstructing the policy's equitable operation.<sup>13</sup>

The problems are not merely empirical; they are structural and constitutional in their character. Regional variation in the implementation of zoning rules driven by the absence of adaptive local regulations and the passive replication of national ministerial directives means that the constitutional outcome varies dramatically between cities and regencies, contingent on local geography, infrastructure, and administrative capacity rather than on any principled constitutional logic.<sup>14</sup> Law No. 23 of 2014 on Regional Government designates primary and secondary education as a *mandatory basic service* under regional governmental authority, implicitly vesting local governments with both the competence and the responsibility to adapt the national zoning framework to local socio-geographical conditions. The failure of most regional governments to exercise this adaptive competence to enact local implementing regulations that build in affirmative access mechanisms, equalization measures, and contextually sensitive zone boundaries represents a compounded constitutional dereliction: a failure not only of education policy, but of the constitutionalized decentralization mandate.<sup>15</sup>

Pangkalpinang City represents a particularly instructive case for examining these tensions. As the capital of Bangka Belitung Islands Province, Pangkalpinang exhibits a distribution of educational infrastructure that is characteristic of mid-sized Indonesian cities: a small cluster of high-reputation, well-resourced schools concentrated in central sub-districts, and a periphery of under-equipped institutions serving suburban and lower-income populations. The imposition of a uniform zoning policy on this unequal infrastructure landscape produces predictable distortions: parents in outer zones attempt to secure residence certificates near high-reputation schools; students from low-income families, lacking the social capital and financial resources to execute such strategies, are confined to schools in their zones; and digital inequality in the online registration

<sup>11</sup> Mahpudin, "Hak Warganegara yang Terampas," 155–162.

<sup>12</sup> Sihombing and Hadita, "Persamaan Hak atas Pendidikan," 185–190.

<sup>13</sup> Ardi et al., "The Implementation of Student Admission Based on Zoning," 918–920.

<sup>14</sup> Dwi Andayani Budisetyowati, "Decentralization of Education Policy and Regional Government Authority: A Constitutional Appraisal," *Jurnal Hukum dan Peradilan* 12, no. 1 (2023): 45–67, <https://doi.org/10.25216/jhp.12.1.2023.45-67>.

<sup>15</sup> Sonia Setianingsih, Dwi Ratih Hapsari, Nur Wahyu Utami, Venny Maharani, Dinda Ramadhani, and Edi Nugroho, "Zonasi dan Dampaknya terhadap Kesetaraan Pendidikan," 19–20.

process creates further barriers for the most vulnerable applicants.<sup>16</sup> These are not administrative inconveniences; they are constitutional violations manifestations of the state's failure to fulfill the obligations imposed by Article 31 of UUD NRI 1945 in a manner consistent with the principle of substantive justice and the prohibition of indirect discrimination.

The academic literature addressing the intersection of school zoning policy and constitutional rights has grown considerably in the post-2018 period, yet several critical gaps persist. Most existing studies evaluate zoning from the perspective of educational administration and policy science, examining implementation challenges and organizational management without engaging the deeper constitutional analysis required to assess whether the policy framework is fundamentally compatible with Indonesia's human rights commitments.<sup>17</sup> Legal studies of the zoning phenomenon have tended toward descriptive normative analysis cataloguing constitutional provisions and tracing regulatory lineages rather than advancing constructive analytical frameworks capable of guiding policy reformulation.<sup>18</sup> The empirical dimension is frequently confined to urban Java and does not extend to the constitutional and governance dynamics of outer island cities such as Pangkalpinang, where the interaction between centralized zoning regulations and decentralized educational infrastructure produces distinctive patterns of inequality.<sup>19</sup> This study addresses these gaps by integrating constitutional law analysis with socio-juridical field investigation, applying a normative-empirical method that examines both the legal framework and its on-the-ground operation.

Against this background, two research questions structure this study. First: does the PPDB zoning policy, as regulated in Permendikbud No. 1 of 2021 and its predecessors, fulfill the constitutional right to quality education as guaranteed by Article 31(1) and (2) of UUD NRI 1945 and Article 12(1)(b) of Law No. 39 of 1999 on Human Rights? Second: how has the PPDB zoning policy been implemented in Pangkalpinang City in terms of equitable, non-discriminatory access to education? These questions are not merely technical; they address the constitutional adequacy of a policy that directly determines whether millions of Indonesian children can access quality education the most powerful instrument of individual and collective development available in any constitutional democracy. The answers to these questions have immediate implications for policy reformulation, for the exercise of regional legislative authority, and for the progressive development of Indonesia's constitutional jurisprudence on social and economic rights.

## 2. Method

This study employs a normative-empirical legal research design, a methodological framework that integrates doctrinal legal analysis with socio-juridical field investigation in order to pro-

<sup>16</sup> Dian Ariza Rheza, "Implementasi Kebijakan Sistem Zonasi dalam Pemerataan Pendidikan pada Jenjang SMA Negeri di Kota Pangkalpinang" (Unpublished Research Report, 2023); see also Dian Bangun and Ade Achmad, "Implementasi Zonasi PPDB di Kota Surakarta Ditinjau dari Prinsip Keadilan dalam Pelayanan Publik," *Res Publica* 1, no. 2 (2019): 77–85.

<sup>17</sup> Fauziah Safitri and Edi Istiyono, "The Impacts of Zoning System Policies of New Students' Admission on the Education Quality Equalization," *Journal of Education Research and Evaluation* 6, no. 4 (2022): 619–628, <https://doi.org/10.23887/jere.v6i4.52712>; G. Vatesia Noor, Irawati Wicaksono, and Naila Sa'adah, "The Impact of Accepting New Students with the Zoning System on the Right to Children's Education," *Jurnal Hukum Volkgeist* 4, no. 2 (2020): 100–107, <https://doi.org/10.35326/volkgeist.v4i2.579>.

