



## Legal Protection of Children's Human Rights as Students in Online Learning During the Covid-19 Pandemic

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### ABSTRACT

The legal protection of children's human rights in the education sector in Indonesia must be the government's main concern. The law provides for the rights children must receive, including the right to education. This is because during the COVID-19 pandemic, governments have found it difficult to provide educational legal protections to children. This article uses normative legal research to examine the legal protection of children's right to education during the COVID-19 pandemic and the role of states in realizing children's right to education.

## INTRODUCTION

The "PJJ" distance learning system causes some problems in the learning process. The introduction of distance education requires that both students and teachers have access to the internet. However, during the process of introducing distance education in Indonesia, educational disparities became apparent. The lack of internet literacy in certain areas by some people has become one of the obstacles for students to receive education during the COVID-19 pandemic. In addition to lack of knowledge about the Internet, another problem is that access to the Internet is limited and not smooth. The above problems and others not mentioned are hampering the teaching and learning process in some schools in certain regions. The coronavirus disease (Covid-19) pandemic, commonly known as coronavirus, is currently wreaking havoc around the world. A pandemic is an infectious disease that spreads across countries and continents and infects large numbers of people. On March 11, 2020, the World Health Organization (WHO) declared the new coronavirus infection (Covid-19) a pandemic. As of April 13, 2020, the global coronavirus infection rate has increased to 1,856,800 people, with 114,312 deaths and 428,275 recoveries, according to Worldometers data <sup>16</sup>. In this scenario, certain governments are trying to fight the virus in different ways. Government efforts have a significant impact on the activities of people in affected countries. Apart from this, this is happening because the coronavirus infection spreads through person-to-person interactions, which requires the introduction of social distancing techniques in society. The introduction of social distancing has also reduced the amount of time we spend with others. Additionally, some governments are asking people to stay at home and not go out. During the COVID-19 crisis in Indonesia, the government also recommends staying at home and practicing social distancing.

## LITERATURE REVIEW

This is due to the increasing frequency of COVID-19 positive cases in Indonesia. According to the task force, as of April 23, 2019, the number of positive cases of the new coronavirus infection has reached 4,557, with 3,778 patients currently receiving treatment and 399 deaths. PSBB (large-scale social restrictions) have been implemented in multiple locations in Indonesia to curb the spread of the new coronavirus infection. Minister of Health Regulation No. 9 of 2020 contains the PSBB standards. Due to school and business involvement, religious restrictions, prohibitions on activities in public areas and facilities, socio-cultural barriers, transportation and other activities. PSBB disrupts daily community activities. Things like this have certainly affected education, with children having to learn from home and things not being run optimally. As you know, not everyone in the area has good internet access. This is particularly difficult as many children still do not have smartphones. Implement distance learning in a way that prevents children from achieving maximum learning outcomes. Distance learning is also often forgotten by children, as some children prefer playing with their friends rather than participating in distance learning. Of course, this is a serious violation of children's right to a good education and education in schools and universities. Of course, this does not

optimize learning. According to UNICEF data released on August 26, 2020, approximately 463 million children were unable to participate in virtual learning due to resource constraints. On the one hand, this is related to the availability of online learning methods and distance learning, as well as the availability of appropriate information technology. During the COVID-19 pandemic, the right to education and the use of digital media cannot be separated. The way we deliver learning methods and how they work with online learning methods will also need to evolve. This time, instead of using online education as a purchasing method, the education process will be carried out completely using online methods. Additionally, the material must be presented in a more convincing and interesting way. Even if we cannot meet physically or in person, interaction is an important part of the learning process. Faculty and students have access to a variety of tools thanks to the Internet and various media platforms such as Zoom, Google Meet, Cisco Webex, and other media. This issue arises from the ability of educators and students to adapt to the media they encounter. The government's responsibility to guarantee the right to education is based on section 8 of the Human Rights Act 1999. Protection, promotion, prosecution and fulfillment of the right to education can be achieved by focusing on the right to education itself. As there are many issues regarding legal protection and children's rights related to education during COVID-19, this article aims to ensure that children severely affected by COVID-19 can maximize their rights. It is written so that it can be exercised in a limited manner.

