

Implementation of Education for Persons with Disabilities (Based on Sorong City Regulation No. 2 of 2015 on the Implementation of Protection and Services for People with Disabilities)

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ABSTRACT

One of the objectives of the Indonesian state is to educate the life of the nation so that the state is required to organize and advance the right of citizens to education without exception people with disabilities. Limitations of people with disabilities result in different forms and ways of fulfillment in accessing education. This group is a vulnerable group overlooked for its rights and discrimination. With the concept of regional autonomy embraced by the Indonesian state, the government of Sorong City has an obligation to guarantee the implementation of education, including education for people with disabilities. The results of this study show that the implementation of education implementation in Sorong City has not been implemented optimally because there are still many obstacles and obstacles. Therefore, maximum effort is needed in organizing the right to education for persons with disabilities with good cooperation and coordination between various institutions and policy implementing agencies.

Keywords: Implementation; Implementation of education; People with disabilities

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1. INTRODUCTION

The government is an important instrument in realizing state goals including welfare and prospering the life of the nation, the goal can actually be realized if the foundation of the state can be maintained and carried out properly, as regulated by the Constitution of the Republic of Indonesia. The government regulates the process of living in accordance with the mandate of the existing constitution without discriminating against the rights of citizens from each other. The rights of citizens are vital to note, the state guarantees the rights of citizens through policies that have been regulated or clarified by the central government and local governments.

The right to education is a very important right for the continuity of other rights. Education becomes an investment of a nation, the provision of life and human life in the present and future. Education has an influence on aspects of life. Every citizen has the right to an education without exception. Everyone has the same roles, rights, obligations and opportunities and positions in all aspects of life and livelihoods of other individuals. An equal position becomes the sociological and constitutional desire that everyone dreams of. De facto recognition becomes a separate strengthening that applies in society to obtain social attention to the dynamics of community life. Absolute certainty results in the survival of an ideal and prosperous life that will be experienced by all individuals. In Indonesia itself, the foundation of society finds a special place in the philosophy of state regulation of the Republic of Indonesia as stated in the 5th Sila, "Social Justice for All Indonesian People". The values contained in this principle guarantee the life and livelihood for all people of the country of the principle of justice. In the Constitution of the Republic of Indonesia Year 1945 Article 28 respects and upholds the dignity and dignity of human beings without exception.

The fundamental rights contained in the legislation give birth to basic rights created through the systematics of national regulatory products to the bottom. It makes clear that in the Universal Declaration of Human Rights article 29 Paragraph 2: In the exercise of these rights and freedoms, everyone can only be limited by the things that the law stipulates in order to ensure proper recognition and respect for the rights and freedoms of others and fulfill the moral requirements, public discipline and proper public safety in democratic citizens. In Article 1 paragraph (3) of the Constitution of the Republic of Indonesia 1945,

Indonesia is a state of law. In the country of law itself, the state guarantees equality before the law and recognizes and protects human rights, so that all people have the right to be treated equally before the law. Equality before the law must be accompanied by equal treatment. One form of equal treatment is the implementation of learning at all levels to all levels of citizens in accordance with the mandate of the Basic Law of 1945 without exception to persons with disabilities Article 31 paragraph (1) of the Constitution of 1945 stipulated that "Every citizen has the right to education". Under the provision, the state recognizes the basic rights in the field of education of all citizens without the slightest exception. The determination of the rule implies that the implementation of educational equality for persons with disabilities is the duty of the State both theorists of regulation and implementation of regulations in the life of the nation and state without discriminatory considerations are in Article 28D of the 1945 Constitution which stipulates that: "Everyone has the right to recognition, guarantee, protection, and certainty of fair law and equal treatment before the law", constitutionally the advocate of disability has equal rights with all other communities including in the field of education. The most basic is to have the right to obtain education in order to get the same opportunities and treatment in order to accelerate national development in the region to face challenges and competition in accordance with the changing challenges of life globally, the expectation of the sustainability of the welfare of the general public and people with disabilities depends on the quality and level of education taken by each individual. The opportunity to get an education in accordance with the wishes and abilities without being hindered by discriminatory is one of several factors to build a scientific paradigm for people with disabilities. The basic right to education like other communities has been regulated in the protection of law. Education in question is an education that is closely correlated with the personal abilities of people with disabilities. People with disabilities are integrated people in Indonesian society who also have the same position and equal rights, obligations and roles in this case the government should pay special attention and ensure the sustainability of the welfare of its citizens. In the world of employment, the competition for position and rights is only obtained by the equality of the level of education taken. Holistic-sociological implementation of regulation in the field of education for people with disabilities is not based on humanistic values that are fair, ideal, and logical. The vagueness of the legal position in Law No. 20 of 2003, shows that the substance of existing laws is not born through social values that develop in society.