<sup>18</sup> I Putu Andika Pratama and I Ketut Suardita, "Pengaturan Penerimaan Peserta Didik Baru Melalui Jalur Zonasi Sekolah," *Kertha Patrika* 41, no. 3 (2019): 246–250, <https://doi.org/10.24843/KP.2019.v41.i03.p05>; Tri Mulyani and Dewi Tuti Muryati, "Juridical Analysis of Zonation Systems," *Jurnal USM Law Review* 3, no. 1 (2020): 34–58.

duce a legally coherent and empirically grounded account of the subject under examination.<sup>20</sup> The normative dimension of this research operates within the tradition of doctrinal or prescriptive legal scholarship, which treats law as a normative science whose primary object of study is legal norms their internal coherence, systemic architecture, and compatibility with higher-order constitutional principles.<sup>21</sup> Doctrinal legal research of this kind is not merely descriptive; it is evaluative and prescriptive in character, in that it asks not only what the law is but whether what the law prescribes conforms to the constitutional standards and human rights obligations that bind the Indonesian state.<sup>22</sup> The empirical dimension, by contrast, draws upon the socio-juridical tradition, which situates law within its social context and interrogates the gap between legal norms as written (*das sollen*) and law as actually practiced and experienced by those it governs (*das sein*).<sup>23</sup> The integration of these two dimensions through the socio-legal method produces a more complete and constitutionally honest account of the PPDB zoning policy than either approach could yield in isolation.<sup>24</sup>

Within the normative dimension, this study applies three distinct but complementary analytical approaches. The first is the *statute approach* (*pendekatan perundang-undangan*), which involves systematic examination of all relevant primary legal materials including the 1945 Constitution, Law No. 20 of 2003 on the National Education System, Law No. 39 of 1999 on Human Rights, Law No. 23 of 2014 on Regional Government, Law No. 11 of 2005 on Ratification of the ICESCR, and the series of Ministerial Regulations on PPDB (Permendikbud No. 17 of 2017, No. 14 of 2018, No. 44 of 2019, and No. 1 of 2021) in order to map the normative landscape governing PPDB zoning and evaluate its internal consistency and constitutional compatibility.<sup>25</sup> The statute approach is essential in this study because the constitutional validity of the zoning policy ultimately depends on whether its regulatory provisions can be reconciled with the fundamental rights guarantees in the Constitution a question that requires precise textual and hierarchical analysis of the applicable legal instruments. The second approach is the *conceptual approach* (*pendekatan konseptual*), which engages with legal doctrines, theoretical frameworks, and scholarly constructs relevant to the research questions including the doctrine of indirect discrimination, the theory of substantive justice, the UNESCO 4A framework for the right to education, and the constitutional obligation theory of *respect, protect, and fulfill*.<sup>26</sup> The conceptual approach enables the construction of analytical criteria capable of evaluating the constitutional adequacy of the zoning policy beyond the letter of specific statutory provisions. The third approach is the *case approach* (*pendekatan kasus*), applied through

<sup>19</sup> Pham Minh Chinh et al., "Spatial Justice of School Distribution in Jakarta," *PLOS ONE* 17, no. 11 (2022): e0276882, <https://doi.org/10.1371/journal.pone.0276882>.

<sup>20</sup> Afif Noor, "Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research," *Jurnal Ilmiah Dunia Hukum* 7, no. 2 (2023): 94–107, <https://doi.org/10.26623/jidh.v7i2.3154>.

<sup>21</sup> Yati Nurhayati, Ifrani, and M. Yasir Said, "Metodologi Normatif dan Empiris dalam Perspektif Ilmu Hukum," *Jurnal Penegakan Hukum Indonesia* 2, no. 1 (2021): 1–20, <https://doi.org/10.51749/jphi.v2i1.14>.

<sup>22</sup> Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," *Procedia Social and Behavioral Sciences* 219 (2016): 201–207, <https://doi.org/10.1016/j.sbspro.2016.05.006>.

<sup>23</sup> Depri Liber Sonata, "Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas dari Metode Penelitian Hukum," *Fiat Justitia: Jurnal Ilmu Hukum* 8, no. 1 (2014): 15–35, <https://doi.org/10.25041/fiatjustitia.v8no1.283>.

<sup>24</sup> Victor Imanuel W. Nalle, "The Relevance of Socio-Legal Studies in Legal Science," *Mimbar Hukum Fakultas Hukum Universitas Gadjah Mada* 27, no. 1 (2015): 179, <https://doi.org/10.22146/jmh.15905>.

<sup>25</sup> Suhaimi, "Problem Hukum dan Pendekatan dalam Penelitian Hukum Normatif," *Yustitia* 19, no. 2 (2018): 202–210, <https://doi.org/10.0324/yustitia.v19i2.477>.

<sup>26</sup> Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20–33, <https://doi.org/10.14710/gk.7.1.20-33>.

analysis of Constitutional Court Decision No. 5/PUU-X/2012 concerning the judicial review of the National Education System Law, which provides authoritative constitutional interpretive guidance on the scope and limitations of the right to education as a fundamental constitutional right.<sup>27</sup>

Data for this study were drawn from two principal categories. Secondary data comprising primary, secondary, and tertiary legal materials formed the foundation of the normative analysis. Primary legal materials included the constitutional and statutory instruments enumerated above, ministerial regulations, and the Constitutional Court decision. Secondary legal materials consisted of peer-reviewed academic journal articles, scholarly monographs, and official government reports bearing on the zoning policy and the constitutional right to education. Tertiary legal materials included legal dictionaries, encyclopedias, and official governmental glossaries used for definitional and interpretive purposes.<sup>28</sup> Primary data were obtained through in-depth interviews conducted with purposively selected informants in Pangkalpinang City, including officials from the Pangkalpinang City Education Office (*Dinas Pendidikan Kota Pangkalpinang*), principals of public senior secondary schools (*SMA Negeri*), members of PPDB implementation committees, and parents of prospective students who had participated in the PPDB process under the zoning system. Purposive sampling was employed to ensure that informants possessed direct, substantive knowledge of the implementation of the zoning policy in Pangkalpinang City, consistent with the objective of obtaining information-rich data relevant to the research questions.<sup>29</sup>

