




ISBN 978-602-74135-3-5

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PROCEEDING

THE FIRST INTERNATIONAL
CONFERENCE ON EDUCATION

ICONLEE 2016

 Bandar Lampung, November 12 - 13, 2016

<http://ic.ummetro.ac.id>
Lampung, Indonesia

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Preface

Praise and gratitude always we pray to the Lord of Universe, GOD Almighty (ALLAH SWT), who always gives a mercy and blessing for mankind. Thus, we can attend the international conference in healthy and halcyon conditions without any obstacles.

First of all, on behalf of Rector of Muhammadiyah University of Metro warmly welcomes for the presence of keynote speakers and the participants of international conference in various colleges, either domestic or overseas. Especially for a chairman of Indonesian's People Consultative Assembly or MPR-RI, Mr.Zulkifli Hasan; and a chairman of Higher Education Assembly of the Central Board of Muhammadiyah, Prof.Lincolyn Arsyad.

Secondly, we do apologize if in providing services to the keynote speakers and the participants of the international conference are below of your expectations, all of those are caused by our capability limitation.

Thirdly, through this international conference, intended as a reflection of our commitment consistently improve the quality of education and accommodate more opportunities in academic collaboration.

Therefore, I believe that this international conference will be able to present an interesting discussion on the topics, by prominent speakers from Malaysia, Indonesia, Brunei and Thailand, which contribute to the development of knowledge and hopefully will encourage more research on this region.

In this beautiful occasion, I would like to congratulate to the organizers of international conference who have organized this event, hence, the event can be held most efficiently. Perhaps, it will support Muhammadiyah University of Metro to actualize its mission to become one of *international standard universities* in the near future.

Finally, once again I would like to say, welcome to all the distinguished guests and participants of the international conference.

Muhammadiyah University of Metro will give the best to help you recognize this Lampung land. Please enjoy our hospitality and have a pleasant experience in the international conference. Thank you.

Metro, November 7th, 2016

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Law and Human Rights in ASEAN Countries: Challenges and Prospects

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Abstract

Traditionally, the rule of law has not been viewed as a unifying concept amongst ASEAN countries. ASEAN was established principally as a political organisation. It did not set out to be an organisation focused on human rights. Its formative instrument- the 'Bangkok Declaration' 1967- did not mention the term 'human rights', and the term itself was viewed with many hesitation by various governments in the region. They viewed the idea incompatible with their principles for social unity and stability, effective economic development and sovereignty. However, the position has changed with the establishment of the ASEAN Inter-governmental Commission on Human Rights (AICHR). The paper aims to examine the relationship between law and human rights in ASEAN countries addressing the challenges and prospects in promoting and protecting human rights. This paper adopts a legal library research methodology focusing mainly on primary and secondary legal sources. The paper argues that unlike the European Union (EU), ASEAN is a strictly inter-governmental organisation. This means that the enforcement of citizen's rights and rule of law are entirely a prerogative of the member states. The paper also argues that the ASEAN Charter framed human rights as goals of the organisation but did not specify the concrete means by which those goals would be achieved or the sanctions that would follow non-compliance. The paper concludes that to secure human rights in ASEAN, consensus on human rights issues among member states is urgently needed.

Keywords: ASEAN, EU, Human Rights, Rule of Law

1. INTRODUCTION

The Association of South-East Asian Nations (ASEAN) was formed as a regional inter-governmental organisation in 1967 through the Bangkok Declaration. The ASEAN was established principally as a political organisation. Its formative instrument- the Bangkok Declaration 1967- did not mention the term 'human rights', and the term itself was viewed with hesitation by various governments in the region [1, 2]. Regardless of what has been said here, the idea for an ASEAN human rights body was not particularly new. It emerged in 1993, after the UN World Conference on Human Rights adopted the Vienna Declaration and Programme of Action and called on member states to establish regional human rights where they did not already exist [3]. ASEAN Foreign Ministers convened soon afterward and agreed that "ASEAN should also consider the establishment of an appropriate regional mechanism on human rights [4]". Hence, it is important to note that a regional human rights body took 16 years to come to fruition in Southeast Asia. On the other hand, looking at law per se in ASEAN, it is vital to note that the degree of application of the rule of law in individual ASEAN countries varies according to their specific contexts and capacities. These variations do not reflect 'competing conceptions' as much they are different notes on the same normative register for the rule of law in ASEAN [5]. Bearing all this in mind, developing an institution dedicated to human rights was challenging in an institution with a long-standing commitment to strong state sovereignty and a weak record of human rights enforcement.

The paper aims to examine the relationship between law and human rights in ASEAN countries focussing on the challenges and prospects in promoting and protecting human rights in the region. The paper is divided into four parts excluding the introduction. The first part addresses the relationship between law and human rights in ASEAN. This part of the discussion is important in order to understand the role that law can play in terms of promoting and protecting human rights. The second part deals with the challenges faced by ASEAN in the context of promoting and protecting human rights in the region. The third part addresses the future prospects in promoting and protecting human rights in ASEAN. Under this part, the discussion will revolve on the issue of future prospects despite the availability of the challenges faced by ASEAN in its quest to promote and protect human rights in the region. The fourth part shall focus on the conclusion. This part will embrace some recommendations bearing in mind that from the very beginning ASEAN developed a set of diplomatic norms and practices designed to discourage political interference.

2. RELATIONSHIP BETWEEN LAW AND HUMAN RIGHTS IN ASEAN

Unlike the European Union (EU), ASEAN is a strictly inter-governmental organisation. This means that the enforcement of citizen's rights and rule of law are entirely a prerogative of the member states. Given the great diversity of political systems in the region, rights granted to citizens and the enforcement of citizens' rights vary markedly. Limited space allows only for exemplary evidence as far as the rule of law in individual member

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countries is concerned. Traditionally, the rule of law has not been viewed as a unifying concept amongst ASEAN countries, but as a “protean” one. As mentioned earlier, while the degree of the application of the rule of law in individual ASEAN countries varies according to their specific contexts and capacities, recent global and regional developments have helped to crystallise a growing but firm consensus about the basic elements of the rule of law [6]. These developments include broad global acceptance for a UN definition of the rule of law linking the concept to human rights and democracy; the incorporation of the rule of law (and this linkage) in the ASEAN Charter; and the entrenchment of the rule of law and human rights as part and parcel of ASEAN’s move toward becoming a rule-based and integrated community with shared values [7].

Regardless of the approach taken by the ASEAN countries in terms of the relationship between law and human rights, there is no doubt that there appears to be a growing consensus on the constitutive elements or central principles of the rule of law as a principle of good governance; and acceptance that the rule of law is compatible with strengthening democracy and promoting and protecting fundamental human rights. Thus, the advent of the ASEAN Charter opened the door to integrating human rights into ASEAN framework. For example, in the national context, certain ASEAN countries have made human rights a part of their national agendas by setting up human rights commissions. At the international level, individual ASEAN member states have displayed a greater openness to acceding to human rights conventions and have participated vigorously in human rights debates within United Nations fora [8]. This may be seen as an unequivocal acceptance that human rights are a matter of legitimate international concern; how this concern should be expressed, however, is still open to question. At the sub-regional level, ASEAN states have departed from previous practice by discussing the issue of human rights in formal meetings, albeit stressing that human rights are contingent upon distinct economic and cultural conditions of the region [9]. Though all these may sound to be good news in promoting and protecting human rights in the region, it is sad to note that Article 1(7) of the ASEAN Charter identifies human rights as an explicit goal of the Association but again places that objective in dynamic tension with the rights of sovereign member states. The espoused goal is: “to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN”. The provision treats human rights as norms to be reconciled with sometimes balanced against norms of sovereignty and non-interference [10].

From the foregoing discussion above, it is undeniable fact that although the legal systems in the region seem to be different and to a certain extent maybe a hindrance in promoting and protecting human rights, the ASEAN Charter marked a significant step in the establishment of a formal ASEAN human rights system, which may help to form a solid foundation for the development of those legal instruments and independent mechanisms required to strengthen human rights protection in the region.

