



# Juridical Review of the Zonation System in the Implementation of Minister of Education and Culture Regulation Number 44 of 2019 Regarding the 2020's New Students Admission Related to the Law Number 20 of 2003 Regarding the National Sistem in the Juustice Perspective

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## **Abstract**

*This study aims to analyze the implementation of the zoning system according to Government Regulation Number 44 of 2019 concerning the Admission of New Students linked to the mandate of Law Number 20 of 2003 concerning the National Education System, and the impact of implementing the zoning system for the community from a justice perspective. This research is descriptive analytical with a normative juridical approach, and data collection techniques by conducting literature studies and interviews, then the data obtained is analyzed qualitatively juridical. The conclusions and results of the research: (1). The implementation of the zoning system according to Government Regulation Number 44 of 2019 concerning the Admission of New Students is linked to Law Number 20 of 2003 concerning the National Education System, the government only regulates the system that reviews mileage and the provisions of the system and procedures for its implementation without considering the problem of equitable development education and its facilities that have not been fully implemented means that the mandate of Law Number 20 of 2003 concerning the National Education System cannot yet be implemented with the existence of Permendikbud Number 44 of 2019 concerning the Admission of New Students with regard to the zoning system, (2) Implementation of the Zoning System for the Community Judging from Justice Perspective. The main principle of social justice is the basic structure of society, the structure of the main social institutions in a cooperation scheme. This principle regulates the granting of rights and obligations in institutions and determines the distribution of enjoyments and the burdens of social life. Thus, the zoning system has not fully provided a sense of justice apart from the adigums regarding the trend regarding paforit schools.*

**Keywords:** Zoning, Education, Equity, and Policy.

## **1. Introduction**

Some people consider the zoning system to be effective in obtaining infrastructure and facilities tailored to their residential areas (Abdul, 2019). The priority of prospective students who register early is if the distance of residence is the same (Abdul, 2003). Today there is a phenomenon of favorite schools that are the destination (Ali, 2019). The above phenomenon touches on justice in education

services. Even though the social backgrounds of students are different, they still want to get the same position and opportunity in education (Ainur, 2003). Getting the same education means getting an equal education. All people have the right to get it regardless of their social status (Anwar, 2004). The reality of education in Indonesia is not evenly defined.

The rich dominate good schools, leaving the poor with little choice but to attend lower-quality schools (Soerjono, 1981). As a result, quality schools will be more advanced, while schools that do not meet the requirements cannot develop and develop (Sufyarman, 2004). Then there are the famous schools and those that are not (Ahmad, 2000). The rich usually enroll in the school of their choice, while the poor enroll in a school that is not their first choice (Ayi, 2000). This phenomenon is the initial cause of social stratification. At the same time, education is expected to present a good social order and not as a tool to create social stratification (Bambang, 2013).

This means that the government needs to be aware of both the facilities and the quality of teachers and schools' unequal existence. The possibility of attending school or education and training on an equal level for all citizens is the most significant opportunity to get an excellent education to help develop human resources (HR). Equality includes two well-known important aspects: equality and justice (Chabib, 2000). Equality means equal opportunities for education and equal education opportunities for various social groups (Djohar, 2003).

PPDB has caused debate; the debate arose not because of equal opportunity for citizens to receive education but also the emergence of citizens who cannot study in their favorite places (Eka, 2011). adds to new problems in the world of education (Fuad, 1996). This new registration aims to encourage people to get more access to educational services developed at their respective levels of education, both at the Kindergarten, elementary, junior high, junior high, and high school levels. SMK with transparent, objective, accountable, and equal potential (Hans, 2013). Education security is provided in Article 31 paragraph (1) and (2) of the 1945 Constitution in paragraph (1) "Every citizen has the right to education" (2 ), namely, "Every citizen is obliged to attend and pay for basic education." Under these provisions, education is the fundamental right of every citizen, and the government is obliged to fight for it (Hijriyatunshiva, 2018).

