



## INCLUSIVE EDUCATION: EDUCATION POLICY IN ENSURING THE RIGHT TO EDUCATION HUMAN

Muhammad Rafii<sup>1(\*)</sup>, Tomi Dahlistianto<sup>2</sup>, Munawaroh<sup>3</sup>, Ramazani Novanda<sup>4</sup>

UIN Sulthan Thaha Saifuddin Jambi, Indonesia

Jl. Muaro Bulian, Simpang Sungai Duren, Kec. Jambi Luar Kota, Muaro Jambi, Jambi, Indonesia

Institut Agama Islam Muhammad Azim Jambi, Indonesia

Jl. Fatah Laside, Kebun Handil, Kec. Jelutung, Kota Jambi, Jambi, Indonesia

Institut Agama Islam Muhammad Azim Jambi, Indonesia

Jl. Fatah Laside, Kebun Handil, Kec. Jelutung, Kota Jambi, Jambi, Indonesia

UIN Sulthan Thaha Saifuddin Jambi, Indonesia

Jl. Muaro Bulian, Simpang Sungai Duren, Kec. Jambi Luar Kota, Muaro Jambi, Jambi, Indonesia

Email: muhammad.rafii@uinjambi.ac.id<sup>1</sup>, Email: Dahlistianto@gmail.com<sup>2</sup>, Email: Moonawaroh.moon@gmail.com<sup>3</sup>, Email: ramazani@uinjambi.ac.id<sup>4</sup>

### Abstract

The discussion of inclusive education has become a serious concern for researchers, education observers and education practitioners. However, several studies that have been conducted show that this is less positive for the practice of inclusive education in some educational institutions. This is because inclusive education policies have not been comprehensively understood by stakeholders and leaders of an educational institution. Therefore, the discussion of this article aims to construct education and inclusive education policies that are able to protect the right to education. This research was conducted through the use of library data sources and the use of policy documents such as draft policies and regulations related to inclusive education. The study in this article finds the fact that inclusive education policies do not yet have a strong commitment and fluency in discussing regulations and implementing inclusive education policies in every educational institution. Although on the one hand the right to education has actually been guaranteed by law and the mandate of the establishment of the Unitary State of the Republic of Indonesia. Inclusive education is education that is disability-friendly and anti-discrimination. Thus, this spirit becomes the basis and relevance for guaranteeing the right to education for every community. The conclusion of this article is that education is a right for every citizen that must be provided and guaranteed by the state. Therefore, inclusive education policies that are binding must be published and controlled by government authorities in their implementation in every educational institution.

**Keywords:** Inclusive Education, Education Policy, The Right to Education Human

(\*) Corresponding Author: Muhammad Rafii, muhammad.rafii@uinjambi.ac.id, 082291540674

## INTRODUCTION

Inclusive education gets the spotlight in the discourse and dynamics of the world of education in Indonesia. In particular, education is a basic human right by every human being and becomes a mandate for the establishment of the Indonesian nation before independence or before the declaration of independence of the Indonesian state. It is important to consider this, because in the preamble to the 1945 Constitution, education is the right of every citizen regardless of religion, ethnicity, race, region, or certain group.



The foundation that can be emphasized is that at every level of education it must be inclusive, so that there is no separation between individuals and their communities. Thus, this is in line with basic human rights in which every child or person has the right to receive education and teaching in the context. Inclusive education is an educational service system that requires children with special needs to study in nearby schools in regular classes with their peers (Baharun & Awwaliyah, 2018).

Inclusive education is the act of attending regular education classes with the support and services needed to successfully achieve educational goals. This definition shows that the presence of ABK in the regular class is something important to achieve the learning objectives in the classroom. The existence of ABK in inclusive classes is beneficial for all children, especially in developing social competence and improving life skills (Sumarni, 2019).

Inclusive education seen from the format and model of education is not impossible if it is held in formal educational institutions such as in public schools and madrasas, it is even possible to apply it to Islamic boarding schools that hold yellow book recitations. The implementation of inclusive education is still experiencing many obstacles, therefore, in this case, simultaneous efforts are needed to make it an alternative in building Islamic education that is more dignified and upholds the principles of humanism and equal rights (Wathoni, 2013).

