

# 1342-4880-1-SM.pdf

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**Submission date:** 02-Aug-2022 02:49AM (UTC-0400)

**Submission ID:** 1878011860

**File name:** 1342-4880-1-SM.pdf (304.71K)

**Word count:** 4031

**Character count:** 22780

## **1 ACCESS TO EDUCATION FOR ALL CITIZENS AND TEACHING SERVICES IN THE COVID-19 PANDEMIC ERA (AN IMPACT ANALYSIS)**

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### **1 ABSTRACT**

All citizens have the right to proper and adequate education without exception in any situation and condition, including during the Covid 19 pandemic. The state is obliged to provide this right to education through its policies. However, teaching services in the Covid 19 pandemic era invite its challenges, especially in educational orientation. Thus, this paper will raise these rights constitutionally, which are the obligations of the state and examine an equally important aspect of an educational process is to pay attention to the character education factor. This study uses a normative juridical approach in the form of descriptive analysis. The data source used is primary data in primary data processing in the form of statutory regulations.

**Keywords:** *Rights, Character, Education, Covid Pandemic 19*

### **INTRODUCTION**

After the pandemic has spread to all countries of the world, including Indonesia, it impacts all aspects of life, be it social, economic, cultural, and education. The birth of several government policies is intended to focus on efforts to contain the spread of the coronavirus, both from the central and regional governments to form the Covid 19 Pandemic Prevention Task Force by implementing several policies such as Large-Scale Social Restrictions (PSBB), as well as guidelines in the education sector through prohibitions. Face-to-face learning in schools, providing subsidized assistance to zoning each region in the red, yellow and green clusters, and provisions for organizing religious services and activities. One of the things that will be affected by the Covid 19 pandemic is the education sector, not only related to the prohibition of going to school but the very worrying thing is when the Indonesian nation has to lose a critical moment from a face-to-face teaching and learning process which is quite useful so far, where the procedure will producing brilliant generational results. One of the government's policies for education is to provide subsidized quotas that can be used to support the learning process. However, a policy should consider the effectiveness and objectives of the program, for this reason, this paper will raise the phenomenon of fulfilling the rights of citizens in the field of education by providing access to education for all citizens, and the impact of an education policy will undoubtedly be even more complicated if looking at the condition of students with different backgrounds.

Along with the development of science and technology, the world of education is still required to carry out the education and teaching process during the climate and the COVID-19 pandemic situation which has not ended, this condition is certainly not an easy thing for the world of education, because students are living and studying in homes. In several districts and cities, educators carry out their assignments with an online system. On the one hand, the era of globalization and technology provides extraordinary opportunities and facilities for anyone willing and able to take advantage of them, both for their interests and for the benefit of humans as a whole. But on the other hand, technology also has an impact on human life. In utilizing it for the teaching process, there are many obstacles faced by students and teachers, which technically greatly hinder the process of delivering knowledge and education.

Access to the provision of learning quotas cannot be the best solution, because many people who have school-age children have cellphone facilities with technological sophistication in the form of providing applications that will become facilities in the learning process. And the most we have to realize is that no matter how sophisticated technology is, it cannot change the character of students for the better. Some things need serious attention from all education stakeholders that the primary purpose of the educational process is to form character students that include the characteristics inherent in students so that they can be responsible for what they do, have loyalty to themselves and also educational institutions with the ability to improve self-quality, even though learning is done online. Character is the values of human behaviour related to God Almighty, self, fellow human beings, environment, and nationality which are manifested in thoughts, attitudes, feelings, words and actions based on religious norms, law, manners, culture, and customs. The character can be interpreted as a fundamental value that builds a person's personality. It is formed either due to the influence of heredity or environmental impacts, which differentiates him from others and manifests in his attitudes and behaviour in everyday life.