One of the functions of education is to create knowledge that is ultimately accumulated by community groups and control various aspects of people's lives (Katzner, 1980). Therefore, educational services are needed in providing services so that they can create better students (Lexi, 2007). Alvarez and Ruiz Casares explained that strengthening good social values by providing good educational services will form an excellent educational mechanism and ensure sustainable education (Lili & Ira, 2013). One of the national education development strategies is to expand access to quality education (Mochtar, 1976).

Quality education in high-quality schools will be achieved, and quality schools will also produce high-quality students. Education is considered the driving force behind social mobility, which measures the progress and welfare of students. Education is a cog, according to Wu, to build social mobility. Most people go through education to improve their lives. Education can provide opportunities to improve the quality of life with social status (Mudyaharjo, 2016).

The issue of quality distribution has never been resolved (Onisimus, 2013). The problem of equal distribution of the quality of education is always associated with various phenomena. These problems include, first, the unavailability of educational facilities; many citizens, especially school children, still experience situations where they do not have access to educational systems and institutions (Mohamad, 2014); There are two infrastructure and facilities between rural and urban areas, and villages are still simple, while the facilities and infrastructure are very advanced in big cities (Nazir, 2005); Third, the lack of staff in the teacher community; in eastern Indonesia, there is not only a lack of facilities and infrastructure but also a lack of personnel in teacher training, so that many schools still need school teachers from other regions; Four are still many people who are less fortunate (Muhammad, 2001). As a result, some schools that have initially been full of students and schools that were originally short on prospective students became more prospective because they were crowded in densely populated areas (Purwanto & Sulistyastuti, 1991).

## 2. Method

The method used in this research is qualitative, with a normative legal approach. The research sample is prisoners who are in correctional institutions. The types of data used are primary and secondary data. The research specification used is descriptive analysis (Sugiyono, 2009).

## 3. Result and Discussion

In the PPDB zoning, there will be two positive impacts on the environment, namely stimulating students and teachers, being able to follow teaching skills, saving time and costs, and being more cost-effective and the negative impact of the various components is that, despite their excellent grades, children cannot enter public schools (Salim, 2014). It also has a beneficial effect on student behavior (Soelaiman, 1999).

Provisions relating to the zoning system are guided by Permendikbud Number 44 of 2019, with the following requirements: a. First stage announcement; b. Registration; c. selection according to the registration routine; d. announcement of determination; Registration Rules for the zoning system.

### a. Registration through the Zoning System

Registration of the zoning system. Zoning routes are for students in regionally designated zoning areas. At least 50% (fifty%) of students are accepted into the school. Includes quotas for children with disabilities. Prospective student homes based on the address of the family card issued on the date of registration of at least 1 (one) year (Paulo, 2002).

Selection of 10th-grade high school student candidates By prioritizing the distance between prospective students, an offline mechanism is applied. The final capacity of the remaining quota of zoning roads is achieved by prioritizing students with higher UN scores if prospective students are the same distance from the school. It can be seen from the implementation of the education mapping that educational facilities and infrastructure in big cities are very advanced. In contrast, many school facilities still use repair services, and even the lack of teaching staff in villages and some areas are inversely

proportional. One of the most essential and most essential resources for encouraging the learning process in schools is to improve the quality of education through the proper management of school facilities and infrastructure. Indeed, this problem occurs in villages but still has an unequal education system, even in urban areas, even with different situations; for example, schoolchildren who are economically weak cannot receive training because they need to work to be orderly to help their parents.

The concept of development law is based on Mochtar Kusuma Atmadja's concern for the role of law in building a society that shows lethargy. Laws do not function sufficiently to maintain order and preserve community life and direct change and development so that the law can become a tool or means of development to contribute to growth. To contribute to the action, the law does not function adequately. The development law encourages the need for the development of national laws and regulations that include legal reform in non-neutral fields in the fields of education, culture, religion, and legal training to improve technical and professional skills (Jhonny, 2010). In this case, the development law encourages the need to develop national laws. This shows that development law is a practical legal idea in the face of increasingly complex social changes and the ongoing development agenda to be relevant in every era. However, the nature of the legal product is influenced by the continuing political constellation, which projects development legislation trapped in the will or power of development, not only to direct action. It is not clear what changes or development criteria the law supports. (Jhon, 2011).