2. LITERATURE REVIEW

Persons with disabilities

In the general public sense, the word disability still sounds foreign to the ear so that most do not know and understand the meaning behind the word. The word disability is a word that only appeared in 2008 when the discussion continued ratification of Law No. 19 of 2011 on the Ratification of the Convention on the Rights of Persons with Disabilities. Defenisi Disability can be seen at the Convention On The Rights Person With Disabilities in article 1 about purpose, namely: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.", "Persons with disabilities are people with physical disabilities , mental, intellectual, or sensory for a long time where when faced with various obstacles, this can hinder their effective participation in society based on equality with others.

Rights of persons with disabilities

Human Rights is a set of rights inherent in the nature and existence of man as a creature of God almighty and is His gift that must be respected, upheld and protected by the state, law, government, and everyone for the honor and protection of human dignity and dignity. Human rights are human rights that reflect their dignity, which must be guaranteed by law, because rights can only be effective if they can be protected by law. Protecting rights can be guaranteed, if those rights are part of the law, which contains legal procedures to protect those rights. The law is essentially a reflection of human rights, so that it contains justice or not, determined by human rights contained and regulated or guaranteed by that law. The law is no longer seen as a reflection of power alone, but must also exude protection of the rights of citizens. In Law No. 19 of 2011, the rights of persons with disabilities are: Every person with disabilities must be free from torture or cruel, inhuman, degrading human dignity, free from exploitation, violence and arbitrary treatment, and have the right to respect for his mental and physical integrity based on similarities with others. This includes the right to protection and social services in the framework of self-reliance, as well as in emergencies. Under the law, it clearly avoids discriminatory treatment of persons with disabilities. The

inherent rights of the self have no distinction in the treatment obtained. Also affirmed in Regional Regulation No. 6 of 2013 in article 1 point 9 which says that Equality of opportunity is a state that provides opportunities for people with disabilities to get equal opportunities in all aspects of life and livelihood. From some of the above references, can be drawn a common thread regarding equal opportunities for people with disabilities that is that in the legislation constitutionally guarantees the rights of persons with disabilities in all aspects of life and livelihood. This should be an equal perception to all stakeholders with disabilities. The bottom line is aspects of life and livelihood. The aspects of life and livelihood include, among others, aspects of religion, health, education, social, employment, economy, public services (public), law, culture, politics, security defense, sports, recreation, and information.

Basic rights of education

According to Hasnawi Haris, for the concept of "human rights" what is right is "what is human?". Fundamental rights include both "legal rights", and "moral rights". Certain rights are said to be "fundamental" not because they are constitutional in nature to be placed in the constitution or within "basic rules".

Indonesian terms such as "hak kodrat" are translations of "natural right". But the terms "human rights" and "basic human rights" raise the question: does the term parallel "human right" or "fundamental right"? Human beings (in human rights) may be parallel to the "human right" but "human right" is presumed to be parallel to the "fundamental right". Thus, in the term "human rights" or "basic human rights" according to Hadjon (1987:41) is covered as well as two terms together namely "human right" and "fundamental right". According to Darmawati, Human Rights as a basic human right that is inherent in human beings that are universal and eternal, until it must be protected, respected, and maintained, should not be ignored, reduced, and deprived by anyone, except by law or court decision. According to Rustadi (1999:82) in Darmawati, Human Rights is the basis for other rights and obligations, which are given opportunities for people to develop in accordance with their desires and ideals. In a society that respects human rights in accordance with the rule of law, there is recognition of the rights and obligations of citizens. Thus, the law will treat every citizen equal to the treatment given to others, whoever he is and whatever his power. Based on the above opinion, it is concluded that, what is meant by basic rights is the right born / arising through legislation that is philosophically derived from human rights universally described in detail according to its aspects. The statutory position is strengthening, repositioning, guaranteeing, protecting, and social engineering in Indonesia as a legal country. The basic right of education is one of the basic rights born from the legislation that is where every citizen is guaranteed to obtain basic rights of education fairly including people with disabilities. According to Kansil (2000:46) in A. Muh. Harming, that in discussing the basic rights of education, the implemetasi for people with disabilities must correlate with the concept of a sense of justice.

