

RECONSTRUCTING THE IMPLICATIONS OF EARLY CHILDHOOD EDUCATION BASED ON LAW NO. 20 OF 2003

Franciscus Xaverius Wartoyo

Faculty of Law, Universitas Pelita Harapan, Jakarta

franciscus.wartoyo@uph.edu

Abstract

Early Childhood Education (PAUD) is an integral part of Indonesia's quality and competitive human development efforts. However, the implementation of PAUD regulations based on Law Number 20 of 2003 still faces various problems. This research aims to reconstruct the juridical implications and policies of PAUD based on Law Number 20 of 2003 concerning the National Education System, focusing on two crucial issues: the policy of the age of entry to elementary schools (SD) which does not have to be 7 years old and the status of a kindergarten/PAUD diploma as an administrative prerequisite. Using a normative juridical approach and policy analysis, this study finds a disagreement between the normative construction of the National Education System Law Article 28 paragraph (1) which explicitly states that PAUD is not a prerequisite for basic education and administrative practice in the field. The latest policy contained in Permendikdasmen Number 3 of 2025 and various derivative regulations shows a paradigm shift from an age-based approach to a learning readiness-based and non-discriminatory approach because they do not have to be 7 years old and have a kindergarten/PAUD diploma. Therefore, there is a need for harmonization of regulations between levels and strengthening supervision of the implementation of the child-friendly New Student Admission System policy to ensure legal certainty and fairness in access to education.

Keywords: reconstruction, implications of early childhood education, National Education System Law 2003

INTRODUCTION

Education is a constitutional right of every citizen guaranteed by the state as part of efforts to educate the life of the nation as mandated in the Preamble to the Constitution of the Republic of Indonesia of 1945 4th paragraph. In the context of human resource development, education is not only seen as a means of knowledge transfer, but also as a strategic instrument in the formation of individual character, morals, and social abilities from an early age.

Early childhood education (PAUD) occupies a very important position in the national education system because it is the initial foundation for children's physical, cognitive, emotional, social, and spiritual development¹. This is emphasized in Article 28 paragraph (1) of Law Number 20 of 2003 concerning the National Education System (UU Sisdiknas) which states that early childhood education is held before the basic education level. Furthermore, Article 28 paragraph (2) emphasizes that PAUD can be held through formal, non-formal, and informal channels.

Thus, PAUD is a crucial foundation in the national education system. The National Education System Law also emphasizes that it is a coaching effort aimed at children from birth to the age of six through the provision of educational stimuli to help physical and spiritual growth and development so that children have readiness to enter further education.

Laws and curriculums from the independence era until now there is no requirement for the age of

¹ Yani Muliawati and Ocih Setiasih, "Anak Usia Dini Dalam Perspektif KH. Ahmad Dahlan," *Aulad: Journal on Early Childhood* 7, no. 3 (2024): 1019–27, <https://doi.org/10.31004/aulad.v7i3.852>.

entry to a *daasar* school (SD), the existence is the right to education according to Law No. 4 of 1950 concerning the Principles of Education and Teaching article 10 paragraph (1), that children get the right to study at the age of 6 years and compulsory learning for children aged 8 years and updated by the 2003 National Education System Law in article 6 paragraph (1) which stipulates compulsory learning at the age of 7 years. However, since the regulation of the Minister of Education No. 17 of 2017 concerning New Student Admissions (PPDB), there are requirements in the regulation in Article 5 that state that the requirements for prospective new students in grade 1 elementary school are 7 years old or at least 6 years old.

However, in practice, the implementation of the PAUD policy faces a number of juridical and administrative problems². Juridically, the central issue that is being debated is related to the flexibility of children's age to enter the elementary school (SD) level, which in the National Education System Law does not rigidly require a minimum age of 7 years, as stipulated by the government through the Regulation of the Minister of Elementary and Secondary Education (Permendikdasmen) Number 3 of 2025 concerning the 2026 New Student Admission System that as of July 1, 2026, children entering elementary school are required to be at least 7 years old. In addition, administratively related to discriminatory practices in the field that require prospective elementary school students to have a Kindergarten (TK) diploma or must have proof of early childhood education, even though juridically normative this is contrary to Article 28 paragraph (1) of the National Education System Law. This phenomenon not only creates legal uncertainty but also has the potential to violate the constitutional right of citizens to obtain education as guaranteed in Article 31 of the 1945 Constitution. Furthermore, there is an academic debate about whether PAUD should be categorized as formal education (as stipulated in Article 28 paragraph 3 of the National Education System Law) or non-formal.