Considering the importance of character education, Griek in Anita Yus states the definition of Character as follows: "Character is a combination of all human traits that are permanent so that it becomes a particular sign to distinguish one person from another. This limitation shows that Character is an identity that a person has that is permanent so that someone or something is different from others. This paper (Access to Education for All Citizens and Teaching Services in the Covid 19 Pandemic Era (An Impact Analysis)) is significant because starting from the right to education in pandemic conditions there is a threat to character education which is the impact of learning methodologies during the pandemic. In several areas, there had been actions that were far from educational goals in the context of building the character of students. Several cases need to be addressed immediately, in terms of the distance learning method, where students who are learning are not in the same room as the teacher because they do not have a quota or cellular cellphone so that carrying out group learning at a friend's house will be very vulnerable to relationships this interaction, where the children do not follow the learning process as they should. Still, the child takes a-moral actions that are not expected by all parties. This paper hopes that the community will understand the other side of fulfilling the rights in education. There is the responsibility of teachers, students, parents, and the community to pay more attention to the educational process's main objectives.

Based on the introduction, as mentioned above, the research formula can be formulated as follows: 1. What is the role of the state in terms of education policy as part of basic needs? 2. What is education orientation in the Covid 19 pandemic era's situation and conditions? 3. What are the negative impacts of using online teaching methods?.

## **METHOD**

This study uses a normative juridical approach in the form of descriptive analysis. The data source used is primary data in the form of immediate data processing in the form of statutory regulations consisting of Law Number 20 of 2003 concerning National Education Standards, Law of the Republic of Indonesia Number 14 of 2005 concerning Teachers and Lecturers, Government Regulation No. 19 of 2017 regarding Amendments to Government Regulation Number 74 of 2008 regarding Teachers. The secondary data is in the form of case observations that reflect citizens' educational needs during the pandemic. The data analysis uses triangulation data. The analysis method is carried out through an interpretation process that tries to break through and capture the meaning of the data obtained. Then a critical evaluation is carried out and presents a more complete and appropriate alternative view.

## **FINDING AND DISCUSSION**

### **1. Government Responsibility for Fulfilling the Right to Education**

All countries in the world certainly have aspirations and interests to make the country and their citizens prosperous. This is motivated by the role of the state which must have a stake and an

interest in creating a life order that provides opportunities and opportunities for its citizens to experience a prosperous life, of course through efforts and concrete programs to realize the welfare of its citizens, including during the Covid-19 pandemic which is currently ongoing, providing more significant opportunities for the state to issue policies so that the public can feel the presence of the state in all public affairs. The aspiration to realize a welfare state can be defined as a social welfare system that gives a more significant role to the state (government) to allocate a portion of public funds to ensure the fulfillment of its citizens' basic needs. The Indonesian nation's interest to make a welfare state has been mandated in the 1945 Constitution, designed as a welfare state. The word welfare in it contains at least three sub-classifications, namely: (1) Social welfare, which refers to the collective acceptance of interest, (2) Economic welfare, which refers to guaranteeing security through the market or formal economy; and (3) State welfare, which refers to ensuring social welfare services through agents from the state. A welfare state is briefly defined as a country where the state government is considered responsible for ensuring the minimum standard of living welfare for every citizen.

(1) Social welfare, which focuses more on the collective acceptance of interest which is guaranteed to be accepted and felt by the community without discrimination, (2) Economic welfare, with the security and security of the average economy, so that people can quickly get their basic needs and run the economy society and (3) State welfare, with the guarantee of social welfare services in all its aspects (physically and mentally) in the form of access to proper education for the whole community.

## **2. Education as a Basic Need**

Guarantee of a decent life and security of education are human rights. One of the paragraphs in the 1945 Constitution which guarantees a person's right to live in a decent life is Article 34 Paragraph 1 which reads; "The poor and neglected children are cared for by the state" Article 31 paragraph (4) of the 1945 Constitution which reads: "The state prioritizes the education budget of at least twenty per cent of the state revenue and expenditure budget as well as from the regional income and expenditure budget to fulfil the need for the provision of national education". Despite the fact, it is difficult for the government to balance its constitutional obligations in meeting the education budget amid the high burden of principal instalments and debt interest in the still huge State Budget (APBN).

However, however difficult, the conditions are a consequence of the welfare state, then in the hands of the state, any difficulties felt by the community should be resolved. In terms of challenges in access to education faced by some people, especially during the Covid 19 pandemic, among others are caused by: first, the lack of adequate educational facilities and infrastructure to accommodate all students; second, expensive education costs still have to be paid by the parents of students; third, the existence of policies issued by the state, in this case, the Central and Regional Governments, which allegedly have not fully opened up equal opportunities for all groups in obtaining education in an open, equitable and fair manner.