In connection with the development theory as has been put forward by Mochtar Kusuma Atmadja, the relationship with education is very close, which then is the ideal of a nation and state to create an intelligent life (Kartini, 1997). Education is a long-term investment that has strategic value for individuals and groups. Through good education, every human being can develop his potential. Education, especially in building the nation's next generation, who will act as agents of change to have a competitive advantage in the national and global life order, needs to be continuously improved. Quality education is the main goal that every element of education must strive to produce creative human resources to face today's challenges (Budi, 2014).

The government's effort to accelerate education equality is with Permendikbud Number 44 of 2019 concerning the New Student Admissions zoning system, which underlines the distance or radius between the student's house and the school. Thus, those who are close to the school are more entitled to school services. This aims to accelerate the distribution of quality education and bring together education centers, namely schools, communities, and families. The general public is aware that the role of responsibility for education is not only on one side but also by the community. Most importantly, children can get education services near their home or place of residence if there is an excess quota in an area; the Education Office is forced to find schools or open additional lessons so that no child does not go to school. However, in reality, many parents complain that their children's efforts to get

UAN scores are in vain so that children cannot go to public schools, while state schools provide a viable educational alternative for underprivileged families.

Regarding the equal distribution of education for the zoning system, Sariel said that education development in Indonesia fulfills equitable education by providing important qualities in human resource development. The global era shows new paragraphs on various aspects of life, which causes each country to play a role in international competition. Educational management opposes the creation of high-quality schools due to changing educational paradigms around the world. Increased competition, customer preferences, and requirements are influencing education today. Education, On the other hand, external aspects such as politics, economy, and culture significantly affect national education, so it is necessary to standardize education to ensure competition and continuous improvement of quality. Qualified students are personnel from high-quality schools or effective schools.

Law Number 20 of 2003 Education is a conscious and planned effort to build an atmosphere of learning and learn to develop spiritual strength, self-control, personality, understanding, noble character, and skills needed for themselves and society: the nation and the holy state. The education law is based on the national education system No—20 of 2003. Based on the above definition, there are three (three) main points, a) conscious and planned work; b) learning environment and learning process to develop students actively; and c) spiritual strength, self-regulation, personality, intelligence, noble character, and abilities needed by him, society, nation, and state. Law is not sufficient to function as a development contribution to maintain order in people's lives, a conservative function, but must also have the capacity to direct change and development so that the law can become a tool or means of action in an orderly manner. Orderly fashion.

The development law encourages the development of national laws and regulations that include legal reform in non-neutral fields in the fields of education, culture, religion, and legal training to improve technical and professional skills. In this case, the development law encourages the need to develop national laws. This shows that development law is a practical legal idea in the face of increasingly complex social changes and the ongoing development agenda, so that it is relevant in every era. However, what types of changes or development criteria should be supported by statutory regulations are still unclear. At the same time, the nature of the legal product, on the other hand, is driven by the ongoing political constellation, which causes the projection of development law to be trapped in the will and power of the state. Development is not only to direct action.

Ministerial Regulations are regulations stipulated by the Minister based on substantive content, are recognized and binding as long as their existence regulates higher levels of legislation or is established by authorities relating to specific government affairs. Power to carry out certain government affairs following statutory regulations. Authority. The publication is associated with the administration of particular government affairs, namely in education and culture, Regulation Number 44 of 2019, concerning New Student Admission.

The Minister of Education and Culture is the authority exercised by the President concerning government affairs in the field of education and culture. The policy to improve the quality of education has long been outlined in the constitution. The government's desire to provide quality training is shown in Article 11 of Law Number 20 of 2003 concerning the National Education System (SPN). "The government and local governments are required to provide services and facilities and ensure the implementation of quality education for each citizen. This policy does not cover all prospective students, as shown by the zoning system in PPDB. Although this policy is not new, zoning regulations make it difficult for prospective students to vote. In this situation, the government is unable to fulfill the mandate of Law Number 20 of 2003 concerning the National Education System, Article 11 (1), which states that the government and local governments are obliged to provide services and facilities, as well as provide quality education for every citizen.