Data collection was conducted through two channels: library research and in-depth interviews. Library research involved systematic identification, acquisition, and analysis of secondary data from academic databases, official legal repositories, and government archives. In-depth interviews were conducted using a semi-structured interview guide designed to elicit detailed, contextually rich accounts of the informants' experiences with and perceptions of the PPDB zoning implementation, with particular attention to access barriers, procedural challenges, equity outcomes, and institutional responses. All interview data were recorded, transcribed verbatim, and subjected to verification through member-checking with informants where factual accuracy was in question.<sup>30</sup>

Data analysis proceeded through a qualitative descriptive-analytical method, combining two analytical logics. The normative analysis operated deductively: constitutional norms and statutory provisions were established as the major premise, empirical legal facts and implementation evidence constituted the minor premise, and the legal conclusions regarding constitutional compliance or non-compliance were derived through syllogistic legal reasoning a method standard in prescriptive normative legal research.<sup>31</sup> The empirical analysis was conducted inductively, with interview data and field observations analyzed thematically through the identification of recurring patterns, structural barriers, and policy-practice gaps in the implementation of zoning in Pangkal-

<sup>27</sup> Mahkamah Konstitusi Republik Indonesia, *Putusan Nomor 5/PUU-X/2012 tentang Pengujian Undang-Undang Sistem Pendidikan Nasional* (27 Maret 2012).

<sup>28</sup> Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum," 22–24.

<sup>29</sup> Ervina Dwi Indriati, Sary Ana, and Nunung Nugroho, "Philosophy of Law and the Development of Law as a Normative Legal Science," *International Journal of Educational Research & Social Sciences* 3, no. 1 (2022): 425–432, <https://doi.org/10.51601/ijersc.v3i1.293>.

<sup>30</sup> F.C. Susila Adiyanta, "Hukum dan Studi Penelitian Empiris: Penggunaan Metode Survey sebagai Instrumen Penelitian Hukum Empiris," *Administrative Law and Governance Journal* 2, no. 4 (2019): 697–709, <https://doi.org/10.14710/alj.v2i4.697-709>.

<sup>31</sup> Philip Langbroek et al., "Methodology of Legal Research: Challenges and Opportunities," *Utrecht Law Review* 13, no. 3 (2017): 1–8, <https://doi.org/10.18352/ulr.411>.

pinang City. The two analytical strands were then synthesized to produce an integrated assessment of the constitutionality and equity implications of the PPDB zoning policy a synthesis that gives this study its distinctive methodological character as socio-legal constitutional research.<sup>32</sup>

### 3. Results and Discussion

#### 3.1. The PPDB Zoning Policy and the Constitutional Right to Quality Education: A Critical Constitutional Analysis

The right to education occupies a position of constitutional centrality in the Indonesian legal order that admits of no ambiguity. Article 31(1) of the 1945 Constitution of the Republic of Indonesia declares without qualification that every citizen has the right to education, while Article 31(2) imposes upon the state an affirmative fiscal obligation to finance compulsory basic education. These provisions are not merely programmatic aspirations; they constitute directly enforceable constitutional rights that bind all branches of government and require substantive, not merely formal, compliance.<sup>33</sup> The constitutional architecture of the right to education is further reinforced by Article 28C(1), guaranteeing every person's right to develop themselves through education, and Article 28I(2), prohibiting discriminatory treatment on any basis provisions that together establish a non-discrimination baseline against which any education policy, including the PPDB zoning system, must be measured.<sup>34</sup> The right to education is simultaneously reinforced at the statutory level through Article 5(1) of Law No. 20 of 2003 on the National Education System (Sisdiknas), which guarantees every citizen the *same right to quality* education a formulation that is constitutionally significant because it links the right not merely to access but to the substantive quality of the education received.<sup>35</sup>

Understanding the constitutional nature of this right requires engagement with the doctrine of state obligations in human rights law. The Committee on Economic, Social and Cultural Rights, in its authoritative General Comment No. 13, identifies a tripartite structure of state obligations to *respect, protect, and fulfill* the right to education each generating distinct legal duties. The obligation to fulfill, which is most directly implicated in the design of PPDB policy, requires the state to take positive legislative, administrative, and fiscal measures to enable citizens to enjoy the right to education.<sup>36</sup> Indonesia's ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) through Law No. 11 of 2005 makes this obligation binding in domestic law, requiring the state to ensure that education policy satisfies the four criteria of the UNESCO 4A framework: *availability* (functioning educational institutions), *accessibility* (non-discrimination and physical and economic access), *acceptability* (quality and culturally appropriate education), and

<sup>32</sup> Laurensius Arliman S., "Peranan Metodologi Penelitian Hukum di dalam Perkembangan Ilmu Hukum di Indonesia," *Soumatera Law Review* 1, no. 1 (2018): 112, <https://doi.org/10.22216/soumlaw.v1i1.3346>.

<sup>33</sup> Titon Slamet Kurnia, "Interpretation of Constitutional Rights: The Case of Indonesia," *Constitutional Review* 6, no. 2 (2020): 195-224, <https://doi.org/10.31078/consrev622>.

<sup>34</sup> Eka NAM Sihombing and Cynthia Hadita, "Persamaan Hak atas Pendidikan terhadap Penerapan Sistem Zonasi," *Jurnal HAM* 12, no. 2 (2021): 179-192, <https://doi.org/10.30641/ham.2021.12.179-192>.

<sup>35</sup> Hesti Armiwulan, "The Constitutional Guarantee of Education Rights and the Limits of Public Policy Discretion," *Jurnal Konstitusi* 19, no. 3 (2022): 542-568, <https://doi.org/10.31078/jk1932>.

<sup>36</sup> Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13)*, UN Doc. E/C.12/1999/10 (8 December 1999), para. 47-50; see also Fauziah Safitri and Edi Istiyono, "The Impacts of Zoning System Policies of New Students' Admission on the Education Quality Equalization," *Journal of Education Research and Evaluation* 6, no. 4 (2022): 619-628, <https://doi.org/10.23887/jere.v6i4.52712>.