3. CHALLENGES FACED BY ASEAN IN PROMOTING AND PROTECTING HUMAN RIGHTS

As stated earlier that ASEAN was established principally as a political organisation, there is no doubt that it did not set out to be an organisation focused on human rights. However, the advent of the ASEAN Charter in 2007 has raised hopes in the region for the promotion and protection of human rights. Regardless of the ASEAN Charter, the following are some of the challenges faced by ASEAN countries in promoting and protecting human rights in the region:

3.1 Non-Interference and Sovereignty in Southeast Asia

The non-interference principle seems to remain a permanent fixture of ASEAN as it made its way into the ASEAN Charter, and constrains the ASEAN Inter-governmental Commission on Human Rights (AICHR’s) mandate. Although used interchangeably, non-interference seems to suggest a wider application than non-intervention as described in the United Nations Charter’s Article 2(4). The Article stipulates that all UN member states shall refrain from the threat or use of force against the territorial integrity or political independence of any state. Hence, it would suffice to note that non-interference is a core component of sovereignty. Sovereignty is an institutionalised legal or juridical status, not a viable or sociological condition [11]. In the context of this paper, it is important to note that criticisms of traditional understandings of sovereignty commonly point to globalization as having eroded or fragmented state sovereignty practically and judicially [12]. In this paper, the author will use the term non-interference since this is the preferred term of ASEAN.

Having said all that, it is important to make reference to Article 2 of the ASEAN Charter. The Article provides that the Commission will promote and protect human rights in a manner consistent with the norm of non-interference, with deference to the primary responsibility of states and “avoidance of double standards and politicisation”. Instead ASEAN will pursue a “constructive and non-confrontational approach,” stress “cooperation,” and take an evolutionary approach [13]. Based on the principle of non-interference, we are bound to face some pertinent questions. How shall for example the AICHR “contribute to the realisation of the purposes of ASEAN as set out in the ASEAN Charter in order to promote stability and harmony in the region, friendship and cooperation among ASEAN [14]” when the purposes, on the one hand, is “to promote and protect human rights and fundamental freedoms of peoples of ASEAN [15]”, and on the other, “to respect the principles

of ASEAN as embodied in Article 2 of the ASEAN Charter, in particular: (a) respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States”?

In addition to the above, it is important to note that the principle of non-interference is hardly something unique to ASEAN, but finds prominent places in other organisational structures as well, most notably other regional human rights regimes organisations such as the Organisation of American States by virtue of Article 3(e) and the African Union as a result of Article 4(g). Despite the principle of non-interference remains strong in other regional human rights regimes, they have been able to consolidate it, at least to some extent, with the abilities of human rights organs to scrutinise and render binding decisions [16]. So in principle at least there does not have to be a complete contradiction between accepting, by the political will of a state, the decisions of an international body and the principle of non-interference. However, when it comes to ASEAN, it is obvious that the principle is interpreted and applied quite rigidly, especially when it comes to human rights. This is one of the major reasons why pushing human rights under ASEAN has been a very difficult process [17].

Still on the principle of non-interference as one of the challenges faced by ASEAN countries in promoting and protecting human rights in the region, Eberhard Ronald pointed out that the ASEAN Human Rights Declaration would have run counter to the ASEAN Charter had it adopted the universality principle in accordance to the Vienna Declaration [18]. Furthermore, Lee Jones argued that the non-interference principle in ASEAN is not as static as it seems. ASEAN’s history of interference and intervention, and its current process of integration, point to a more dynamic and flexible approach to non-interference and sovereignty than what is commonly perceived [19]. Jones argued that ASEAN has undergone a diverse range of sovereignty regimes, and that when ASEAN states intervene militarily it was primarily to protect domestic order [20].

In discussing the principle of non-interference, reference must be made to Article 1(7) of the ASEAN Charter as well. This Article is also seen as a hindrance in promoting and protecting human rights in the region. The Article treats human rights as norms to be reconciled with and sometimes balanced against norms of sovereignty and non-interference. Thus, the ASEAN Charter appears to be inadequate to bring about any real changes in terms of promoting and protecting human rights in the region.

3.2 The Consensus Requirement

The principle of consensus-based decision making is hardly controversial in the operation of ASEAN. The officials who comprise the commission are government appointees (normally from foreign ministries) and accountable to their host governments [21]. They are called “Representatives” rather than “commissioners,” which puts emphasis on their loyalty to home capitals [22]. With this kind of atmosphere in place, it makes it difficult to reach a conclusive decision bearing in mind that the problem lies in the fact that within ASEAN, no lower standard exists- no two-thirds majority or simple majority is prescribed in cases where consensus cannot be reached [23]. In short, the Southeast Asian ‘culture’ of dealing with one another- the ASEAN WAY- will make it very difficult to move forward in sensitive issues such as human rights. The ASEAN Charter procedurally provides that decision-making in ASEAN shall be based on consultation and consensus without any real dispute settling mechanism. Perhaps, it is important here to make reference to Article 20 of the ASEAN Charter [24], which provides that the Commissions decisions shall be based consultation and consensus. The problem with this provision is that, such an arrangement means that each state would be able to reject any criticism of its own human rights record by veto. Clearly, this could either lead to hampered progress or to adoption of weak positions based on the lowest common denominator [25].

3.3 The ASEAN Values Debate

This debate has been used in ASEAN as a blanket means not to codify core human rights norms (or the first-generation civil and political rights) in its constitutive instruments, the Treat of Amity and Cooperation (TAC) and the Bangkok Declaration. Its declarations, treaties, and protocols across its forty-year history have likewise denied express codification of these norms. Instead, ASEAN has focused much of its effort towards codification and enforcement of “second-generation” human rights norms on economic and social rights throughout the region [26]. This lack of codification of “first-generation” rights fuelled the “Asian values” debate in the 1990s, led by some Southeast Asian heads of state who decried “Western imperialism” through “Western imposition of rights” deemed antithetical to “Asian values” [27]. Because of this approach, accession of ASEAN countries to international human rights treaties is still unsatisfactory. Several ASEAN states, including Brunei Darussalam, Malaysia, Singapore and Thailand, have entered substantial reservations on certain provisions of the international human rights treaties. Singapore, for instance, has made all its international obligations subject to the city state’s law and constitution, while Malaysia and Brunei Darussalam have subjected obligations to Islamic and domestic law [28]. Spokesmen from some ASEAN states, particularly Singapore and Malaysia, buoyed atop a wave of impressive economic development and growth rates, have challenged the Universalist pretensions of human rights law. Under the relativistic banner of “Asian values,” they champion an alternative model of domestic governance and development [29]. It could be argued that the “right to culture” has been invoked as a competing right that qualifies, if not exempts, observance of core human rights norms on civil and

political rights as far as some ASEAN countries are concerned. This has indeed hampered the promotion and protection of human rights in the region.

3.4 Lack of Enforcement Mechanism

The AICHR does not possess any compliance or enforcement mechanism, which means that there is no mechanism for submitting complaints and receiving binding judgments and remedies. For example, ASEAN declarations putatively strengthening citizens' rights suffer from a key problem member states sought to remedy with the Charter. They are of a non-binding nature and without any legal mechanisms to enforce them. The call of ASEAN reformists to establish an ASEAN Court of Justice has not made it into the Charter. Neither have proposals to impose sanctions on member countries failing to comply with the obligations the Charter entails. As mentioned earlier, the AICHR does not install mechanisms for human rights victims to complain. Neither does the ASEAN Commission for Women and Children (ACWC). It is indeed sad to note that the Charter framed human rights as goals of the Association, but did not specify the concrete means by which those goals would be achieved or the sanctions that would follow non-compliance [30].

