

Indonesian Government Policies in Fulfilling the Right to Education for Children with Disabilities During the Pandemic

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Abstract:

Background: Indonesia respects and upholds human rights. Not all children in Indonesia are in perfect condition physically and mentally. Persons with disabilities according to Law Number 20 of 2016 concerning Persons with Disabilities are any person who experiences physical, intellectual, mental, and/or sensory limitations for a long period of time who in interacting with the environment may experience obstacles and difficulties to participate fully and effectively with the environment. The state continues to strive to fulfill its obligations to protect children with disabilities. After schools are adequate, the next problem is the limited number of teachers who handle children with disabilities at school. These problems were even more severe during the Coronavirus Disease 2019 (Covid 19) pandemic. The COVID-19 pandemic has had a tremendous impact on all lines of life, one of which is education. Restrictions arising from the pandemic also limit the space for movement in education.

Materials and Methods: This research is a normative juridical research with a focus on analyzing government policies in fulfilling the right to education for children with disabilities during the Covid-19 pandemic in Indonesia. Data obtained from literature study. Types of data include secondary data, namely data obtained from library materials. The method of data analysis was carried out with a qualitative approach.

Results: Various efforts have been made by the government to guarantee the protection rights of persons with disabilities during the COVID-19 pandemic, especially in the face of new normal conditions. The regulations that appeared for the first time related to persons with disabilities in conjunction with the Covid-19 pandemic situation, namely, Government Regulation No. 13 of 2020 concerning Adequate Accommodation for Students with Disabilities issued on February 20, 2020. Several policies have been issued by the central government and local governments specifically for children with disabilities so that they can still get education during the COVID-19 pandemic. However, in the implementation of this policy, there are problems in the community, especially for children with disabilities. The success of government policies in fulfilling the right to education for children with disabilities during the COVID-19 pandemic, of course, really needs the participation of the community. Parents as part of society play an important role in the success of education for their children with special needs.

Conclusion: The government has made efforts to fulfill the right to education for children with disabilities during the pandemic. However, this policy will be able to run optimally if it is followed by community participation to make government policies successful so that no rights are injured, considering that people with disabilities need special education.

Key Word: children with disabilities, right to education, human rights.

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I. INTRODUCTION

Indonesia respects and upholds human rights. With the inclusion in the 1945 Constitution of the Republic of Indonesia (UD NRI 1945), the laws and regulations under it and the establishment of the Human Rights Court [1] [2] [3]. Every right must be upheld regardless of gender and social status, including the right to obtain education for children. The state, government, local government, families and parents are obliged to provide the widest possible opportunities for children to obtain education.

Not all children in Indonesia are in perfect condition physically and mentally. There are children with disabilities as many as 0.8% or equivalent to approximately 460,000 children in 2020 [5]. This amount is not a small amount and they also have the same rights, including in education. Persons with disabilities according to Law Number 20 of 2016 concerning Persons with Disabilities are any person who experiences physical, intellectual, mental, and/or sensory limitations for a long period of time who in interacting with the environment

may experience obstacles and difficulties to participate fully and effectively with the environment. other citizens based on equal rights [6]. From the definition of disability in the Act, it means that the State has an obligation to strive for the fulfillment of the same rights for persons with disabilities with special treatment as guaranteed in Article 28H paragraph (2) of the 1945 Constitution of the Republic of Indonesia which stipulates "Everyone has the right to receive facilities and special treatment to obtain equal opportunities and benefits in order to achieve equality and justice". Following up on this provision, Article 5 paragraph (2) of Law Number 20 of 2003 concerning the National Education System states that "Citizens who have physical, emotional, mental, intellectual, and/or social disabilities are entitled to special education". In line with this, Article 51 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection also stipulates that "Children with Disabilities are given opportunities and accessibility to obtain inclusive education and/or special education". On the basis of the above, children with disabilities have the right to obtain inclusive education and/or special education. To provide maximum protection for persons with disabilities, including the right to education, Law Number 8 of 2016 concerning Persons with Disabilities has been enacted.

