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Legal Protection Of Persons With Disabilities In Education

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Abstract

Protection and guarantee of human rights are not only necessary for normal citizens but also for persons with disabilities, namely people who have physical, mental, intellectual, or sensory limitations. In reality, there are still many people with disabilities who are discriminated against in relation to the fulfillment of the right to education, employment, public facilities such as transportation, places of worship, places of entertainment, and equality before the law. The problem of this research is how are the efforts of the Karawang Regency government in fulfilling the rights of persons with disabilities in the field of education? What is the policy for educators to educate people with disabilities? Are there any differences that the Karawang Regency government applies in fulfilling the rights of persons with disabilities and children with special needs?

Keywords: Persons with Disabilities, Human Rights, Education

A. Introduction

The 1945 Constitution guarantees and respects human dignity which is inherently universal, eternal, lasting, respected, maintained and upheld by the Republic of Indonesia. Protection and guarantee of rights are not only given to citizens who have physical and mental perfection, in fact the protection of rights for vulnerable groups such as persons with disabilities needs to be improved. Persons with disabilities are people who have physical, mental, intellectual, or sensory limitations for a long period of time (Law No. 19 of 2011). The Government of Indonesia has ratified the Convention On The Rights Of Persons With Disabilities, hereinafter referred to as CPRD which is regulated in Law No. 19 of 2011. Ratification of the CPRD shows the commitment of the Indonesian government to protect, promote, and fulfill the rights of persons with disabilities which will ultimately be able to realize independence and welfare for persons with disabilities (Nulhaqim & Sulastri, 2019). Law No. 19 of 2011 stipulates that every person with a disability must be free from torture or cruel, inhuman, degrading treatment of human dignity, free from exploitation, violence and arbitrary treatment, and has the right to be respected for his mental and physical integrity. based on equality with others, the obligation of the state in relation to the CPRD is to realize these rights.

The reality experienced by people with disabilities based on the results of previous research², people with disabilities bear the stigma of imperfection, thus making people with disabilities marginalized from full social acceptance. Persons with disabilities are still very far from being fair, there are still many people with disabilities who are discriminated against regarding the fulfillment of their rights, education,

employment, public facilities such as transportation, places of worship, places of entertainment, and equal standing before the law. The problems faced by persons with disabilities are not only in primary education to senior secondary education, but also post-high school education (Poluakan et al., 2019; Sidiq et al., 2021). The neglect of the protection of rights for persons with disabilities is caused by social and cultural factors, economic factors and weak policies and law enforcement in favor of disabled groups³. This causes persons with disabilities to become a marginalized group, often victims of exploitation, violence, torture, and inhumane treatment.

The classic problem regarding persons with disabilities in large districts such as Jogjakarta and Jakarta is caused by policies, regulations, and weak legal protection for persons with disabilities. The lack of employment opportunities, opportunities to obtain education, and equal opportunities before the law. Persons with disabilities do not get equal opportunities to meet their basic needs, even though discrimination against persons with disabilities is a violation of human rights. The stigma of being disabled or disabled is already attached to or becomes a label for persons with disabilities, so that their lives are far from being prosperous. Regulations and policies such as labeling persons with disabilities, for example at work, for the blind are always synonymous with masseurs who are blind, physical disabilities are always synonymous with sewing, the deaf are always synonymous with making crafts, etc.

The government's policy to guarantee, protect, and encourage the full fulfillment of rights for persons with disabilities has been stated in Law No. 19 of 2011 concerning CPRD. The State's obligation is to realize the rights contained in the Convention through adjustments to the legislation, law and administration of each country, including changing laws and regulations, habits and practices that discriminate against persons with disabilities, both women and children, ensuring the participation of persons with disabilities. in all aspects of life such as education, health, work, politics, sports, arts and culture, as well as the use of technology, information and communication in realizing the welfare of persons with disabilities (Law No. 19 of 2011). Efforts to realize the welfare of persons with disabilities cannot be separated from the participation of the community.