In The Regional Regulation of Sorong City No. 2 of 2015, which is specifically as an umbrella law for people with disabilities, especially in Sorong City, there is a policy on the protection of basic rights of education for people with disabilities, namely in Chapter IV Section two which regulates education, namely in Article 10 which stipulates that: " Every person with disabilities has the same opportunity and treatment to obtain an education in accordance with the type and degree of his disability , including those with special needs.

Then regulated in Article 11 namely: (1) Every education institution is obliged to provide equal opportunities and treatment to persons with disabilities to improve education; (2) The provision of the kesempatan as intended in paragraph (1) shall be done through the provision of: (a) Ease of facilities and infrastructure for teaching and learning activities for people with disabilities; (b) Educators, teachers, mentors and infrastructure that can provide education and teaching for people with disabilities; (3) The obligations as in paragraph (1) shall be held in accordance with the size and level of regional capabilities; (4) The size and level of education as referred to in paragraph (3) is based on the results of assessment through objective, rational and propositional studies; (5) The opportunity and the assessment result shall be publicly announced; (6) The regulation on the procedures of assessment shall be further regulated by the regulation of the mayor.

RESULTS AND DISCUSSION

Factors affecting the Implementation of Regulation No. 2 of 2015 on The Implementation of Education for Persons with Disabilities

Edwards III (in Widodo, 2010:96-110) stated that there are four aspects that are influential in the implementation of a policy, namely (1) Communication; (2) Resources (resources); (3) Disposition (disposition); (4) Bureaucratic Structure.

Communication is one of the main requirements for successful implementation of a policy, where the executive must know clearly what to do. This is very necessary so that the implementation of a policy can run as it should and there is no misunderstanding related to the policy. Furthermore Edwards III (in Widodo, 2010:96) states that information on public policy needs to be conveyed to policy makers so that policy makers can know what they need to prepare and do to implement the policy so that policy goals and objectives can be achieved as expected. Edwards III mentioned that there are several dimensions in communication aspects, including transmission dimensions (transmission), clarity, and consistency. Based on the results of the research, the process of transmitting information about the policy of implementing education for people with disabilities has not been carried out properly by the Sorong City Local Government. In fact, the communication process is an important element to socialize a policy through a series of socialization activities, both internally and externally. The internal scope includes the transmission of information to implementers in the Sorong City Education Office, namely school supervisors, principals, teachers in each educational institution. The information transmitted includes technical guidelines for the implementation of educational services for people with disabilities as well as the main duties and functions of each implementor party, and affirms the equal rights of people with disabilities to get an education like children in general.

Utilizing various media facilities, both print and electronic in the process of transmitting information in the external sphere, namely through cooperation with television media local or radio, and also radar Sorong newspaper in the form of public service advertisements. In addition, the Sorong City Local Government should also be able to use media pamphlets, banners, and also billboards as a means of socialization to the community, this should be done so that every educational institution will provide opportunities for people with disabilities to get an education.

The successful implementation of a policy is the availability of adequate resources. Van Meter and Van Horn (in Subarsono, 2005: 100) state that policy implementation really needs support from resources, both human resources (human resources) and non-human resources (non-human resources). Furthermore, Edwards III (in Widodo, 2010: 98) argues that in implementing a policy, the resources required include several aspects, namely human resources, information resources, authority resources, and facility resources. Based on the results of the research, in terms of quantity, human resources in the form of teaching staff or special companion teachers (GPK) owned by the Education Office can be said to be not good. The city of Sorong has a very minimal number of Special Assistance Teacher (GPK) teaching staff in West Papua. In the aspect of facility resources, there are still many obstacles, including unequal quantity and quality of facilities and infrastructure owned by each school to support the education of people with disabilities. This can be seen from the large number of schools that do not have complete and standard facilities and infrastructure. A policy will be successful effectively and efficiently if the implementers not only know what they have to do and have the ability to implement the policy, but they must also have the will to implement the policy. High commitment from policy implementers is expected to be able to make them always enthusiastic in carrying out their duties, powers, functions and responsibilities in accordance with the established regulations.

