

The Covid-19 Pandemic and the Right to Education

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Abstract—Education is a right for all citizens. Indonesia's educational system refers to the Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System. However, due to the COVID-19 pandemic, many elementary school-age children are not excited about school because it is challenging for both children as students and their parents. The formulation of the problem in this writing is: How is the right to education at the elementary school level during the covid-19 pandemic? This research is descriptive, and deductive thinking methods are used in concluding. The results show that the right to education is established in Articles 13 and 14 of the ICESCR and Article 31 of the 1945 Constitution of the Republic of Indonesia. Article 14 of the ICESCR explains that participating countries must make an action plan to execute the principles of free and compulsory primary education fully. Article 31 of the 1945 Constitution of the Republic of Indonesia states that every citizen is obliged to attend primary education, which the state is obliged to pay.

Keywords—*covid-19, pandemic, right to education*

I. INTRODUCTION

Human rights are rights given by God to every human being since he was born. As God's creatures, human rights are fundamental rights that must be obtained [1]. The modern concept of human rights origins can be found in the British, American, and French revolutions of the 17th and 18th centuries [2]. England has a long tradition of opposition to any attempt by the king to take absolute power [3]. According to Prof. Aswanto, human rights can be grouped into four groups, namely civil rights, political rights, socio-economic rights, and cultural rights [4]. The right to education is one of the most fundamental human rights to improve the nation's welfare, which is included in the socio-economic rights.

Education is the primary source or benchmark for whether the country can prosper its people [5]. Education is an essential thing for every country to develop rapidly [6]. Due to the world community's awareness about the importance of education, article 14 of the ICESCR explains that participating countries must make an action plan to fully implement the principles of free and compulsory education [7].

As one of the countries participating in the ICESCR, Indonesia has regulated the right to education for its citizens. It

has been regulated in a face-to-face system but directly disrupted due to the widespread outbreak of the coronavirus. Coronavirus Disease 2019 (covid-19) is caused by Severe Acute Respiratory Syndrome Coronavirus-2

(SARS-CoV-2). This virus can be transmitted from human to human and has circulated widely in China and more than 190 countries and territories [8]. The non-face-to-face learning process, which is run online, has resulted in students not being able to fulfill their educational rights due to several barriers. This online education process raises many problems [9]. Therefore, this research was conducted to determine how the right to education was fulfilled during the Covid-19 period.

II. METHOD

This research is empirical legal research. Empirical legal research is often synonymous with field research, seen from its tendency to use primary data [10]. In order to find out the right to education obtained by elementary school students in Pekanbaru, an elementary school in Pekanbaru is chosen as the object of the research. The explanation in this material is descriptive. The data used is primary data in interviews by questionnaires given to teachers and students/guardians of elementary school students and direct surveys to several elementary schools in Pekanbaru to find out firsthand whether existing elementary schools are closed or closed open during the Covid-19 period. Secondary data in related books, previous research journals, and the prevailing laws and regulations in Indonesia are also taken.

III. DISCUSSION

A. *The Right To Education In Indonesia*

The right to education is part of human rights. Manfred Nowak mentions four principles of human rights, namely universal, undivided, interdependent, and interrelated. Rhona KM Smith added another principle, namely equality and non-discrimination [11]. Individuals are parties who hold human rights (*proper bearer*), while the state has a position as a holder of obligations (*duty bearer*), namely the obligation to protect, guarantee, and fulfill the human rights of each individual [12]. Human rights are defended not only by the state but also by the international organization that has the legal authority to

intervene in the internal affairs of a particular country [13]. The Indonesian state grants the right to education to its citizens through the NRI Constitution and Law Number 20 of 2003 concerning the National Education System, which is the basis for implementing the education system in Indonesia [14].

Article 31 paragraph (1) of the 1945 Constitution of the Republic of Indonesia defines that "Every citizen has the right to education," paragraph (2) states that "Every citizen is obliged to attend basic education and the government is obliged to finance it." Article 1 paragraph (1) of Law Number 20 of 2003 concerning the National Education System explains that "education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have religious-spiritual strength, self control, personality, intelligence, noble character, and skills needed by himself, society, nation and state." The significance of an effective education system that produces results in intelligence for the nation's children, so the education process needs to be considered. In obtaining the right to education, a quality education system needs to be determined to guarantee an excellent education system for all students and children of the nation.