## METHODOLOGY

The sort of lawful inquire about is standardizing legitimate investigate. Standardizing lawful investigate is investigate conducted to discover lawful rules, legitimate standards, and legitimate conventions to reply lawful questions. Regulating investigate creates unused contentions, speculations, or concepts as formulas for fathoming issues. The center of this investigate is on the think about of the regulating legitimate arrangements controlling legitimate security and the perfect lawful arrangement to realize students' right to ensures. Legitimate investigate is carried out by looking at library materials or auxiliary sources comprising of essential legitimate materials, auxiliary legitimate materials, and tertiary legitimate materials. These legitimate materials are methodically created and surveyed, and conclusions are drawn with respect to the issues beneath thought.

## RESULT AND DISCUSSION

### Legal Protection of Children's Rights to Education During the COVID-19 Pandemic

In Article 5(1) of Law No. 20 of 2003, the legitimate rebellious to secure children's rights are contained within the 1989 Joined together Countries Tradition on the Rights of the Child, which has been confirmed by more than 191 nations. As individuals of the Joined together Countries, nations counting Indonesia have moreover confirmed the Tradition on the Rights of the Child

through Presidential Proclaim No. 36 of 1990. The UN Tradition subsequently gets to be Indonesian law and is official on all Indonesian citizens. In 1999, Indonesia sanctioned her Human Rights Law No.39 of 1999. The law moreover addresses the human rights of children in a few articles. The 1945 Structure incorporates her six focuses with respect to children's right to instruction. i.e.

- a. All citizens have the proper to instruction (Article 31, Section 1, No.
- b. All citizens are committed to participate in essential instruction, and the state is committed to supply financing for essential instruction (Article 31, Section 2).
- c. The State should aim to and execute a framework of national instruction planned to advance confidence, devotion, and respectable propensities. Fortify the life of an cleverly country, as given for by law (Article 31, Section 3).
- d. The state must prioritize at slightest 20 percent of neighborhood income and apportionments to instruction to meet needs. For the implementation of national instruction (Article 31, Passage 4).
- e. Each child has the proper to grow and create (Article 28B (1).
- f. Everybody has the correct to create by assembly their fundamental should, be taught and to advantage from science. Inquire about on innovation, craftsmanship, and culture to move forward the quality of life and joy of mankind (Article 28, Passage 1). Fractional revision of Act No. 23 of 2002 2014 Based on Article 1, Section 2 of Law No. 35 of the year. Child security, children's rights are a few of the human rights that must be ensured, secured and realized by guardians, families and society, society, state, government. An understanding of a child's right to education should go back to the elemental meaning and understanding of human rights themselves. Agreeing to Hilary Rodham, the essential concept of children's rights as human rights may be a step towards really understanding and understanding children's rights themselves. According to a ponder by the ISEAS Yusof Ishak Organized, around 6,900 It has been appeared that millions of understudies are losing get to to instruction. And learning amid the COVID-19 widespread. On the other hand, a large bunch of understudies from set up families discover it simpler to memorize remotely. The overview found that as it were 40% of Indonesian lady friends have get to to the web. This imbalance happens since a few families cannot manage the implies of broadcast communications right now utilized to carry out the method. Instruct and learn it. A child's right to instruction is additionally controlled by the Child Security Law No. 23 of 2002, which was corrected by her Law No. 35 of 2014 on the Alteration of the Child Assurance Law No. 23 of 2002. Ta. See Children for Instruction, Law No. 23 of 2002 on Child Security. In this law there are a few articles that say the issue of securing children's instructive rights. In this law, child security is characterized as exercises to ensure and ensure children and ensure the fulfillment of children's rights to live, develop, create and take an interest ideally in understanding with human character and respect, and get

assurance from all sorts of viciousness and segregation. In the interim, children's rights are portion of human rights that must be ensured, ensured and satisfied by guardians, families, communities, government and the state. This law too directs the security of children's rights to instruction for children with inabilities or children who have incapacities, as expressed in Article 9 passage 2, that particularly children with inabilities have the proper to get uncommon instruction. So, it can be deciphered that Law Number 23 of 2002 concerning Child Security controls the correct to instruction for children as a entirety without refinement. Separated from Article 9, a few articles in Law Number 23 of 2002 concerning Child Security moreover direct the security of children's rights to instruction. This law stipulates that the instruction gotten by children must be went with by help given by the state, government, family and parents. The community has an commitment and responsibility to realize the rights and security of children. This will be seen in Article 25 of Law Number 23 of 2002 concerning Child Assurance.