Although the government will make it possible with the PPDB zoning system, equitable distribution of the quality of education the government wants is still far from expectations. According To The Government's Expectations, the PPDB zoning system can also map the equal distribution of education quality. This means that the government will seek the needs of schools, including schools that are of great interest to the community, as soon as possible—favorite and non-superior class or what people call it. In the community, the school continues to develop. Higher education perceptions arise because educational facilities, learning systems, and competent teacher quality are superior to other schools. These different advantages are expected to produce high-quality graduates that affect tertiary institution's progress in special schools. Zoning rules will limit the admission of prospective students to secondary schools. Parents, especially if their children are highly educated, worry about this. From here emerged the practice of buying and selling chairs, manipulating family cards, and manipulating assignments so that children could be accepted into high school.

In education, educators, students and facilities, and infrastructure are the most critical elements that must be included in the program. Of these three things, student obligations are significant. No teaching and learning process will take place without students. Students are members of society who try to develop themselves at specific trajectories, levels, and forms of education through the learning process. For community members who wish to develop their potential through instruction, the PPDB registration process must be followed first. Students can be implemented as members of society who try to build their potential through the learning process, which expects education services to grow and develop appropriately according to their skills, interests, and abilities and can receive lessons. Students have various names at different levels, are called students in Kindergarten, are referred to as learners at the primary and secondary education levels, and are referred to as master learners at higher levels.

The priority distance zone system causes student learning motivation to decrease because grades or achievements are not necessary. Under the zoning

rules for prospective students, even those with a modest degree can be admitted to the school. This is counterproductive to the main objectives of the zoning policy to equalize the quality of education and improve student academic achievement. Socialization is also an essential factor in determining and implementing a policy. Local governments must be involved in PPDB policies set and implemented by the central government. The provincial government will assist in the formulation of appropriate regulations by the central government. By developing applicable rules, it is hoped that the community will not misunderstand. Therefore, the central government and local governments must collaborate with this zoning system to socialize PPDB. This can be done by associating the activities of the Education Office with schools, committee meetings, announcements through mass and electronic media, or by announcing loudspeakers at mosques with community leaders, religious leaders, and youth. In that way, the zoning system's PPDB policy is good.

Regional policies regarding the granting of autonomy to regions were also issued in connection with the democratization process. This approach is very advanced because it is intended to promote independence and more equitable development at the district and city levels, centered in Jakarta so far. Community-reduced schools are not unreasonable. The main reason could be that the facilities and the ideal quality of teachers support the school. Therefore, if the equal distribution of quality education is achieved in all schools, PPDB will work with this Zonal System for the next few years. It took time and much money to accomplish all of this. Thus, according to government expectations, PPDB will create an equal distribution of education quality with a zoning system. In other words, PPDB will no longer cause controversy in society with this zoning system. This needs to be continuously evaluated by the government so that PPDB can meet the government's expectations with this zone system (Tilaar, 1997).

Implementing regional independence is also not an easy task and can be disseminated quickly and easily. Some regions may be ready, but other areas can run slowly or even very slowly due to access restrictions (Zamroni, 1993). Parts must prepare a lot to implement regional autonomy, availability of natural resources, readiness and provincial legislation, readiness for technology, and readiness for human resources. To meet human needs, an education system must be built. Humans tend to approach perfection, increasing the equity of the education system.

**b. Impact of Zoning System Implementation for the Community Viewed from a Justice Perspective**

Law 20 of 2003 concerning the National Education System (Article 1 paragraph 4) is defined as students who, through the learning process, are available at certain levels and types of learning, are members of society who are trying to develop their potential. Student educational activities are essential because the main goal is to create students' potential to form critical personalities. After all, all elements are used for further education. The purpose of education is to provide strategic capital and determine the capacity for human action and

behavior in basic human activities such as production, transportation, governmental organizations, religious, political movements, defense, and law. Education motivates everyone's actions and appearance. They were making education a "central value" of development as a whole. For example, Socrates believed knowledge is power (knowledge is power). An orderly society is a society that is governed fairly, which Rawls later refers to as an orderly society in which Rawls claims to be an orderly society, or the image of an ideal organization if it is based on basic moral and social principles. Justice becomes a fundamental moral principle.