In terms of the unavailability of adequate educational facilities and infrastructure to accommodate all students, it is felt by all students in all corners of Indonesia, because if it is seen from the economic conditions of the community, not all are at the financial standards of the middle to upper society, so it can be ascertained that not all participants students have cellphones with all the applications in them and not all networks or signals can be received well by the community because objectively, not all of Indonesia's territorial conditions are stable in receiving calls well, secondly in terms of educational costs which are not directly proportional to obtaining education openly, evenly, and legally. Fulfilling the right to education (HAP) cannot be separated from talking about human rights (HAM) in general. Human rights are usually grouped into two areas in the academic context, namely Civil and Political Human Rights (SIPOL) and Economic, Social and Cultural Human Rights (Ekosob). In the distribution of human rights, HAP is part of the human rights group Ekosob. Based on this, if the state is not present to guarantee the fulfilment of the need for the right to education, the state has made a very principle mistake. Government policies involving the community to be directly involved in overcoming access to education are

significant. Community involvement here must receive full appreciation from the government to increase public trust in the government.

### **3. Character Learning Orientation During the Pandemic**

The Covid pandemic period has given birth to creative ideas in formulating learning strategies and methodologies, using the sophisticated mobile phone application, school-age people still receive educational services. However, before and after the COVID-19 pandemic, the problem that must receive serious attention is the content of character education.

The character crisis that hit the Indonesian nation has an impact on low morality and is very risky to disturbance of public order in general, to avoid this, it is necessary to strengthen character education at all levels of education including higher education which is oriented towards forming the nation's generation to become human beings following the goals of national education. And can be accepted in society.

As a nation that hopes for a better future for Indonesia, it is on the youth's shoulders and the younger generation that the estapeta of the Indonesian nation's struggle will be continued. It takes a strong character of the nation's children, having an Indonesian spirit born from the Indonesian government's noble values, namely religion, Pancasila and indigenous Indonesian culture. Personality plays an essential role in Indonesian society because a person's name will determine the quality. With character also becomes the difference between a person and another from a good personality, it will lead a person to perfect identity. Education is a conscious and planned effort in which there is a learning process, is systemized, has a form of activity and has a purpose. Education can also mean all learning experiences that take place in all environments as well as throughout life (long live education).

Character education is not a new thing for the Indonesian people. Even since the beginning of independence, many steps have been taken within the framework of character education with different names and forms. In the Law on national education for the first time, is the Law 1946 which applies in 1947 until the Law on National Education System Number 20 of 2003, the last character education that has existed, but has not become the main focus of education.

Based on Law Number 20 of 2003 concerning the National Education System, it explains that: "Education is a conscious and planned effort to realize a deliberate and well thought out process in developing students' potential to achieve national education goals." Furthermore, Law Number 20 of 2003 concerning the National Education System explains that: "That education includes character education and prioritizes the divine dimension which makes religion the basis for achieving the potential of students to become human beings who believe and fear God Almighty, have a noble character, is healthy, knowledgeable, capable, creative, independent, and become citizens. A democratic and responsible country". As an educational component, the goals of education occupy an important position among other essential features, and it can be said that all members of all educational activities are carried out solely aimed at achieving these goals, especially character education which is starting to fade among students, including students.

Presidential Regulation Number 87 of 2017 concerning strengthening character education states that to create a cultured nation through supporting religious values, honesty, tolerance, discipline, hard work, creative, independent, democratic, curiosity, national spirit, love for the country, respect for achievement, communicative, love peace, love to read, care for the environment, care about socially, and be responsible, need to strengthen character education.

The urgency to strengthen character education at all levels of education, including in goal-oriented universities:

1. Build and equip students as Indonesia's golden generation in 2045 to face change dynamics in the future;
2. Developing a national education platform that places character education as the leading soul by considering the diversity of Indonesian cultures;
3. Revitalizing and strengthening the potential and competence of the education ecosystem.

