

Protection of Children in Child Learning During the Covid-19 Pandemic Indonesia

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ABSTRACT

The Covid-19 pandemic has changed the implementation of face-to-face learning in schools (offline) to online. These changes make children unable to learn optimally due to various obstacles. This condition also affects the development and psychology of children. Data shows that the number of violence against children since the Covid-19 pandemic has tended to increase. On the other hand, children have the right to get protection and to grow properly in the context of education. The purpose of this study was to determine legal protection for children by analyzing legal provisions in Indonesia in protecting children's rights in online learning systems. The research method used is juridical normative with data sources obtained from primary, secondary, and tertiary sources. The data that has been collected is then presented in a structured and logical manner and analyzed descriptively. The results of the study found that legal protection instruments for children's rights in online learning systems already exist but their implementation has not been optimal. Socialization to prioritize children's growth and development rights in providing children's education rights during the Covid-19 pandemic must be more actively voiced to all Education Offices, heads of education units, educators, students, and parents of students.

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1. INTRODUCTION

The Covid-19 outbreak began in Wuhan, China (Shi, et al., 2020) and spread to various countries causing a global health crisis. The Covid-19 pandemic affects all aspects of human life. The closure of various public facilities and infrastructure was carried out in order to break the chain of spreading the Covid-19 disease. The orders to keep your distance and stay at home are enforced as an effort to overcome and prevent the disease.

This also happened in Indonesia. The requirement to maintain distance and activities from home has been implemented in almost all government agencies in Indonesia, including the Ministry of Education and Culture (Kemendikbud). Since the Covid-19 pandemic in Indonesia in mid-March 2020, the Ministry of Education and Culture ordered the closure of schools as a means of education to prevent the spread of the corona virus that causes Covid-19 disease with Circular Number 4 of 2020 concerning Implementation of Education Policies in Emergency Times Spread of Coronavirus Disease, dated March 24 2020. The core of the policy is to prioritize the health and safety of students, teachers, education personnel, families and communities. (Anugrahana, 2020). Following up on this policy, the school then implemented learning activities from home for all students.

Learning that is usually carried out in schools is carried out from the homes of each student using the internet network or what is called online learning. This is the best choice for the government to continue to provide the right to education for the community even without implementing face-to-face learning in schools.

The differences in online and offline learning require all parties to be able to adapt to the online learning system that was fully implemented by the government during the Covid-19 pandemic. Children as students, teachers as educators, and parents of students in an instant are required to be able to adapt in order to fulfill the right to education for the community.

Adaptation is more difficult for students who are in elementary school (SD) considering that they are still children so they have not been able to participate in online learning independently. Not only do they still need assistance for learning, they are also still not skilled in using devices as online learning media. In such situations, parents of students play an important role in helping implement good online learning for students.

Changes in the learning system and study habits since the Covid-19 pandemic have led to several new phenomena in society. Several reports in the mass media stated that children had difficulty participating in online learning. As stated by the Commissioner for Education of the Indonesian Child Protection Commission (KPAI), the limited facilities to support distance learning activities have resulted in not all children getting good services when learning from home. The number of children not graduating increases because they do not have gadgets and internet access to attend online learning.

In addition, the number of violence against children has also tended to increase since the Covid-19 pandemic. As released by KPAI, during learning from home during the pandemic there was an increase in the number of violence experienced by children, both physically and verbally. Based on data released by KPAI, the number of verbal abuse reached 62 percent, while physical violence was 11 percent (Medcom, 2020).

Even a child who is a grade 1 student at an elementary school in Lebak, Banten became a victim of abuse and murder by his own mother on August 26, 2020. After the investigation process, it was revealed that the mother's reason for committing this act was because she was upset with her child who was difficult to teach while studying online and doing work school assignment. As a result of the health, the mother became dark and physically abused her child, which then caused the child to die (Kompas, 2020).

This is interesting to study and research to find out the extent of legal protection provided by laws and regulations for children's rights in the implementation of online learning due to the Covid-19 pandemic in Indonesia. Children as the nation's next

generation must be protected by their rights to obtain the right to education and the right to grow and develop in order to be able to achieve a bright future in the future.

This research limits the protection of children's rights in learning with an online system including children's education rights and children's development and development rights. This research plan has 2 discussions covering how the law provides protection for children's rights and how to protect children's rights in distance learning with an online system during the Covid-19 pandemic in Indonesia?