Educational targets are something to be achieved with educational activities. Education must logically begin with a goal that must become a value. Education is meaningless in practice without a fundamental purpose. According to experts, there are different educational goals. MJ. Langeveld argues that there are six types of educational goals, namely (1) general goals, total or final goals, (2) particular purposes, (3) incomplete objectives, (4) temporary purposes.

It is different from classical liberalism because, in its application, the principle of equality itself is regulated in society, not freedom, while freedom is based on equality. Rawls First places equality in the framework of equal rights and fundamental freedoms in the direction of justice, which is later interpreted as "egalitarian liberalism." Of course, Rawls tries to build bridges so that inequality and liberty can complement each other.

Second, the social contract tradition is that when society reaches an orderly society, everyone will agree on what is fair and not. Rawls uses a social contract to legitimize the principles of social justice that govern the fundamental structure of society so that regulation can be effective. Rawls's justification is based on two primary arguments, intuitive and theoretical and rational, to justify intuitive arguments as logical arguments for Rawls. The social contract that Rawls changes in his theory are called the hypothetical, not historical, "starting position" in Rawls's theory.

Third, utilitarianism and intuitionism, in which Rawls sees his theory in particular as a critique of the previous theory of justice, which he thinks have failed to provide an adequate understanding of social justice where the failure of the last theory is due, in particular, to the theory of justice. The substance is heavily influenced by utilitarianism or intuitionism.

Based on previous theories, Rawls tries to build an idea of justice that can bridge and guarantee social justice and can be accounted for objectively at the same time (criticism of intuitionism). In the perspective of decline (the political tradition of liberalism), Rawls constructs a theory of social justice so that social justice is a form of justice for all (Perdana, 2019). All policies made by the government must be structured, socialized systematically, and massively so that the public can see that there is no polemic. Positive and negative responses from the community accept government policies towards PPDB with this Zoning System. With this zoning system, people who live near quality schools will be happy with PPDB, while people who live far from quality schools will feel fair. In line with that, in Article 4 paragraph of Law Number 20 of 2003 concerning the National Education System, one of the principles of implementing education is

that it is implemented in a democratic and just manner and is not discriminatory.

The overall effect of a policy on real-life conditions is a policy implication. Besides, according to Winarno, there are several dimensions of policy impact that must be considered in the assessment discussion. The following are the dimensions of the impact of the policy, which include: 1) the impact of the policy on the situation and the target group or person (meaningful and integrated implications); 2) the impact on situations and groups that are outside the goals or objectives of the policy (externalities or spillover effects); 4) Direct costs of financing public policies and 5) indirect costs that arise as a result of public policies by the community or certain members of society (Hasbullah & Anam, 2019). The protection of community empowerment must be carried out in communities or developing countries, especially at an early stage. For example, to protect the weak from the established, a naturally beneficial form of government is needed. The act of educating children is a creative activity aimed at the purpose of learning and human life. Therefore, the purpose of education is a product of adults' life goals, which will become part of the hearts of their children and grandchildren (Mashudi, 2019).

Today's education must be capable of pioneering the past and guiding the process by which man manifests himself in the performance of his life's duties.

The following can be seen in various ways in the context of community empowerment 1) Notify the environment or climate that allows the community to develop its potential (possible) (Purwanti, 2019). The starting point here is that every human being, every society has potential that can be developed. Guidance is an effort to build human energy or potential to motivate and raise awareness and strive to create the likely or power it has; 2) strengthen and develop potential or strength; 3) strengthen the community's potential or strength (Nida & Hariyati, 2019). This requires concrete steps, guided programs and creates a conducive climate and environment; 4) empowerment means protecting. This should be seen as covering the weak to prevent competition and unequal exploitation. Community empowerment efforts must be focused on, and 5) empowerment of holistic or holistic educational concepts. In the fields of economy, culture and social politics, state and national life, operational authorization can provide added value (Purwanti & Beki, 2019).