Educational policies regarding inclusive education must be a priority for the education commission or drafters of laws or government regulations that can provide an umbrella and become an obligation for every organizer of educational institutions. However, it is necessary to consider the basic rights of every people in formulating and deciding policies specifically related to inclusive education. Although it is still not carried out optimally, due to the lack of budget and human resources, it is very influential in the fulfillment of the right to education. Apart from that, there are limited programs and policies for assistance in the education process, this program is in accordance with Undang-Undang Number 8 of 2016 concerning Persons with Disabilities (Michael, 2020).

Without the full involvement of the central and local governments, the ideals of inclusive schools are still far from expectations. Therefore, appointing special education graduates as civil servants who are placed in public schools and private schools can be considered. Their presence can motivate and educate other teachers. So, it is hoped that the number of inclusive schools will increase, at least one district has one school, or even more (Jegen Musfah, 2018).

This article aims to elaborate on various central government policies, laws, and decisions of the Minister of Education and related Ministers regarding inclusive education. The main question posed is how the government takes sides with inclusive education. The urgency of this study is that inclusive education is not limited to the area of formalization of inclusive education, but how the spirit of inclusive education can be applied and animates in every education implementation.

## LITERATUR REVIEW

Inclusive education is actually the basic mandate of every education policy in Indonesia. The basic philosophy of the establishment of the Republic of Indonesia must be the foundation for every formulation of laws, government regulations and the management of government and educational institutions. Several relevant studies show that the diversity of conclusions can examine inclusive education in Indonesia, both philosophically, practically, normatively and empirically.



What is education policy? To answer this, it is necessary to ascertain what is the object of the study of educational policy. Borrowing a tradition known as the episteme of epoch. These countries provide various positions when conducting studies on education policy. Britain placed it in political sociology, the USA in politics and policy, France in the study of Educational Management and politics. France then when developing a conceptual in a socio-psycho-analytical point of view called it the sociology of public action or cognitive analysis. Thus, these various paradigms show the existence of a pluralistic analytical perspective (Afriva Khaidir, 2017).

Educational Policy Analysis can be defined as an intellectual and practical activity devoted to creating, critically assessing and communicating scientific knowledge regarding various policies concerning educational programs and processes throughout their historical course. In creating knowledge about education policy programs and processes, education policy analysis examines the causes, effects and performance of education policies and programs (Fachruddin Azmi, 2016).

The articles of Titik Handayani and Angga Sisca Rahadian review various legal products related to education. At the implementation level, these legal products contain "discrimination" against students with special needs, which is contrary to the basic principles of inclusive education. Beyond regulations, there are many other problems, including a lack of infrastructure, a shortage of teachers, a rigid curriculum, and a lack of community support for inclusive education (Handayani & Rahadian, 2013).

Syarifah and Tamjidnoor's research aims to find out how schools located within the Ministry of Religion, especially at the State Madrasah Ibtidaiyah (MIN) level as implementing government policies, make efforts to access education that is fair and equitable. This research is a survey research and was carried out in all MIN in Banjarmasin City, totaling 5 MIN with the research time starting from July 2018 to December 2018. The target population is all 5 MIN and all of them will be observed in depth. From the results of the study, we can conclude that all State Islamic Madrasah (MIN) in Banjarmasin City can be said to be unfit for disability. This is indicated by the absence of supporting facilities and no students with disabilities attending all of these MINs. Then the socialization of the related legal basis is not known by the school as the executor who directly serves the community (Syarifah Salmah dan Tamjidnoor, 2019).

Muazza's research the results of this study describe that there is no preparation for new student admissions and the government's lack of attention to infrastructure support. The presentation of the data also includes the challenges faced in implementing inclusive education in Jambi Province. Suggestions and input in the form of an active role for schools in the implementation of inclusive education, recruiting good teachers, and for the government to support educational facilities and infrastructure (Muazza et al., 2018).

Inclusive education is education that includes children with special needs to learn and have activities together with other children in the same school environment. The implementation of inclusive education in Indonesia has a good impact on the public's insight that is increasingly open to the existence of educational rights for children with special needs. The progress of implementing inclusive education in Indonesia in terms of quantity has grown rapidly. Based on its objectives, inclusive education is implemented to support the achievement of compulsory education programs for children with special needs. The implementation of inclusive schools is expected to be the answer to the lack of spread of special education in every corner of the region (Irvan & Jauhari, 2018).

