



Legal Policy of Education Budget Allocation in Digitalization Policy through Procurement of Technological Devices to Fulfill Children' Constitutional Rights to Legal Literacy at Elementary Education Level

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ABSTRACT

This study aims to analyze the legal politics of education budget allocation within the digitalization policy and its implications for fulfilling children's constitutional rights to legal literacy at the primary education level. Through an examination of the Republic of Indonesia's 1945 Constitution, Law Number 20 of 2003 concerning the National Education System, and Law Number 35 of 2014 concerning Child Protection, the study used a normative juridical method with a statutory and conceptual approach, and regulations related to state finances. The results indicate that the educational digitalization policy, which focuses on the procurement of technological devices, is not completely aligned with the constitutional mandate, as it tends to neglect strengthening human resource capacity and children's legal literacy. This situation constructs a gap between legal norms and policy implementation, and has implications for children's low legal awareness and an increased risk of legal violations. Therefore, a reconstruction of the legal politics of education is needed through strengthening regulations, reforming budget policies, and integrating legal literacy into the primary education curriculum to ensure the optimal fulfillment of children's constitutional rights.

INTRODUCTION

Indonesia, as a state of law (*rechtstaat*), places law as the basis for organizing national and state life, including in the education sector (Rais, 2022). The Republic of Indonesia's 1945 Constitution, which declares that Indonesia is a state of law, emphasizes this idea in Article 1, paragraph (3). (Hadi, 2022) Consequently, every education policy must be oriented in the direction of achieving citizens' fundamental rights. The 1945 Constitution's Preamble's fourth paragraph, which refers to "enlightening the life of the nation," cannot be interpreted narrowly as merely increasing cognitive abilities, but must include the formation of legal awareness as part of civic intelligence (Taqiuddin, 2021). It is in line with Article 31 paragraphs (1) and (3) of the 1945 Constitution, which emphasizes the right of every citizen to obtain education and the state's obligation to organize a national education system that increases faith, piety, and noble character. (Nadziroh, 2018) Thus, education that ignores the legal awareness dimension essentially fails to fully fulfill the constitutional mandate, particularly in guaranteeing children's rights as part of human rights that must be comprehensively protected.

The urgency of children's legal literacy in the national education system becomes increasingly relevant when children are positioned as legal subjects who have rights and are potentially vulnerable to legal violations (Noor, 2018). Article 1, number 2 of Law Number 35

of 2014 concerning Child Protection highlights that child protection encompasses all efforts to ensure and safeguard children so that they can live, grow, develop, and engage ideally under human dignity and worth. Every child has the right to education and instruction for the goal of personal development, according to Article 9, paragraph (1) of the legislation. (Santriati, 2020) However, the education provided often does not address adequate legal literacy aspects, even though legal literacy has a preventive role against various phenomena such as bullying, cybercrime, and juvenile delinquency that have the potential to develop into criminal acts. From the perspective of legal culture theory, as proposed by Lawrence M. Friedman (Resya, 2024), the success of the legal system is largely determined by the public's legal awareness, which is formed early on through education. Therefore, the absence of legal literacy in basic education has the potential to create a generation lacking sensitivity to legal norms (Kurniyawan & Tanszil, 2024; Semenova et al., 2018; Tyler & Trinkner, 2017).

Normatively, the construction of national education regulations has provided a general foundation, but has not explicitly regulated legal literacy as an integral part of the curriculum. According to Article 3 of Law Number 20 of 2003 about the National Education System, national education serves to build skills and mold a nation's character and civilization. (Hakim, 2016). Article 4 paragraph (1) emphasizes that education is conducted in a democratic, just, and non-discriminatory manner, upholding human rights. (Inkiriwang, 2020). However, these provisions are still general in nature and do not specifically regulate the state's obligation to instill legal literacy from elementary school (Darling-Hammond, 2015; Fineman & Shepherd, 2016; Zirkel, 2015). Similarly, in the Child Protection Law, although it guarantees the right to education, there is no norm explicitly mandating the integration of legal education into the curriculum. (Sofyan, 2017) This lack of norms indicates a normative gap between the overarching goal of developing legally aware citizens and the available regulatory instruments, thus opening up space for education policies that do not prioritize legal literacy as a fundamental need.