In Malaysia, the basic education system is compulsory for 6 years. Based on regulations from the Ministry of Education Malaysia (KPM), children start entering elementary school at the age of 7. Unlike Indonesia which uses the basis as of July 1, the Malaysian academic calendar starts in January. Therefore, the minimum age calculation is calculated as of January 1 of the current year. Children whose registration is accepted in the first year of grade 1 of elementary school must be 6 years old on December 31 of the previous year, so they will officially be 7 years old when the new school year starts in January³. Meanwhile, in Japan, children are required to enter primary school at the age of 6. The education system in Japan adheres to a structured compulsory education starting from 9 years (6 years of elementary school, and 3 years of junior high school) which continues to 3 years of high school and 4 years of higher education. Japan has a unique school year cycle that begins on April 1 and ends on March 31 of the following year. The rule of law in Japan states that children who have reached the age of 6 on April 1 must be enrolled in the 1st grade of elementary school⁴.

The existence of PAUD in the national education legal system shows that the state has recognized the importance of early childhood as a golden age of child development⁵. In this phase, the development of the child's brain takes place very quickly so that it requires the right educational stimulation to

² Evi Selva Nirwana et al., "Problematika Pendidikan Anak Usia Dini Di Indonesia: Hambatan Dan Tantangan Dalam Pengelolaan PAUD," *MANAJERIAL : Jurnal Inovasi Manajemen Dan Supervisi Pendidikan* 5, no. 1 (2025): 140–52, <https://doi.org/10.51878/manajerial.v5i1.4906>.

³ Noor Azina Ismail and Halimah Awang, "What Can They Learn from Singapore?," *Education Studies* 2, no. 1 (2009).

⁴ Atsuna Tokumoto et al., "Parental Low Education, Low Income, Deprivation and School Refusal Among Japanese Elementary School Students in First Grade: Results From A-CHILD Study," *Child* 52, no. 2 (2026): e70236, <https://doi.org/10.1111/cch.70236>.

⁵ Ika Widyastuti and Yessi Rifmasari, "Kebijakan Pendidikan Anak Usia Dini (PAUD) Berbasis Pembangunan Karakter," *Global: Jurnal Ilmiah Multidisiplin* 2, no. 3 (2025): 94–99, <https://doi.org/10.37985/global.v2i3.73>.

optimize all the potential it has⁶. Education in early childhood is not only oriented to academic aspects, but also includes character building, development of social skills, instilling moral values, and habituation of behaviors that support community life. Thus, PAUD is an integral part of Indonesia's quality and competitive human development efforts.

However, the implementation of PAUD regulations based on Law Number 20 of 2003 still faces various problems. One of the problems that often arise is the gap in access and quality of early childhood education services between urban and rural areas, between public and private institutions, and between community groups with high economic capabilities and underprivileged communities⁷. In addition, there are still inequalities in the availability of professional educators, adequate educational facilities and infrastructure, and sustainable financing support. This condition shows that normative recognition of the importance of early childhood education has not been fully followed by an implementation mechanism that is able to ensure the fulfillment of the right to early childhood education in an equitable and equitable manner.

From the perspective of the welfare law state, the state has a responsibility to ensure the fulfillment of the right to education for all citizens, including early childhood. Education cannot be seen solely as an individual or family affair, but rather a shared responsibility between the government, society, and parents. The concept is in line with the principles contained in Law Number 20 of 2003 which places education as a system that involves various stakeholders in its implementation. However, various social, economic, and educational policy dynamics show the need to reconstruct the arrangement and implementation of early childhood education to be more adaptive to the development of community needs and the challenges of the times.

