

**REVIEWING THE LEGAL CERTAINTY OF THE NATIONAL
EXAMINATION**

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Abstract

Whereas Article 31 paragraph (2) of the 1945 Constitution (before the amendment) is the legal basis for the formation of Law Number 2 of 1989 concerning the National Education System (Law on the National Education System), furthermore based on the provisions of statutory regulations. Article 31 paragraph (2) of the Law. The 1945 Constitution of the Republic of Indonesia is the result of an amendment that has formed Law Number 20 of 2003 concerning the National Education System (the new National Education System) as a substitute for the Law on the National Education System. According to Article 58 paragraph (1) and paragraph (2) of the new National Education System, the provisions related to "evaluation of student learning are carried out by educators (teachers), while student evaluations are carried out by independent institutions. In this case, it is carried out by the National Education Standards Agency. Furthermore, as the implementation of the new National Education System, Government Regulation Number 19 of 2005 in conjunction with Government Regulation Number 32 of 2013 in conjunction with Government Regulation Number 13 of 2013 concerning National Education Standards, which in Article 66 paragraph (1) of the government regulation) is implemented by the government, in this case, the National Education Standards Agency. Whereas according to the provisions of Article 58 paragraph (1) and paragraph (2) of the new National Education System, the evaluation of learning outcomes and the evaluation of students is not the government's authority, in this case, National Education Standards Agency. And National Education Standards Agency was formed based on the Regulation of the Minister of Education and Culture Number 97 of 2013 concerning the National Education Standards Agency. Along with developing the Covid 19 outbreak, the Minister of Education and Culture issued Circular Number 1 of 2021 regarding the Abolition of the National Examination in the Covid 18 situation. Still, along with the issuance of this circular with Article 66 paragraph (1) Government Regulation Number 13 of 2013 concerning The National Education Standards, which are the basis for the implementation of the national exams that are still in effect, besides that, in a circular in the statutory system, it is not included in one of the hierarchies of laws and regulations, so that the elimination of the national exam itself creates legal uncertainty.

Keywords: binoculars, certainty, law, negation, national exam.

INTRODUCTION

Based on Article 31 Paragraph (2) of the 1945 Constitution before the amendment, the assistance states that "the Government shall seek and implement a national planning system regulated by law."(Hakim, 2016) As an order from the 1945 Constitution, Law Number 2 of 1989 concerning the National Education System (the old Law) has been issued. It seems that in

its development, the old law has not been able to guarantee equal educational opportunities, quality improvement, and relevance, and management education to deal with challenges by changes in local, national, and global education so that it needs renewal in a planned, directed and sustainable manner, besides that the old law is no longer adequate and needs to be refined so that it is by the mandate of amendments to the Constitution of the Republic of Indonesia by Article 31 Paragraph (3) UUDNRI 1945 explains that "The government endeavors and implements a national education system, which enhances faith and piety as well as noble morals to educate the nation's life as regulated by law."(Suryana, 2020)

Furthermore, as an order of Article 31 Paragraph (3) of the 1945 Constitution, Law Number 20 of 2003 concerning the National Education System has been established. 4) In Article 58 paragraph (1) and paragraph (2), the new Law explains:

1. Paragraph (1) that "Evaluation of student learning outcomes is carried out by educators for the progress of progress and learning outcomes of participants on an ongoing basis."
2. Paragraph (2) that "Evaluation of students, educational units and educational programs is carried out by independent institutions periodically, thoroughly, transparently and systemically to assess national education standards."

In Article 58 paragraph (1), the new law means that the evaluation of student learning outcomes is the educator's authority. In contrast, the evaluation of students, education units, and educational programs regulated in Article 58 paragraph (2) is the authority of independent institutions to formulate national education standards.(Matondang et al., 2019) Furthermore, based on Article 58 paragraph (1) and paragraph (2) of the new law, the government has stipulated Government Regulation Number 19 of 2005 concerning National Education Standards, the Government Regulation Number 19 of 2005 has been amended by Government Regulation Number 32 of 2013 and most recently has amended again by Government Regulation Number 13 of 2015 concerning the second amendment to Government Regulation Number 19 of 2005 concerning National Education Standards.(Triningsih, 2017)

Article 66 paragraph (1) Government Regulation Number 13 of 2015 concerning National Education Standards, that "Learning assessment by the government aims to assess the