This research was conducted to analyze the legal provisions in providing protection for children's rights and protection of children's rights in learning with an online system during the Covid-19 pandemic in Indonesia. The expected benefit from this research is that it can provide the development of knowledge in the field of child protection law, especially in the area of children's rights in learning with the online system in Indonesia and provide understanding and guidance for stakeholders in protecting children's rights in implementing online learning systems in Indonesia.

2. METHOD

The approach method used in this research is the normative juridical approach. The existing objects are then examined with a problem approach consisting of a statute approach and an analytical approach. In an effort to obtain the data needed to compile the research, descriptive research specifications will be used. This research will provide accurate data and make an inventory of laws and regulations as well as other legal provisions governing legal studies of child rights protection, as well as analyzing legal material to find out the meaning contained in the term child legislation.

This research is a library research (library research), so that the study is carried out on research, journals and supporting scientific articles. Normative juridical research uses primary data derived from secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials come from legislation, official documents such as the 1945 Constitution of the Republic of Indonesia, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Child Protection Law), Ministerial Regulations State of Women's Empowerment and Child Protection of the Republic of Indonesia Number 05 of 2011 concerning Policies to Fulfill the Rights of Child Education (PermenPPA of Fulfillment of Children's Education Rights), and other related regulations. Secondary legal materials come from materials that provide explanations for primary materials in the form of books, scientific journals, legal reports and scientific documentation related to child protection. Meanwhile, tertiary materials are in the form of an encyclopedia, glossary or dictionary.

In this study, the data collection technique used was to collect literature and review relevant documents, both official and non-official documents. These documents can be in the form of laws and regulations, scientific articles, research reports, academic papers, news, articles, newspapers, or tweets or posts on social media. The data that has been collected are described and presented in a structured and logical manner based on the research questions. Descriptive analysis is carried out to obtain continuity between problems and findings so that a complete unity is obtained by referring to the norms and legal principles that are relevant to child protection issues during online learning.

3. RESULTS AND DISCUSSION

Children are "descendants or generations resulting from sexual relations or intercourse between a man and a woman, both within the bond of marriage and outside of marriage". Then, as stated by Soerojo Wignjodipoero quoted by Tholib Setiadi, it is stated that apart from being a generation successor, children become hopeful and dependent parents in good old age and as protectors when parents are unable to earn a living because of their physical limitations (Tholib Setiady, 2010: 173).

According to the Convention On The Rights Of Child (1989) which was ratified by the Indonesian government through Presidential Decree Number 36 of 1990 concerning Ratification of the Convention On The Rights of The Child (The Presidential Decree Ratification of the Convention on the Rights of the Child) states that "a child is someone who is 18 years and under. UNICEF defines children as residents aged 0 to 18 years. In contrast to several laws and regulations in force in Indonesia, there are several definitions of children which are quite diverse".

In Article 1 paragraph 2 of Law Number 4 Year 1979 concerning Child Welfare, what is meant by "a child is someone who has not reached the age of 21 (twenty one) years and has never been married". Meanwhile Article 1 paragraph 5 of Law Number 39 Year 1999 concerning Human Rights (Human Rights Law) states that "a child is every human being under 18 years of age and not married, including children who are still in the womb". In Law Number 11 of 2012 concerning the Child Criminal Justice System (Law on the Juvenile Justice System), the definition of children is stated in several definitions, namely:

- a. Children in conflict with the law (referred to as children) are children aged 12 but not yet 18 years old who are suspected of committing a criminal act;
- b. Children Who Are Victims of Criminal Actions (referred to as Child Victims) are children under 18 years of age who experience physical, mental, or economic suffering due to criminal acts.
- c. A child who is a witness to a criminal act (referred to as a child witness) is a child under 18 years of age who can provide information for the purposes of investigation, prosecution and examination in court regarding a criminal case he has heard, seen, or experienced himself.

The Child Protection Law defines the definition of a child in Article 1 paragraph 1 as someone who is not yet 18 years old, including children who are still in the womb. based on some of the explanations above, it can be concluded that what is meant by a child is someone who is not yet 18 years old.

3.1. Indonesian Children's Rights

The child's right is something that is inherent in the child from the time he is in the womb to the moment he is born into the world. Children's rights must be protected and guarded so that a child can grow and develop naturally. The legal basis used in fulfilling children's rights in Indonesia is based on The 1945 Constitution of the Republic of Indonesia (UUD 1945) and the basic principles of the Convention on the Rights of the Child which was ratified in 1990 with the Presidential Decree Ratification of the Convention on the Rights of the Child. The convention is then adopted and promulgated in Child Protection Act.