The existing regulations regarding the regulation of educational content are a set of rules dominated by prohibitions, not orders to carry out this or that action. And if you pay attention to the functions and roles of law in a country, among others, too (1) create equitable justice for all the

people, (2) maintain order and peace and tranquillity among members of society, (3) prevent vigilantism from members of society, (4) protect or protect the community both for their property, soul and honour, (5) encourage awareness to exercise rights and obligations in a balanced manner, (6) make the law a tool for social engineering to create community stability.

Laws that contain moral prohibitions are far more effective than regulations that are not following moral norms or neutral rules. Often we come across laws that are so effective that it seems as if their presence is no longer needed because these undesirable actions have also been prevented by the power of moral forces and social norms. However, some laws try to prohibit specific activities even though the moral code says nothing about them.

According to Muhaimin, in the internalization process associated with fostering students or foster children three stages represent the process or stages of internalization, namely: 1) The value transformation stage, this stage is a process carried out by educators in informing excellent and bad values. At this stage only verbal communication occurs between educators and students or foster children; 2) The value transaction stage, namely the value education stage utilizing two-way communication, or interaction between students and educators that is reciprocal; 3) Transinternalization stage, this stage is much deeper than the transaction stage. At this stage, it is not only done with verbal communication but also mental attitude and personality. So at this stage personality communication plays an active role.

Law No. 17 of 2007 concerning the 2005-2025 National long-term plan states the following: 1) The realization of a healthy, competitive, noble character and moral character based on the Pancasila philosophy is characterized by Indonesian people and society who are virtuous, tolerant, cooperative, have a patriotic spirit, develop dynamically and are oriented towards science and technology; 2) The growing stability of the nation's culture which is reflected in the enhancement of civilization, dignity of the Indonesian people and strengthening it to become the self and national personality.

The educational process cannot possibly run well without the participation of professional staff as teachers. This is following the provisions of Article 1 Number 1 of Law Number 14 of 2005 concerning Teachers and Lecturers which states, "Teachers are professional educators with the main task of educating them, teaching, guiding train, assessing, and evaluating students .....

In educating, teaching, conducting and evaluating students, the teacher is given academic freedom to apply the existing methods. Besides, the teacher is also not only authorized to provide awards to students but also to provide punishment to these students. Suyanto further argues that character education is character education plus, which involves aspects of knowledge (cognitive), feelings (feeling), and action (action). Character Education is a system of understanding character values for school members, including components of knowledge, awareness, willingness, and activities to carry out these values, both towards God Almighty (YME), self, neighbour, environment nationality. so that we become a human being.

According to Yudi Latif, what is meant by character education is an umbrella term that describes various aspects of teaching and learning for personal development. Some under the umbrella include "moral reasoning / cognitive development; social and emotional learning, moral policy education, life skills education, health education, violence prevention, conflict resolution and ethical, moral philosophy. It is further argued that character education is a holistic approach that connects the moral dimension with the social and civic realms of students' lives.

The challenge in itself for education practitioners is from the objectives and orientation of character education, especially during this pandemic, teachers are required to be committed to realizing educational goals. There is a weakness of the online teaching system, where students do not directly develop an emotional relationship with the teacher. Even because of the long-distance, a teacher cannot ensure students' presence when participating in the learning process. Because in essence the character configuration can be grouped into 1) Spiritual and emotional development; 2) Intellectual development; 3) Sports and kinesthetic development, and 4) Affective and creativity development. These four things cannot be separated from each other. They are complementary and interrelated.

## CONCLUSIONS

Based on a discussion regarding access to education for all citizens and teaching services in the Covid 19 Pandemic era (An Impact Analysis), it can be concluded as follows: 1) The state is obliged to be present to provide citizens' rights through education policies as part of their essential needs; 2) Educational orientation in situations and conditions in the Covid 19 pandemic era faces its challenges, especially in terms of character education which includes aspects of knowledge (cognitive), feelings (feeling), and action (action); 3) The negative impact of the use of online teaching methods, students are challenging to know about their academic development. Mindfulness and mental health require the involvement of parents as part of the community to better monitor the development of students and limit the use of cellphones outside of study hours according to the school schedule.

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