The term reconstruction in this study is interpreted as an effort to rearrange the concept, policy, and implementation of early childhood education based on legal values, justice, utility, and legal certainty. Reconstruction is needed because various provisions in the implementation of PAUD still emphasize administrative and institutional aspects more than strengthening the guarantee of children's rights to obtain quality educational services. This can be seen from the orientation of institutions that tend to be stuck in the formalities of fulfilling accreditation forms and administrative reporting, which ultimately reduces the time and quality of stimulation interactions that are essential for children's growth and development. In addition, the development of a digital society, changes in family parenting patterns, increasing needs for inclusive education, and demands for the quality of future human resources require adjustments to the paradigm of implementing early childhood education that has been in effect.

A number of previous studies have discussed early childhood education from various perspectives. Research conducted by Mutuanisa Mahda Rena and Tumpal Daniel⁸ emphasized that early childhood education is a basic right of children that must be fulfilled by parents, society, and the state. The research shows that the protection of the right to early childhood education has been regulated in Law Number 20 of 2003, so that the state has an obligation to ensure the optimal fulfillment of these rights.

Another research conducted by Sri Utaminingsih⁹ on the policy of implementing PAUD based on Law

⁶ Evgenia Gkintoni et al., "Challenging Cognitive Load Theory: The Role of Educational Neuroscience and Artificial Intelligence in Redefining Learning Efficacy," *Brain Sciences* 15, no. 2 (2025): 203, <https://doi.org/10.3390/brainsci15020203>.

⁷ Ahmad Djafri et al., "Pemetaan Akses Dan Kualitas Layanan PAUD Di Kabupaten Gorontalo: Analisis Peta Jalan PAUD Berkualitas 2020–2035," *Journal of Literature Review* 1, no. 1 (2025): 66–75, <https://doi.org/10.63822/ye0zsc37>.

⁸ Mutuanisa Mahda Rena and Tumpal Daniel S, "Hak Pendidikan Anak Usia Dini Pada Undang-Undang No. 20 Tahun 2003 Dalam Perspektif Islam," *Jurnal Alasma: Media Informasi Dan Komunikasi Ilmiah* 4, no. 1 (2022): 45–52.

⁹ Sri Utaminingsih, "Kebijakan Penyelenggaraan Pendidikan Anak Usia Dini (PAUD) Berdasarkan Undang-Undang Nomor 20 Tahun 2003 Tentang Sistem Pendidikan Nasional Dalam Perspektif Negara Hukum

Number 20 of 2003 from the perspective of the welfare law state concluded that education is the main instrument in improving the quality of human resources and must be carried out systematically as part of the state's responsibility. The research focuses more on the policy aspect of education implementation and the role of the government in realizing community welfare through the education sector.

Furthermore, the research conducted by Raden Nurhayati¹⁰ examines early childhood education based on Law Number 20 of 2003 and the Islamic education system. The results of the study show that the purpose of early childhood education basically leads to the formation of human beings with character and noble character in accordance with the values of Pancasila and religious teachings. The research highlights the relationship between national legal norms and religious values in the implementation of early childhood education.

Meanwhile, Nuzliah's research¹¹ on the approach to guidance and counseling services in early childhood shows that the need for early childhood education services is not only limited to the learning process, but also includes aspects of psychological and social assistance. The research emphasizes that PAUD requires a comprehensive approach to support children's development optimally.

Based on the results of some of the previous studies mentioned above, it can be seen that most of the research still focuses on aspects of education rights, religious perspectives, implementation policies, and early childhood education services. However, research that specifically examines the reconstruction of the implications of early childhood education based on Law Number 20 of 2003 from a legal perspective is still relatively limited. In fact, social changes, technological developments, and increasing demands on the quality of education have given rise to various new implications that require adjustments to early childhood education policies and regulations.

Thus, these results still show that there is a gap in the implications of the National Education System Law in the implementation of early childhood education, namely the lack of optimal reconstruction of the implications of early childhood education based on Law Number 20 of 2003 which is carried out to answer the needs of contemporary society. This research differs from previous research because it not only examines the legal norms that govern early childhood education, but also analyzes the implications of the application of these norms in the practice of implementing early childhood education and offers a reconstruction concept oriented towards the protection of children's rights, equitable access to education, improving the quality of services, and strengthening the state's responsibility in the implementation of early childhood education.