In fact, children's rights have been regulated in statutory regulations since 1979, long before the Child Protection Law existed. Law No. 4/1979 on Child Welfare (Child Welfare Law) states that children have rights, including the following:

- a. The right to welfare, care, care and guidance.
- b. The right to grow and develop naturally.

- c. The right to services to develop abilities and social life.
- d. The right to care and protection.
- e. The right to environmental protection.
- f. The right to first aid, assistance and care.
- g. The right to be provided with services and care when experiencing behavior problems and law violations.
- h. The right to obtain special services for children with disabilities.
- i. The right to receive assistance and services without discrimination.

The Child Protection Law regulates children's rights more comprehensively children's rights according to this law are part of human rights that must be guaranteed, protected and fulfilled by their parents, their families, the community, the state, the government and the local government where the child lives. Every child in Indonesia is guaranteed by the Protection Law Children can have rights which include:

- a. The right to live, grow, develop and participate fairly in accordance with human dignity.
- b. The right to protection from violence and discrimination.
- c. The right to a name as personal identity and citizenship status.
- d. The right to worship according to their religion, to think and to express themselves according to the level of intelligence and age, of course under the guidance of parents or guardians.
- e. The right to know their parents, to be raised and cared for by their own parents. Children have the right to be raised and cared for by others if their parents cannot guarantee the child's growth and development or the child is neglected.
- f. The right to obtain health services and social security in accordance with physical, mental, spiritual and social needs.
- g. The right to education and teaching in the context of personal development and the level of intelligence according to interests and talents.
- h. The right to receive protection in educational units from sexual crimes and violence committed by educators, educational staff, fellow students, or other parties.
- i. The right to receive special education for children with disabilities.
- j. The right to get special education for children who have advantages.
- k. The right to express opinions and have their opinions heard.
- l. The right to receive, seek and provide information according to the level of intelligence and age for self-development in accordance with the values of decency and propriety.
- m. The right to rest and take advantage of free time, associate with children of the same age, play, recreation, and create according to their interests, talents and intelligence level for self-development.
- n. The right to receive rehabilitation, social assistance, and maintenance of a level of social welfare for children with disabilities.
- o. The right to receive protection from discrimination, economic exploitation, sexual exploitation, neglect, cruelty, violence, persecution, injustice and other mistreatment.
- p. When legally there is separation between the child and their parents, the child is still entitled to meet in person and have regular personal contact with both parents, to receive care, care, education and protection for the development process of the two parents according to their abilities, talents, and interest, obtaining living financing from both parents, and obtaining other children's

- rights.
- q. The right to obtain protection from abuse in political activities, involvement in armed disputes, involvement in social unrest, involvement in events that contain elements of violence, involvement in wars, and sexual crimes.
 - r. The right to receive protection from being subjected to mistreatment, torture, or the imposition of inhuman sentences.
 - s. The right to obtain freedom according to law.
 - t. The right not to be arrested, detained, or child imprisonment if not as a last resort in accordance with the law.
 - u. If a child is deprived of his freedom under the law, the child has the right to receive humane treatment and is placed separately from adults, to obtain legal or other assistance effectively in every stage of legal remedies, and to defend himself and obtain justice before the juvenile court which be objective and impartial in closed sessions to the public.
 - v. The right to be kept confidential if a victim of sexual violence, or a perpetrator of sexual violence, or is in conflict with the law.
 - w. The right to get legal assistance and other assistance if you are a victim or perpetrator of a criminal act.

3.2. Protection of the Rights of Indonesian Children

Protection of children's rights is a human right that must be obtained by every child without exception. Article 27 paragraph (1) of the 1945 Constitution stipulates that every citizen has an equal position in law and government and is obliged to uphold the law and government without exception. This provision shows that there is no difference in the position of law and government for all citizens, whether women, men, adults or children, in obtaining legal protection (Gultom, 2014: 13).

Legal protection of children in Indonesia has been regulated in various laws and regulations and is specifically regulated in Child Protection Act. According to Article 1 paragraph 2 of the law, it is stated that: "Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity and protection from violence and discrimination".

