

INCLUSIVE EDUCATION: THE RIGHTS OF PEOPLE WITH DISABILITIES

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Abstrak

Mengakui dan menghormati hak asasi manusia penyandang disabilitas merupakan elemen integral dari masyarakat demokratis. Menempatkan penyandang disabilitas individu sebagai individu yang memiliki pengecualian dan terpisah dari partisipasi Publik. Disabilitas dipandang sebagai masalah kesehatan, dimana Penyandang Disabilitas dianggap sebagai orang yang sakit dan harus disembuhkan. Penelitian ini menggunakan pendekatan hukum terkait dengan hak-hak penyandang disabilitas. Nilai-nilai Pancasila yang menjamin kesejahteraan bagi seluruh rakyat Indonesia perlu mengikutsertakan penyandang disabilitas agar dapat mensejahterakan diri.

Kata Kunci: Pendidikan Inklusif, Hak atas Pendidikan, Orang dengan Disabilitas.

Abstract

Recognising and respecting the human rights of persons with disabilities constitutes an integral element of a democratic society. Placing individual disability as an individual who has exceptions and separates from participation Public. Disability is seen as a health problem, and Individuals with disabilities are considered as people who are sick and must be healed. This research uses a legal approach related to the rights of persons with disabilities. Pancasila values that guarantee welfare for all Indonesian people need to include people with disabilities so that they can prosper themselves.

Keywords: Inclusive education, the right to education, persons with disabilities.

1. INTRODUCTION

The UN Convention on the Rights of Persons with Disabilities is about more than just ensuring that people with disabilities have access to existing human rights. It also subtly rephrases and expands existing human rights consider the specific rights experiences of people with disabilities. Individuals with disabilities have the right to live equal and valuable as any other individual. International human rights organizations such as the United Nations are increasingly influencing national educational policy (UN). As countries sign up to human rights treaties, the language of human rights has become increasingly important agree to follow, implement, and report on specific standards. In 2006, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) was adoptedn chance to address concerns about the elasticity of 'inclusive education.

Based on Law no. 8 of 2016 concerning Persons with Disabilities, there are five categories of disabilities, namely physical, intellectual, mental, sensory, and multiple/multiple. Meanwhile, based on current 2020 data from the Central Bureau of Statistics (BPS), the number of people with disabilities in Indonesia reaches 22.5 million or around five percent (Qonita, 2020). Only 2,8% of people with disabilities go to higher Education (Afrianty, Lintangari, & Emaliana, 2021).

Indonesia upholds human rights, as evidenced by the commitment of the Indonesian people to ratify Law No. 39 of 1999 in accordance with the mandate of the ICCPR and ICESCR which were ratified by the Government of Indonesia. Furthermore, Law No. 19 of 2011 ratifies the

Convention. Based on those conditions, where Indonesia has many rules related to human rights, the practice of respecting, protecting, and fulfilling human rights is comprehensive in theory, but may be debatable in practice. The Indonesian government is increasingly concerned with ensuring the rights of people with disabilities, as evidenced by the passage of Law No. 8 of 2016 on April 15. Persons with disabilities, according to the law, are people who have long had physical, intellectual, mental, and sensory limitations that make it difficult for them to interact fully and effectively with their surroundings.

Indonesia is idealized and aspired by the founding fathers as a State of Law (Rechtsstaat/ The Rule of Law). The concept of the rule of law is then reflected in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (NRI 1945 Constitution) which affirms that “the State of Indonesia is a State of Law”. The existence of Indonesia as the state of law demands the state’s responsibility in providing protection, promotion, enforcement, and fulfillment of human rights (HAM) as stipulated in Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia. This is considering that one of the characteristics of the rule of law is the existence of guarantee of human rights (Aminanto, 2018).

2. RESEARCH METHODOLOGY

This paper is based on two sources of data. The method used in this research is normative legal research with using a statutory and conceptual approach. Approach the statutory regulations in question are all forms of legislation that related to human rights. Then in the conceptual framework, the author examines the concepts in the enforcement of human rights, and human rights values in the Pancasila and the constitution.