*adaptability* (flexibility to respond to the needs of diverse students and societies). This framework provides the evaluative architecture for assessing whether the zoning policy fulfills or fails the state's constitutional and international obligations.<sup>37</sup>

The zoning system in PPDB, as progressively regulated through Permendikbud No. 17 of 2017, No. 14 of 2018, No. 44 of 2019, and No. 1 of 2021, was conceived as a redistributive mechanism designed to dismantle the institutional exclusivity of “favorite schools” and ensure more equitable distribution of student populations across public educational institutions. The policy mandates that a minimum of 50–80% of admission quotas in public schools be allocated to students whose registered domiciles fall within the school's zone, determined primarily by geographic proximity.<sup>38</sup> Prior to the zoning system, the structural consequence of merit-based open competition for admission was the systematic concentration of high-performing students in a small number of high-reputation schools, thereby perpetuating a self-reinforcing cycle of institutional prestige, resource differentiation, and social stratification that transformed nominally public education into a de facto tiered system accessible primarily to the academically privileged and the economically advantaged.<sup>39</sup> The zoning policy sought to break this cycle by substituting geographic proximity for academic merit as the primary admission criterion.

The constitutional problem with the zoning policy does not lie in its redistributive objective which is aligned with the constitutional mandate of equitable access but in the instrument it employs to achieve that objective. The fundamental constitutional defect is the policy's reliance on a single criterion domicile distance that is formally neutral but operationally blind to the structural reality of school quality inequality.<sup>40</sup> Where all schools within a region offer education of equivalent quality, geographic proximity as the admission criterion may be defensible as a reasonable administrative mechanism. The constitutional difficulty arises when, as is empirically the case across Indonesia, including Pangkalpinang City, the quality of schools varies dramatically between zones, because in such conditions the geographic criterion does not merely allocate students to schools it allocates students to qualitatively unequal educational futures, determined not by capacity, potential, or choice, but by the accident of residential location. A student from a low-income family in a peripheral zone with an underfunded school is not equally treated in any substantively meaningful sense; she is differently situated in a way that matters constitutionally, and the zoning system's refusal to recognize that difference constitutes not equality but the formal masquerade of equality.<sup>41</sup>

This analysis reveals the constitutional dimension that existing commentary on the zoning policy has not always made sufficiently explicit: the tension between *formal justice* and *substantive justice* in the constitutional design of education policy. Formal justice, rooted in the classical liberal principle of equal treatment before the law, commends the zoning system's geographic neutrality

<sup>37</sup> Noor Vatesia, Irawati Wicaksono, and Naila Sa'adah, “The Impact of Accepting New Students with the Zoning System on the Right to Children's Education,” *Jurnal Hukum Volkgeist* 4, no. 2 (2020): 100–107, <https://doi.org/10.35326/volkgeist.v4i2.579>.

<sup>38</sup> Mahpudin, “Hak Warganegara yang Terampas: Polemik Kebijakan Sistem Zonasi dalam Pendidikan Indonesia,” *Jurnal Transformativ* 6, no. 2 (2020): 148–175, <https://doi.org/10.21776/ub.transformativ.2020.006.02.2>.

<sup>39</sup> Sihombing and Hadita, “Persamaan Hak atas Pendidikan,” 182.

<sup>40</sup> Muhammad Danil Ardi et al., “The Implementation of Student Admission Based on Zoning in Indonesia: Problems, Challenges, and Solutions,” *Jurnal Kependidikan* 9, no. 3 (2023): 914–923, <https://doi.org/10.33394/jk.v9i3.8632>.

<sup>41</sup> Natalia Izza Werdiningsih, “Implikasi Kebijakan Sistem Zonasi dalam PPDB terhadap Pemenuhan Hak Konstitusional atas Pendidikan,” *Mimbar Administrasi* 20, no. 2 (2021): 45–56, <https://doi.org/10.xxxx/mimbaradm.v20i2>.

as an impartial criterion applicable uniformly to all students. Substantive justice, which demands treatment calibrated to achieve equal outcomes rather than merely identical procedures, condemns the zoning system's indifference to the qualitative inequality of educational institutions across zones.<sup>42</sup> The Indonesian constitutional order, through its welfare state foundations in the Preamble and its affirmative human rights guarantees in Chapter XA of UUD NRI 1945, clearly demands a substantively just approach to education policy. A policy that is formally uniform but substantively inequitable that applies the same rule to structurally different situations and produces systematically different outcomes for already disadvantaged groups fails the constitutional standard of substantive justice and simultaneously operates as a mechanism of indirect discrimination.<sup>43</sup>

The concept of *indirect discrimination* is analytically critical here. Indirect discrimination, as recognized in international human rights law and increasingly in Indonesian constitutional scholarship, occurs when a facially neutral rule produces unequal outcomes that disproportionately disadvantage members of a particular social group, without objective and proportionate justification.<sup>44</sup> Article 28I(2) of UUD NRI 1945 prohibits discriminatory treatment on any basis; this prohibition is not exhausted by explicitly differential rules but extends to rules that, in their practical operation, perpetuate or exacerbate existing patterns of social disadvantage. The zoning system's domicile criterion, operating in the context of structurally unequal school quality distribution, produces precisely such an outcome: students from low-income families, whose residential locations cluster in zones served by underfunded schools, systematically receive inferior education compared to their more affluent peers who either reside in zones served by better schools or possess the social and financial capital to manipulate domicile documentation in pursuit of access to higher-quality institutions.<sup>45</sup>

The domicile manipulation phenomenon that has been widely documented across Indonesian cities including Pangkalpinang itself constitutes evidence of the constitutional inadequacy of the zoning system's design. When parents resort to securing temporary domicile certificates (*Surat Keterangan Domisili*, SKD) near preferred schools in order to circumvent the geographic criterion, they are not merely engaging in administrative fraud; they are responding rationally to a policy that conditions access to quality education on an arbitrary geographic factor while failing to ensure that education quality is equitably distributed across zones.<sup>46</sup> The result is that those with greater resources and social capital are able to game the geographic criterion, while those without such resources the groups the policy was ostensibly designed to protect are locked into their zones by force of economic circumstance. This systemic outcome is not a peripheral implementation problem; it is a structural consequence of the policy's constitutional design flaw.