3.5 Weak Independent Authority

This point is closely related to the lack of enforcement mechanisms addressed above. There is no doubt that regional human rights bodies can serve as independent adjudicators and enforcement agencies when they are given sufficient autonomy and backed by enough political muscle [31]. For example, they can serve as "norm incubators" that provide fertile institutional ground for the development and dissemination of human rights principles. Perhaps it is important to point out that the European Court of Human Rights and Inter-American Commission and Court of Human Rights are the best regional examples of courts that can indeed promote and protect human rights. Both courts can investigate cases brought by private citizens and issue judgments against states. Some have argued that Southeast Asia merits a similar regional court that could offer Southeast Asian citizens fairer hearings than many could get at home [32]. However, as mentioned earlier, the AICHR is far from that model, both in terms of political independence and institutional power.

4. PROSPECTS FOR ASEAN IN PROMOTING AND PROTECTING HUMAN RIGHTS

Regardless of the challenges discussed in this paper, it is pertinent to note that we cannot totally deny the fact that there are some positive prospects for the future in terms of promoting and protecting human rights in the region. Change will not happen overnight; regional institutions cannot soar too far above the plane of relevant political will without getting their wings clipped [33]. Those that have developed real teeth—such as the European Union (EU) earned its influence gradually. If ASEAN is to build influence, it will have to do the same. The following are some of the future prospects for ASEAN in promoting and protecting human rights in the region:

4.1 Impact of the Asian Charter in The Region

With the signing of the ASEAN Charter in 2008, the Charter added democracy, respect for human rights, rule of law and good governance to the sovereignty norms dominating the ASEAN Way, the grouping's established repository of cooperation norms. The subsequent formation of a human rights body and the enactment of an ASEAN Human Rights Declaration (AHRD) created new avenues for strengthening citizen's rights in the region. In other words, the adoption of the Declaration represents a significant milestone in the development of the ASEAN human rights system and underlines both its current significance and future possibilities [34]. Despite the criticisms levelled against the Charter, it is important to note that regional human rights systems are not fixed products, established at particular points in history, but rather are works-in-progress, evolving over time. The European Convention on Human Rights (ECHR), for instance, was adopted in 1950 and came into force in 1953, but it evolved slowly over the next sixty years with the cumulative addition of substantive protocols [35]. It reached an important milestone in 1998, for instance when Protocol 11 abolished the European Commission on Human Rights, eliminating its filtering of cases sent to the European Court of Human Rights and subjecting national parties to the compulsory jurisdiction of the Court by eliminating optional derogations [36]. What began as a political construct, therefore, evolved gradually to become a powerful judicial mechanism. It would suffice to note that the ASEAN human rights system is on a similar road, in many respects, starting out as a political project, but evolving along the path to becoming, potentially, an authoritative law-making and law-enforcing body.

4.2 Application of International Human Rights Conventions in the Region

All ASEAN states have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), the provisions of which ASEAN states pledge to uphold in the Terms of Reference of the ASEAN Commission on Women and Children (ACWC). Among other rights, CEDAW guarantees equal rights for women [37], including rights to property and rights regarding marriage and family planning [38]. CEDAW also prohibits trafficking in women [39] and grants women equal rights to participate in government [40]. The CRC guarantees children the right to life, a broad range of rights relating to legal processes, freedom of association and assembly, freedom to practice

religion and culture, and rights to asylum, expression and information, health, education, and privacy. Both conventions guarantee the right to nationality [41]. Although the two conventions have been signed by all the ASEAN states and even making some reservations to certain provisions as mentioned earlier, this should not be used as a ground to deny the impact of these two conventions which can clearly be seen in several ASEAN State's national constitutions. For instance, the right to life can be seen in Article 5(1) of the Malaysian Federal Constitution, Articles 32 and 38 of the Cambodian Constitution, Article 353 of the Myanmar Constitution, and Article 9(1) of the Singapore Constitution etc.

4.3 Parliamentary Role

One of the longstanding features of the ASEAN is that it is basically an inter-governmental, inter-State organisation. Despite the many references to people's participation in its various instruments, there is still no people's organ in the structure of ASEAN itself [42]. There is no ASEAN Parliament or Assembly. This invites reflection on how to 'popularise' ASEAN in the more people-centred sense both structurally and substantively. The ASEAN Inter-Parliamentary Assembly (AIPA) now has representation from parliamentarians from all ten ASEAN countries, and it may, one day, sow the seeds and open the door to the much needed presence of a regional parliament in the ASEAN structure. On a forward-looking note, the dynamic which could be propelled as the next crucial step for ASEAN is to take the quantum leap to set up formally in the ASEAN structure a regional Parliament or Assembly, and the AIPA could be a platform for this. This would help to respond to the need for checks and balances at the ASEAN level in regard to human rights protection and be a possible voice of the peoples of the region in this regard [43].

4.4 Better Implementation of Existing Domestic Laws

The future looks bright in terms of narrowing the gap between legislation and implementation in the region. As the Association moves forward, we are likely to witness some positive developments in the area of promoting and protecting human rights. In order to promote and protect human rights in the region, apart from focusing mainly on the ASEAN Charter, the best protection for ordinary people will be better implementation of existing domestic laws, strengthening of legal bodies and improvements in legal education, which, in turn, will facilitate effective implementation of ASEAN mechanisms. In this regard, the region to a certain extent is moving towards that direction with the establishment of Human Rights Commissions at national level or into their domestic laws and they are tasked with promoting and protecting human rights. Interesting, four ASEAN countries (namely, Indonesia, Malaysia, Thailand and the Philippines) now have national human rights commissions which are accepted internationally as independent, and they act as promoters and protectors of human rights in the most direct sense [44]. Furthermore, every ASEAN member state has existing domestic laws if routinely and robustly implemented could be strong tools to promote and protect human rights, even if not couched in specific human rights language. In almost all ASEAN countries, the grounds and procedure for arrest, trial and detention are prescribed by law. Employing right-based language, their criminal procedure codes expressly provide for, at least in theory, the fair and equal enforcement of due process protections.

4.5 Presence of Civil Society Actors and Networks in the Region

The number of civil society actors, such as NGOs, working on the issue of ASEAN and human rights has grown considerably throughout the years [45]. While some take a low-key approach, others adopt a more assertive role. While some are linked with academic institutions, others are more grassroots-oriented. While some are more local in inputs and networking, others are more from the international field [46]. A key message concerning the role of civil society is that in their plurality, they act as an important check-and-balance for the promotion and protection of human rights in the region and they deserve to be well supported as part of the building of a comprehensive human rights system for the region. Generally, civil society groups are in a position of applying pressure on the government to succumb to the will of the citizens or members of the public. Hence, civil society groups and other citizens or collectives could change the cost-benefit calculation of their national leaders even if reshaping their leaders' normative beliefs proves too formidable a task.

5. CONCLUSION

The discussion in this paper shows that the challenges of promoting and protecting human rights in ASEAN do not end with the adoption of the ASEAN Human Rights Declaration. Ensuring the effective implementation of the Declaration and mainstreaming the values contained therein remains a crucial challenge, particularly for the AICHR and all relevant mechanisms in ASEAN. The commitment to promote and protect human rights in ASEAN is high. ASEAN and its member states have striven to bring their constitution and rights legislation in consonance with international standards and long term improvements of citizens' rights can be identified. Noteworthy in this respect are the more recent political reforms in Myanmar. Of recent, we have witnessed some positive developments in the area of human rights. In Malaysia, the Internal Security Act 1960 has been abolished as the law allows for detention without trial. In Singapore, a relaxation of security-related limitations of citizens' rights can be observed. It cannot be denied that loopholes and weak enforcement still account for

serious gaps between norm and reality even in more democratic countries. However, most constitutions of the region provide for essential citizens' rights. They guarantee a broad range of fundamental freedoms, political and civic rights as well as economic and social rights [47]. Most ASEAN countries grant rights of political participation, press freedom, freedoms of association, assembly, speech and information, freedoms of thought and conscience, the protection of privacy, habeas corpus rights, and protection from arbitrary treatment by state authorities, due process and equality before the law.