3. ANALYSIS AND DISCUSS

3.1. The right to Education and Inclusive Education

The significance of the right to education in raising human rights knowledge cannot be rejected because the right to education is important to the implementation of human rights education (Satyawati, 2012). One of the fundamental human rights nowadays is the access to an education. Economic, social, and cultural rights, whose fulfillment is a responsibility of the state to its citizen, including the right to education (Beitz, 2009). Those rights are positive rights that require the state involvement to take active steps to realize these rights (Beiter, 2006). International human rights bodies such as the United Nations are starting to have a bigger impact on national education policy. The importance of the human rights terminology has increased because of the commitment made by the nations that have ratified human rights treaties to uphold, conduct, and report on specific criteria.

Human rights rules are enshrined in several laws in Indonesia, beginning with the 1945 Constitution and progressing to specific human rights regulations. According to Article 28I paragraph (2) of the 1945 Indonesian Constitution, “everyone has the right to be free from discriminatory treatment for any reason and to be protected from such discriminatory treatment.” Furthermore, Law No. 39 of 1999 stated in Article 3 paragraph (1) that “everyone is born equal in dignity and human rights and is endowed with intelligence and reason to live with others in a spirit of brotherhood.” In Indonesia, these rules serve as the legal foundation for the non-discrimination principle.

Disability is an issue that affects many people in Indonesia. There are at least moreover 8 million households had at least one disabled member (Cameorn & Suarez, 2017). As stated in ADHR as a member state each member has the duty to take steps achieving and securing

those rights. There is still a long way to go fight for disability rights in Indonesia. Although the government has passed Law 8/2016, the Regulation of the Government 13/2020 concerning Adequate Accommodation for Students with Disabilities, and the Regulation of the Minister of Research, Technology and Higher Education of 2017 which requires every university in Indonesia provide services for students with disabilities (Dzulfikar, 2019).

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Inclusive education is an education administration system that provides opportunities for all students who have abnormalities and have the potential for intelligence and/or talent special for attending education or learning in the educational environment together with students in general. Inclusive education has purpose to provide the widest opportunity for all students who have physical, emotional, mental, and social skills, or have the potential for intelligence and/or talent privileged to obtain a quality education in accordance with with their needs and abilities. Realizing the implementation of education that respects diversity, and non-discrimination for all learners.

Inclusive education can be indentified with friendly campus all (education for all) Campus with policies special education tent (Inclusive Education) in Higher Education. Practical campus special education policy (Inclusive Education) in Higher Education. A growing campus inclusive culture in Higher Education. Persons with disabilities have historically been denied this right on the grounds that disability, particularly intellectual disability, implies a lack of moral freedom. This prevalent viewpoint has reduced people with disabilities to objects rather than subjects capable of making their own decisions (Quinn, et al., 2002).

3.2. Pancasila and Human Rights

Ideal values are those that are related to the nature of Pancasila's five precepts. Score ideals are universal in the sense that they include good and right ideals, goals, and values. The description is as follows: The freedom to embrace is guaranteed by the first precept. Religion, worship, and respect for religious differences; second, position every citizen has the same legal position; third, please provide encouragement citizens working together and putting the interests of the nation and state first personal or group interests; the fourth precept teaches everyone to respect everyone's rights. Citizens for deliberation to reach a consensus that is carried out without any pressure or coercion; the fifth precept is to recognize and protect individual property rights country. Pancasila is closely related to the enforcement of human rights and has a crucial role mainly because Pancasila is a philosophical philosophy and a common platform among citizens.

The value of praxis in Pancasila is the realization of instrumental values in everyday life. Human rights in practical value can be realized if basic values and instrumental values can be applied in the daily life of every citizen. In the constitution, that the core material of the text of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) is the guarantee of human rights. This means that the most basic interest of every citizen is the protection of their rights as human beings.



Picture 2. Pancasila

4. CONCLUSION

To conclude, the right to education for person with disabilities is an essential element to establish the rights for everyone. Therefore, to guarantee the right to education it occurs needed specific policies when it comes to categories of people whose circumstances have rendered them uniquely vulnerable to human rights violations (Megret, 2008). Government's roles are prominent in shaping effectively to secure the right to education of person with disabilities, however the society as a community whose likely interact with them has the obligation to create a safe environment for them and protection from exploitation, violence and abuse.

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