In the development of national education policy, the direction of legal policy shows a strong tendency toward digitalization as a strategy for educational modernization. This policy is reflected in the implementation of the Independent Curriculum, which emphasizes the use of information technology in the learning process. Theoretically, digitalization of education is a progressive step towards improving access to and the quality of education (Arifiyanto, 2022). However, in practice, there is a disparity between normative objectives and policy implementation. An excessive focus on technological aspects often diverts attention from the substance of education itself, including strengthening legal literacy. This indicates a disharmony between public policy and the constitutional mandate, where educational modernization is not balanced by strengthening legal values and awareness. Thus, national education legal policy tends to be technology-oriented rather than human development-oriented, which has implications for the marginalization of legal culture formation within the education system (Pansera & Owen, 2018; Piccinetti et al., 2026; Wang et al., 2026; Ziemba, 2016).

The novelty of this research lies in offering a comprehensive analysis of the legal politics of education budget allocation within the digitalization policy and its implications for fulfilling children's constitutional rights to legal literacy at the elementary education level, integrated with the theory of legal culture and the theory of justice. This research also offers a model for

reconstructing the legal politics of national education that integrates the strengthening of regulations, reform of budget policies, and integration of legal literacy into the curriculum. The urgency of this research is reinforced by the increasing number of legal violations by children, indicating a low level of legal awareness from an early age. Furthermore, the rapid development of information technology without adequate legal literacy carries a high risk of legal violations in the digital space. This research aims to analyze the legal politics of education budget allocation in digitalization policies and formulate a reconstruction model for national education legal politics oriented towards fulfilling children's constitutional rights to legal literacy.

This problem becomes even more complex when analyzed within the context of educational technology procurement policies and budget allocation. Based on findings in research documents, there are indications of an imbalance between capital expenditures for the procurement of technological devices like Chromebooks and human resource development spending, particularly teacher training in legal literacy. From the perspective of state financial law, as stipulated According to Law Number 17 of 2003 concerning State Finance, budget management must be carried out responsibly, efficiently, economically, effectively, transparently, and in accordance with all applicable rules and regulations. When budget allocation is predominantly focused on hardware procurement that does not directly improve children's legal awareness, this can be classified as a policy that does not meet the principles of effectiveness and utility. Furthermore, this imbalance reflects the potential for misallocation of resources, resulting in suboptimal fulfillment of children's right to a quality education.

The impact of this budget misallocation is not only administrative but also has serious legal implications from the perspective of state administrative law and criminal law. Within the framework of the General Principles of Good Governance (AAUPB), particularly the principles of utility and accuracy, every public policy must provide the greatest possible benefit to the community and be based on careful consideration. If a technology procurement policy actually reduces the budget allocation for teacher capacity building and legal literacy, then the policy has the potential to be categorized as maladministration. Moreover, under certain conditions, The provisions of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, particularly Article 3, which governs abuse of authority that harms state finances, can be linked to any element of abuse of authority that causes state financial losses. Therefore, this problem is not only an education policy issue, but also touches on a broader legal dimension, thus demanding a reconstruction of educational legal politics that places legal literacy as an integral part of fulfilling children's constitutional rights.