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competency results of national graduates in certain subjects and is carried out in the form of a national exam.(Alawiyah, 2015) Furthermore, in this case through The Minister of Education and Culture has issued Circular Number 1 of 2021 concerning the Abolition of National Examinations and Equality Exams and School Exams in the emergency period of the spread of Corona Virus or Corona. (Ghani & Zharfa, 2020)

Without revising Government Regulation Number 19 of 2005 in conjunction with Government Regulation Number 32 of 2013 in conjunction with Government Regulation Number 13 of 2015 concerning National Education Standards, the position of the Minister of Education and Culture Circular Letter Number 1 of 2021 is very weak, considering that the form of the Circular Letter is in the hierarchy of regulations -The legislation is regulated in Article 7 paragraph (1) of Law 12 of 2011 concerning the Formation of Prevailing Laws, 7) is not a type of statutory regulation that is generally binding, but is a policy regulation (beleid reglement) which does not constitute a regulation. policy (beleid reglement) can be equated with binding legislation in general. Furthermore, even though the Minister of Education and Culture has eliminated the implementation of the National Examination, in fact, the National Examination until now still has a legal basis through Article 66 paragraph (1) Government Regulation Number 13 of 2015 concerning National Education Standards.(Raharjo et al., 2018)

If it violates these government regulations, it means that the National Examination suspension policy by the Minister of Education and Culture has no binding legal force or is null and void. This means that the National Examination is still carrying out Government orders Number 13 of 2015 concerning National Education Standards. If the government continues to abolish the National Examination through the SE Minister of Education and Culture, while Government regulations still order the National Examination, there is still uncertainty over the National Examination law, therefore the Ministry of Education and Culture must immediately fix the National Examination. regulations by revising government regulations.

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METHODOLOGY

In this study the authors used a normative juridical approach, namely the type of literature research where data were obtained through research on various literature relevant to the object of the research being carried out. The specification of research or research is descriptive qualitative analytical, which is carried out by describing, qualitative analysis of data related to the object of research, both in positive law in its implementation to be able to draw in accordance with the problems under study.

Primary Legal Materials, including the 1945 Constitution before and after the amendment, Law Number 2 of 1989 and Number 20 of 2003 concerning the National Education System, Government Regulation Number 19 of 2005 concerning National Education Standards has been amended by Government Regulation Number 32 of 2013 concerning National Education Standards and the second amendment to Government Regulation Number 13 of 2015 concerning National Education Standards, Regulation of the Minister of Education and Culture Number 97 of 2013 concerning the National Education Standards Agency, Law Number 12 of 2011 concerning the Formation of Laws and Regulations and the Circular of the Minister of Education and Culture Number 2021 concerning the Elimination of National Examinations and Equality Exams and the implementation of School Exams during the spread of Corona or Covid 19.

Secondary Legal Materials include materials that support primary legal materials, such as books, journals, research results such as books and journals related to the results of the national exam evaluation.

RESULT AND DISCUSSION

According to Article 31 Paragraph (3) of the the constitution of the Republic of Indonesia Year 1945, the amendment results that "The government shall endeavor and implement a national education system, which increases faith and piety as well as noble morals in the framework of the intellectual life of the nation, which is regulated by law." With the 1945 Constitution, the old Sisdiknas Law was repealed and declared no longer valid. As "the People's

Representative Council together with the Government has and determined Law Number 20 of 2003 concerning the National Education System. In this new National Education System, the reform movement in Indonesia generally applies democracy, decentralization, justice. It upholds human rights in the life of the nation and state.

In education, these principles will have a fundamental impact on the content, basis, and management of education. Also, science and technology are rapidly developing new records in all aspects of life, including in the education system, including curriculum reform, namely curriculum diversification to serve students and diverse regional potentials, diversification of types of education carried out professionally, a compilation of competency standards. Appropriate planning at national and regional levels, according to local conditions, preparing standards for educators by instructions for carrying out tasks in a professional manner, formulating educational standards by the principles of equity and justice, implementing school-based education management, and providing education with an open and multi-system system. Meaning.

With this reform movement in the education sector, the substances stipulated above have been followed up with various policies by the government considering that the new National Education System has been running for a dozen years, some of which have been followed up with regulations on educational standards which embed Article 58 paragraph (1) and paragraph (2). New National Education System. Article 58 paragraph (1) provides that:

1. Evaluation of student learning outcomes is carried out by educators to learn the process of progress and improvement of student learning outcomes on an ongoing basis.
2. Article 58 paragraph (2) states that "Evaluation of students, educational units and educational programs is carried out by independent institutions periodically, thoroughly, transparently and systemically to assess national education standards.
3. In the provisions of Article 58 paragraph (1) with paragraph (2) This has a difference, namely that the evaluation of student learning is carried out by the teacher which includes pathways, levels, and types of education, with the explanation that the education pathway consists of formal, non-formal, and informal education. For formal education, basic education and secondary education, types of

education include general, vocational, religious, and special education. Furthermore, pathways, levels, and types of education are carried out by the local government and/or the community.