Fundamental freedom should not just be exercised and practiced as a system, depending on the freedom of each person and not free from the freedom of others. If a student wants to enter a public school, then 20 percent of the total students admitted have the right to do so (Pradewi, 2019). The role of education in building community capacity is significant. In addition to providing general knowledge to community members, teaching is a prerequisite for participation in education and education programs in modern society; more important is the possibility of limiting its implementation, as is fundamental freedom for humans (Andina, 2017). This means that there is no absolute freedom from all forms of total freedom; In other words, fundamental human freedom is a real value that must be fought (Nurlailiyah, 2019).

Regarding student morality, educational policy is significant. Education policy is a set of laws and regulations, academic regulations starting from the formulation, placement, and evaluation of implementation based on problems with a community background. This form of education policy is usually in education legislation, government regulations, ministerial regulations, and decrees. Good policy words are policy words that are oriented towards implementation and assessment. Because policymakers believe that good policies are conceptual descriptions, full of messages and normative ideals, but not to the ground. However, in the formulation of education policy, various aspects of life are considered, which will later determine the direction and goals of education at the regional, national, and regional levels.

Education Law Number 20 of 2003 concerning the National Education System, Education is a conscious and planned effort to create an atmosphere of education and learning so that students can actively utilize their capacity for spiritual strength, self-control, personality, intelligence, noble character, and qualifications that are they need for themselves, their community, the nation and others. Three main points of thought are contained in this definition, namely: 1) conscious and planned effort; 2) creating an atmosphere of learning and learning to increase the potential of students actively; and 3) possession of the spiritual strength, control, intelligence, dignity and skills necessary for him, society, country, and country.

Of course, there will be different consequences, especially for objectives or policy objects related to the arrangement of the PPDB zoning system, namely prospective students. The final result of public decisions in actual circumstances, according to Dye, is a political consequence. Winarno further noted that several aspects affect the policy, and all of them must be considered in the assessment. The dimensions of political influence are as follows: (1) the impact on the situation and the target group of people involved (consequential, collected); (2) the impact of the policy on situations and groups that fall outside the goal (externalities, spillover effects); (3) the impact of the policy on current and future conditions (to see the impact of the size of the time, both current and fuel).

The influence of the policy on the student's future situation and the target group. There are positive and negative consequences to the zoning scheme policy in PPDB. The favorable implication is that access to education in the PPDB system is more evenly distributed among school graduates at each level of education to ensure that they have access to school. Considering the gap between schools and settlements and the optimal ability ratio for prospective students, there is no longer a favorite school because all students cannot continue their education at school at the next level and to the next level. Ensure fairness in this zoning scheme. Besides, Permendikbud No. 44 of 2019 provides room for students with a quota of 80% based on zoning, 15% with achievement, and 5% based on the transfer of parents/guardians in college.

The negative result is that prospective students cannot choose a school that matches the expectations of students who cannot find an appropriate learning location. Besides, the number of quality schools has not been expected, so

prospective students with good quality and achievement must receive training in places that do not meet the requirements and awards for future schools that excel in PPDB, regulated in Permendikbud No. 44 of 2019. Regarding the admission of new students using the regular zone, schools emphasize that proximity to the home of work is a significant disadvantage for prospective new students with high quality and excellent national exam scores. And those who excel may not be able to receive public schools because prisons are not part of government zoning circles, and public schools are not evenly distributed in certain cities. Based on the description above, the consequences for prospective students regarding the arrangement of the zoning system in PPDB can be seen based on the Regulation of the Minister of Education and Culture Number 44 of 2019 concerning the Acceptance of New Students.

#### 4. Conclusion

Based on the provisions of Article 5 paragraph (1) of Law Number 20 of 2003 concerning the National Education System, "every citizen has the right to obtain a quality education," the application of a zoning system based on Government Regulation Number 44 of 2019 concerning New Student Admission in connection with the Number 20 of 2003 concerning the National Education System. With Permendikbud number 44 of 2019 concerning the admission of new students in the zoning system, number 20 of 2003 concerning the national education system cannot yet be implemented. The fundamental structure of society and the main social structure in the cooperation scheme are the principles of social justice. This principle regulates granting rights and responsibilities in institutions and describes how enjoyment and social life are distributed. Thus, despite the acute trend in paforit schools, the zoning system does not fully provide a sense of justice.

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