The policy on the protection and fulfillment of rights for persons with disabilities as regulated in the CPRD law must ensure that it is realized. The impact obtained through the implementation of the CPRD law, can provide the fulfillment of the same rights so as to improve education and create welfare for persons with disabilities, therefore the government policy in Karawang Regency is to fulfill the rights of persons with disabilities in accordance with law no. Year 2011 concerning CPRD needs to be reviewed to obtain information about the implementation of the CPRD Law, the results of the study will be used as material for making policies in an effort to fulfill the rights of persons with disabilities in Karawang Regency. Given the importance of the realization of the CPRD law, a study was conducted to analyze the implementation of the CPRD law by analyzing the implementation process, identifying obstacles, and local government readiness in implementing the CPRD law in Karawang Regency.

B. Research Method

1. Research Location

This research was conducted in Karawang Regency, West Java Province with a research focus on the Youth and Sports Education Office. Considerations regarding the choice of the location of this research, namely by conducting research, the authors can obtain complete, accurate and adequate data so that they can obtain objective research results related to the object of research.

2. Data Source

The source of data in this research is field research, namely collecting data by systematically observing the phenomena being investigated.

3. Data Collection Techniques

The data collection technique carried out by the author is the interview method or direct and open conversation in the form of questions and answers to the resource person or parties who are considered to be able to provide information and information needed in the discussion of the object of research.

4. Theoretical And Juridical Framework

The Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia respects and upholds human dignity. Human rights as basic rights that are naturally inherent in human beings are universal, need to be protected, respected, and maintained, so that protection and human rights for vulnerable groups, especially Persons with Disabilities.

Respect, protection, and fulfillment of the rights of Persons with Disabilities is a state obligation. This is also emphasized in Law Number 39 of 1999 concerning Human Rights, so that the community has a responsibility to respect the rights of Persons with Disabilities. Persons with Disabilities have experienced a lot of discrimination which has resulted in the unfulfilled implementation of the rights of Persons with Disabilities. So far, the regulation regarding Persons with Disabilities is regulated in Law Number 4 of 1997 concerning Persons with Disabilities, but this regulation does not have a human rights perspective.

The content of Law Number 4 of 1997 concerning Persons with Disabilities is more compassionate (charity based) and the fulfillment of the rights of Persons with Disabilities is still considered a social problem whose policies for the fulfillment of their rights are only social security, social rehabilitation, social assistance, and social welfare improvement. . Persons with Disabilities should have the same opportunities in an effort to develop themselves through independence as human beings with dignity. With the enactment of Law Number 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities on November 10, 2011, it shows the commitment and seriousness of the Government of Indonesia to respect, protect, and fulfill the rights of Persons with Disabilities which ultimately is expected to improve the welfare of Persons with Disabilities (Nurwati & Mulyana, 2021).

Thus, Persons with Disabilities have the right to be free from torture or cruel, inhuman, degrading treatment, free from exploitation, violence and arbitrary treatment, and have the right to have respect for their mental and physical integrity on an equal basis with others, including it includes the right to obtain protection and social services in the context of independence, as well as in an emergency.

Therefore, the Government is obliged to realize the rights contained in the convention, through adjustments to laws and regulations, including ensuring the fulfillment of the rights of Persons with Disabilities in all aspects of life such as education, health, employment, politics and government, culture and tourism, as well as the use of technology, information, and communication.

C. Discussion

1. The efforts of the Karawang Regency government in fulfilling the Rights of Persons with Disabilities

The Karawang Regency Government has made efforts to maximize education services, especially for persons with disabilities. One of the patterns adopted by the government is the revitalization of schools throughout Karawang Regency. In the future, the schools that have been revitalized will maximize their services, namely by paying attention to the health of the environment, facilities and infrastructure, including by providing special places/special facilities for people with disabilities.

Although only a few schools have been revitalized, the Karawang Regency government through the Youth and Sports Education Office is optimistic that infrastructure improvements will be comprehensive.

2. Decent school standards for persons with disabilities

As for the special facilities and infrastructure for persons with disabilities with ordinary students, it is from facilities and infrastructure. It can be seen that people with disabilities have a special library, meaning that the books presented are different because they have a fairly large space (especially for people with disabilities who use wheelchairs).