## RESEARCH METHODS



This research is library research, which is a series of activities related to library data collection methods. Library research is research that uses existing facilities in the library, such as books, magazines, documents, and records of historical stories to obtain information by placing (Mahmud, 2011). In this study, the data source used by the author is a secondary data source, namely data sources obtained from other parties, not directly by researchers from the research subject (Azwar, 2009). The library data that the author uses in this study include books, journals, policies, laws and regulations, online news and so on that support this research. The data analysis technique utilizes content or document analysis which aims to collect and analyze official documents, documents that have guaranteed validity and validity, such as; legal and policy documents as well as research results (Sukmadinata, 2013).

## RESULTS AND DISCUSSION

### Inclusive Education and Its Problems

Based on the latest data from the Central Statistics Agency (BPS) 2017, the data shows that the number of children with special needs (ABK) in Indonesia is 1.6 million people. Meanwhile, according to information from the Ministry of Education and Culture, it is estimated that 70% of children with special needs have not received education. This means that more than one million children with special needs have not received education which is very important for their lives. Then, of the 30% of ABK who have received education, only 18% of them have received inclusive education, both from Special Schools (SLB), and ordinary schools implementing inclusive education. With the elaboration, about 115 thousand ABK attend special schools, while ABK who attend regular schools implementing inclusive schools are around 299 thousand (Tika Anggreni Purba, 2019).

Based on the data that appears above, this requires more joint efforts in realizing the ideals of national education based on human rights in obtaining education. The figures above show that inclusive education has not been implemented and is spread across every region or district. In fact, inclusive education is an educational unit that should exist and be accessible to every citizen.

According to Peraturan Menteri Pendidikan in Pasal 10, Nomor 70 Tahun 2009 tentang Pendidikan Inklusif which requires the district/city government to provide at least one Special Assistance Teacher (GPK) in the designated education unit. On the other hand, to improve competence in the field of special education for educators and education personnel in education units and inclusive education providers, and in this case the provincial government is obliged to participate in assisting these tasks (Kebudayaan, 2012).

In practice, researchers found that there were problems in the shortage of GPK. This means that the regulations above have not been fully implemented due to the lack of GPK resources. The existence of GPK is a major problem, especially for schools that are located far in the region. Because the existing GPK is a resource for teachers who have special assignments. This special assignment of teachers is often still a problem because the policies regarding this matter have not been implemented properly. In fact, secondary data on the number of special supervisor teachers, nationally are not clearly available.

In terms of quality, regular teachers who are assigned as special assistant teachers or teachers who are then forced to handle ABK, of course find difficulties. This is due to the lack of special training in assisting ABK for inclusive education. In line with what was conveyed by Kristiyanti, that not all of the Special Assistance Teachers appointed had a special education background, where the knowledge and skills acquired by these teachers were only through unsystematic socialization and training (Kristiyanti, 2013).



### **Inclusive Education Policy**

Education policy refers to the system of administering public problems. This is done because public affairs are a form of the embodiment of good governance. Policies in the field of education can be understood as decisions taken by the government together with non-government actors and take into account various factors that influence the implementation of education for the community (Abd.Madjid, 2018).

Indonesia towards inclusive education was formally declared on August 11, 2004 in Bandung, with the hope of mobilizing regular schools to prepare education for all children, including people with disabilities. Every ABK has the right to obtain education in all sectors, pathways, types and levels of education (Pasal 6 ayat 1). ABK has the same right to develop their talents, abilities and social life.

Studies in the field of inclusive education, as well as the increasing understanding and appreciation of human rights and democratization in the world of education, has emerged the term children with special educational needs. The term children with special educational needs is found in the range of children found in the following three; ranging from children who are malnourished, child labor with other factors related to poverty as well as good economic life for children who have problems with mobility, hearing, speech and language, vision, intellectual abilities and emotional problems, as well as a combination of these. these various disorders (Budyanto, 2017).

The legal basis or legal basis for the implementation or policy of inclusive education can be found in various government regulations and their derivatives. Basically UUD 1945 Pasal 32 ayat 1 pathetic "setiap warga negara berhak mendapat pendidikan". UU No 23 Tahun 2002 tentang Perlindungan Anak, pada Pasal 51 that every child who has physical and non-physical disorders has the same rights and opportunities to access education. UU No 20 Tahun 2003 Pasal 15 it is explained that special education is the provision of education for students with disabilities or students who have extraordinary intelligence that are held inclusively or in the form of special education units at the primary and secondary education levels.