Using qualitative legal research methods through legislative approaches, conceptual approaches, and analytical approaches, this study aims to examine the regulation of early childhood education based on Law Number 20 of 2003 and reconstruct the implications of its implementation in the perspective of national education law. The results of the research are expected to make a theoretical contribution to the development of educational law as well as a recommendation for policymakers in improving an early childhood education system that is more equitable, inclusive, and oriented towards the best interests of children.

RESEARCH METHODS

Kesejahteraan (Studi Kasus Di Kota Tangerang Selatan)," *PROCEEDINGS UNIVERSITAS PAMULANG* 1, no. 1 (2018), <https://openjournal.unpam.ac.id/index.php/Proceedings/article/view/2168>.

¹⁰ Raden Nurhayati, "Pendidikan Anak Usia Dini Menurut Undang – Undang No, 20 Tahun 2003 Dan Sistem Pendidikan Islam.," *Al-Afkar, Journal For Islamic Studies*, October 6, 2020, 57–87, https://doi.org/10.31943/afkar_journal.v3i2.123.

¹¹ Nuzliah Nuzliah, "Pendekatan Layanan BK Pada Anak Usia Dini," *Bunayya : Jurnal Pendidikan Anak* 3, no. 1 (2017): 108–18, <https://doi.org/10.22373/bunayya.v3i1.2048>.

This study uses a normative juridical approach with doctrinal analytical specifications¹². The legal materials used include laws and regulations (Law No. 20 of 2003, Permendikbud/Permendikdasmen related), decisions/statements of the Constitutional Court, as well as policy documents and academic literature. The data collection technique was carried out through a literature study of primary and secondary legal sources, including international journal articles and conference proceedings of the last 10 years. Data analysis is carried out qualitatively by systematic and teleological interpretation methods of relevant legal norms¹³.

DISCUSSION

Law Number 20 of 2003 constructs PAUD in Article 28 systematically. Paragraph (1) states: "Early childhood education is held for children from birth to six years old", in the statement there is no affirmation that this paragraph is a prerequisite for entering elementary schools (SD). This affirmation is a key provision that distinguishes PAUD from other levels of formal education. Furthermore, paragraph (2) stipulates that PAUD can be held through three paths, namely the formal path through Kindergarten (TK), or equivalent, then the non-formal path through Play Groups (KB) and the informal path through family or environmental education.

The "formal" category for kindergarten in Article 28 paragraph (3) of the National Education System Law had become a polemic and was materially tested to the Constitutional Court in 2009¹⁴. The petitioners argue that the categorization of PAUD as formal education is not in accordance with the characteristics of children aged 0-6 years whose learning process does not need to be structured like the level of education above it. In the trial, PAUD expert Anggani Soedono explained that children aged 0-6 years have special characteristics so that the learning process does not have to be carried out in a structured manner, and the most important thing is to prioritize the learning process through play. Although the lawsuit was not granted, this debate shows the tension between normative arrangements and the philosophical-pedagogical needs of PAUD. The affirmation that PAUD is "not a prerequisite" in the explanation of Article 28 paragraph (1) is a normative fortress to prevent discriminatory practices.

Over the past decade, the governance landscape of basic education in Indonesia has shown significant changes in dynamics, especially related to the regulation of the minimum age limit for prospective new students at the elementary school level. This standardization effort was formally initiated through the issuance of Joint Regulations of the Minister of Education and Culture and the Minister of Religion Number 2/VII/Pb/2014 and Number 7 of 2014 concerning the Admission of New Students (PPDB). The policy explicitly classifies the criteria for children's age readiness as of July 1 into four formal categories that are accountable.

Based on the joint decision, children who have reached the age of 7 to 12 years are categorized into mandatory groups, considering that this phase is considered the golden age to start formal education. Meanwhile, prospective students who are exactly 6 years old are in acceptable status. For children aged 5 to less than 6 years, regulations provide flexibility in the form of status can be considered, with the condition that it is mandatory to attach a written recommendation from a professional psychologist stating the child's mental and cognitive readiness. On the contrary, in order to maintain the objectivity and protection of children's growth and development, this policy expressly stipulates that children under the age of 5 years are completely unacceptable in the selection system.

