

ABSTRAK

Konstitusi melalui pasal 31 UUD 1945 menjamin hak setiap warga negara untuk memperoleh pendidikan dasar yang dibiayai pemerintah. Namun penafsiran frasa “ tanpa memungut biaya “ dalam pasal 34 ayat (2) UU Sisdiknas dalam praktiknya hanya di terapkan pada sekolah negeri, sehingga menimbulkan deskriminasi terhadap peserta didik di sekolah swasta. Kondisi ini mendorong judicial review yang menghasilkan putusan MK no.3/PUU-XXII/2024. Penelitian ini bertujuan untuk menganalisis konflik penafsiran “ sekolah dasar gratis “ dalam putusan tersebut serta mengevaluasi tanggung jawan pemerintah dalam memenuhi alokasi anggaran pendidikan 20 % dari APBN.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan kasus (*case approach*) dan perundang-undangan (*statue approach*). Bahan hukum primer meliputi UUD 1945, UU Sisdiknas, dan Putusan MK No. 3/PUU-XXII/2024, yang dianalisis secara kualitatif yuridis.

Hasil penelitian menunjukkan bahwa Putusan MK telah mengoreksi diskriminasi secara tidak langsung dengan menegaskan kewajiban negara membiayai pendidikan dasar bagi semua anak, terlepas dari status sekolah. Putusan ini menggeser paradigma dari kesetaraan formal menuju substantif serta memperkuat prinsip *welfare state*. Di sisi lain, meski alokasi anggaran pendidikan konsisten mencapai 20%, komposisinya didominasi belanja rutin (seperti gaji guru), sehingga menyisakan porsi terbatas untuk program peningkatan mutu. Implikasinya, dampak anggaran terhadap pemerataan dan kualitas pendidikan belum optimal, yang tercermin dari masih adanya kesenjangan akses dan fasilitas.

Kata Kunci : Pendidikan Dasar, Konstitusionalisasi, Putusan MK, Anggaran Pendidikan, Sekolah Swasta.

ABSTRACT

The Constitution, through Article 31 of the 1945 Constitution, guarantees the right of every citizen to receive basic education funded by the government. However, the interpretation of the phrase "without charging fees" in Article 34 Paragraph (2) of the National Education System Law has, in practice, been applied exclusively to public schools, creating discrimination against students in private schools. This situation prompted a judicial review, resulting in the Constitutional Court Decision No. 3/PUU-XXII/2024. This research aims to analyze the interpretative conflict concerning "free elementary school" in this ruling and to evaluate the government's responsibility in fulfilling the 20% APBN allocation for education.

This research employs a normative legal research method with a case approach and a statutory approach. Primary legal materials include the 1945 Constitution, the National Education System Law, and Constitutional Court Decision No. 3/PUU-XXII/2024, analyzed using qualitative juridical analysis.

The research findings indicate that the Constitutional Court's ruling indirectly corrected discrimination by affirming the state's obligation to fund basic education for all children, regardless of school status. This ruling shifted the paradigm from formal to substantive equality and strengthened the principle of the welfare state. On the other hand, although the education budget allocation consistently reached 20%, its composition was dominated by routine expenditures (such as teacher salaries), leaving a limited portion for quality improvement programs. Consequently, the budget's impact on educational equity and quality has not been optimal, as reflected in the persistent gaps in access and facilities.

Key words : Basic Education, Constitutionalization, Constitutional Court Ruling, Education Budget, Private Schools.