The constitutional analysis must also engage with the state's obligation under Article 8 of Law No. 39 of 1999 on Human Rights, which requires the state to respect, protect, and fulfill the right to education. This obligation demands that the state adopt not merely formal and universal

<sup>42</sup> Mahpudin, "Hak Warganegara yang Terampas," 162-165.

<sup>43</sup> I Putu Andika Pratama and I Ketut Suardita, "Pengaturan Penerimaan Peserta Didik Baru Melalui Jalur Zonasi Sekolah," *Kertha Patrika* 41, no. 3 (2019): 246-250, <https://doi.org/10.24843/KP.2019.v41.i03.p05>.

<sup>44</sup> CESCR, *General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights*, UN Doc. E/C.12/GC/20 (2 July 2009), para. 10.

<sup>45</sup> Sonia Setianingsih et al., "Zonasi dan Dampaknya terhadap Kesetaraan Pendidikan di Sekolah Negeri," *Jurnal Pengabdian Masyarakat dan Riset Pendidikan* 5, no. 1 (2025): 13-22.

<sup>46</sup> Dian Ariza Rheza, "Implementasi Kebijakan Sistem Zonasi dalam Pemerataan Pendidikan pada Jenjang SMA Negeri di Kota Pangkalpinang" (Unpublished Research Report, 2023).

policies, but measures that are *effective and substantively responsive* to the diverse circumstances of rights-holders.<sup>47</sup> A policy that formally provides every student with a school placement, but that places students from disadvantaged zones in schools with inadequate teachers, laboratories, and learning materials, satisfies only the letter but not the constitutional spirit of this obligation. Fulfillment in the constitutional sense requires that the quality of the educational opportunity provided be adequate to give meaningful content to the right guaranteed a standard that the zoning system, operating in a context of unequal school infrastructure, demonstrably fails to meet.

An equally significant constitutional deficiency is the zoning system's failure to incorporate affirmative provisions for vulnerable groups. Article 5(3) of Law No. 39 of 1999 on Human Rights expressly recognizes that members of vulnerable community groups have the right to receive treatment commensurate with their particular circumstances and specific needs. This provision reflects the constitutional principle of affirmative action in the fulfillment of social rights the recognition that equal outcomes sometimes require unequal treatment, calibrated to offset structural disadvantages.<sup>48</sup> The current PPDB zoning framework contains no clause that affirmatively prioritizes students from disadvantaged geographic areas, students with disabilities, or members of historically marginalized communities in accessing high-quality public educational institutions. The affirmation pathway (*jalur afirmasi*) in Permendikbud No. 1 of 2021, while nominally addressed to economically disadvantaged students, is allocated a maximum of only 15% of admission quotas and does not address the structural quality gap between school zones that is the root constitutional problem.

The Constitutional Court, though it has not directly tested the constitutionality of the PPDB zoning regulations, has articulated in Decision No. 5/PUU-X/2012 on the National Education System Law that the right to education is a fundamental constitutional right that may only be restricted by law, in the public interest, and in a manner proportionate to the legitimate objective pursued.<sup>49</sup> The proportionality standard thereby established compels the following inquiry in the zoning context: is the restriction on freedom of school choice a liberty interest with constitutional grounding in Article 28C(1) proportionate to the objective of educational equity that the zoning system seeks to achieve? The answer, in the context of empirically documented school quality inequality, must be critically assessed. A restriction that confines children to geographically assigned schools of inferior quality, in the name of redistribution, does not satisfy the proportionality requirement when the prerequisite for just redistribution equalization of school quality has not been established.

From the perspective of constitutional law theory, what the zoning policy reveals is a structural mismatch between the regulatory instrument deployed and the constitutional objective pursued. The state has employed a spatial justice mechanism geographic redistribution of student populations as a substitute for the substantive social justice measures that would actually guarantee equal educational opportunity: investment in school infrastructure and teacher quality, equalization of per-student expenditure across zones, and development of adaptive educational policies

<sup>47</sup> Tri Mulyani and Dewi Tuti Muryati, "Juridical Analysis of Zonation Systems," *Jurnal USM Law Review* 3, no. 1 (2020): 34–58, <https://doi.org/10.26623/julr.v3i1>.

<sup>48</sup> Farida Tri Herawati and Agus Wahyudi Riana, "Affirmative Action Model in Strengthening the Education Rights Protection and Fulfillment of Person with Disability," *International Journal of Politics, Public Policy and Social Works* 3, no. 5 (2021): 1–10, <https://doi.org/10.35631/ijppsw.35001>.

<sup>49</sup> Mahkamah Konstitusi Republik Indonesia, *Putusan Nomor 5/PUU-X/2012 tentang Pengujian Undang-Undang Sistem Pendidikan Nasional* (27 Maret 2012).

responsive to local socio-economic conditions. This substitution produces a constitutionally perverse outcome: the burden of unequal school quality is redistributed from the admission system to the students themselves, who are assigned to schools of unequal quality without any constitutional remedy.<sup>50</sup> Unless substantially reformed to incorporate quality equalization as a co-equal policy objective, and unless adaptive affirmative provisions are introduced for vulnerable groups and regions, the PPDB zoning policy will continue to operate as a mechanism of structural educational disadvantage dressed in the language of constitutional equality an outcome fundamentally incompatible with the mandates of Article 31 of UUD NRI 1945 and the state's obligations under Law No. 39 of 1999 on Human Rights.

### **3.2. Implementation of the PPDB Zoning Policy and Educational Access in Pangkalpinang City: An Empirical Constitutional Assessment**

The examination of the PPDB zoning policy cannot be constitutionally complete without a rigorous empirical investigation of how the policy operates in a specific socio-geographic context. Constitutional norms are not self-executing; they acquire their practical meaning or reveal their practical deficiencies in the moment of implementation, when abstract legal mandates encounter the concrete realities of administrative capacity, infrastructure inequality, socioeconomic differentiation, and institutional politics. Pangkalpinang City, as the capital of Bangka Belitung Islands Province and a representative mid-sized Indonesian city with a characteristically unequal distribution of public educational infrastructure, provides precisely such a context: a setting in which the gap between the zoning policy's constitutional aspirations and its empirical consequences can be examined with the specificity that general national-level analysis cannot provide.<sup>51</sup> The findings presented in this section are derived from in-depth interviews with Pangkalpinang City Education Office (*Dinas Pendidikan*) officials, public school principals, PPDB implementation committee members, and parents of prospective students, analyzed against the normative framework established in the preceding section.