In addition to the above, at the international level, individual ASEAN member states have displayed a greater openness to acceding to human rights conventions and have participated vigorously in human rights debates within the United Nations. However, there is no doubt altogether that the process of the enhancement and protection of human rights has started slowly with the formation of the AICHR. The future looks bright, but concerted effort is needed from the regional body. Hence, to secure human rights in ASEAN, some initiatives have to be taken such as: a process of community building; awareness enhancement through various channels of communication, consensus on human rights issue among member states; adopting compliance and enforcement mechanisms; establishing ASEAN Parliament or Assembly; introduction of a review process for monitoring member states to see their performance in the promotion and protection of human rights; support from the international community in the development of civil society; focusing attention on establishing the groundwork for an institutionalised human rights culture at the grassroots level, line by line, precept by precept and government action must be called to account first through the internal check of an active civil society, and then through the external check of the international community.

As a concluding remark, it is inevitable to point out that the expectations facing ASEAN are thus high, especially as a consequence of the Charter and the birth of the various bodies mentioned in this paper. The challenge now is to progress beyond the legitimisation of human rights through those entry points to the actualisation of human rights in terms of genuine protection and implementation of human rights in the region.

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Challenges and Solutions of Higher Education Institutions in Asia in the Face of the ASEAN Economic Community (AEC)

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Abstract

This paper identifies challenges and solutions of higher education in the ASEAN economic community. The discussion is divided into human index development followed by the development of higher education in ASEAN. The article then discusses the challenges faced by ASEAN countries concerning ASEAN economic community. The final part of the discussion focuses on several solutions for a higher education institution. The most important aspect is to develop a real framework of cooperation among ASEAN countries. This comprises four important aspects, namely the establishment of an ASEAN Research and Development (R&D) Centre; improvement of the quality of publication and university ranking; reformation of educators and researchers; and standardisation of academic programmes among ASEAN higher education institutions.

Keywords: Solutions of Higher Education Institutions, ASEAN Economic Community, Human Index Development

1. INTRODUCTION

The Association of Southeast Asian Nations (ASEAN) was established on August 8, 1967, in Bangkok. It consists of five original member countries, namely Indonesia, Malaysia, Philippines, Singapore and Thailand. The membership has expanded and currently includes five additional member countries, namely Brunei, Myanmar, Cambodia, Laos, and Vietnam. The total population in the ASEAN region is more than 600 million people with a cumulative gross domestic product (GDP) of US\$1.8 trillion and total trade valued at \$2 trillion [1]. The main emphasis of ASEAN has been regional cooperation for the benefit of all member countries. To obtain this regional cooperation, in January 2007, the ASEAN leaders affirmed their strong commitment to accelerate the establishment of an ASEAN Economic Community (AEC) by 2015. The main objective of AEC is to transform ASEAN into a region with free movement of goods, services, investment, skilled labour and the free flow of capital [2]. In addition, it is hoped that the close cooperation through the AEC will decrease economic and development gaps between ASEAN countries. Disparities exist in term of national income levels and access to technology, urban and rural inequalities, and gender gaps in some countries and regions within countries. Poverty in rural areas, where the majority of ASEAN members live, has been difficult to address and has a significant impact on the educational and economic opportunities available to the populations in these areas.

Even though ASEAN countries are diverse in size, the level of development, language and religion, they share the goal to be united as one. Regardless of their differences, these ten countries share a similar emphasis on human resource development. Human resource development is the important key in developing ASEAN to enter the knowledge-based economy and global environment. Education, as a fundamental human right, is considered critical and strategic for developing their human resources to increase integration and competitiveness [3]. Governments play a role by providing high-quality education and learning to all people. However, opening access to quality education and learning the opportunity to all people is not always easy as there are a number of challenges. Therefore, the main objective of this paper to identify challenges and solutions for higher education in the ASEAN economic community.

2. HUMAN DEVELOPMENT INDEX

Human development is a development of expanding an individual's options. It places importance on three essentials; for individuals to lead a lengthy and good life, to obtain knowledge, and to have rights to use resources required for a respectable living standard. The Human Development Index (HDI) has become a standard for measuring human development. Its element indices assess life expectancy, literacy and education, as well as GDP per capita. The HDI is a statistical tool used to measure a country's overall achievement in its social and economic dimensions. The social and economic dimensions of a country are based on the health of people, their level of education and their standard of living. The 2015 Human Development Report (HDR) keeps the same cut-off points for the four categories of human development achievements that were introduced in the 2014 HDR: 1) very high human development (0.8 and above); 2) high human development (0.700–0.799); 3) medium human development (0.550–0.699) and 4) low human development (below 0.550). Table 1 shows

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the education index for ASEAN countries from 1990-2014. Colum one revealed the HDI rank by country. Singapore is the highest ranking for HDI followed by Brunei. On average, both Singapore and Brunei are categorised under very high human development. Meanwhile, Malaysia and Thailand are categorised under high human development. Indonesia, Philippines and Vietnam are categorised under medium human development. Laos and Cambodia are under low human development. Overall, the indices showed an increasing pattern throughout the period.

Table 1 Education Index: ASEAN Countries

HDI Rank	Country	1990	1995	2000	2005	2010	2011	2012	2013	2014
31	Brunei Darussalam	0.78	0.80	0.82	0.84	0.84	0.85	0.85	0.85	0.856
143	Cambodia	0.36	0.38	0.42	0.49	0.54	0.54	0.55	0.55	0.555
110	Indonesia	0.53	0.56	0.60	0.64	0.67	0.67	0.68	0.68	0.684
141	Laos People’s Democratic Republic	0.39	0.42	0.46	0.50	0.54	0.55	0.56	0.57	0.575
62	Malaysia	0.64	0.68	0.72	0.73	0.77	0.77	0.77	0.78	0.779
148	Myanmar	0.35	0.39	0.43	0.48	0.52	0.52	0.53	0.53	0.536
115	Philippines	0.58	0.59	0.62	0.64	0.65	0.65	0.66	0.66	0.668
11	Singapore	0.71	0.77	0.82	0.84	0.89	0.90	0.91	0.91	0.912
93	Thailand	0.57	0.61	0.65	0.68	0.72	0.72	0.72	0.72	0.726
116	Viet Nam	0.47	0.53	0.58	0.62	0.65	0.66	0.66	0.66	0.666

(Source: UNDP, International Human Development Indicators, 2015).

Download the data: <http://hdrstats.undp.org/en/indicators/default>.

3. DEVELOPMENT OF HIGHER EDUCATION IN ASEAN

Education plays a vital role in creating a knowledge-based society and contributing to the enhancement of ASEAN competitiveness [4]. The main objectives of education in the ASEAN community are to advance and prioritise education and focus on creating knowledge-based society; achieving access to primary education; promoting early child care development and enhancing awareness of ASEAN to youth through education [5]. The government of each member country has taken key steps in the development of their higher educational policies. Table 2 shows the policies and objectives of higher education for each country in ASEAN. Most of the ASEAN countries like Brunei, Cambodia, Indonesia, Laos, Myanmar, Vietnam and Philippines focus on improving the quality of higher education. Singapore plans to mould its human capital with cross-cultural skills, critical and inventive thinking and communication skill. Meanwhile, Malaysia and Thailand focus on becoming regional hubs for higher education in ASEAN. ASEAN countries face several challenges in achieving these objectives.