4. Meanwhile, students' evaluation is the authority of an independent institution to assess the national education standards. What is meant by an independent institution is an institution formed by the community and/or organization to evaluate the evaluation of students as stipulated in Article 59 paragraph (1) of the new National Education System. If you look at the provisions of Article 58 paragraph (1) of the new National Education System, the learning evaluation of students is by the path, level, and type of education carried out by educators, for the school level carried out by teachers, namely in the form of a national exam. By the provisions of Article 58 paragraph (1) of the new National Education System, the government has issued Government Regulation Number 19 of 2005 concerning National Education Standards. This government regulation is amended for the first time with Government Regulation Number 32 of 2013 and the second amendment is made to a Government Regulation. Number 13 of 2015 concerning National Education Standards.
5. In Article 66 paragraph (1) of Government Regulation Number 19 the Year 2005, the provisions for learning of students are regulated in Article 58 paragraph (1) of the new National Education System, regulated by the provisions, so that the provisions in Article 66 paragraph (1) of the government regulation become "Assessment of results Learning aims to assess the competence of national graduates in certain subjects in the science technology subject group and is carried out in the form of a National Examination.
6. Furthermore, Article 66 paragraph (1) Government Regulation Number 19 of 2005 concerning National Education Standards is also amended with Article 66 paragraph (1) Government Regulation 13 of 2015 concerning National Education Standards, so that the provisions become, "Assessment of learning outcomes aims to assess the competence of graduates nationally in certain subjects and the form of National Examination.

When juxtaposed between the provisions of Article 66 paragraph (1) in the two regulations above, there is a sentence trimming, namely "in the science technology subject group," so that the content of the provisions of Article 66 paragraph (1) in Government Regulation Number 13 of 2015, becomes "Assessment of results. learning by the government aims to assess the competence of national graduates in certain subjects

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and is carried out in the form of a National Examination. between pro and the administration of the National Examination by the government.

By comparing the sentence "evaluation" correcting the sentence in Article 58 paragraph (1) of the new National Education System with the sentence "Assessment" in the provisions of Article 66 paragraph (1) of Government Regulation Number 13 of 2015 concerning National Education Standards, now the question arises, "whether the evaluation of learning outcomes students with student learning outcomes have similarities or differences, then whether the evaluation of student learning is the authority of the educator in this case the teacher or the authority of the government. "

If you look at the provisions of Article 58 paragraph (1) and paragraph (2) of the new National Education System, that the evaluation of student learning outcomes and student evaluation is not the authority of the central government or local governments to organize them. To evaluate participants who carry out activities in the provisions of Article 58 paragraph (2) of the National Education System, the implementation is carried out by an independent institution. Still, in the provisions of Article 67 paragraph (1) Government Regulation Number 19 of 2005 concerning National Education Standards, the government forms and is assigned to an agency called The National Education Standards Agency to hold the National Examination, which students participate in each educational unit of primary and secondary formal education pathways and equivalence non-formal pathways.

Furthermore, Article 67 paragraph (1) Government Regulation Number 19 of 2005 concerning National Education Standards is amended by Government Regulation Number 13 of 2015 concerning National Education Standards, by adding one paragraph in Article 67 paragraph (1) to Article 67 paragraph (1) and Paragraph (1a), namely "National Examination for education units through the formal basic education pathway is exempted for SD / MI / SDLB or other equivalent forms.

Based on these provisions, the authority to form an independent institution owned by the community and/or professional organizations and in its implementation to carry out learning outcomes or, more precisely to administer national exams, the government assigns National Education Standards Agency to hold national exams regulated in the provisions of Article 67 paragraph (1) paragraph (1a) Government Regulation Number 13 of 2015 concerning National Education Standards. 10). If National Education Standards Agency is not the institution referred to in the provisions of Article 58 paragraph (2) of the new National Education System, the question is how to place National Education Standards Agency as the institution for administering the national exam. For this reason, it is necessary to ensure in advance regarding the location of the National Education Standards Agency, namely that the National Education Standards Agency is formed by the formation of the new National Education System, especially in the provisions of

Article 35, which states that "Development of national education standards, as well as reporting and reporting nationally, is carried out by a body of standardization, assurance, Control of the quality of education. "11) Furthermore, the existence of this agency is really in Government Regulation Number 19 of 2005 concerning National Education Standards, namely in Article 73 to Article 77, which essentially states that" the body for standardization, assurance and quality control of education is called the Standard Body. National Education ".