Regulation of the Minister of National Education Regulation of the Minister of National Education No. 70 Tahun 2009 Tentang Pendidikan Inklusif Bagi Peserta Didik Yang Memiliki Kelainan dan Memiliki Potensi Kecerdasan dan atau Bakat Istimewa. The regulation contains a comprehensive legal basis and regulations. Among them, Permendiknas No. 70 Tahun 2009 Pasal 3 Ayat 1 mentioned: every student has the right to follow the level of education in certain inclusive educational institutions based on their abilities and needs.

Pasal 3 Ayat 2 emphasized "bahwa peserta didik yang memiliki kelainan sebagai dimaksud dalam ayat 1 meliputi: tunanetra, tunarungu, tunawicara, tunagrahita, tunadaksa, tunalaras, tunaganda berkesulitan belajar, lamban belajar, autis, memiliki gangguan motorik, menjadi korban penyalahgunaan narkoba, obat terlarang, dan zat adiktif lainnya, dan memiliki kelainan lainnya". In addition, the regulation discusses assistance for inclusive education providers, as mentioned in Pasal 11 Ayat 1 "satuan pendidikan penyelenggara pendidikan inklusif berhak memperoleh bantuan profesional sesuai kebutuhan dari pemerintah kabupaten/kota". Next, Ayat 2, mentioned "bahwa pemerintah, pemerintah daerah, dan atau masyarakat dapat memberikan bantuan profesional kepada satuan pendidikan penyelenggara pendidikan inklusif".

Pasal 12: Pemerintah, pemerintah provinsi, dan pemerintah kabupaten/kota melakukan pembinaan dan pengawasan pendidikan inklusif sesuai dengan kewenangannya. Next Pasal 13: Pemerintah memberikan penghargaan kepada pendidik dan tenaga kependidikan pada satuan pendidikan penyelenggara pendidikan inklusif,



satuan pendidikan penyelenggara pendidikan inklusif, dan/atau pemerintah daerah yang secara nyata memiliki komitmen tinggi dan berprestasi dalam penyelenggaraan pendidikan inklusif. In Pasal 14 confirmed educational institutions that do not provide inclusive education will be sanctioned according to the applicable regulations.

Government Regulation of the Republic of Indonesia Nomor 13 Tahun 2020 tentang Akomodasi Yang Layak Untuk Peserta Didik Penyandang Disabilitas Pasal 22 mention a disability service unit was formed in order to provide inclusive education from an early age to secondary education institutions. In Pasal 32 explained the establishment of a Disability Service Unit is also formed in religious education institutions.

The seriousness of the government in providing special education is strengthened by the preparation of education staff, education staff by providing inclusive education courses in the prospective teacher education program. Provision of special education teachers at every educational institution that accepts students with special needs. This further clarifies the government's contribution and attention to the implementation of inclusive education. Therefore, the implementation of inclusive education is actually an implementation of the mandate Undang-Undang Dasar 1945 which emphasizes that every human being has the right to education.

In developed countries, which are marked by the quality of educational outcomes, it is certain that the welfare of their citizens will be more secure than developing countries and underdeveloped (poor) countries. UUD 1945 has mandated that the fulfillment of the right to education is the responsibility of the state. Normatively, the state should be the party most responsible for fulfilling the right to education. In addition, every Indonesian citizen should also have guaranteed access to education. However, it is felt that this mandate has not been implemented properly and according to expectations, especially in inclusive education.

Fulfillment of the right to education is not only a manifestation of state responsibility, but also as an effort to improve the quality of Indonesian human resources. In this case, the quality of human resources will also determine the quality of Indonesia in front of other countries. If so far Indonesia has been left far behind by developed countries, one of them is because the quality of Indonesian human resources is still low. For this reason, the fulfillment of the right to education must be a priority so that efforts to catch up can be realized. The better the implementation of the right to education by the state, the faster Indonesia can align itself with developed countries (Affandi, 2017).

Regarding the regulations for the rights of ABK, it is deemed necessary to echo and continue to be socialized not only in the realm of education but also in the general public. The goal is to ensure the rights of persons with disabilities so that they are not discriminated against and do not experience the bullying or harassment that often occurs. The protection of the rights of persons with disabilities must also be fully supported by all elements of society in order to create a safe situation for persons with disabilities wherever they are and comfortable in carrying out their daily activities (Wiratma et al., 2021).