Table 2 Development of Higher Education Policies in ASEAN

Countries	Policies	Objectives
Brunei	The 21st Century National Education System (SPN 21) - 2012	1. Equip students with necessary skills and knowledge that is necessary for them to compete in both local and international job market. 2. Gear nation towards quality education and better economic performance.
Cambodia	Educational Strategic Plan (2006 -2010)	1. Increase opportunities for higher education among prioritised students (poor students, female students, students from remote areas). 2. Improve quality and efficiency of education service and institutional development and capacity building.
Indonesia	Higher Education Long Term Strategy (2003 – 2010)	1. Integrate internal and external quality assurance by developing the HEI database. 2. Implement new paradigm in education management and quality improvement.
Laos	Higher Education and Skills for Growth in Lao PDR -2012	1. Improve the quality of higher education. 2. Improve functional skills among students that are required to be employable in the future. 3. Prioritise underfunded fields such as science and engineering.
Malaysia	National Education Strategic Plan (NHESP - 2020)	1. Make Malaysia a hub of higher education excellence. 2. Develop human capital with first class mentality. 3. Reposition country’s higher education to meet current and future challenges.
Myanmar	Long Term	1. Generate a learning society capable of facing the challenges of the

	Education Development Plan (2001 – 2030)	knowledge-based society. 2. Development of human resource, expansion of research, promotion of quality education, and preservation of national identity and values.
Philippines	Long Term Development Plan (2010 – 2020)	1. Broaden the access of disadvantaged groups to higher education. 2. Improve the quality of HEIs, programmes and graduates to match the demands of domestic and global markets. 3. Strengthen research activities in HEIs. 4. Expand alternative learning systems/modality in higher education.
Singapore	21st Century competencies in academic curriculum (2012 – 2014)	1. Prepare students to thrive in a fast-changing and highly connected world. 2. Develop civic literacy, global awareness, cross-cultural skills, critical and inventive thinking and communication skills. 3. Refine teaching approaches and assessment methods. 4. Develop tools for holistic feedback and assessment.
Thailand	Long Term Higher Education Plan – Phase 2 (2008 – 2022)	1. Focus on education ethics. 2. Focus on linking education with employability. 3. Development of Thailand as a regional hub for higher education. 4. Innovation to improve national competitiveness. 5. Liberalisation of trade in education services and the future employment in AEC. 6. Encourage educational institutions to produce graduates who are equipped with professional skills, language skills and inter – cultural skills
Vietnam	Education Development Strategy (2008 – 2020)	1. Develop high-quality human resource to match the socio-economic structure and modernisation of country. 2. Enhance national competitiveness in the regional economic integration. 3. Focus on linking educational training with job placement and demands of employability.

4. CHALLENGES IN HIGHER EDUCATION FOR ASEAN COMMUNITY

The following discussion will focus on challenges by ASEAN countries:

4.1 Brunei Darussalam

The Ministry of Education continues to work hard to develop and prepare the nation’s youth for employment in realising its vision 2035. Every citizen and residence are given opportunities to equip themselves with knowledge and skills required by the industry. Various departments within the Ministry of Education have been coordinating and collaborating with relevant stakeholders in addressing the needs and implementation of inclusive education in Brunei. Ensuring support for the different at-risk groups poses a challenge in terms of manpower, resources, information, understanding and acceptance [6].

4.2 Cambodia

Higher education in Cambodia still faces significant challenges in term of access, equality, quality, relevance, funding and management and administration. A drastic increase in enrolment for higher education in Cambodia caused triple challenges to build a mature core system in order to assure the minimum levels of quality [7].

4.3 Indonesia

One of the key challenges faced by the Indonesian higher education institution is the inability to support the number of enrolments due to the small size of the institutions [8]. Besides, [9] Indonesia also faces challenges in term of financing, quality of teaching and research, difficulties of access and equity and limited accreditation. Comparing with neighbouring countries, the relatively low research outputs are correlated with the insufficient budgets allocated for research. The majority of institutions do not have the financial and academic basis to conduct research; thus, they should concentrate their efforts on developing high-quality, relevant teaching. Furthermore, Indonesia only allocated 0.08 % of its GDP for research in 2013. An accreditation system is necessary to access the progress and quality of Indonesian higher education. The biggest challenge is that approximately 20% of institutions or study programmes are unaccredited.

4.4 Laos PDR

In the case of Laos, the major challenges faced in higher education are to produce and provide good quality human resources to meet the needs of the country’s socio-economic development. Currently, higher education in

Laos is described as lacking a clear vision, appropriate policy, strategy, and master plan to meet regional and international quality and competitiveness [10].

4.5 Malaysia

To become a regional hub of educational excellence, Malaysia must first and foremost address the challenges within Malaysian universities. The fall in the position of premier Malaysian universities like Universiti Malaya and Universiti Sains Malaysia in the Times Higher Education (THES) 2005 and later in THES 2007 signifies a crisis within Malaysian universities. If higher education in Malaysia is to reach its aspirations laid out in the National Higher Education Strategic Plan (NHESP), then these rankings must be viewed as an important wake-up call for the country to tackle the fundamental problems within institutions of higher education in Malaysia. It is hoped that with the rating system for Malaysian higher education institutions in place for all local universities, both public and private, it will work towards achieving a Band 6 (outstanding) on the ranking. HE in Malaysia needs to reposition the country's higher education to meet current and future challenges through the internalisation policies. The NHESP has outlined a number of strategies that will be adopted to transform Malaysia's higher education in order to provide a solid foundation for the future.

4.6 Myanmar

One of the key challenges of higher education in Myanmar is to create strong research activities by expanding activities of research to international collaborations [11].

4.7 Philippines

As for higher education in the Philippines, local, regional and international stakeholders collaborate toward improving the country's higher education sector by implementing reforms that enable the acquisition of knowledge, development of skills, values and attitudes which will enhance productivity, globalisation and competitiveness of graduates [12] and address the challenges arising from unanticipated environmental, social, and economic change [13].

4.8 Singapore

To become an educational hub for the ASEAN region, the government of Singapore has broadly promoted the internationalisation of national policy and recruited prestigious foreign universities to establish local campuses. This strategy is important to expand access for the local students to develop their potential.

4.9 Thailand

To become the regional education hub in South-East Asia, one of the key challenges of the Royal Thai Government is to upgrade the quality of Thai universities while upholding their academic freedom and social responsibility [14]. Ultimately, Thailand aims to attract more foreign students to continue their study in Thailand. In addition, to ensure their students stay competitive in the international market place, the Kingdom of Thailand aim to accelerate the development of university research activities nationwide to enhance national competitiveness.

4.10 Vietnam

The main concern in Vietnam's higher education is the lack of quality. Most university graduates do not have the adequate capacity to cope with rapid industrial and technological changes [15]. In order to improve the quality of higher education, Vietnam underwent structural adjustments including improvement of higher education programmes and teaching and learning methods, development of lecturing staff and higher education managers, increase in research, etc [16].

5. SOLUTIONS HIGHER EDUCATION FOR ASEAN COMMUNITY

Research education is central to any education system since it will provide significant data for the success of the process of teaching and learning. Today, there are a lot of issues regarding education which need to be explored or studied especially in higher education. Several important aspects of higher education should be reviewed together or reformed collectively by the educational experts and authorities. This issue can be seen from several perspectives such as research, publication, consultation, curriculum design, teaching and learning as well as evaluation and assessment. A significant number of books, journals, reports and documents should also be published.

There is a pressing need to promote a platform in which researchers in ASEAN countries should work together in terms of research. Given its shared community and interest, ASEAN members should work together to enhance the quality of education in their countries. All best education practices should be based on research, and this aspect could be distributed and conducted by universities and other higher education institutions across ASEAN. Cultivating research through various fields of research of education and developing international networking are some of the steps that can be promoted by all scholars, experts and academicians in higher education institutions.

Globalisation has created unprecedented challenges. In terms of higher education, [17] emphasised that most of the Southeast Asia countries lack qualified faculty staff, declining academic community, limited experience of quality assurance processes, lack equitable access for all students, lack infrastructures, geographic spread and diversity of universities, have poor use of English, and limited research expertise. AEC poses similar challenges to the higher educational institutions in ASEAN. The education system in ASEAN countries is diverse; therefore, students involved in the intra-regional movement may face many problems in terms of cultural diversity, language and communication barriers, instructional practices and curriculum incomparability.

A real framework of cooperation should be established by ASEAN countries, particularly among their higher educational institutions. In facing the ASEAN economic community, it is hoped that this framework will enable all higher educational institutions to work together to achieve these objectives:

- a. To encourage and carry out joint research and studies among ASEAN experts and academicians.
- b. To disseminate findings of research, knowledge, skill and experience.
- c. To publish journals, books and materials among academicians and researchers.
- d. To support the development of the educational system and policy of every ASEAN member especially the less developed countries.
- e. To promote cooperation and create greater networking and smart partnership among researchers in various fields of education.