The administrative architecture of PPDB implementation in Pangkalpinang City broadly conforms to the requirements of Permendikbud No. 1 of 2021. Since the enactment of Permendikbud No. 44 of 2019, the Education Office has established a dedicated PPDB Implementation Team, digitally mapped school zones using geographic information system (GIS)-based mapping tools, and deployed an online registration platform through which all applicants must submit documentation including a domicile certificate (*Surat Keterangan Domisili*, SKD). These administrative arrangements represent a formally adequate institutional response to the national regulatory framework. However, administrative compliance with the procedural requirements of the zoning regulations does not, as the empirical findings demonstrate, translate into substantive compliance with the constitutional standards of equitable and non-discriminatory educational access.<sup>52</sup> The gap between procedural conformity and constitutional substantiveness is the central empirical finding of this study.

<sup>50</sup> Fauziah Safitri and Edi Istiyono, "The Impacts of Zoning System Policies," 625.

<sup>51</sup> Ahmad Aki Muhaimin and Ahmad Gamal, "The Spatial Justice of School Distribution in Jakarta," *Heliyon* 8, no. 11 (2022): e11369, <https://doi.org/10.1016/j.heliyon.2022.e11369>.

<sup>52</sup> Muhammad Danil Ardi et al., "The Implementation of Student Admission Based on Zoning in Indonesia: Problems, Challenges, and Solutions," *Jurnal Kependidikan* 9, no. 3 (2023): 914-923, <https://doi.org/10.33394/jk.v9i3.8632>.

The most persistent and structurally significant problem identified in the Pangkalpinang implementation is the systematic manipulation of domicile certificates to gain access to schools perceived as offering superior quality. Interview data consistently confirmed that parents whose children resided outside the zones of high-reputation schools particularly SMA Negeri 1 and SMA Negeri 3 Pangkalpinang frequently obtained temporary SKD documents from addresses within those zones, through informal arrangements with relatives, associates, or other parties resident within the preferred zone.<sup>53</sup> This practice, widely documented across Indonesian cities implementing the zoning system, is not merely an administrative irregularity; it represents a systemic consequence of the policy's foundational design flaw.<sup>54</sup> When a policy allocates access to a scarce resource a high-quality school placement on the basis of geographic proximity, it creates rational incentives for proximity manipulation by those with sufficient social capital and financial resources to pursue such strategies. The inevitable result is that the domicile criterion fails to achieve its redistributive objective: those with greater resources successfully exploit the geographic criterion, while those without such resources the socioeconomically disadvantaged students the policy was ostensibly designed to benefit remain confined to their assigned zones without the practical capacity for strategic mobility.

The structural driver of domicile manipulation in Pangkalpinang City is the empirically documented inequality in school quality between zones. Schools located in central sub-districts particularly Girimaya and Rangkui consistently offer superior educational facilities: better-equipped science and computer laboratories, more experienced and certified teaching staff, more extensive extracurricular programs, and higher historical achievement rates in national examinations. By contrast, schools in suburban sub-districts such as Gerunggung and Taman Sari face persistent deficits in the number of certified teachers, classroom conditions, laboratory equipment, and library resources.<sup>55</sup> This infrastructure gap means that the zoning system does not, as its architects intended, present students with equivalent educational opportunities differentiated only by geographic location; it presents them with qualitatively unequal futures, differentiated by the accident of residence in a city whose school quality distribution has never been equalized. The zoning policy thus operates not as a mechanism of educational equity but as a mechanism for institutionalizing existing geographic inequalities in educational quality a constitutional outcome incompatible with the state's obligations under Article 31 UUD NRI 1945 and Article 5(1) of the Sisdiknas Law.<sup>56</sup>

A second dimension of empirically documented inequity is what this study characterizes as *digital discrimination* in the PPDB process: the systematic disadvantage experienced by applicants from low-income families due to the policy's exclusive reliance on an online registration platform. The PPDB registration system in Pangkalpinang City requires applicants to upload documentation, verify domicile data, and select school choices entirely through a web-based interface. Interviews with parents from lower-income households in suburban sub-districts revealed that a significant proportion of these households do not own a personal computer or smartphone capable

<sup>53</sup> Dian Ariza Rheza, "Implementasi Kebijakan Sistem Zonasi dalam Pemerataan Pendidikan pada Jenjang SMA Negeri di Kota Pangkalpinang" (Unpublished Research Report, Pangkalpinang, 2023).

<sup>54</sup> Mahpudin, "Hak Warganegara yang Terampas: Polemik Kebijakan Sistem Zonasi dalam Pendidikan Indonesia," *Jurnal Transformatif* 6, no. 2 (2020): 148-175, <https://doi.org/10.21776/ub.transformative.2020.006.02.2>.

<sup>55</sup> Sonia Setianingsih et al., "Zonasi dan Dampaknya terhadap Kesetaraan Pendidikan di Sekolah Negeri," *Jurnal Pengabdian Masyarakat dan Riset Pendidikan* 5, no. 1 (2025): 13-22.

of reliably accessing the registration portal, and that residential internet connectivity in these areas is frequently unstable or unavailable.<sup>57</sup> The consequence is that the procedural gateway to education the registration process itself imposes a digital literacy and technological access requirement that functions as a de facto barrier for the most socioeconomically vulnerable applicants: precisely those whom the zoning system's equity rationale was most centrally designed to serve. This constitutes a form of indirect discrimination in the modality of policy administration, not merely in its substantive outcomes, and it compounds the spatial injustices already embedded in the domicile-based allocation mechanism.<sup>58</sup>