METHOD

This research employed a normative juridical legal research method to analyze applicable positive legal norms by positioning the law as an autonomous system of rules, and aims to examine the consistency, synchronization, and adequacy of norms in regulating the problems studied. A conceptual approach and a statutory approach are among the methods used. The Republic of Indonesia's 1945 Constitution, Law Number 20 of 2003 regarding the National Education System, and other pertinent regulations are examined in order to implement the statutory method, Law Number 35 of 2014 concerning Child Protection, as well as derivative regulations related to education budget policies and educational digitalization, in order to assess

the suitability between legal norms and their implementation in fulfilling children's constitutional rights to legal literacy. Meanwhile, the conceptual approach is used to analyze legal concepts that develop in legal doctrine and theory, such as the concepts of legal politics, constitutional rights, legal culture, and the theory of justice, which serve as an analytical basis in interpreting legal norms more comprehensively. Primary legal resources in the form of statutory regulations and secondary legal materials in the form of literature make up the legal materials used, scientific journals, and expert opinions, as well as tertiary legal materials as supporting materials, all of which are analyzed qualitatively using deductive reasoning methods to draw conclusions regarding the need for reconstruction of educational legal policy in order to ensure the optimal fulfillment of children's constitutional rights.

RESULTS AND DISCUSSION

Legal Policy of Education Budget Allocation in Digitalization Policy

The legal policy for allocating the education budget within the digitalization policy is essentially a manifestation of the direction of state policy in determining development priorities for the education sector. In the context of a state governed by the rule of law, this policy must comply with constitutional provisions as stipulated. Every citizen has the right to education, according to Article 31 paragraph (1) of the Republic of Indonesia's 1945 Constitution, and Article 31 paragraph (4) confirms that the state prioritizes the education budget at least 20% of the national and regional budgets. These provisions demonstrate that the allocation of the education budget is not merely a technical fiscal matter, but rather a constitutional mandate that must be directed towards the substantive fulfillment of citizens' basic rights. Therefore, every digitalization policy in education must be assessed not only from a modernization perspective but also from the extent to which it contributes to the constitutional goal of "enlightening the life of the nation" as stated in the Preamble to the 1945 Constitution. (Syaifuddin, 2024)

In practice, the direction of national education legal policy demonstrates a strong tendency toward digitalization as a primary strategy for improving education quality. It is reflected in various government policies encouraging the procurement of technological devices as part of educational transformation. Normatively, this policy is justifiable as long as it aligns with the goals of national education as outlined in Law Number 20 of 2003 concerning the National Education System's Article 3, which declares that national education serves to cultivate skills and mold a nation's character and civilization. However, if digitalization is interpreted solely as the procurement of hardware without being balanced by strengthening human capacity, then the policy has the potential to deviate from the substantive objectives of education. In this case, there is a shift in orientation from human development to technology-driven development, which has the potential to neglect the aspect of fostering legal awareness as part of educational objectives. (Periani, 2023)

The imbalance between capital expenditures and human resource development expenditures is an essential indicator in assessing the direction of the legal policy of the education budget. Within the framework of state financial law, Article 3 paragraph (1) of Law Number 17 of 2003 concerning State Finances highlights that state financial management must be conducted in an orderly fashion, in compliance with laws and regulations, efficiently, economically, effectively, transparently, and responsibly, with due consideration for a sense of justice and propriety. Additionally, the National Budget (APBN) and Regional Budgets

(APBD) are tools for accomplishing national objectives, as stated in Article 3 paragraph (2). Therefore, the allocation of the education budget should reflect a priority on improving the quality of human resources, including strengthening children's legal literacy through teacher capacity building. When the budget is allocated more to the procurement of technological devices that are not necessarily effective in improving the quality of education, this indicates an imbalance in education fiscal policy that has the potential to reduce the effectiveness of achieving national education goals.

From a legal and political perspective, budget allocation policies cannot be separated from the principles of justice and utility as the basis for the legitimacy of public policy. In this context, the theory of justice put forward by John Rawls emphasizes that public policy must provide the greatest benefits to the most disadvantaged groups. If the digitalization of education policy actually benefits regions with adequate infrastructure, while underdeveloped regions are unable to optimally utilize this technology, such a policy may violate the principle of distributive justice. It also contradicts the provisions of Article 4 paragraph (1) of Law Number 20 of 2003, which emphasizes that education must be implemented democratically, fairly, and non-discriminatory. Thus, the legal policy of the education budget must be directed at equalizing the quality of education, not just at technological modernization.