Several aspects should be taken seriously into consideration by scholars, experts and academicians to develop the ASEAN regional framework of educational networking and collaboration. Firstly, it is very important to establish an ASEAN Research and Development (R&D) Centre to raise funds and coordinate research and publication for scholars, experts and academicians for ASEAN higher education institutions. This R&D centre will mainly organise research and publish material based on niche areas needed by ASEAN countries. Therefore, teachers, educators or lecturers will be involved in active debates, forums, discussions, seminars and workshops which are frequently organised. They could be able to freely give their ideas, opinions and suggestions to improve and strengthen their research, training, modules and courses based on the research conducted. A research-based institution at the ASEAN level should be jointly established by the governments, universities as well as non-governmental organisations. Every ASEAN country should actively play their roles and financially assist the development of this research institution. They should invite other researchers from ASEAN higher education institutions to participate in research. They could receive research funds from governments, private sectors and NGOs to do joint research regarding important aspects of ASEAN such as the economy, politics, society and education. It is imperative that the philosophy of research education is based on the ASEAN context to improve the quality of education. For example, religion and religious values should be considered seriously in the ASEAN educational system and to eliminate negativities that may influence ASEAN youth.

Secondly, improvement of the quality of publication and university ranking. Today, only a few numbers universities in ASEAN were included in the world's highly ranked universities. In the context of Malaysia, from nearly 500 higher education institutions in 2016, there were less than ten universities included in the top best universities such as UM, UPM, UTM, UKM and UTP. Several factors influence the rankings such as the lack of research funds, indexed journals and books, English language barriers as well as the number of academicians and researchers. Publishing in SCOPUS and ISI indexed journals requires a high level of English writing proficiency. There are thousands of higher education institutions in ASEAN producing a large number of academicians and graduates. This indicates that these higher educational institutions have their quality standards despite not having been included in the world top universities. Thus, there is a need to develop an ASEAN ranking system and criteria as well the ASEAN publications index to promote academic writing and ensure quality standards. Many academicians and researcher are trapped by the current trend of writing in ISI and SCOPUS journals or publications. This issue has become more serious since there are irresponsible people who have manipulated the academicians' eagerness to be published in ISI and SCOPUS publications. Unfortunately, the fee rates of some of the journals are exorbitant and fake journals have emerged. These journals have been blacklisted by the authorities. One solution is that all ASEAN higher education institutions should engage more actively in regional journals and book publications. There should be more MOUs and MOAs among these institutions to increase the number of quality journals and books. A series of discourses and seminars should be organised by ASEAN higher educational institutions to form and produce the ASEAN University Index and the ASEAN Index for Publication and Research.

Thirdly, reformation of educators and researchers. To improve abilities to face challenges as well to provide solutions to higher education institutions, all scholars, experts and academicians should actively carry out research regarding in planning and implementing the integration of knowledge. The development of technology and ICT provide new approaches to developing the education system. Cultivating research among academicians should be one of the main agenda in the higher education system. Research lends support to theories and provides data for interpretation. A correct understanding among educators is essential to ensure that they are able to fulfil their duties based on facts and not based on personal perception or assumption.

In educating the 21st century generation, academicians should use the latest pedagogy and approaches in the process of teaching and learning. Besides research and publication, every academician should become effective educators in and outside the classroom. In a borderless world, access to information is critical. *E-learning, blended learning, MOOC, mobile learning, modular, workplace*, etc. are some of the current approaches used in many higher educational institutions. Strong networking among higher educational institutions within ASEAN countries will provide wider educational opportunities to their students. Students will be able to share and obtain knowledge from other universities in ASEAN as well as from other countries via the internet and open sources information. As a result, it will enhance the students' knowledge and information. Students' mobility is another effective mechanism to improve students' knowledge, social skills, experience and international networking.

Fourth, standardisation of academic programmes among ASEAN higher education institutions. Thousands of higher educational institutions exist in ASEAN offering various levels and types of programmes. A standard quality assurance should be developed and recognised by every ASEAN country. This standard will give a new way for student exchange, joint awarding programmes, guidelines for transfer credits and degree recognition by all ASEAN countries. This standard will directly improve the quality of academic programmes offered in these higher educational institutions, and it becomes the benchmark academic standard of ASEAN. It will also be very helpful for the stakeholders, educational authorities and industries to evaluate and improve the quality of the programmes offered by these higher educational institutions.

6. CONCLUSION

In ASEAN countries, education is a critical and strategic approach to developing human resources. The government plays a role by providing high-quality education and learning to all people. However, providing access to quality education and learning the opportunity to all people is not always easy and every ASEAN country has different levels and quality of education. Each country has its challenges, and there is an urgent need to develop practical solutions. To achieve the goals of the ASEAN economic community, a real framework of cooperation should be established by ASEAN countries. It is hoped that the framework will encourage joint research among ASEAN experts and academicians. This will promote disseminating the research findings, knowledge, skill and experience as well as to publish journals, books and materials among academicians and researchers. This framework will also support the development of the educational system and policy of every country of ASEAN especially the less developed countries and to promote cooperation and create greater networking and smart partnership among researchers in various fields of education.

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The Leadership and Teacher Performance and Significant Positive Effect on the Quality of Learning in SMK Negeri Se-Kabupaten Tulang Bawang

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Abstract

Quality of learning is the result of a teacher's performance, improving the quality of learning is influenced by factors of the performance of teachers and school leadership. The purpose of this study was to analyze: (1) The impact of school leadership on the quality of learning, (2) The influence of the teacher's performance against the quality of learning, and (3) The impact of school leadership and teacher performance against the quality of learning. Population as many as 151 samples used by 60 respondents us take of Slovin. Date collection with questionnaires and using regression as a tool for research. The analysis results obtained in this study as follows: (1) there is a positive and significant impact on the quality of school leadership learning in SMA Se-Tulang Bawang. This can be explained by the regression equation $Y = 71.365 + -0.303 X_1$. With the regression equation can be interpreted that if the leadership of the principal on the quality of learning, so any change in the leadership of the principal variable score of 3.4%, (2) There is a positive and significant impact on the quality of the learning performance of teachers in vocational Sekabupaten Bone Onions. This can be explained by the regression equation $Y = 56.507 + 0.413 X_2$. With the regression equation can be interpreted that if the performance of teachers to the quality of learning, so any changes to teacher performance variable score sebesar 12,3%, and 3) There is a positive and significant effect of school leadership and teacher performance together against the quality of learning. Results of this study indicate that the better the performance of the principal and teacher performance, the better the contribution to the quality of learning. This can be explained by the regression equation $Y = 71.365 + 0303 X_1 + 0,433 X_2$. With a significance of 13.4%. Conclusions from this research is the perception of teachers on school leadership and teacher performance and significant positive effect on the quality of learning in SMA Lampung Tengah.

Keywords: Leadership Principal, Teacher Performance, and the Quality of Learning.

1. INTRODUCTION

National development through education is a way of educating the nation and improves the quality of Indonesian human in realizing advanced society, just and prosperous. The purpose of National Education intends to conduct national education development with the government to make regulations on the institute of National Education Standards as stipulated in Government Regulation No. 19 Year 2005 on National Education Standards is a translation of the Law No. 20 Year 2003 About the National Education System. As stated in the general provisions of Government Regulation No. 19 Year 2005 Article 1, on National Education Standards are the minimum criteria regarding the educational system throughout the territory of the Unitary Republic of Indonesia? National Education Standards has a function as a basis for planning, implementation and monitoring of education in order to realize the national education quality and qualified.

Process and learning outcomes of students who qualified teachers would require maximum performance. So that teachers can show high performance, not least the teacher must have a mastery of the material what to teach and how to teach so that learning can take place effectively and efficiently as well as a commitment to carry out these tasks. Based on renewal business and improve the quality of learning is getting stronger by using a legal umbrella Law on National Education System No. 20 of 2003. Education is an essential need for every human being, country or government during the reform era. As importantly, education must always is grown systematically by policy makers or actors of education.