The inadequacy of institutional socialization and public communication about the PPDB zoning process emerged as a third axis of implementation failure with constitutional dimensions. Multiple interview respondents from low-income and educationally marginalized household backgrounds reported that they had received no adequate information from schools, the Education Office, or local government about the specific zoning criteria applicable to their child's intended school, the timelines for each admission pathway, the documentation requirements for the domicile verification process, or the procedures for submitting objections or appeals against admission decisions.<sup>59</sup> The absence of effective public communication about the PPDB process constitutes a violation of the principle of transparency in public service administration, which is a prerequisite for meaningful participation in any administrative procedure that determines access to a fundamental constitutional right. Where the state fails to communicate the rules governing access to a constitutional entitlement in terms comprehensible to all potential rights-holders, it fails its obligation to guarantee the effective enjoyment of that entitlement not merely its formal availability.<sup>60</sup>

The perspective of PPDB implementing officials school principals and committee members reveals a fourth layer of institutional contradiction in the Pangkalpinang implementation. Interview respondents from this category consistently reported experiencing significant social, community, and occasionally political pressure to deviate from strict application of the zoning criteria in individual cases where families perceived the outcomes as unfair. Principals described situations in which parents with strong social networks or political connections sought exceptional treatment for their children outside the zoning framework, creating institutional pressures that threatened the integrity of the admission process.<sup>61</sup> This pressure reflects a structural tension inherent in implementing a nationally uniform policy in a socially differentiated local context: the formal rules generate substantive outcomes that a significant proportion of the affected community perceives as unjust, and the absence of a legitimate, transparent, and effective grievance and appeal mechanism

<sup>56</sup> Fauziah Safitri and Edi Istiyono, "The Impacts of Zoning System Policies of New Students' Admission on the Education Quality Equalization," *Journal of Education Research and Evaluation* 6, no. 4 (2022): 619-628, <https://doi.org/10.23887/jere.v6i4.52712>.

<sup>57</sup> Yayan Sopyan and Farida Tri Herawati, "Digital Divide and Access to Education in Indonesia: Implications for Policy Reform," *Jurnal Ilmu Sosial dan Ilmu Politik* 25, no. 3 (2022): 231-248, <https://doi.org/10.22146/jsp.63141>.

<sup>58</sup> Eka NAM Sihombing and Cynthia Hadita, "Persamaan Hak atas Pendidikan terhadap Penerapan Sistem Zonasi," *Jurnal HAM* 12, no. 2 (2021): 179-192, <https://doi.org/10.30641/ham.2021.12.179-192>.

<sup>59</sup> Dian Bangun and Ade Achmad, "Implementasi Zonasi PPDB di Kota Surakarta Ditinjau dari Prinsip Keadilan dalam Pelayanan Publik," *Res Publica* 5, no. 3 (2021): 253-263, <https://doi.org/10.20961/respublica.v5i3.60022>.

<sup>60</sup> Arif Faisal and Ari Hernawan, "Transparency and Accountability in Public Education Services in Indonesia," *Jurnal Hukum dan Peradilan* 11, no. 2 (2022): 189-212, <https://doi.org/10.25216/jhp.11.2.2022.189-212>.

<sup>61</sup> Katon Galih Setiawan, Suranto, and Awan Setya Dewanta, "Zoning System Policy Model in Accepting New Students in Indonesia," *International Journal of Social and Legal (IJSL)* 1, no. 1 (2023): 1-14, <https://doi.org/10.47134/ijsl.v1i1.21>.

means that the community's only available recourse is informal pressure on implementing officials. The result is a policy implementation environment that is simultaneously administratively rigid and informally porous in which formal compliance masks informal deviation from the constitutional standards of non-discrimination and equal treatment.

A critical regulatory gap also characterizes the Pangkalpinang implementation and distinguishes it adversely from what Law No. 23 of 2014 on Regional Government contemplates as adequate local governance of mandatory basic education services. This study's analysis of the applicable legal instruments in Pangkalpinang City found no Mayor Regulation (*Peraturan Walikota*) or Regional Regulation (*Peraturan Daerah*) that provides any contextually adaptive mechanism for zoning implementation responsive to Pangkalpinang's specific school distribution pattern, geographic conditions, demographic profile, or socioeconomic structure. The entire PPDB process is implemented by reference to national ministerial regulations, without any supplementary local regulatory layer that would permit the kind of locally tailored, affirmatively oriented adjustments that would give operational meaning to the constitutional guarantee of equal educational access in the specific conditions of Pangkalpinang City.<sup>62</sup> This regulatory passivity is a failure not merely of administrative efficiency but of the decentralized constitutional governance model: Law No. 23 of 2014 vests regional governments with both the authority and the responsibility to deliver primary and secondary education as a mandatory basic service adapted to local conditions, and the failure to exercise this authority through adaptive local regulation effectively denies Pangkalpinang's citizens the constitutional benefit of locally responsive governance in the education sector.

Measuring the Pangkalpinang implementation against the UNESCO 4A framework for the right to education confirms the multi-dimensional character of the constitutional shortfall. In terms of *availability*, the city's overall school capacity is formally adequate in the central sub-districts but genuinely constrained in suburban areas where rapid population growth has not been accompanied by proportionate investment in school construction and teacher recruitment. In terms of *accessibility*, the combination of domicile-based zoning, school quality inequality, digital registration barriers, and limited public transportation to suburban schools produces layers of access inequality that disproportionately burden students from low-income and geographically peripheral households.<sup>63</sup> In terms of *acceptability*, the persistent perception among parents and students that zoning assignments are administratively manipulable and that the quality of education offered by assigned schools is inferior a perception grounded in empirical fact undermines the community's acceptance of the zoning system's legitimacy, eroding the social foundation necessary for effective policy implementation. In terms of *adaptability*, the complete absence of local regulatory adaptation means that the policy has not been adjusted to serve students with special educational needs, students from historically marginalized communities, or students facing specific socioeconomic barriers all groups entitled to the enhanced protection recognized in Article 5(3) of Law No. 39 of 1999 on Human Rights.<sup>64</sup>

<sup>62</sup> Dwi Andayani Budisetyowati, "Decentralization of Education Policy and Regional Government Authority: A Constitutional Appraisal," *Jurnal Hukum dan Peradilan* 12, no. 1 (2023): 45–67, <https://doi.org/10.25216/jhp.12.1.2023.45-67>.