Chapter IX Child Protection Act regulates that children receive protection covering various fields, namely religion, health, education, social affairs, and pspecial protection. According to Article 1 paragraph 15 of the Child Protection Law, pspecial protection is a form of protection received by children to secure a sense of security against threats that endanger themselves and their lives in their growth and development in certain situations and conditions and are given to:

- a. children in conflict with the law
- b. minority and isolated children
- c. children who are exploited economically or sexually
- d. children who are victims of abuse of narcotics, alcohol, psychotropic substances and other addictive substances
- e. children who are victims of pornography
- f. children with HIV / AIDS
- g. children who are victims of kidnapping, sale, or child trafficking
- h. child victims of physical or psychological abuse
- i. child victims of sexual crimes
- j. child victims of terrorism networks

- k. children with disabilities
- l. child victims of abuse and neglect
- m. children with social deviant behavior
- n. children who are victims of stigmatization from labeling related to the condition of their parents.

Protection of the Right to Education of Indonesian Children

Article 28 of the Convention on the Rights of the Child states: "Every child has the right to an education. Primary education should be free. Secondary and higher education should be available to every child. Children should be encouraged to go to school to the highest level possible. Discipline in schools should respect children's rights and never use violence. " According to this convention, every child has the right to a quality education. A state is obliged to ensure that basic education is provided free of charge to every child, that secondary education is easily accessible to the child, and encourage every child to take education to the highest possible level. discipline in schools must respect the rights and dignity of children.

The provisions mentioned above are contained in Law Child protection. Chapter III of the law regulates the protection of children in the education sector as follows:

- a. The Government and Regional Governments are required to provide basic education of at least 9 (nine) years for all children.
- b. Children must be given the widest possible opportunity to obtain education.
- c. Children with disabilities are given the opportunity and accessibility to obtain inclusive education or special education, and children who have the advantage are given opportunities and accessibility to obtain special education.
- d. The government is responsible for providing tuition fees and / or free assistance or special services for children from underprivileged families, neglected children, and children who live in remote areas.
- e. The Government and Local Governments are responsible for providing education fees or free assistance or special services for children from underprivileged families, neglected children, and children who live in remote areas, and encourage the community to play an active role in this.
- f. Children in and in the school environment must be protected from acts of violence committed by educators, school administrators or their friends in the school concerned, or other educational institutions.
- g. Children in and in the school environment are required to receive protection from all kinds of violence, whether physical, psychological, sexual, and other acts of violence or crimes committed by educators, education personnel, fellow students, or other parties outside of that. This protection must be carried out jointly by educators, education personnel, government officials, and the community.

So the importance of the right to education for children, the State Minister for Women's Empowerment and Child Protection of the Republic of Indonesia issued a policy in order to fulfill the rights to children's education. This policy is the Regulation of the State Minister for Women's Empowerment and Child Protection of the Republic of Indonesia Number 05 of 2011 concerning Policies to Fulfill the Rights of Child Education (PermenPPA) No.5 / 2011). This regulation was made as an effort to overcome the problem of not fulfilling children's rights in the field of education evenly throughout Indonesia. There are still children who are unable to access primary, secondary and tertiary education due to limited family abilities.

PermenPPA No.5 / 2011 regulates that the policies set by the government as guidelines for the fulfillment of children's education rights are carried out in a

planned, comprehensive and sustainable manner to create an atmosphere of learning and the learning process so that students actively develop their potential to have religious spiritual strength, self-control, personality, intelligence, noble character, and skills needed by him, society, nation and state. The policy on the fulfillment of children's education rights is set forth in a National Action Plan for the Fulfillment of Children's Education Rights which aims to ensure increased respect, promotion, fulfillment and protection of children's human rights in the field of education based on the 1945 Constitution.

The Minister for Women's Empowerment and Child Protection also stipulated the Regulation of the State Minister for Women's Empowerment and Child Protection Number 8 of 2014 concerning Child Friendly School Policy (PermenPPA No.8 / 2104). This regulation was made to encourage the realization of child-friendly schools, namely formal and non-formal education units. and informal, safe, clean and healthy, caring and cultured environment. Child-friendly schools guarantee, fulfill, respect children's rights and protection of children from acts of violence, discrimination and other mistreatment. This school also supports children's participation, especially in planning, policies, learning, monitoring, and complaint mechanisms related to the fulfillment of children's rights and protection in education.