In addition, it is usually seen from the toilet provided by the school. The size of the toilet is also different from the toilet in general. The special toilet for people with disabilities has a large enough space. In terms of libraries and toilets, what needs to be considered is a qualified escalator. For the escalator itself, look at the size of the school, whether the school has a multi-storey building or not.

3. Differences between Persons with Disabilities and Children with Special Needs.

In fact, people with disabilities are different from children with special needs. This difference is not much different. The difference lies in that, people with disabilities can still be combined with ordinary students. Because they can still interact with other teachers/students. However, children with special needs cannot be combined with students in general. The schools that the government provides are also different. In Karawang Regency, one of the Special Extraordinary Schools (SLB) is located in Karangpawitan (next to the office of the Indonesian Youth National Committee).

D. Conclusion

1. That the service provided by the Government of Karawang Regency itself is considered lacking, because there are still some schools that do not have special standards for persons with disabilities. This means that there are still some schools that do not take sides with persons with disabilities.

2. There are significant differences between people with disabilities and children with special needs. Persons with disabilities are still able to interact with teachers/students/I but are constrained by their physical (hands, feet). Children with special needs have their own schools, meaning they are separated from schools in general. Because it is difficult for them to speak, they have their own school.

The suggestion from the author is that the Indonesian government, especially the Karawang Regency Government, should be more serious in educating people with disabilities. Because after all this is a constitutional mandate where education is the right of every Indonesian citizen without distinguishing ethnicity, religion, race or between groups

References

- Ulfah Fatmala Rizky, 2014, "Identifikasi Kebutuhan Siswa Penyandang Disabilitas Pasca Sekolah Menengah Atas", dalam jurnal Pusat Studi dan Layanan Disabilitas (PSLD), Universitas Brawijaya, Malang, Indonesia
- Achmad, W. RW (2021). Conflict Resolution of Remote Indigenous Communities (Overview of The Sociology Communication). LEGAL BRIEF, 10(2), 280-286.
- Sidiq, R. S. S., Jalil, A., & Achmad, R. W. W. (2021). Virtual World Solidarity: How Social Solidarity is Built on the Crowdfunding Platform Kitabisa. com. Webology, 18(1), 192-202.
- Poluakan, M. V., Dikayuana, D., Wibowo, H., & Raharjo, S. T. (2019). Potret Generasi Milenial pada Era Revolusi Industri 4.0. Focus: Jurnal Pekerjaan Sosial, 2(2), 187-197.
- Nulhaqim, S. A., & Sulastri, S. (2019). Analisis Faktor Eksternal Dan Faktor Internal Organisasi Pelayanan Sosial Relawan Muda Riau. JISPO Jurnal Ilmu Sosial dan Ilmu Politik, 9(1), 155-170.
- Nurwati, N., & Mulyana, N. (2021). RESILIENSI KELUARGA SINGLE PARENT DENGAN ANAK SKIZOFRENIA. MEDIA BINA ILMIAH, 14(8), 3061-3064.
- Jurnal INTEGRALISTIK No.1/Th. XXVIII/2017, Januari-Juni 2017
- Ali Salmande, 2011, Jangan Abaikan Penyandang Disabilitas (online), <http://m.hukumonline.com/berita/baca/lt50c0b820308a4/jangan-abaikan-penyandangdisabilitas> (1 Mei 2018)
- 1945 Constitution of the Republic of Indonesia, State Gazette of the Republic of Indonesia Number 75 of 1959.
- Law of the Republic of Indonesia Number 4 of 1997 concerning Persons with Disabilities, State Gazette of the Republic of Indonesia Number 9 of 1997,
- Supplement to the State Gazette of the Republic of Indonesia Number 3670.
- Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, State Gazette of the Republic of Indonesia Number 165 of 1999, Supplement to the State Gazette of the Republic of Indonesia Number 3886.
- Law of the Republic of Indonesia Number 19 of 2011 concerning Ratification of the Convention on the Rights of Persons With Disabilities, State Gazette of the Republic of Indonesia of 2011 Number 107 Supplement to the State Gazette of the Republic of Indonesia Number 5251