Compared to the Joint Regulation of the Minister of Education and Culture and the Minister of

¹² Muhaemin, *Metode Penelitian Hukum*, Cetakan Pertama (Mataram University Press, 2020). Hlm. 45.

¹³ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7 (April 2020): 20–33, <https://doi.org/10.14710/gk.2020.7504>.

¹⁴ H. M. Akil Mochtar, "Pendidikan Anak Usia Dini Bukan Pendidikan Formal," *Majalah Konstitusi* (Jakarta), 2009. Hlm. 29.

Religion Number 2/VII/Pb/2014 and Number 7 of 2014 concerning New Student Admissions (PPDB) mentioned above, there is currently a change with the issuance of Permendikdasmen Number 3 of 2025 concerning the New Student Admission System. This policy presents greater flexibility because prospective students who are 6 years old on July 1 of the current year (2025-2026) can apply, and even the lowest age can be exempted to 5 years and 6 months of running for prospective students who have special intelligence or talents as well as psychic readiness as evidenced by a written recommendation from a professional psychologist or teacher council.

In 2026, the implementation of this policy will be further strengthened by the affirmation from the Director General of Early Childhood Education, Higher Education, and Higher Education of the Ministry of Education and Education, Gogot Suharwoto¹⁵, that "you don't have to be 7 years old, you don't have to have a kindergarten diploma, and there should be no calistung test". This shows a fundamental paradigm shift: from an age-based approach to an approach based on learning readiness and non-discriminatory principles.

Normatively, the legal framework that regulates the status of a Kindergarten (TK) diploma as a requirement for entering Elementary School (SD) has absolute certainty and is unambiguous. The explanation of Article 28 paragraph (1) of Law Number 20 of 2003 concerning the National Education System (UU Sisdiknas) explicitly emphasizes that Early Childhood Education (PAUD) is not a formal prerequisite for basic education. This legal principle is strengthened by the Joint Regulation of the Minister of Education and Culture and the Minister of Religion Number 7 of 2014, which is harmonized regionally through the Governor of DKI Jakarta Regulation Number 133 of 2015. Both regulations expressly state that prospective elementary school students are not required to have participated in kindergarten/early childhood education.

School entry requirements, especially elementary schools, have been around for a long time. However, sociological analysis in the field shows that there is a wide gap between the aspects of *das Sollen* (what should be) and *das Sein* (what is real). In practice, a number of educational units, especially favorite elementary schools or labeled "excellent", still implement an informal policy that requires a kindergarten or PAUD diploma in the administrative selection process¹⁶. This deviant practice is often used as a covert screening mechanism to deal with the high interest of applicants, as well as a shortcut for schools to get student input that is considered academically mature.

This phenomenon not only hurts compliance with the legislative hierarchy, but also frontally contradicts the policy of the Child-Friendly New Student Admission System (SPMB) based on the Regulation of the Minister of Primary and Secondary Education (Permendikdasmen) Number 3 of 2025 concerning the New Student Admission System. The government policy expressly and clearly prohibits all forms of reading, writing, and arithmetic tests (*calistung*) as well as the use of kindergarten diplomas as a selection instrument. The existence of these informal requirements reflects institutional resistance to the spirit of inclusivity, which in turn has the potential to trigger systemic discrimination for children who do not have the opportunity to taste early childhood education due to socio-economic constraints.

This study identifies a number of important implications of the reconstruction of early childhood education (PAUD) policies in the last 10 years. First, the change in the policy on the age of elementary school entry shows the government's responsiveness to the needs of the community and the development of children's growth and development science. Second, the affirmation of the ban on

¹⁵ Trisna Wulandari, "Usia Masuk SD Tidak Harus 7 Tahun, Kemendikdasmen: Tidak Wajib Punya Ijazah TK," *Detik.com*, May 21, 2026, <https://www.detik.com/edu/sekolah/d-8498380/usia-masuk-sd-tidak-harus-7-tahun-kemendikdasmen-tidak-wajib-punya-ijazah-tk>.