The law states that the community has commitments and obligations in actualizing child security, so that it shows up that the community deliberately takes part in realizing children's rights to instruction.

Agreeing to Article 1 section (13) of Law Number 35 of 2014 concerning Alterations to Law Number 23 of 2002 concerning Child Assurance, society is people, families, bunches and social and/or community organizations. Article 26 section (1) of Law Number 35 of 2014 concerning Revisions to Law Number 23 of 2002 concerning Child Security controls that guardians are obliged and responsible as follows:

- a. Caring for, sustaining, teaching and ensuring children;
- b. Create children agreeing to their capacities, abilities and interests;
- c. Avoid marriage at the age of children.

Separated from the statutory regulations within the articles which direct parental commitments and obligations towards children, guardians too have obligations within the instruction of children which incorporate:

- a. Keep up and raise it;
- b. Secure and ensure their wellbeing, both physically and soul; Article 49 of Law Number 23 of 2002 concerning Child security.
- c. Teach him with various information and abilities that are valuable for his life.

At that point it is expressed in Article 26 passage (2) that in case guardians are truant or their whereabouts are obscure, or for a few reason they are incapable to carry out their obligations and duties, at that point the obligations and duties as planning in section (1) can be exchanged to the family, actualized in understanding with appropriate laws and directions. In this manner, notwithstanding of whether a child's guardians are show or not.

## CONCLUSIONS AND RECOMMENDATIONS

A frame of lawful assurance for children's right to instruction amid the COVID-19 widespread can be found in Article 22(2) of Law No. 23 of 2002. This article states that nations and governments have a obligation and obligation to help. Offices and foundation in child security hone. Moreover, Article 23(2) of Law No. 23 of 2002 states that the state and government must screen the execution of child security. One shape of child security hone is the realization of children's right to instruction. Assurance of the child's right to instruction must be actualized and the care and welfare of the child must be ensured and secured by the government, notwithstanding of the child's physical and/or mental condition, the child's race or class. It doesn't ought to be. The same goes for crises such as the COVID-19 emergency. 19 Widespread. In expansion to the state, society also contains a obligation and duty to ensure the rights and security of children. Typically stated in Article 25 of Law No. 23 of 2002. The shape of the part of the state in realizing children's rights amid the COVID-19 widespread can be seen within the Service of Instruction and Culture's Circular No. 4 of 2020 on the execution of instruction amid the COVID-19 crisis period. Distributed by the Service of Instruction and Culture. Along these lines, the Service of Instruction and Culture too distributed his Circular No. 15 of 2020 on Rules for the organization of domestic learning amid the spread of the coronavirus disease. This fortifies the targets of the Service of Instruction and Culture Circular No. 4 of 2020. Give instruction amid the COVID-19 crisis period. Also, the Service of Instruction and Culture has too issued the Secretary-General's Circular No. 15 of 2020, setting out rules for the execution of home-based learning amid the COVID-19 widespread. Instruction beneath the state of crisis announced due to the novel coronavirus contamination will be conducted through separate learning, isolated into two approaches: online separate learning and offline separate learning. However, separate learning too has its troubles, as the service of instruction and culture has now issued the Director-General's Circular No. 15 of 2020 on Rules for the Usage of Domestic Learning within the Case of the Novel Coronavirus Infection (COVID-19) Fiasco. That cannot be denied. The government is additionally giving task help for understudies, instructors, and teachers to carry out the instructing and learning handle online. This applies to the approach of the Marinau Rule Government to ensure children's right to instruction within the time of the COVID-19 widespread through the circular number 420/368/Law on the usage of restricted face-to-face classes.

## FURTHER RESEARCH

This research still has limitations so further research needs to be done on this topic "Legal Protection of Children's Human Rights as Students in Online Learning During the Covid-19 Pandemic".

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