Furthermore, this government regulation was followed up by Regulation of the Minister of Education and Culture Number 97 of 2013 concerning the National Education Standards Agency. Article 1 of the Minister of Education and Culture states that National Education Standards Agency is an independent and independent body that develops, implements and implements national education standards ".

Furthermore, to carry out these tasks, National Education Standards Agency is regulated in Article 7 paragraph (1) of the Permendikbud, carrying out functions:

- a. Developing national education standards.
- b. Organizing national exams.
- c. Provide recommendations to the government and local governments in education quality and assurance.
- d. Establish criteria for graduation from education units at the primary and secondary education levels.
- e. Assess the textbooks of the lesson.
- f. Monitor and follow the implementation of national education standards.

Based on these duties and functions, the question arises, whether the National Education Standards Agency is an independent institution in the provisions of Article 58 paragraph (2) of the new National Education System. If you understand the provisions of Article 67 paragraph (1) and paragraph (1a) of Government Regulation Number 13 of 2015 and Permendikbud Number 97 of 2013, it seems that National Education Standards Agency in carrying out its duties and functions is not an independent institution, considering that the existence of National Education Standards Agency depends on the policies of the Minister of Education and Culture and Head of Research and Development Agency of the Ministry of Education and Culture. This means that the National Education Standards Agency was formed as an additional hand from the government, in

this case, the ministry of education and culture, to not give the impression of violating the provisions of Article 58 paragraph (2) of the new National Education System.

Based on this explanation, the question arises, whether the form of evaluation of student learning outcomes in the form of a National Examination conducted by educators (teachers) as referred to in Article 58 paragraph (1) The new National Education System can be implemented by an institution called National Education Standards Agency which is clearly an extension the hands of the government, in this case, the Ministry of Education and Culture. In addition, whether the evaluation of the learning outcomes of students and students in the form of a National Examination organized by National Education Standards Agency with legal certainty in the provisions of Article 58 paragraph (1) and paragraph (2) of the new National Education System and Article 67 paragraph (1) Government Regulation Number 19 the Year 2005 jo Article 67 paragraph (1) Government Regulation Number 13 of 2015 concerning National Education Standards.

To understand the understanding of educational evaluation, it is defined as production in education related to educational activities. According to Edwind Wandt and Gerald W. Brown (1977), that "evaluation is an action or a process to determine the value of something." If the definition is used to provide a definition of educational evaluation, then educational evaluation can be defined as an action or activity carried out with the intention or a process that takes place in order to determine the value of everything in the world of education, namely everything related to or what happens in the field of education, or the training is an activity or process of determining the value of education so that the quality or results can be known.

Meanwhile, according to A. Heri S. Hermawan ", that" evaluation results after the result is determined, the result is then a parameter to determine whether a person is successful or not, an evaluation will determine the quality. "

To evaluate student learning outcomes includes:

- 1) Evaluation of the level of mastery of learners against specific objectives to be achieved in limited units program.
- 2) Evaluation of the student conference level against general objectives.

In world education, the evaluation function can be viewed from three aspects, namely:

- a) In terms of philology.
- b) Didactic aspects.
- c) Administrative aspects.

Furthermore, the author tries to pull it off from a didactic point of view. For educators, educational evaluation has at least five functions, namely:

1. Provide an assessment to assess the business results (achievements) that have been achieved by students.
2. Provide information that is very useful in order to detect the position of each student in the middle of the group.
3. Provide material that is important to have and then establishes the status of learners.
4. Provide for new students to find and find solutions who really need it.
5. Guidance guidance on the extent to which the predetermined program has been achieved.

Furthermore, according to "Wina Sanjaya," there are several functions of educational evaluation, namely:

- a. Evaluation is an important tool as feedback for students.
- b. Evaluate tools to see how the students achieved the predetermined goals.
- c. Evaluation can provide information for developing curriculum programs.
- d. Information from the evaluation results can be used by students to make decisions individually, especially in determining the future related to the field of work.
- e. Evaluation is useful for curve developers in determining the clarity of the goals be achieved.
- f. Evaluation serves as feedback for all parties with interest in education in schools.