Educational technology procurement policies must also be examined within the framework of the General Principles of Good Governance (AAUPB), specifically the principles of utility and accuracy. The principle of utility requires that every policy provide tangible benefits to the community, while the principle of accuracy requires careful consideration in decision-making. In this case, if the procurement of technological devices is not accompanied by adequate infrastructure and human resources, the policy can be categorized as imprudent and not providing optimal benefits. In fact, in certain contexts, such policies can lead to maladministration practices, as stipulated in Law Number 37 of 2008 pertaining to the Ombudsman of the Republic of Indonesia, which covers ineffective measures and procedural irregularities in public service delivery. Therefore, evaluating educational digitalization policies is crucial to ensure that they are not only formally valid but also substantively correct.

The legal policy of allocating education budgets within digitalization policies must return to its primary objective, namely, fulfilling the constitutional rights of citizens, especially children, to receive a quality and meaningful education. When budget policy is more oriented toward technology procurement than strengthening the substance of education, there is a risk of neglecting the development of legal awareness as an integral part of national education goals. From a legal perspective, this condition indicates a mismatch between *das sollen* (legal norms) and *das sein* (policy reality), which demands a reconstruction of the legal politics of education. The reconstruction must include a restructuring of budget priorities, strengthening regulations that guarantee the integration of legal literacy in education, and strict oversight of policy implementation, so that the education budget is truly used to achieve constitutional goals optimally.

Legal Implications of the Education Digitalization Policy on the Fulfillment of Children's Constitutional Rights to Legal Literacy

The policy of digitalizing education must essentially be placed within the framework of fulfilling children's constitutional rights as stipulated in Article 31 paragraph (1) of the Republic of Indonesia's 1945 Constitution, which upholds every citizen's right to an education,

and Article 28C paragraph (1), which declares that everyone has the right to develop themselves by meeting their basic needs, including getting an education. This provision implies that the state is not only obliged to provide access to education, but also to ensure that the quality and substance of such education are capable of developing children's full potential, including in the aspect of legal awareness. In this context, legal literacy is an integral part of the right to education, because without an understanding of the law, children cannot exercise their rights and obligations as citizens optimally. Therefore, the policy of digitalizing education must be tested to see whether it truly supports the fulfillment of these constitutional rights or instead only focuses on the instrumental technological aspects. Within the framework of positive law, Law Number 20 of 2003 concerning the National Education System provides a normative basis that education aims not only to improve intellectual abilities but also to shape the nation's character and civilization, as affirmed in Article 3. Likewise, Article 4 paragraph (1) emphasizes that education must be conducted democratically and fairly while upholding human rights. However, empirically, the implementation of digitalization-oriented education policies often fails to address the aspect of legal awareness formation. The existing curriculum still emphasizes numeracy and digital literacy, while legal literacy has not been explicitly included in the basic competencies required of students. This situation indicates a gap between legal norms that require character formation and policy realities that place greater emphasis on the technical aspects of technology-based learning.

From a child protection perspective, every child has the right to education and instruction for personal development in accordance with their interests and talents, according to Law Number 35 of 2014 concerning Child Protection, Article 9 paragraph (1). Additionally, Article 54 paragraph (1) highlights that children must be protected from physical, psychological, and other types of violence both inside and outside of educational institutions. However, empirically, there are still many cases of bullying in schools, an increase in cybercrime involving children, and a high rate of legal violations by children, indicating a low level of legal awareness from an early age. The phenomenon indicates that the education provided has not been able to equip children with an adequate understanding of the law to protect themselves or respect the rights of others. Therefore, digitalization policies that are not balanced with legal literacy have the potential to increase these risks, especially in the context of uncontrolled technology use.