The definition of disposition according to Edwards III (in Widodo, 2010:102) is said to be the willingness, desire and inclination of policy makers to implement the policy in earnest so that what is the purpose of the policy can be realized. Furthermore, Edwards III in Widodo said that the success of policy implementation is not only determined by the extent to which policy actors know what to do and are able to do it, but also determined whether the policy actors have a strong disposition to the policies that are being implemented.

Sorong city in this case the Education Office, the school, is still not maximal and has not carried out its functions and duties related to the implementation of education policies for people with disabilities in Sorong City. This is evidence of the process of accepting new students at educational institutions in Sorong City turns out that in the process that occurred later, there are still some obstacles that become obstacles. These constraints include the existence of educational institutions that reject the existence of people with disabilities.

In addition to communication, resources, and disposition aspects, bureaucratic structure aspects are also one of the important elements that determine the successful implementation of a policy. The implementation of education implementation policy for people with disabilities in Sorong city must involve quite a lot of parties, so that the clarity of duties and the division of responsibilities become a very important

thing to note. The Local Government is the highest authority holder as well as the main implementer of the policy of providing education services in Sorong City. Sorong City Government has the main authority related to the implementation of education for people with disabilities in sorong city the authority covers many aspects, including budget management, procurement of human resources and infrastructure.

3. CONCLUSION

In the general public's sense, the word disability still sounds strange, so most people do not know and understand the meaning behind the word. The word disability is a word that only appeared in 2008 during the discussion of further ratification of Law no. The rights attached to oneself have no difference in the treatment they get. The bottom line is the aspects of life and livelihood. According to Hasnawi Haris, for the concept of "Human Rights" what constitutes a right is "what is a human being?". According to Darmawati, human rights as basic rights inherent in human beings that are universal and eternal, so that they must be protected, respected and defended, cannot be ignored, diminished, and taken away by anyone, except by law or court decisions. According to Rustadi (1999) in Darmawati, Human Rights are the basis for other rights and obligations, which are given the opportunity for humans to develop according to their wishes and aspirations. In Sorong City Regional Regulation No. 2 of 2015, which specifically serves as a legal umbrella for persons with disabilities, especially in Sorong City, there is a policy on the protection of basic education rights for persons with disabilities, namely in Chapter IV Part two which regulates Education, namely Article 10 which states that: "Every Person disabilities with disabilities equal opportunity and treatment to obtain education according to the type and degree of disability, including those with special needs. 6) Provisions regarding the procedure of how to set out in paragraph (4) shall be further regulated by the rules of the mayor. Edwards III (in Widodo, 2010: 96-110) argues that there are four aspects that influence policy implementation, namely (1) Communication (communication); (2) Resources (resources); (3) Disposition (disposition); (4) Bureaucracy Structure (structure) of the bureaucracy). Communication is one of the main units for implementing policy implementation, in which the implementers must be clear on what to do. Utilizing various media facilities, both print and electronic in the process of transmitting information in the external sphere, namely through cooperation with local television or radio media, as well as the Radar Sorong newspaper in the form of public service advertisements. The implementation of the implementation of a policy is the availability of adequate resources. This can be seen from the many schools that do not have complete and standard facilities and infrastructure. The definition of disposition according to Edwards III (in Widodo, 2010: 102) is said to be the willingness, desire and tendency of policy actors to carry out traditional policies seriously so that what is the goal of the policy can be realized. Case is proving of new student admissions process at educational institutions in the city of Sorong turns on processes that occur later, there are still connecting the barrier. These constraints are that there are existing people with disabilities. Apart from communication aspects, resources, and dispositions.

REFERENCES

Constitution of the Republic of Indonesia year 1945.

Law of the Republic of Indonesia Number 4 Year 1997 concerning Persons with Disabilities, LN RI Year 1997 No. 9, TLN No. 3702.

Law of the Republic of Indonesia Number 39-year 1999 concerning Human Rights, LN RI Year 1999 No. 165, TLN No. 3886.

Law of the Republic of Indonesia Number 19 of 2011 concerning the Ratification of convention on the rights of persons with disabilities, LN RI Year 2011 No. 107, TLN 5251.

Law of the Republic of Indonesia Number 8 Year 2016 concerning Persons with Disabilities, TLN RI No. 5871.

Sorong City Regional Regulation Number 2 Year 2015 concerning The Implementation of Protection and Services for People with Disabilities).

Winarta, F. H. (2009). *Pro Bono Publico, the Constitutional Right of the Poor to Obtain Legal Aid*. Jakarta: Gramedia.