The government's obligation to students with disabilities based on Law No. 8 of 2016 is to facilitate education for people with disabilities in every path, type, and level of education in accordance with their authority. Education for persons with disabilities is implemented in the national education system through inclusive education and special education. Children with disabilities have the right to participate in a 12 (twelve) year compulsory education program, attend school near their place of residence, and also have the opportunity to obtain a primary and secondary education diploma in an equalization program for those who do not have the opportunity to participate in formal education.

In Indonesia, there are already 2,212 special education schools of which 1,861 are special schools for people with disabilities [5]. The state continues to strive to fulfill its obligations to protect children with disabilities. After schools are adequate, the next problem is the limited number of teachers who handle children with disabilities at school. These problems were even more severe during the Coronavirus Disease 2019 (Covid 19) pandemic. The COVID-19 pandemic has had a tremendous impact on all lines of life, one of which is education. Restrictions arising from the pandemic also limit the space for movement in education. Learning activities that are usually carried out face-to-face must shift to online learning. This is a new thing especially for people with disabilities.

Based on the description above, the author is interested in researching what kind of policies should be set and implemented by the Indonesian government during the Covid-19 pandemic for children with disabilities in order to continue to fulfill their right to education.

II. MATERIAL AND METHODS

This research is a normative juridical research[7] with a focus on analyzing government policies in fulfilling the right to education for children with disabilities during the Covid-19 pandemic in Indonesia. Data obtained from literature study. Types of data include secondary data, namely data obtained from library materials [8]. The method of data analysis was carried out with a qualitative approach.

III. DISCUSSION

The right to education is an important part of human rights [9]. Article 26 Paragraph (1) of the Universal Declaration of Human Rights (UDHR) stipulates the right to education as a 'right to education'. In an effort to ensure the fulfillment of the right to education, it is necessary to provide free education, especially at the low school level and basic education. It is clear that the UDHR emphasizes the right to education more on the important things that must exist to ensure its fulfillment. The interesting thing from Article 26 Paragraph (1) of the UDHR, the right to obtain education is based on 4 (four) main principles, first, the principle of equal opportunity/method, the second principle of respect for human rights and basic freedoms, the third principle of tolerance for peace [10]] and the four principles of the main right of parents to the choice of education for their children. The first principle guarantees equal opportunities to obtain education in a reasonable way (Article 26 Paragraph (1) of the UDHR). Explicitly, this first principle emphasizes the importance of a reasonable way for everyone to enter education without discriminating against one's social, economic and background status. The second principle emphasizes the nature of the right to education as a concrete form of human respect for human rights they have (Article 26 Paragraph (2) of the UDHR).

The right to education for persons with disabilities has been recognized in the Universal Declaration of Human Rights, this is regulated in Article 26 [1] which states that the importance of education is not only as an instrument to educate human life, but also as an instrument to implement human rights which are guaranteed internationally. as well as national. Everyone has the right to education, including children with disabilities. Human rights are universally applicable as stated in Article 2 of the UDHR which states that human rights are owned by everyone without distinction according to race, color, sex, language, religion, political opinion, national or social origin, wealth, birth or other status. But in reality, reality shows that all people are not equal,

in the opportunity to develop themselves, not the same in social position, intelligence or wealth [11]. This also underlies that children with disabilities have equal rights in education.

The Covid-19 pandemic that is currently hitting Indonesia, since the announcement of the pandemic by the World Health Organization and the announcement of the Pandemic in Indonesia in March 2020, the Government has issued a recommendation for Social Distancing so that people can continue working at home, studying at home, and worshipping at home. In other words, education as one of the main things that the government pays attention to will be disrupted. In fulfilling the right to education, of course the government is trying to find solutions so that the teaching and learning process is still delivered optimally, and also students and educators can also be assisted in carrying it out. This means that everyone regardless of gender, male or female, has the same rights, and under any circumstances. When the Social Distancing policy is implemented, the process of delivering material will be disrupted, because it is more effective if the teaching and learning process is delivered face-to-face.

Distance learning was finally carried out to reduce the pace of the development of Covid-19. McKenzie formulates distance learning as a learning method that is carried out by using correspondence as a communication tool between teachers and students plus the interaction between students in it. [12] Moore further adds the notion of distance learning as a teaching process that occurs separately from the learning process so that communication between teaching staff and students must be facilitated through printed materials, electronic media, and other media [13]. Distance learning itself was actually developed as an effort to overcome educational problems in the form of limitations between teachers (tutors) and students to meet face-to-face by holding learning that separates teaching staff from students with the help of print and electronic media such as email, video conferences, . , softfiles that contain material that can be accessed by students without any time and geographical limitations.