3.3. Protection of the Rights of Indonesian Children in Online Learning Systems During the Covid-19 Pandemic

Distance education has previously been recognized and implemented in Indonesia. This has been regulated in Law Number 20 of 2003 concerning the National Education System, Government Regulation Number 17 of 2010 concerning Management and Implementation of Education and Permendikbud of 119 of 2014 concerning Implementation of Distance Education at the Primary and Secondary Education Levels. When the Covid-19 pandemic had not yet occurred in Indonesia, the distance learning system was an alternative where students could choose to do it or not (Gunawan, 2020). However, since March 2020, distance learning has become a necessity for all students in Indonesia at all levels. education.

Online learning is a learning activity that is supported by internet access and connection with the flexibility and variety of learning interactions (Sadikin & Hamidah, 2020). Both learning and the delivery of teaching materials are carried out online without face-to-face between students and teachers. This is different from face-to-face learning both from learning activities, assessment instruments, monitoring systems, and learning arrangements. However, online learning and offline learning have in common the goal is to provide learning about teaching materials to students and the similarity of several methods.

Online learning is divided into two settings, namely virtual synchronous and virtual asynchronous learning settings. Virtual synchronous learning is a teaching and learning activity where teachers and students are in different places but at the same time. Whereas virtual asynchronous learning is a teaching and learning activity that emphasizes independence in learning where material is provided by the teacher online and students can access it anytime and anywhere according to the situation of student learning speed (Chaeruman, 2017).

The implementation of distance learning with an online system suddenly during a pandemic in Indonesia caused several problems. According to the Adjustment of Learning Policies in the COVID-19 Pandemic Period on August 7, 2020 (Task Force Covid-19, 2020), there were various obstacles that were encountered by educators, parents, and children when implementing online learning. Educators have difficulty managing distance learning and tend to focus on curriculum completion activities. In

addition, educators cannot meet the load of teaching hours because learning time is reduced and they experience difficulty communicating with the companion parents in studying at home.

Parents as companions also face obstacles because some parents cannot accompany their children to study at home. The cause is the existence of other responsibilities such as parents who work to earn a living or complete household chores. In addition to time, understanding the subject matter and difficulties in motivating children while accompanying learning at home are quite important problems.

On the other hand, children also experience obstacles in participating in online learning systems from home. Children find it difficult to concentrate while studying and the large workload of the teacher makes them more vulnerable to experiencing increased stress and boredom. These feelings over time accumulate, making it very susceptible to causing excessive anxiety which can lead to depression for the child as a result of continuous isolation.

The Ministry of Education and Culture issued a policy in the form of Circular Number 4 of 2020 concerning the Implementation of Education Policies in the Emergency of the Spread of Corona Virus Disease (COVID-19) on March 24, 2020 (SE Mendikbud No.4 / 2020) in order to fulfill the educational rights of Indonesian children . Indeed, Mendikbud Nadiem Anwar Makarim has determined that the learning process from home is carried out online / remotely with the aim of students getting the essence of the learning experience without any targets for completing curriculum achievements as a condition for class promotion or graduation. As an alternative, learning from home is more focused on life skills, including in dealing with health disasters like now. Therefore, learning can be carried out in a variety of ways by taking into account interests,

The Ministry of Education and Culture then issued Circular Letter Number 15 of 2020 concerning Guidelines for Organizing Learning from Home in an Emergency for the Spread of Covid-19 (SE Mendikbud No.15 / 2020) to strengthen SE of the Minister of Education and Culture No.4 / 2020 above. In this circular, distance learning can be done online or offline. Online distance learning is carried out using gadgets or laptops through several portals and online learning applications, while offline distance learning is carried out using television, radio, self-study modules and worksheets, printed teaching materials, props and learning media from objects in the environment.

The Minister of Education and Culture Circular No. 15/2020 reiterated that the purpose of implementing learning from home is to ensure the fulfillment of students' rights to get educational services during the Covid-19 pandemic, protect students from the adverse effects of Covid-19, prevent the spread and transmission of Covid-19. in educational units where students study, and ensuring the fulfillment of psychosocial support for students, their parents, and educators. Online distance learning is carried out on the basis of the principles of physical and mental health and safety of students, educators, school principals, and all members of the education unit. In addition, the roles of the Education Office, head of education units, educators, students, and parents of students are described in detail. clear in order to achieve success in online system distance learning.

