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## **Inclusive Justice During Emergencies: Covid-19 Reflections on The Right to Education for Children with Disabilities**

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### **ABSTRACT**

As a State party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD), Indonesia is obligated to ensure the right to education for all children including children with disabilities in time of crisis. In response to the Covid-19 pandemic, Indonesia implemented a learning-from-home (BDR) policy through online platforms and provided free internet quotas. However, complex constraints in implementing this policy to children with disabilities preventing them from fully enjoying their right to education. This raises questions regarding Indonesia's compliance with its international human rights obligations and the measures required to ensure effective fulfilment of this right during crises. This research employs a socio-legal approach, combining a review of relevant literature, analysis of legal instruments, in-depth interviews, and field studies conducted at Special Needs Schools (*Sekolah Luar Biasa/SLB*). The findings indicate that although the fulfilment of the right to education for children with disabilities during the pandemic was suboptimal, it does not necessarily constitute a violation of Indonesia's obligations under international law. Nevertheless, stronger coordination and supervision involving local governments, schools, and parents are essential. The study further suggests that sanctions against local governments that fail to take maximum available measures, as required by law, should be considered.

**Keywords:** disabilities; emergency; inclusive justice; right to education.

### **INTRODUCTION**

In March 2022, there were 5,693,702 confirmed cases of COVID-19 throughout Indonesia<sup>1</sup>. To respond, the state set several restrictions, one of which is replacing schools and universities from carrying face to face (offline) learning activities to online (BDR) to reduce the transmission of the Covid-19 virus. The policy refers to the Circular Letter (SE) of the Minister of Education (MEC) Number 4/2020 concerning Education Policy during the Covid-19 Emergency Period and is clarified by the SE of the Secretary General of the MEC Number

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<sup>1</sup> The Covid-19 Handling Task Force, "Distribution Map", was accessed via the <https://covid19.go.id/peta-sebaran> page in March 2022.

15/2020 concerning Guidelines for the Implementation of Policies from Home during the Covid-19 Pandemic.

Further, the MEC issued several adjustment policies, including cancelling the National Examination (UN),<sup>2</sup> changing in the mechanism for determining student graduation<sup>3</sup>, adjustments to new students' enrolment (PPDB) with the Covid-19 protocol<sup>4</sup>, issuing an emergency curriculum under special conditions<sup>5</sup> and PPDB for the achievement path.<sup>6</sup> MEC also provided free internet quota, learning activities through TVRI,<sup>7</sup> the launch of a teacher sharing portal, relaxation on the use of School Operational Assistance (BOS) and Operational Assistance (BOP) funds for teacher honorarium payments as well as online learning<sup>8</sup>. In addition, there is also Single Tuition assistance for 410 thousand students, BOS Affirmation and BOS Performance which are expanded not only for public schools but also private schools<sup>9</sup>. Furthermore, the provision of internet quota subsidy assistance for students, teachers and lecturers was carried out for 4 (four) months starting from September to December 2020<sup>10</sup>.

However, the establishment of these policies resulted in the emergence of several issues of human rights, particularly the right to education of children with disability, such as technical difficulties to follow those policies that makes them unable to access education. To respond, the government issued Government Regulation (PP) Number 13/2020 concerning Decent Accommodation for Students with Disabilities, ordering local governments to support educational institutions in meeting the educational needs of students with disabilities. The obligations arising from Articles 3 and 4 of the PP such as 1) providing budget support and/or funding assistance; 2) providing facilities and infrastructure; 3) providing preparation for educators and staff; and 4) curriculum preparation. The MEC issued an Emergency Curriculum through the MEC Decree Number 719/P/2020 aimed at providing flexibility for educational units to determine the curriculum according to the needs of students which contains a reduction in basic competencies for each subject, so that teachers and students can focus on essential and prerequisite competencies for the continuation of learning in next level<sup>11</sup>.