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If you look at the explanation, the new National Education System uses the word "evaluation is regulated in the provisions of Article 58 paragraph (1) and paragraph (2), then the word" evaluation "means the meaning of the term" instruction "regulated in the three regulations, namely PP Number 19 the Year 2005 in conjunction with Government Regulation Number 32 of 2013 in conjunction with Government Regulation Number 13 of 2015 concerning National Education Standards, particularly Pasal 66 paragraph (1). It of the theoretical from the education by the experts then that from the staff to the assessment from it to the application to the process of the value of education, so that the results can be known.

The author will provide an explanation related to evaluation and evaluation coming from experts in the field of education as one of the architects of the new Sisdiknas Bill, and as Deputy Chairman of Commission X DPR-RI, Period 1999-2004 and 2004-2009 Prof., that "In fact, according to the order in the text of the DPR or the Government in the Bill on the new National Education System, then it can become an evaluation in Article 57 of the new National Education System because it is considered to be broader. However, there are terms based on criteria based on assessment and evaluation based on the new National Education System, and these two terms can be defined in their respective meanings. Evaluation, evaluation, education evaluation, and education mapping of various components of education at each track, level, and type of education as a form of accountability for education delivery. In education science, evaluation contains elements of assessment (tracing), measurement (measurement), testing (examination), scoring (scoring), and judgment. The assessment tends to be the assessment, the threshold term the score includes the area the assessment and the assessment are in. measurement, testing, and assessment, while the area of assessment is still with educators and educational units who will make student graduation decisions based on the scores of various evaluation components such as cognitive, affective, psychomotor, personality, daily behavior, ethics, aesthetics, etc. "

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All components related to educational needs such as “measurement, testing, and assessment must have more concrete and measurable standards that must be achieved within a certain period and are improved regularly and planned, which can increase local excellence, national interests, justice, and world civilization competition, and this is really in the explanation of the new National Education System Article 35 paragraph (1).

The government, which remains adamant about implementing national exams, considers that there is no prohibition against holding national exams, and even the government has the right to determine national education policies to ensure the quality of national education (Article 50 paragraph (2) New National Education System. will include the national exam as a factor in one of the factors in education standards. Thus the DPR-RI Commission can understand the implementation of the national exam, as long as it has a strong legal basis, especially the implementation of Article 58 paragraph (1) of the new National Education System, which is regulated in a regulation. the government on national education standards ”.

Related to this, the government, through the Decree of the Minister of Education and Culture, has issued Circular Letter Number 1 of 2021 concerning the Elimination of National Examinations and Equality Exams and School Examinations in the emergency period of the spread of Corona Virus or Covid 19. ”

The Minister of Education and Culture's circular letter needs to be appreciated as well as criticized, especially the issue of the National Examination crisis which was abolished because the National Examination is often controversial. The National Examination model has not been carried out through a comprehensive approach, both aspects of cognition, affection, and psychomotor; educational evaluation is not only a variant of the quantitative numbers of students' cognition but must describe students as a complete human being from various dimensions of intelligence and character.

But its implementation is necessary that in order to achieve legal order and legal certainty, the National Examination provisions should not be carried out through legal instruments in the form of a circular letter of the Minister of Education and Culture.

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Theoretically, as explained by the experts above, assessment is part of an evaluation or, in short, that educational evaluation is an activity or process of determining the value of education so that the quality of the results can be known. Related to this, the government, through the Ministry of Education and Culture, has issued Circular Number 1 of 2021 concerning the Elimination of National Examinations and Equality Exams and School Examinations in the emergency period of the spread of Corona Virus Disease or Covid 19. "16) The Minister of Education and Culture's circular letter needs to be appreciated as well as criticized, especially regarding the abolished National Examination, because is often controversial. So far, the model has not been carried out through a comprehensive approach, both aspects of cognition, affection, and psychomotor, as well as educational evaluation, is not just a variant of the quantitative numbers of students' cognition, but must describe students as a whole person from various dimensions of intelligence and character. But it needs to be understood that in order to emphasize legal order and legal certainty, the National Examination should not be eliminated through a legal instrument in the form of a circular (SE) Minister of Education and Culture. considering that the SE is not a type of statutory regulation as regulated in the hierarchical provisions of the statutory regulations according to Article 7 paragraph (1) of Law Number 12 the Year 2011 concerning the Formation of Legislation as last amended by Law Number 15 of 2019 concerning the Formation of Laws and Regulations 17). In formal juridical terms, the National Examinations administration provisions are still regulated by Government Regulation Number 19 of 2005 in conjunction with Government Regulation Number 32 of 2013 in conjunction with Government Regulation

Number 13 of 2015 concerning National Education Standards, and to date, the provisions in Article 66 paragraph (1) and paragraph (1a) Government Regulation Number 13 of 2015 concerning National Education Standards has not been revoked and if National Education Standards Agency is not an independent institution as referred to in Article 58 paragraph (2) of the new National Education System, then what is the legal status of National Education Standards Agency so far, and what is the national examination policy that has been issued so far and what are the legal consequences for the implementation of the National Examination which has been running every year for dozens of years.