The gap between *das sollen* and *das sein* becomes increasingly apparent when educational digitalization policies are not accompanied by the readiness of human resources, particularly teachers, as the primary agents of education. Normatively, teachers have a strategic role in shaping the character and legal awareness of students, but in practice, many teachers lack the competence to integrate legal values into the learning process. The policy that places more emphasis on the procurement of technological devices without adequate training shows that the state has not fully carried out its obligations in ensuring the quality of education as mandated in Article 31, paragraph (3) of the 1945 Constitution. This condition is exacerbated by the fact that in many regions, the technological devices provided cannot be utilized optimally due to limited infrastructure, so that the goal of improving the quality of education is not achieved effectively.

The legal implications can be analyzed within the framework of the state's obligation to uphold citizens' constitutional rights. The state is required by the human rights philosophy to

uphold, defend, and fulfill citizens' rights. If implemented, educational policies fail to fulfill children's rights to a quality and meaningful education, the state may be deemed negligent in carrying out its constitutional obligations. It can also be linked to the principle of The 1945 Constitution's Article 28I paragraph (4) states that the state, especially the government, is in charge of safeguarding, advancing, enforcing, and fulfilling human rights. Therefore, failure to integrate legal literacy into the education system can be viewed as a form of the state's substantive failure to fulfill children's rights.

These legal implications can also potentially lead to consequences from a state administrative law perspective if the policies adopted do not comply with the principles of good governance. When educational digitalization policies do not provide tangible benefits in improving children's legal awareness, they can be deemed to have failed to meet the principles of utility and effectiveness. Furthermore, the increasing number of cases of legal violations by children due to low legal literacy could be an indicator of the failure of public policy in achieving its objectives. Therefore, an evaluation and reconstruction of education policy is needed so that it is not only technologically oriented but also ensures the comprehensive fulfillment of children's constitutional rights, including fostering legal awareness as part of the national education goals.

Reconstruction of National Education Legal Politics Based on Children's Legal Literacy

The reconstruction of national education legal policy based on children's legal literacy must begin with a reaffirmation of the state's constitutional mandate to uphold the right to meaningful education as stated in Article 31 paragraph (3) of the Republic of Indonesia's 1945 Constitution, which mandates that the government work toward and establish a national education system that promotes piety, faith, and noble character. In this context, noble character cannot be separated from legal awareness as part of the behavior of law-abiding citizens. Therefore, the reconstruction of legal policy must be directed at strengthening legal norms that explicitly include legal literacy as part of national education's objectives. Revising Law Number 20 of 2003 on the National Education System is one practical step that might be taken, specifically Article 3, by adding the phrase "legal literacy" as a basic competency for students, thus having binding force in the formulation of education policies at the national and regional levels.

Reform at the derivative regulatory level is needed to ensure the implementation of legal literacy in the basic education curriculum. This can be achieved through the development of Government Regulations or Regulations of the Minister of Education that specifically regulate the children's legal literacy curriculum as part of character education. Concrete actions that can be taken include the development of case-based learning modules that teach the concepts of rights and obligations, child protection, anti-bullying, and digital ethics. This approach aligns with Article 4 paragraph (1) of Law Number 20 of 2003, which emphasizes the implementation of democratic and equitable education. With operational regulations, legal literacy is no longer implicit but becomes a structured and measurable part of the learning process in elementary schools.

Reconstruction must also address the education budgeting aspect as a primary instrument in realizing equitable policies. Within the framework of Article 31 paragraph (4) of the 1945 Constitution, which mandates a minimum allocation of 20% of the education budget, affirmative policies are needed that regulate the minimum proportion of the budget for human

resource development, particularly teacher training in legal literacy. Concrete actions that can be taken include establishing budget earmarks through revisions to the Special Allocation Fund (DAK) and BOS Fund regulations, which require a certain percentage to be allocated for teacher training and the development of legal literacy materials. This action complies with Article 3 of Law Number 17 of 2003 concerning State Finance, which outlines the fundamentals of state financial management, which emphasizes efficiency, effectiveness, and utility, so that the education budget is utilized to improve the quality of education substantially.