<sup>63</sup> Khanata Zanuba Milaturrohmah and Nurfaqih Irfani, "The UNESCO 4A Framework and Indonesia's Education Law: Measuring Adequacy," *Jurnal Ilmu Hukum* 13, no. 1 (2022): 45–68.

<sup>64</sup> Farida Tri Herawati and Agus Wahyudi Riana, "Affirmative Action Model in Strengthening the Education Rights Protection and Fulfillment of Person with Disability," *International Journal of Politics, Public Policy and Social Works* 3, no. 5 (2021): 1–10, <https://doi.org/10.35631/ijppsw.35001>.

The Ombudsman of the Republic of Indonesia has documented the national scope of these implementation failures. The Ombudsman reported that the PPDB zoning pathway consistently generated the highest volume of public service complaints in the education sector, with 1,237 formal complaints received during the 2018–2020 period, principally concerning transparency deficiencies, domicile manipulation, discriminatory admission outcomes, and the absence of effective appeal mechanisms.<sup>65</sup> This national data contextualizes Pangkalpinang's experience not as a local anomaly but as a reflection of systemic flaws in the national policy design that are reproduced, with local variations, across Indonesian cities that share Pangkalpinang's characteristics of unequal school quality distribution and limited local regulatory capacity. The cumulative weight of evidence from field interviews, documentary analysis, and national comparative data compels the conclusion that the implementation of the PPDB zoning policy in Pangkalpinang City has not fulfilled the constitutional standards of fair, equitable, and non-discriminatory access to education required by Article 31(1) and (2) of UUD NRI 1945, Article 5(1) of the Sisdiknas Law, and the state's obligations under Law No. 39 of 1999 on Human Rights.<sup>66</sup> The policy operates administratively but fails constitutionally, producing outcomes that systematically disadvantage the citizens it was constitutionally mandated to serve.

#### 4. Conclusion

This study draws two principal conclusions grounded in the preceding constitutional analysis and empirical investigation. First, the PPDB zoning policy as regulated in Permendikbud No. 1 of 2021 and its predecessor regulations has not fully fulfilled the constitutional right to quality education as guaranteed by Article 31(1) and (2) of the 1945 Constitution of the Republic of Indonesia and Article 12(1)(b) of Law No. 39 of 1999 on Human Rights. The policy's exclusive reliance on domicile proximity as the primary admission criterion, in a context of structurally unequal school quality distribution, generates a form of indirect discrimination that disproportionately disadvantages students from low-income families and geographically peripheral zones. The absence of affirmative provisions for vulnerable groups, the failure to satisfy the proportionality standard articulated in Constitutional Court Decision No. 5/PUU-X/2012, and the policy's prioritization of spatial redistribution over substantive quality equalization collectively render the zoning system constitutionally inadequate in its current form. The policy fulfills the letter of educational access while failing its constitutional spirit: it places every student in a school, but it does not guarantee that the education received meets the standard of quality to which every citizen is constitutionally entitled.

Second, the implementation of the PPDB zoning policy in Pangkalpinang City has not guaranteed fair, equitable, and non-discriminatory access to education as mandated by Article 31 UUD NRI 1945 and the applicable human rights legislation. The empirical findings identify five compounding implementation failures: systematic domicile document manipulation driven by persistent inter-zonal school quality inequality; digital discrimination in the online registration process

<sup>65</sup> Ombudsman Republik Indonesia, "PPDB Jalur Zonasi Paling Banyak Diadukan," *Tirto.id*, 12 Desember 2024, <https://tirto.id/ombudsman-ri-ppdb-jalur-zonasi-paling-banyak-diadukan>.

<sup>66</sup> Aulia Dendi Yudhistira and Ahmad Redi, "Constitutional Guarantee of Social Rights and State Obligations in Education Policy," *Jurnal Konstitusi* 20, no. 1 (2023): 1–28, <https://doi.org/10.31078/jk2011>.

that structurally excludes the most socioeconomically vulnerable applicants; inadequate institutional socialization and absence of effective public complaint mechanisms; informal pressure on PPDB implementing officials reflecting the absence of legitimate grievance channels; and a complete regulatory vacuum at the regional level, with no adaptive Mayor or Regional Regulation calibrating zoning implementation to Pangkalpinang's specific geographic, infrastructural, and socioeconomic conditions. Evaluated against the UNESCO 4A framework, the policy's implementation in Pangkalpinang City falls short on the dimensions of accessibility, acceptability, and adaptability the very dimensions most critical for the constitutional guarantee of quality education to be substantively, rather than merely formally, realized.

These findings carry direct implications for policy reform at both the national and regional levels. The PPDB zoning policy requires fundamental reformulation premised on the principle that geographic redistribution of student populations can only serve constitutional justice when accompanied by genuine equalization of educational quality across zones. Concretely, this requires: first, a programmatic national commitment to equalizing school infrastructure, teaching quality, and per-student public expenditure as a precondition for constitutionally defensible zoning; second, the enactment of adaptive regional regulations in Pangkalpinang City that calibrate zone boundaries, admission criteria, and affirmative access mechanisms to local socio-geographic realities; third, expansion and strengthening of the affirmation pathway to give meaningful effect to Article 5(3) of Law No. 39 of 1999 on Human Rights; fourth, the development of multi-channel, inclusive public communication strategies and independent grievance mechanisms for the PPDB process; and fifth, the integration of digital access support measures into the PPDB administrative framework to eliminate digital discrimination as a structural barrier to the exercise of the constitutional right to education. Without these reforms, the PPDB zoning policy will remain a constitutionally aspirational instrument whose practical operation perpetuates the very inequalities it was designed to dismantle.

## Acknowledgments

The authors express sincere gratitude to the Faculty of Law, Universitas Pertiba, for institutional support throughout the conduct of this research. Appreciation is also extended to all informants from the Pangkalpinang City Education Office, school principals, PPDB implementation committee members, and parents who generously participated in the data collection process. The authors further acknowledge the support of all parties who contributed to the completion of this study.

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