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<sup>2</sup> Circular Letter (SE) of the Minister of Education and Culture No.4/2020 concerning the Implementation of Education Policies in the Emergency Period of the Spread of Coronavirus Disease (COVID-19).

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Decree of the Minister of Education and Culture of the Republic of Indonesia Number 719/P/2020 concerning Pedoam Curriculum Implementation in Education Units in Special Conditions.

<sup>6</sup> Ministry of Education and Culture, "*Ministry of Education and Culture Policy during the Pandemic*", accessed through the <https://gtk.kemdikbud.go.id/read-news/kebijakan-kemendikbud-di-masa-pandemi> page

<sup>7</sup> Indonesian national television.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> Ministry of Education and Culture, "*Ministry of Education and Culture Issues Emergency Curriculum for Education Units in Special Conditions*" August 12, 2020, accessed via the <https://lpmpkaltara.kemdikbud>.

The implementation of those policies is very challenging not only in the municipality but also in the central government. There are technical issues that hinder the fulfilment of the right to education of the children with disabilities in Indonesia during the pandemic. *First*, not all parents have sufficient ability and capacity to teach at home because parents are not trained and facilitated as teachers, and they also need to work. Moreover, teaching children with disabilities is three times more difficult than teaching non-disabled children<sup>12</sup>. *Second*, children with disabilities are constrained by learning tools since every pupil need at least a gadget or laptop while the majority of children with disabilities from underprivileged families do not have these facilities. It is also difficult to access the internet because there are areas that are not reached by internet access. *Third*, communication barriers between teachers, pupils and parents. *Fourth*, the limited teachers and the curriculum crisis. For example, the emergency curriculum does not provide specific guidelines for students with disabilities, neither for Special Needs Schools (SLB) nor inclusive schools.

Article 26 paragraph 1 of the Universal Declaration of Human Rights (UDHR) reads: "*everyone has the right to education*", continued in the 2nd paragraph of the same article: "*education shall be directed to the full development of the human personality and to the strengthening for respect for human rights and fundamental freedoms*". Further, the fulfilment of the right to education is mentioned in the article 13 paragraph 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which reads: "*the state parties to the covenant recognize the right of everyone to education*". The Convention on the Rights of the Child (UNCRC) also regulates the right to education including for children with disability without discrimination as described in Article 23, 28, and 29. The Convention on the Rights of Persons with Disabilities (CRPD) further regulates specifically the obligations arising from the right to education which can be found in Article 24 of the CRPD. Indonesia as a party to the mentioned conventions has all rights and obligations to "*respect, protect and fulfil*".

This article discusses whether the situation led Indonesia to the violation of the Right to Education under the ICESCR, CRC and CRPD by analysing the minimum standard for the right to education in emergency situations. Consequently, from the lesson learned, the authors examine what measures can be taken to ensure Indonesia's

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go.id/2020/08/12/kemendikbud-terbitkan-kurikulum-darurat-pada-satuan-pendidikan-dalam-kondisi-special/https://lpmpkaltara.kemendikbud.go.id/2020/08/12/kemendikbud-terbitkan-kurikulum-darurat-pada-satuan-pendidikan-dalam-kondisi-khusus/.

<sup>12</sup> Dina Afrianty, Slamet Thohari, Unita Werdi Rahajeng, Tommy H. Firmanda, Mahalli and Bima Pusaka Samedhi, "Decent Accommodation for Students with Disabilities during the Pandemic: The Teaching Experience of Teachers Learning from Home", Australia-Indonesia Disability Research and Advocacy Network La Trobe University and the Center for Disability Services Studies of Universitas Brawijaya, accessed through the <https://www.ksi-indonesia.org/assets/uploads/original/2020/08/ksi-1596761756.pdf> page on October 24, 2021.

obligation in the fulfilment of the right to education for children with disabilities in time of crisis to achieve inclusive justice.