In order for every student to have easy access in conducting distance learning with an online system and overcoming the constraints of the limited ability of the community to purchase internet data packages to access distance learning using an online system, the Ministry of Education and Culture issued the Secretary General

Regulation Number 14 of 2020 concerning Technical Guidelines for Quota Assistance Internet Data for 2020 (Persekjen Mendikbud No.14 / 2020). The purpose of making this regulation is to regulate the technical provision of internet data quota assistance for students to support the implementation of learning from home during the Corona Virus Diseases 2019 (COVID-19) pandemic.

Internet data quota assistance is divided into a general quota that can be used to access all pages and applications, and a learning quota that can only be used to access learning pages and applications, with a list listed on <http://kuota-belajar.kemdikbud.go.id/>. The internet data quota package given to students who are in elementary school and children is 35 GB per month, which consists of a main quota of 5 GB / month and a study quota of 30 GB / month. This quota assistance is given for a duration of 4 months .

In fact, child protection efforts have been arranged and implemented as early as possible, including in protecting the fulfillment of children's education rights. Refer to the provisions Convention on the Rights of the Child, Article 2 The Child Protection Law has provided protection provisions for children based on the principle of non-discrimination; the principle of the best interests of the child; asashak for survival, survival and development; and the principle of respect for children's opinions.

The principle of non-discrimination is described in detail in Article 2 Convention on the Rights of the Child. Indonesia as a country that has ratified this convention is obliged respect and guarantee all the rights recognized and contained therein Convention on the Rights of the Child. Every child must be treated equally regardless of race, color, gender, language, religion, political views, national, ethnic or social origin, ownership status, disability or not, birth or other status. Principles of the best interests of the child listed in Article 3 paragraph 1 of the Convention on the Rights of the Child means that the best interests of the child must be the main consideration in all actions carried out by government and private social welfare institutions, judiciary institutions, government agencies or legislative bodies.

The principle of survival, growth and development in Article 6 of the Convention on the Rights of the Child obliges participating countries to recognize that every child has the inherent right to life and will guarantee to the maximum extent the child's survival and development. In the elucidation of Article 2 of the Child Protection Law, it is stated that the principle of the right to life, survival and development is the most basic human right for children protected by the state, government, society, family, and parents.

Furthermore, what is meant by the principle of respect for the views of children as stated in Article 12 of the Convention on the Rights of the Child is to respect the opinions of children in relation to matters relating to their lives and, decision making regarding children. States parties shall ensure that children who have their own views will have the right to express their views freely in all matters affecting the child, and that such treatment will be respected according to the age and maturity level of the child. Elucidation of Article 2 of the Child Protection Law defines the principle of respect for children's opinions as a respect for children's rights to participate and express their opinions in decision making, especially when it comes to matters affecting their life.

If you look at the principles of child protection above, it can be seen that the Indonesian government has made efforts to provide protection for children's rights in the implementation of distance learning with an online system during the Covid-19 pandemic. The Ministry of Education and Culture strives to continue to provide protection for children's education rights in the process learn from home during the

Covid-19 pandemic which is based on the principles of survival, growth and development. By issuing the Minister of Education and Culture Circular No. 4/2020 and SE Mendikbud No.15/2020), the Ministry of Education and Culture regulates that online system distance learning is carried out to provide meaningful learning experiences for students, without students who are still children being burdened with demands to complete all curriculum achievements in terms of class promotion and graduation.

In addition, the Task Force for the Acceleration of Handling of Corona Virus Disease 2019, consisting of state institutions including the Ministry of Education and Culture, also issued a Learning Policy Adjustment for the COVID-19 Pandemic on August 7, 2020. The principle of education policy during the COVID-19 pandemic in this policy is to prioritize health. and the safety of students, educators, education personnel, families, and the community in determining learning policies. Student growth and development and psychosocial conditions are also considered in fulfilling educational services during the COVID-19 pandemic.

In order to anticipate the negative consequences of distance learning, the government has implemented a new policy on emergency curricula (under special conditions) which is regulated in the Adjustment of Learning Policies during the COVID-19 Pandemic. Schools are given the flexibility to choose a curriculum that suits the learning needs of their students. assessment is made to support the implementation of the emergency curriculum (in special conditions). Schools can choose from 3 curriculum implementation options, namely: 1) Continue to use the 2013 national curriculum; 2) Using emergency curriculum (under special conditions), 3) Simplifying the curriculum independently.