¹⁶ Malika Faniyatul Arifiyah et al., "Perspektif Guru Terhadap Regulasi Diri Anak Dalam Transisi PAUD-SD," *Jurnal Obsesi : Jurnal Pendidikan Anak Usia Dini* 10, no. 2 (2026): 1190–97, <https://doi.org/10.31004/obsesi.v10i2.7855>.

kindergarten diploma requirements and calistung tests is a progressive step to prevent discrimination and commercialization of early childhood education. Third, there is still a gap between central policies and implementation in the regions, which requires strengthening the supervisory mechanism.

A study in the proceedings of The Asian Conference on Education & International Development 2024¹⁷ highlights that education policies in Indonesia often face implementation challenges due to different rules in the field between regions and weak local government commitments. This study recommends the need for firmness in policy to address the problem of unfair access to education.

Harmonization of regulations is also necessary considering that there are a number of derivative regulations that sometimes overlap. There is a need for regulatory synchronization in education governance, especially during the transition period from Early Childhood Education (PAUD) to Elementary School (SD). Due to legal uncertainty due to rapid and overlapping policy changes in the structural basis of Permendikbud Number 137 of 2014 to a series of new regulations such as Permendikbudristek Numbers 5 and 7 of 2022 concerning Graduation Competency Standards and Content Standards in Early Childhood Education, to Permendikbudristek Number 12 of 2024 related to the PAUD curriculum, reflecting a radical shift in pedagogical paradigm from the government.

These dynamics demand a systematic attitude because inconsistency between regulations risks creating double standards in the field. When the national standards of early childhood education are repealed and replaced by the Merdeka Learning policy package that emphasizes strengthening the foundations of the transition phase, education units are often less aligned in mapping the boundaries of children's learning readiness. This shows that without harmonious and firm harmonization between the central and regional governments, between regulations and one another, this will hinder the implementation of policies on the ground. As a result, the synchronization of the curriculum between PAUD and elementary school becomes suboptimal, which has the potential to harm children's growth and development rights in the learning transition.

CONCLUSION

Based on the discussion, it can be concluded that Law No. 20 of 2003 Article 28 paragraph (1) expressly states that PAUD is not a prerequisite for attending basic education, so the practice of requiring a kindergarten diploma during elementary school registration is discriminatory and unlawful. In addition, the elementary school entry age policy has undergone significant reconstruction in the last 10 years, from a rigid approach of a minimum age of 7 years to a flexible approach based on learning readiness with a minimum age limit of 5 years and 6 months for the category of children with special talents.

As a comparison between Japanese and Malaysian education, in aligning the primary school entry age limit with the child's cognitive and motor maturity level, policymakers in Indonesia need to consider reconstructing the age requirement by not relying solely on chronological numerical aspects. The government needs to integrate standardized formal psychological readiness assessments into the transition system from Early Childhood Education (PAUD) to Elementary School (SD). In addition, there is a need for a holistic evaluation of the regulation of the age limit for elementary school entry by referring to the rigidity of the system applied in Malaysia and Japan. Given the importance of reconstructing the elementary school early grade curriculum to have high flexibility in accommodating the diversity of children's developmental age ranges (6 to 7 years) in order to minimize the risk of academic and psychosocial barriers in the future.

As well as considering the potential that can cause different interpretations in the implementation of Article 28 paragraph (1) of the National Education System Law with the principle that PAUD is not a

¹⁷ James Alexander Gordon, *ISSN: 2189-101X – The Asian Conference on Education & International Development 2024 Official Conference Proceedings - The IAFOR Research Archive*, June 7, 2024, https://papers.iafor.org/conference-proceedings/ACEID/ACEID2024_proceedings.pdf?t=5.

prerequisite for basic education, it is stated that "it emphasizes that PAUD can be held through formal, non-formal, and informal channels" which has the potential to cause diverse interpretations in the field. Therefore, there is a need for an improvement (legal review) of the preparation of implementing regulations that explicitly integrate the principle of learning readiness into all policies of the New Student Admission System, as well as strengthening the sanction mechanism for educational units that still practice administrative discrimination. Meanwhile, for local governments, to ensure that the socialization of the child-friendly new student admission system policy reaches all educational units and parents, as well as providing access to learning readiness assessment services for children under general provisions by emphasizing aspects of children's individual abilities.

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