The discussion will be divided into three parts. First, the authors identify regulations as well as policies during pandemic referring to the right of education under ICESCR, CRC and CRPD emphasizing on the minimum standard on the right to education. Second part will discuss practices on the right to education during pandemic and disaster emergency response. The following part is a discussion on Indonesia's measures in the fulfilment of the right to education for children with disabilities under the concept of "progressive realisation". Last part of the analysis tries to connect all factual circumstances to the idea of inclusive justice to ensure the fulfilment of the right to education for children with disabilities in emergency situations.

## RESEARCH METHODS

The research is conducted through a *socio-legal research* approach method, where textual studies, articles in laws and regulations and policies are critically analyzed. The data collection is taken from literature studies and in-depth interviews with government institutions, school management, teachers, parents of the students. The interview conducted to find facts of good practices and challenges towards the implementation of government's policies and regulations in the fulfilment of the right to education for children with disabilities in time of crises such as disaster and covid-19. The field research was conducted in Bandung City - West Java, RangkasBitung City - Banten and Raha - Southeast Sulawesi, along with several SLBs within the area. Information of other areas in Indonesia are obtained from the previous related research published in journals.

## DISCUSSION

### Right to Education and State of Emergency Under HRs Law

#### a. Rights to Education for Children with Disabilities

Article 1 of the CRPD stated that "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." While article 1 of the CRC mentions that "a child means every human being below the age of eighteen years unless under the law applicable to the child." Therefore, children with disabilities are children who are not yet 18 (eighteen) years old including a child who is still in the womb who has long-term physical, mental, intellectual or sensory limitations that can hinder their full and effective participation in society.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) explained that state obligations towards human rights consist of three obligations: to respect, to protect, and to fulfill.<sup>13</sup> In regard to the right to education for children with disabilities, the authors examine three main instruments such as ICESCR; CRC and CRPD.

### 1. International Covenant on Economic and Social Cultural Rights (ICESCR)

The right to education is enshrined in Article 13 of the ICESCR that puts State Party obligation to provide education available for all, this includes children with disabilities. In addition, this convention also encourages states to actively pursue development of the school system at all levels of education such as scholarship system and improvement of capacity building for teachers.

General comment of Article 13 paragraph 2 of the ICESCR provides indicators as a measurement of the obligation of state in the fulfilment of the right to education or known as the 4-A Framework, namely *availability, accessibility, acceptability* and *adaptability*.

#### a. *Availability*

The availability of educational institutions and programs must be available in sufficient quantities within the jurisdiction of the states. It includes the development context where the education operates, for example: buildings/infrastructure/supporting facilities for teaching and learning activities (library, computer laboratory, sports field), equal sanitation facilities for girls and boys, drinking water, trained teachers with competitive salaries, teaching materials and so on.

#### b. *accessibility*

Educational institutions and programs must be accessible to all without discrimination. Accessibility has three dimensions with common characteristics, including:

##### 1) Non-discrimination

Education must be accessible to everyone, especially for vulnerable *groups*, both legally and factually without discrimination.

##### 2) Physical Accessibility

Education must be physically safe to reach, either geographically or through modern technology (distance learning).

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<sup>13</sup> Officer of the United High Commissioner for Human Rights, *Economic, Social and Cultural Rights – Handbook for National Human Rights Institutions*, New York and Geneva: United Nations, 2005, pp. 15-18.

3) Economic Accessibility

The cost of education should be affordable for everyone. This is in line with Article 13 paragraph (2) in relation to primary, secondary and tertiary education and "free of charge for everyone.

*c. Acceptability*

The form and core of education including the curriculum and teaching methods must be acceptable (relevantly, culturally appropriate and qualified) by students and parents.

*d. Adaptability*

Education must be flexible, so that it can adapt to the need to change society and communities and respond to the needs of students in highly diverse societies and cultural settings including disaster emergency situation.

## 2. United Nations Convention on the Rights of the Child (UNCRC)

Article 2 para 3 and 4 firmly stated the right to education for children with disabilities. In general, the guarantee of the right to education is stated in the article 24 para 2 point (e) which required the state to take all appropriate measures to provide education for children. More specifically, article 28 and 29 of the CRC regulate state obligation towards the right to education for all children.