To alleviate learning difficulties during the Covid-19 era, emergency curricula & learning modules can be used at the primary and secondary levels (including special education). Emergency curricula (in special conditions) are made to reduce the burden on teachers in implementing the national curriculum and students in relation to the determination class promotion and graduation.

The learning module can be used specifically for early childhood education and elementary schools, where distance learning is considered very difficult to do. The module contains guides for teachers, companions (parents / guardians), and students.

The emergency curriculum is a simplification of basic competencies that refers to the 2013 curriculum. Emergency curriculum (in special conditions) is the simplification of basic competencies for each subject so that it focuses on essential competencies and prerequisite competencies for continuing learning at the next level. The implementation of the emergency curriculum can be valid until the end of the year. teachings even though the special conditions were over.

It is hoped that the emergency curriculum will facilitate the learning process during a pandemic. In the emergency curriculum, a simple curriculum reference is provided, the teaching load of teachers is reduced so that it allows teachers to focus on essential and contextual education and learning. Thus, the psychosocial welfare of teachers will increase. For students, the emergency curriculum does not impose demands to complete all curriculum achievements so that children can focus on essential and contextual education and learning. Thus, the psychosocial well-being of students will also increase. For parents, the emergency curriculum makes learning assistance at home easier so that the psychosocial welfare of parents increases.

Protection of children's rights in the implementation of distance learning with an online system during the Covid-19 pandemic was also seen when the Ministry of Education and Culture issued Persekjen Mendikbud No.14/2020, where the

government tried to realize and apply the principle of non-discrimination for every child who was a student in distance learning. remote system online. With the internet quota assistance provided by the government through the Ministry of Education and Culture, easy access to online distance learning systems is not only owned by students from families with good financial abilities. Students who come from poor families can also access distance learning online systems without having to be burdened to buy internet data quota. Even so,

The state, in this case the Ministry of Education and Culture, has also not been able to provide protection for children's rights in online distance learning systems based on the principle of respect for children's views as stipulated in Article 12 of the Convention on the Rights of the Child and Article 2 of the Child Protection Law. Policies regarding distance learning online systems have not been able to respect children's opinions regarding what kind of learning process they are most comfortable with. There are no clear provisions regarding efforts to involve children in expressing their opinion about comfortable learning methods for them so that they can learn happily and develop their creations and creativity. Policies regarding learning methods for students are still the full authority of the education unit and educators.

Apart from the existing shortcomings, the Indonesian government has actually tried to provide legal protection for children's rights in online system distance learning during the Covid-19 pandemic. The policies made are in accordance with the principles of child protection as stipulated in the Convention on the Rights- Children's rights. The state has formulated how Indonesian children can continue to grow and develop naturally and their education rights are fulfilled during the Covid-19 pandemic.

The phenomena that occur in society can occur due to uneven understanding of the main objectives of the online system distance learning imposed by the Ministry of Education and Culture. Heads of education units, educators, students, and parents of students seem to be trapped in the old understanding, where the success of a learning process is measured by the completion of all curriculum achievements for class promotion or graduation. In fact, the existing curriculum achievements certainly cannot be applied in the distance learning process with an online system. This is because the existing curriculum achievements were made for face-to-face learning processes, so it is clear that the same curriculum achievements cannot be applied to the distance learning process with an online system during the Covid-19 pandemic.

4. CONCLUSION

As a country, Indonesia is obliged to guarantee every citizen to live in prosperity. Protection of children's rights so that they can live in prosperity is a human right. Children as a gift from God are a mandate that must be properly guarded. Even though they are not yet mature, they are in a child has inherent dignity as a human being. Children as the younger generation who are the successors of the nation's ideals are shoots that must be nurtured properly so that they can grow and develop optimally. This is important because children have a very strategic role in ensuring the continuity of the existence of the Indonesian state in the future. Therefore, so that every child as an adult can assume the responsibility of being the successor to the sustainability of the Indonesian state, the government must provide the widest possible opportunity for children to grow and develop optimally. This means that children can grow and develop well physically, mentally and socially so that the child

will become a person with noble character in the future. This can be achieved by providing protection for the welfare of children. In the condition of the Covid-19 pandemic, which cannot be predicted when it will end, the state must be able to guarantee the fulfillment of children's education rights and their survival. The implementation of existing legal protection instruments for children's rights must be maximally implemented. Socialization to prioritize children's growth and development rights in providing children's education rights must be more actively voiced to all Education Offices, heads of education units, educators, students, and parents learners.

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