School principals play an important role in education, in schools given the responsibility to conduct a full management of the arrangement the wheels of school education. The main role of the principal is a leader who controls the nets, provision of education where education itself functions essentially as a transformation that transforms inputs into outputs.

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Enhancing the quality of teaching, the school principal should be responsible for the smooth running and the learning process quality. The school principal is one of the most educational component plays a role in improving the quality of education. Various important and strategic efforts are scheduled to optimize the performance of school principals is highly dependent on the willingness and determination principals to make himself as a successful leader with optimal performance. A leader not only managed to reach the tops of the leadership, but also can lead the school community and especially the learners have made achievements beyond himself. Guru is a major factor in the educational process.

Guru is one of the critical components for the implementation of the educational process, where teachers are the main actors as facilitators of student learning process organizer. Therefore, the performance of teachers relates to the national education program. Teachers as a factor determining the quality of learning. Because teachers are dealing directly with the learners in the learning process in the classroom. In the hands of teacher quality of their personality is formed. Therefore, it should be a teacher competent, responsibility, skilled, and dedicated.

Teacher performance while not optimal, teachers perform their duties just as a normal routine, lacking in creativity. Innovation for teachers relatively closed and creativity are not part of the achievement. If there are teachers develop their creativity, the teachers tend to be judged a waste of time. The results of teacher training in the various fields of study have not demonstrated their power is different compared with the performance of teachers. Here are the results mean achievement that can be obtained from the State Vocational High School Se-Tulang Bawang.

Tabel 1 Data Nilai Ujian Nasional Tahun Ajaran 2013/2014 dan 2014/2015

Tahun	NILAI														
	Bhs indonesia			Bhs inggris			Matematika			Kompetensi			Rata-rata		
	UN	NS	NA	UN	NS	NA	UN	NS	NA	UN	NS	NA	UN	NS	NA
2014	4,11	5,12	4,62	3,35	4,08	3,72	3,71	3,08	3,4	6,48	6,38	6,43	4,41	4,67	4,54
2015	5,09	4,59	4,84	3,43	5,51	4,47	3,81	4,71	4,26	6,53	6,09	6,31	4,72	5,23	4,97

Source: Department of Education National Exam Results SMK Se-Tulang Bawang

The above facts are very alarming, it is the result of the teacher's performance, should the value of which must be achieved by students in achieving the national graduation standard is 5.50, and students of SMK Se-Tulang Bawang, still far from passing standards. Teachers do not contribute to improving the quality of education, are in fact quite the opposite. The above conditions seems to have become a culture and tradition of the environment of educational institutions and does not cover the possibility of the middle school Vocational Paramarta Se-Tulang Bawang, one indication which shows the low quality of teaching is the fact the field is based on the observation of the author on May 5, 2015, Visible of the average value of National Examination which is still far from the National Education Standards.

This study was a descriptive study with a quantitative approach kind of regression, a study to determine the effect of variables that are grouped into two groups: the independent variables and the dependent variable. According Arikunto (2013: 313) regression study is intended to determine whether there is influence between two or more variables. Research for the study will be able to predict the influence of independent variables with the dependent variable.

2. DISCUSSION

Many experts have argued about the quality, as the opinion Tjiptono and Diana (2003: 3) states the quality (quality) is the ever-changing conditions, which include efforts to meet / exceed expectations of the customer, including products, services, people, processes and the environment. In the opinion of Good (in Arifin, 2014: 38-39) The basic concept of education that covers the following aspects: 1) the development of skills in the form of a person's attitudes and behavior that apply in the community, and 2) social processes when a person is affected by an environment who guided (school), so that he can achieve social skills and develop personal. The quality of education as one of the pillars of human resources development, a very important meaning for national development. Quality education will only appear if there are quality schools. Therefore, efforts to improve school quality is a strategic point in the effort to create a quality education. In the National Education Minister Regulation No. 63 Year 2009 concerning the quality assurance systems of education Article (1) of paragraph (1), gives the sense that the quality of education is the level of intelligence of the nation's life that can be achieved from the implementation of the National Education System. Based on the description above, we can conclude the concept of the quality of education can be concluded that changing something into something else by integrating the input of the school so as to create a situation fun learning (enjoy-able learning), able to encourage motivation and interest in learning, and really able to empower learners. Output education is a school performance that can be measured by the quality, effectiveness, productivity, efficiency, innovation, and morale.

Many experts have argued about the quality, as the opinion Tjiptono and Diana Based on all the foregoing, it can be concluded the quality of teaching is the ability of educational institutions (teachers and principals) in organizing and managing learning resources efficiently in order to improve the learning ability of students, with the following indicators: 1) the quality of the input active learning, creative, effective and fun, 2) the quality of the learning process, the interaction, creativity, and varied, and 3) quality of academic study, daily activities and independence of learners.

In his opinion Mulyasa (2004: 25) argues "The principal is one component of educational influence in improving teacher performance". The school principal is responsible for the organization of education, school administration, coaching other education personnel, and efficient utilization and maintenance of facilities and infrastructure. This becomes more important in line with the increasingly complex demands of the principal task, which requires the support of performance more effective and efficient. Similarly, in the opinion of Wirawan (2014: 549) the principal is a school leader and manager of the school or school administrator (School manager or school administrator), which functions as the principal. So principals full authority to bring the school to be better or it could be otherwise.

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The kind of leadership in terms of the source and of the characteristic features according to Hasibuan (2012: 170) the kinds of leadership include: 1) an authoritarian leadership, 2) participative leadership, and 3) leadership discretionary. A leader has a style and flair that is different this will provide operational impact on an organization (school). While leaders of functions in the opinion of Mulyasa (2013: 98-122) function principals as leaders are as follows: a) The head of the school as an educator (builder mental, moral, physical, and architects), b) The principal as a manager, c) The head of the school as an administrator, d) principal as supervisor, e) the principal as leader, f) of the principal as an innovator, and g) of the principal as a motivator. As head of the school will determine whether the poor quality of education that leads, if the principal professional then the quality of teaching will be qualified and vice versa if the competence of lower school head will affect the success in school learning tersebut. Berdasarkan above description it can be concluded that the principal's leadership in this research is a way and business principals in influencing, encouraging, guiding, directing and mengerakan teachers, and staff, students, parents and all other parties concerned to cooperate and participate in order to achieve the goal of education in schools has been established. The indicators to measure the principal's leadership is shown by the compensation owned by the principal, in particular: 1) Having a strong personality 2) understand the condition of men with either 3) has a vision and understand the mission of the school 4) The ability to make decisions, and 5) The ability of the good communication.

Based on the above it can be concluded that the principal's leadership in this research is a way and business principals in influencing, encouraging, guiding, directing and mengerakan teachers, and staff, students, parents and all other parties related to cooperate and participate to achieve the goal of education in schools that have been set. The indicators to measure the principal's leadership is shown by the compensation owned by the principal, in particular: 1) Having a strong personality 2) understand the condition of men with either 3) has a vision and understand the mission of the school 4) The ability to make decisions, and 5) The ability of the good communication.

In the opinion of Supardi (2013: 45) performance is an activity undertaken to implement, complete tasks and responsibilities as expected and intended purpose. Derived from the word has three meanings performance achievements, performances, and execution of tasks. The ability and authority of teachers in carrying out the teaching profession, with all its capabilities, in line with this notion of performance.

In the opinion of the Supreme (2014: 41) the teacher is the designer or the designer of learning associated with pedagogical competencies that should be able to design well. Lesson plan should begin by making sure that a lesson plan suitable for the program or lesson plan that aka implemented.

Teachers are educators mempunyai role as spearhead the transformation of assessing the knowledge and assess the attitude and education goals to pesrta students because teachers directly involved in the learning process or the duties can be said that teachers as a major component in the learning process. Notch teachers occupy vital positions in improving the quality of learning. In this context, the quality of education depends on the quality of teachers, which consequently teachers are required to play an active role in positioning themselves as professionals in accordance with the demands of a growing community.