The role of teachers as the primary agents in shaping legal culture must also be strengthened through systematic and sustainable policies. From the perspective of Lawrence M. Friedman's legal culture theory, the success of law is largely determined by the actors who implement it, in this case, teachers as mediators of legal values to children. Concrete actions that can be taken include organizing a national legal literacy training program for teachers, in collaboration with law enforcement agencies such as the Attorney General's Office, the Police, and the Supreme Court, through programs such as "Prosecutors Enter School" that are systematically expanded. Furthermore, it is necessary to establish teacher competency standards in legal literacy that are integrated into the certification system and continuous professional development, so that teachers not only master the teaching material but also can transform legal values pedagogically.

To ensure policy sustainability, a monitoring and evaluation mechanism based on the General Principles of Good Governance (AAUPB), particularly the principles of utility and accountability, is needed. A concrete action that can be taken is to establish an outcome-based education policy audit system that not only assesses budget absorption but also measures its impact on increasing children's legal awareness. Likewise, the Indonesian Ombudsman and the Supreme Audit Agency (BPK) need to be given a more active role in overseeing educational technology procurement policies to prevent them from shifting budget priorities away from human resource development. This step is crucial to prevent maladministration and ensure that every education policy truly benefits students.

The reconstruction of national education law and policy must strike a balance between the use of technology and strengthening the substance of education based on legal values. From the perspective of John Rawls's theory of justice, education policy should provide the greatest benefit to the groups most in need, i.e., children as vulnerable subjects. Concrete actions that can be taken include integrating legal literacy with digital literacy through the development of a curriculum that teaches ethical technology use, personal data protection, and legal responsibility in the digital space. Thus, the national education system will not only produce a technologically literate generation but also possess a strong legal awareness as the foundation of national life. The reconstruction is expected to bridge the gap between *das sollen* and *das sein*, and ensure that education policy is truly oriented towards fulfilling children's constitutional rights comprehensively.

CONCLUSION

The conclusion of this analysis shows that the legal policy of allocating the education budget in the digitalization policy is not fully aligned with the constitutional mandate as stipulated in Article 31 of the 1945 Constitution of the Republic of Indonesia, particularly in guaranteeing the fulfillment of children's constitutional rights to quality and meaningful education. Policies that tend to be oriented towards the procurement of technological devices indicate a paradigm shift from human development to a technology-oriented approach, which has resulted in the marginalization of substantial aspects of education, including children's legal literacy. Normatively, various regulations, such as Law Number 20 of 2003 concerning the National Education System and Law Number 35 of 2014 concerning Child Protection, have provided a general foundation, but have not explicitly regulated legal literacy as a mandatory competency in basic education. This condition is exacerbated by the imbalance in budget allocation between capital expenditures and human resource development, as well as the weak capacity of teachers to transform legal values into students. As a result, a gap exists between *das sollen and das sein*, where educational policies have not been able to optimally shape children's legal awareness, ultimately leading to an increase in various empirical problems, such as bullying, cybercrime, and legal violations by children. Based on these findings, strategic steps are needed as suggestions for reconstructing the national education legal policy to be more oriented towards the substantive fulfillment of children's constitutional rights. The government needs to reform regulations by strengthening the norms in the National Education System Law so that legal literacy becomes an explicit part of the objectives and curriculum of basic education. Moreover, the education budget policy must be restructured by establishing a minimum proportion for human resource development, particularly teacher training as agents of legal literacy, in accordance with the principles of efficiency and benefit as stipulated in Law Number 17 of 2003 concerning State Finances. Furthermore, teacher capacity must be strengthened through systematic and ongoing legal literacy training programs, as well as the integration of digital literacy and legal literacy into the curriculum. Oversight of education policies must also be tightened through outcome-based evaluation mechanisms to ensure that each policy has a real impact on students. Thus, the reconstruction of educational legal politics is expected to create an education system that is not only adaptive to technological developments, but also effective in forming a generation that is legally aware and responsible as citizens.

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