Education for persons with disabilities was initially provided with special schools, namely special schools. Extraordinary Schools have unwittingly built a wall of exclusivity for children with special needs. Therefore, the government has adopted a policy of incorporating children with disabilities into schools in general, known as inclusive schools. Education for children with disabilities is inclusive education. Inclusive education itself is an education system that provides opportunities for all students who have disabilities and have the potential for intelligence or special talents to participate in education or learning in an educational environment together with students in general.

Inclusive education has various purposes, including providing the widest possible opportunities for all students who have physical, emotional, mental, and social disabilities or have the potential for special intelligence and/or talents. Realizing the implementation of education that respects diversity, and is not discriminatory for all students. And provide opportunities for all students to obtain quality education according to their needs and abilities. Inclusive schools in Indonesia, according to Vaughn, Boss and Schumm, can be carried out with various models, namely: 1) Full inclusion regular classes: students with special needs study in regular classes together with general students throughout the day using the same curriculum as general students, 2. Regular classes with clusters: students with special needs study together in regular classes together with other students in special groups, 3. Regular classes with pull outs: students with special needs study together with other students in regular classes, but at different times. a certain time is withdrawn to get guidance services from special teachers / accompanying teachers.

Learning that cannot be carried out face-to-face becomes a very serious problem in the learning of children with disabilities. Education for children with disabilities that is carried out specifically is very difficult if it has to be carried out online. The fulfillment of the right to education during the Covid-19 pandemic in Indonesia is different from normal conditions, because education is not carried out entirely in schools or in the classroom, but by other methods. In the Joint Decree (SKB) Learning Guide for the New Academic Year in the 2020 Covid-19 Pandemic, it is stated that the health and safety of students, educators, education staff, families, and the community is a top priority in setting learning policies. In the decree, it is stipulated that the new academic year 2020/2021 will begin in July 2020, wherein areas in the yellow, orange and red zones continue to study from home, so in other words it is forbidden to meet face-to-face in education units or schools, while for the green zone, face-to-face learning is possible, but its implementation must be based on consideration of the abilities of students and following existing health protocols [14].

Various efforts have been made by the government to guarantee the protection rights of persons with disabilities during the COVID-19 pandemic, especially in the face of new normal conditions. The regulations that appeared for the first time related to persons with disabilities in conjunction with the Covid-19 pandemic situation, namely, Government Regulation No. 13 of 2020 concerning Adequate Accommodation for Students with Disabilities issued on February 20, 2020. In addition, the government has also issued guidelines regarding the prevention and protection of children with disabilities during the COVID-19 pandemic, namely the Ministry of Education, Culture, Research and Technology which made an Online Class Service Guide for Teaching and Students of Blind, Deaf/Deaf, Physical Disabilities in Higher Education and has socialized the 2020

Government Regulation on Adequate Accommodation for Students with Disabilities. Even the Education and Culture Office of some areas also contributed to children with disabilities by establishing a visiting teacher program. In this program, teachers directly visit students with special needs. The concept of visiting teachers aims to facilitate students who live in areas not covered by the internet. The teacher program visits periodically and the teachers are certainly equipped with the completeness of the Covid-19 health protocol and must be in a healthy condition to teach [15].

Several policies have been issued by the central government and local governments specifically for children with disabilities so that they can still get education during the COVID-19 pandemic. However, in the implementation of this policy, there are problems in the community, especially for children with disabilities. The success of government policies in fulfilling the right to education for children with disabilities during the COVID-19 pandemic, of course, really needs the participation of the community. Parents as part of society play an important role in the success of education for their children with special needs. The role of parents is needed in assisting children's learning at home and at school, because parents are the ones who understand and understand the child's condition the most.

IV. CONCLUSION

The government has made efforts to fulfill the right to education for children with disabilities during the pandemic. However, this policy will be able to run optimally if it is followed by community participation to make government policies successful so that no rights are injured, considering that people with disabilities need special education.

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