B. The Problems of Elementary School Education During the Covid-19 Period

Rights are not an abstract pursuit but something more concrete, along with who has the right to have it and who is responsible for its realization [15]. Coronavirus 2019 (Covid-19) is a severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) that spread rapidly from its origin in Wuhan City, Hubei Province, China, to the rest of the world [16]. Covid-19 has transformed face-to-face physical learning to distance learning worldwide [17]. In response to the phenomenon, Indonesia issued a Circular Letter of the Minister of Education and Culture Number 4 of 2020 concerning the Implementation of Education Policies in the Emergency Period of the Spread of Covid-19. In provision number 2, the learning process from home is through online/distant learning, which is carried out to provide a meaningful learning experience for students without being burdened with the demands of completing all curriculum achievements for grade promotion and graduation. However, the problem is spotted when online learning implementation is not accompanied by facilities and infrastructure and training so that the implementation of online schools becomes chaotic and less effective.

The researcher has conducted direct surveys to several elementary schools in Pekanbaru; the results obtained are that all schools yield with government regulations to temporarily close schools so that the spread of COVID-19 can be minimized. Some elementary schools surveyed directly by the researcher are as follows:

TABLE I. LEARNING SYSTEM

No	Name of Elementary School (SD)	Survey Results	Learning
1.	SD Negeri 1 Pekanbaru	Closed	Online
2.	SD Negeri 8 Pekanbaru	Closed	Online
3.	SD Negeri 17 Pekanbaru	Closed	Online
4.	SD Negeri 24 Pekanbaru	Closed	Online
5.	SD Negeri 38 Pekanbaru	Closed	Online

In the online learning implementation, teachers' readiness, students, parents, facilities, and infrastructure in the Pekanbaru has caused the learning process to be not optimal. Due to the online process, there are several obstacles such as networks, gadgets, understanding of technology, teachers, students, and parents who were not ready to accept the sudden online learning system. Based on the questionnaire results submitted to 83 teachers and/or students/guardians, it was found that the online implementation experienced several other obstacles. Following are the results of questionnaires that have been conducted to several teachers, students/parents or guardians of students at several elementary schools in Pekanbaru:

TABLE II. SURVEY RESULT

No	Matter	Total	Yes (%)	No (%)
1.	Understanding of the right to education	83	97.6	3, 3
2.	The implementation of online schools is constrained by internet/quota/gadget networks	83	91.6	8.4
3.	Students' focus and seriousness in participating in the online school process	83	48	62
4.	Student enthusiasm for learning increases when online schools	83	40	60
5.	Students' understanding of the subject matter increased when online	83	39	61

Based on the table 2, it can be seen that students at the elementary school level could not improve their understanding of subjects taught online. The focus and enthusiasm of students were also reduced compared to the face-to-face schools' system; most of them were often constrained by unstable internet networks, insufficient internet quota and unsupported gadgets. These obstacles cause several percent of students not to be focused and serious in implementing online learning, which decreases enthusiasm for learning and understanding of subject matter. Therefore, to maintain a good teaching and learning process at the elementary school level, which is carried out online in order to guarantee the right to education, the government needs to facilitate by guaranteeing supporting facilities and infrastructure, providing free quotas and gadget assistance to those who cannot afford it. In addition, teaching staff and student guardians also need to provide other creative efforts that can increase students' understanding of the subject

and keep their students' learning enthusiasm stable despite the COVID-19 pandemic.

IV. CONCLUSIONS

The right to education is a right that everyone must obtain. The state is the party responsible for realizing the right to education for all its citizens. Even though the spread of the covid-19 outbreaks forces teaching and learning to be carried out online, the state needs to be prepared and adjust to these changing circumstances. To maintain a suitable teaching and learning process at the elementary school level, the government needs to facilitate by ensuring supporting facilities and infrastructure, providing free quotas, and assisting gadgets to those who cannot afford them. In addition, teaching staff and student guardians also need to participate in delivering other creative efforts that can increase students' understanding of the subject matter and keep their students' learning enthusiasm stable despite the COVID-19 pandemic.

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