So the implementation of the National Examination still has to be carried out as ordered by Government Regulation Number 13 of 2015 concerning National Education Standards, and if the Government through the Minister of Education and Culture Circular No. 1 of 2021, removes the National Examinations, then there has been legal uncertainty in the administration of the UN, regardless of the pros or cons of administering the National Examinations organized by the government.

Therefore, the government, in this case, the Ministry of Education and Culture, will immediately fix the National Examinations regulations by revising government regulations related to National Examinations regulations. It should be noted that the Minister of Education and Culture in issuing the national examination elimination policy has three reasons, namely:

1. The National Examination material is too dense, so students and teachers tend to test content mastery, not reasoning competencies.
2. The National Examination is a burden for students, teachers, and parents because it is an indicator of the success of students as individuals, even though the National Examination is supposed to function for mapping the quality of the national education system, not student assessment.
3. The National Examination only assesses the cognitive aspects of student learning outcomes; it has not touched the character of students.

CONCLUSION

Based on the results of this study, it can be concluded in several ways, as follows:

1. Whereas the House of Representatives (DPR), together with the Government have established Law Number 20 of 2003 concerning the National Education System (new Sisdiknas) as a substitute for Law Number 2 of 1989 concerning the National Education System (Old Sisdiknas). The old system of education is the implementation of the provisions of Article 31 Paragraph (2) of the 1945 Constitution (before the amendment), while the new system is the implementation of the provisions of Article 31 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (after amendment). Furthermore, based on the provisions of Article 58 paragraph (1) and paragraph (2) of the new National Education System, the government organizes student learning evaluations and student evaluations by compiling Government Regulation Number 19 of 2003 in conjunction with Government Regulation Number 32 of 2013 in conjunction with Government Regulation Number 13 of 2015 concerning National Education Standards, in the form of National Examinations. At the same time, the learning evaluation of students and the implementation of the national exam is carried out by an institution called "National Education Standards Agency," while according to the provisions of Article 58 paragraph (1) of the new National Education System, this is done by educators (teachers), while the evaluation of students organized by an independent institution.
2. It seems that the government has formed BSNP to hold the National Examination through Regulation of the Minister of Education and Culture (Permendikbud) Number 97 of 2013, the problem is whether an independent institution such as BSNP is an independent institution as stipulated in the provisions of Article 58 paragraph (2) of the new National Education System and regulations. government, it seems that by holding the National Examination there are pros and cons in society.
3. Along with the development of the situation over the past year due to the Covid 19 pandemic, the government, in this case, the Ministry of Education and Culture, through the Minister of Education and Culture Circular (SE) Number 1 of 2021, has issued a

policy to eliminate the National Examination The problems with the SE Mendikbud are as follows:

- a. Whereas the policy of eliminating the school National Examination is only regulated by the Minister of Education and Culture Circular by the path, level, and type of education
- b. Whereas the regulation on eliminating the National Examination without going through the revision of Article 66 paragraph (1) of Government Regulation Number 13 of 3015 concerning National Education Standards

The suggestions that can be given by the author from the results of the study are:

1. The government should first revise the legal basis for the administration of the National Examination, namely Article 66 paragraph (1) Government Regulation Number 13 of 2015 concerning National Education Standards and other articles related to the national exam, considering that until now the legal basis for organizing school national exams still sourced from these provisions.
2. The elimination of the national exam with its legal basis in the form of the Minister of Education and Culture's Circular Letter does not appear to have fulfilled a strong legal basis, considering that the SE is not a type of statutory regulation as stipulated in Article 7 paragraph (1) of Law Number 12 the Year 2011 as last amended by Law Number 15 the Year 2019 Concerning the Establishment of Laws and Regulations.
3. The legal basis for the government in the form of a Ministerial Circular Letter cannot be passed on a national basis as the legal basis for all Indonesian citizens.

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