Law number 20 of 2003 on National Education System Article 39 paragraph 2 states that educators are professionals in charge of planning and implementing the learning process, as well as conduct research and dedication to the community, especially for students and colleges. Article 40 paragraph 2 letter b, stated also that educators have an obligation to have a professional commitment to improve the quality of education. Similar to the above, the Law of the Republic of Indonesia Number 14 Year 2005 on Teachers and Lecturers, Article 1 states that the teachers are professional educators with the task of educating, teaching, membimbing, direct, train, assess and evaluate students on age children early in formal education, primary and secondary education. In the opinion of Sanjaya (2006: 21-32) the role of teachers in learning include: a) as a source of learning, b) as a facilitator, c) as a manager, d) as a demonstrator, e) as a guide, f) as a motivator, and g) as an evaluator and penentu success of learners.

So important is the role of the teacher in the learning, which facilitate human technological prowess to get information and knowledge can not replace the role of the teacher. From the above description, the teacher's shoulders lies the responsibility is very complex. it can be seen from the function and role of the teacher as a facilitator and director of the study. As a facilitator, a teacher must be able to facilitate the learning needs of students with and interest. Meanwhile, as the director of learning, the teacher serves to direct the learning activities of students towards the achievement of learning goals that have been set

Based on some of the theories above it can be concluded that the performance of teachers is the ability and authority of teachers in carrying out the teaching profession, with all its capabilities, the following indicators: 1) create a learning plan, 2) implementing the learning, 3) assess learners' achievements, and 4) carry out follow-up results of learning achievement.

3. STUDY

a. Influence Leadership Principal (X₁) on the Quality of Learning (ICT)

There is a positive and significant impact of school leadership (X₁) on the quality of learning in high school Paramarta Se-Tulang Bawang (Y). This can be explained by the regression equation $Y = 71.365 + 0.303 X_1$. With the regression equation can be interpreted that if the leadership of the principal (X₁) with the quality of learning (Y) is measured with an instrument developed in this study, so any change variable score principal leadership of the unit can be estimated score of the quality of teaching will change by 0181 units in the same direction. From the calculation of the correlation between the variables of school leadership (X₁) with the quality of learning (Y) is quite good that is equal to 0.284. This shows the variables X₁ and Y have a meaningful relationship. Empirically, the results of research inform that principal leadership that reflected a significant and positive effect on the quality of learning. Leadership of the principal amount of influence on the quality of learning at SMK Se-Tulang Bawang, amounted to 3.4%. The results of this study indicate that the better school leadership will be followed by the increasing changes in the quality of learning.

b. Influence of Teacher Performance (X₂) Against Against Quality of Learning (ICT)

There is a positive and significant impact the performance of teachers (X₂) on the quality of learning at SMK Se-Tulang Bawang (Y). This can be explained by the regression equation $Y = 56.507 + 0.413 X_2$. With the regression equation can be interpreted that if the performance of teachers (X₁) with the quality of learning (Y) is measured with an instrument developed in this study, so any change variable score teacher performance of the unit can be estimated score of the quality of teaching will be unchanged at 2,621 units in the direction the same one. Calculation of correlation between teacher performance variable (X₂) with the quality of learning (Y) relatively low at 0.325, shows the variables X₁ and Y have a meaningful relationship. Empirically, the results of research inform that teacher performance reflected significant influence and positive impact on the quality of learning. The amount of influence the performance of teachers to the quality of learning at SMK Se-Tulang Bawang, was 12.3%. The results of this study indicate that the better teacher performance will be followed by the increasing changes in the quality of learning.

c. Influence Leadership Principal (X₁) and the Teacher Performance (X₂) Together Against Quality of learning (ICT)

There is a positive and significant impact of school leadership (X₁) and the performance of teachers (X₂) together to the quality of learning (Y). The results of this study indicate that the better the performance of the principal and teacher performance, the better the contribution to the quality of learning. This can be explained by the regression equation $Y = 71.365 + 0303 + 0 X_1, X_2 433$. With the regression equation can be interpreted that if the variable of school leadership (X₁) and the variable performance of teachers (X₂) with the quality of learning (Y) is measured with an instrument developed in this study, so any change scores of school leadership and teacher performance of one unit can be estimated score of the quality of learning will change for 0000 units of X₁ and X₂ 0 342 units in the same direction. Calculation of correlation between school leadership (X₁) and the performance of teachers (X₂) with the quality of learning (Y) is classified in the amount of 0433 showed between variables X₁ and X₂ with Y variables have a meaningful relationship even though the correlation is moderate. The amount of influence school leadership and teacher performance jointly-sam on the quality of learning at SMK Se-Tulang Bawang was 13.4%. The results of this study indicate that the better school

leadership will be followed by the increasing changes in the quality of learning. The results of this study indicate that the greater the performance of teachers will be the higher the quality of learning.

3. CONCLUSION

Based on the calculation, analysis, and discussion of the issues as presented in previous studies. the authors conclude as follows:

- a. Principal leadership at SMK Se-Tulang Bawang is based on the results showed in the low category. This means that the principal has not shown good leadership optimal.
- b. Performance of teachers SMK Se-Tulang Bawang including low category. This means that the performance of teachers that are low on the capability of planning and preparation for teaching, mastery of the material, control methods and strategies of teaching, assignments to the students, the ability to manage the class and ability to make an assessment and evaluation. Low teacher performance has implications for the quality of learning that ultimately lead to the optimal learning results of students.
- b. 3 Quality of learning SMK Se-Tulang Bawang is based on the calculation results in a lower category. This means that the performance of teachers influence on the quality of learning. This proves that one of the dominant factors in the success of the learning process and results is the performance of educators. An educator as a major driving force in the classroom learning process has been demonstrated in implementing and learning and learning outcomes in the classroom.
- c. Leadership principals have a positive influence and significant impact on the quality of learning. The amount of influence school leadership directly to the quality of learning in this study is based on the calculation results in the category of very good potential. A dimension of school leadership that gives a significant influence is the capability and motivation. Principal leadership is measured by the quality of school learning has a significant impact on the level of quality of school learning. This means that the low level of the quality of teaching high school described by school leadership. The amount of the contribution principals that directly contributes to the quality of learning. Thus it is clear that the principal's leadership significantly influences the quality of learning.
- d. Performance of teachers have a positive influence and significant impact on the quality of learning. The amount of influence teacher performance directly to the quality of learning in this study is based on the calculation in the very good category. Dimensions teacher performance which provides a significant influence is the ability to make the planning and preparation for teaching, mastery of the material, control methods and strategies of teaching, assignments to students, classroom management skills, and ability to make an assessment and evaluation. Teacher performance is measured by the quality of learning has a significant impact on the level of the quality of learning. This means that the high and low level of learning quality is explained by the performance of teachers. The amount of teacher performance that directly contributes to the quality of learning is equal. Thus it is clear that the performance of teachers significantly influence the quality of learning.
- e. Simultaneously, school leadership and teacher performance significantly affect the quality of learning. The rest is the influence of the other factors. Thus it is clear that the leadership of the principal and teacher performance significantly affect the quality of learning.

Based on the conclusions can be formulated some of the results of research that is expected to be input for the parties concerned. Formulation of suggestions / recommendations emphasizes this to the principal in leading the school (variable X1) and the performance of teachers (X2). Suggestions / Recommendations are for principals at SMK Se-Tulang Bawang:

- a. Need improvement / development activities that can motivate the Discipline increase teacher work either directly related to the learning or the other that can support the improvement of the quality of learning success.
- b. Need of school leadership to motivate teacher performance is directly related to learning or with others who can support the improvement of the quality of learning.
- c. Need to create a school environment that is open to changes that occur in society. This will encourage the acquisition of knowledge / developing new ideas, which might be expected that a transfer of learning through the implementation of innovative learning in the classroom, which in the end through mutual learning in schools it will affect all the teachers who are members of the school organization.

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