Educational institutions together with the government need to improve the quality of education services that accommodate children with special needs through various alternative educational channels, either through special schools, inclusive schools, homeschooling, or other educational channels. Likewise, the community needs to increase support either through non-governmental organizations, support groups or informally through various means. One of the efforts to realize the importance of the elements in the three educational centers is through the writing of this book, with the hope of inspiring readers to be more concerned and involved in creating an environment that is rich in



stimulation for optimizing the potential of children with special needs (Hidayah & dkk, 2019).

Inclusive schools are important and need to be increased in quantity and quality because the number and quality of special schools are not proportional to the number of children with special needs which is increasing every year. The net enrollment rate (APK) for children with special needs for basic education in 2010 only reached 29 percent or 75 thousand children. SLB itself faces the problem of lack of standard learning facilities, even a shortage of special teachers (Jejen Musfah, 2018). A child with special needs is a child who is born or grows and develops with various deficiencies, both physical, mental and intelligence. One of the most excluded groups in obtaining education are students with disabilities (Zaitun, 2017).

The government puts inclusive education as part of the national education policy in Indonesia. However, the Law, Government Regulation and Ministerial Regulation have not provided a clear construction on the issue of inclusive education as one of the approaches and principles in the implementation of education in Indonesia. Therefore, the government is obliged to make improvements to existing education policies, with the paradigm of inclusive education as the foundation and implementation of education.

Looking further, there are obstacles in supporting the inclusive education system which are still limited, as well as the knowledge and skills possessed by inclusive school teachers that have not been maximized, indicating that the inclusive education system has not been prepared properly by the government. In addition, the current general education curriculum does not yet accommodate the presence of children with different abilities (disabled). So that inclusive education programs tend to be experimental programs. What must be done in implementing inclusive education programs is to carry out the stages of implementing inclusive education that are consistent and sustainable, starting from socialization to evaluating its implementation.

There is a shortage of teachers, it is better to coordinate with universities. In Indonesia, there are at least six public universities that have majors "Pendidikan Luar Biasa (PLB)" in between Universitas Pendidikan Indonesia (UPI); Universitas Negeri Yogyakarta (UNY); Universitas Negeri Jakarta (UNJ); Universitas Negeri Padang (UNP); Universitas Negeri Makasar (UNM) and Universitas Negeri Malang (UNM). Every year this study program produces hundreds of graduates, so that alumni can occupy positions and carry out their duties as GPK, as the backbone of inclusive education.

The existence of laws and government policies that support the implementation of inclusive education must be perfected and socialized. However, the extent to which the mandate will be implemented by the district/city government, regular schools, and other related parties including the community. What is more important is the continuity of the implementation of inclusive education to provide access for every citizen with all differences. This will be realized if all parties have the same perception and understanding of inclusive education. No one else thinks that education will only be effective if homogeneous learners, who excel join with the superior, the special gifted gather with the special gifted, the disabled with the disabled.

This view will make a difference for students and give birth to feelings of superiority and inferiority. Another thing that can threaten the sustainability of inclusive education is the reward system for schools. The orientation and perception that successful schools are schools that can produce all or most of the students in obtaining high grades so that schools carry out a screening system based on the academic abilities of prospective students. Thus, the Education Office should change the reward system. Schools that are considered superior are those that are able to accommodate the special needs of each



student and can increase their potential into competencies that can be used to live a more meaningful and quality life.

Organizing training and seminars related to inclusive education for teachers and parents of students, both at school and outside of school. Not all teachers and parents understand well about inclusive education, so they tend to avoid, fear, and do not want to be involved in inclusive education. Provide incentives to schools providing inclusive education, including special teachers, subject teachers, and homeroom teachers, because their duties are heavier than teachers in regular classes (Jejen Musfah, 2018).

### CONCLUSION

Based on the results of the discussion above, it is found that inclusive education in Indonesia is still not running well. The common perception and attention of each stakeholder has not been maximized. Integrated socialization and training for special assistant teachers are still not optimal. The situation of special assistant teachers in inclusive junior high schools in Indonesia, in its implementation there is still a shortage of teachers, especially GPK. This is due to the lack of teacher resources, especially GPK in the regions. Their existence is still felt to be a major problem, especially for schools that are located far from special schools, because often GPK are special school teachers who have special assignments. Special assignments for SLB teachers are often a problem because policies on this matter have not been implemented properly. Given the lengthy process of birth of a policy, it is hoped that inclusive education policies in Indonesia need to have more participation from the government and community participation in the process of implementing and evaluating these policies in order to maintain national unity and integrity, as well as fulfill and provide basic rights for every citizen in Indonesia.

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