Under CRC, States parties have an obligation to put attention on:

- a. Legal, administrative and other steps to ensure social welfare, compulsory education and the implementation of non-discrimination principles. This includes a series of steps to make the implementation effective.
- b. Resources as related to financial and human resources. States parties have an obligation to provide proportionate financial and human resources to meet the needs of human rights fulfillment.
- c. International cooperation is strongly encouraged by Article 28 of the UNCRC.

Further, the government has obligation to ensure access and the quality of education that will be provided to children, including the preparation of the curriculum<sup>14</sup>. In addition, States Parties are required to actively monitor and conduct regular implementation, monitoring and review of a national curriculum, to form a comprehensive national action to promote and monitor the realization of the objectives set forth in Article 29 (1) of the UNCRC.

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<sup>14</sup> Article 29 of the UNCRC.

### 3. Convention on the Rights of Persons with Disabilities (CRPD)

Article 7 of the CRPD provides guarantees of the fundamental rights of children with disabilities as in line with the CRC. CRPD highlighting fundamental principles of non-discrimination including the enjoyment of the right to education. Article 24 of the CRPD emphasize state obligation to the right of education as stated: "*state parties recognize the right of persons with disabilities to education*".

The CRPD Committee uses the same indicators as the ICESCR to determine whether a state party has fulfilled its obligations to the covenant. However, Article 24 of the CRPD emphasize specific indicator that inclusivity and quality are mutual that can make a significant contribution to the quality of education for all students. Ensuring quality inclusive education requires commitment to the principles: responding to the voices of people with disabilities, active participation of learners, positive teacher attitudes, effective teacher skills, visionary leadership and coherent interdisciplinary services. In addition, the state also has the obligation to provide appropriate facilities for the needs of disabilities, to introduce compulsory basic education that is free and available to all, take action to adopt and implement a national education strategy on the basis of inclusion and equality of opportunity.

#### b. Right to Education during Emergency: Minimum Core Obligations

It is admitted that the enforcement of the right of education is very challenging due to the lack of specific conceptual explanations and implementation guidelines. However, the right to education of children with disabilities is governed by minimum core obligations that remain binding even in emergency situations.<sup>15</sup> Although Article 2(1) of the ICESCR permits the progressive realisation of economic, social and cultural rights considering available resources, the Committee on Economic, Social and Cultural Rights has consistently affirmed that this flexibility does not apply to the minimum essential levels of each right.<sup>16</sup> Progressive realisation governs only the gradual enhancement of educational quality and scope, not the basic existence or accessibility of the right itself.<sup>17</sup>

Hence, States parties bear obligation to ensure the fulfilment of minimum core educational access, and failure to do so constitutes a *prima facie* violation of the Covenant. Any failure cannot be justified by resource constraints, crisis conditions, or competing

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<sup>15</sup> Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 3: The Nature of States Parties' Obligations*, 1990, UN Doc E/1991/23, paras 9-11.

<sup>16</sup> International Covenant on Economic, Social and Cultural Rights, art 2(1); CESCR, *General Comment No. 3* (n 1), para 10.

<sup>17</sup> CESCR, *General Comment No. 13* (n 3), para 42; CESCR, *General Comment No. 3* (n 1), para 9.

policy priorities.<sup>18</sup> This interpretation is reinforced by the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, which impose immediate duties of non-discrimination, accessibility, and reasonable accommodation.<sup>19</sup> Accordingly, emergency measures that result in the exclusion of children with disabilities from education amount to impermissible “retrogressive measures” unless they are strictly necessary, proportionate, temporary, and accompanied by adequate safeguards.

The concept of *minimum core obligations* in *General Comments 13*, as required by the Committee of ICESCR consist of:

- 1) Ensuring the right of *access to public* educational institutions and programs in a non-discriminatory manner.
- 2) Ensure education in accordance with the objectives set out in Article 13 (1) of ICESCR.
- 3) Providing *primary education (free and compulsory)* for all.
- 4) Adopt and implement a *national education strategy* that includes the provision of primary, secondary and higher education; and
- 5) Ensure *freedom of choice of education* without state or third-party interference by subject to *minimum educational standards* (Article 13(3) and (4) of ICESCR).

Further, the Committee on the Rights of the Child in its 49th annual session held discussion on “the right of the child to education in emergency situations”. In this session it is agreed that emergency situations affecting education are defined as:

“all situations in which man-made or natural disasters destroy, within a short period of time, the usual conditions of life, care and education facilities for children and therefore disrupt, deny, hinder progress or delay the realisation of the right to education. Such situations can be caused by, *inter alia*, armed conflicts - both international, including military occupation, and non-international, post-conflict situations, and all types of natural disasters”<sup>20</sup>

The committee underscores that the right to education is inalienable to other fundamental rights and therefore the implementation in emergency situations shall meet the requirements under article 28 and 29 of the CRC *without limitation*.<sup>21</sup> The

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<sup>18</sup> CESCR, *General Comment No. 3* (n 1), para 10; CESCR, *General Comment No. 13: The Right to Education*, 1999, UN Doc E/C.12/1999/10, paras 31–34.

<sup>19</sup> Convention on the Rights of the Child, arts 2, 23, 28; Committee on the Rights of the Child, *General Comment No. 9: The Rights of Children with Disabilities*, 2006, UN Doc CRC/C/GC/9, paras 62–66; Convention on the Rights of Persons with Disabilities, arts 5, 9, 24

<sup>20</sup> Para 2, Report of the Committee on the Rights of the Child on its General Discussion on the Right of the Child to Education in Emergencies Situation, 2008, [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRC\\_Report\\_Right\\_of\\_the\\_Child\\_to\\_Education\\_in\\_Emergencies\\_2008.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRC_Report_Right_of_the_Child_to_Education_in_Emergencies_2008.pdf)

<sup>21</sup> *Ibid.* para 28.

Committee considers that education in emergency situations is *“a protection measure, as well as a relief measure and a life saving measure that provides physical, psychosocial and cognitive protection. Education mitigates the psychosocial impact of conflicts and disasters by giving a sense of normalcy, stability, structure and hope for the future.”*<sup>22</sup>

Hence, States must ensure the fulfilment of this right within their jurisdiction without any discrimination in all stages of crisis mitigation (from preparedness to reconstruction/recovery phase). However, this obligation does not stand to State alone but it also applies to the international community including other states, donors, UN agencies. They shall ensure that the right to education is implemented under article 4 of CRC, apply a rights-based approach, taking into account the four general principles of the Convention: the right to non-discrimination (article 2); best interests of the child (article 3); the right to life, survival and development (article 6); and the right to be heard (article 12).

In the preparedness stage, the state shall prepare a plan of action to ensure the implementation of the right to education in emergency situations including cooperation with relevant stakeholders. This includes allocation of adequate sustained resources (financial and human resources) such as adaptation of curricula, teacher and volunteer training,

During the emergency status, the State shall ensure that education is inclusive and accessible to all from early childhood, primary and secondary level with safe, quality and relevant education. Quality education should reflect the specific living conditions of the child and should be child-centered; rights-based; protective, adaptable, inclusive and participatory.<sup>23</sup> As teachers have a significant role in ensuring children obtain quality education, therefore, teachers must be appropriately trained and monitored, receive necessary materials, support and supervision.<sup>24</sup>

## **Right to Education for Children with Disabilities During Pandemic Covid 19 under Indonesian Law**

### **a. Indonesian Obligations under HRs Instruments**

Indonesia is a state party to the ICESCR, CRC and CRPD which one of the obligations is to provide national legislation to ensure the fulfilment of the rights as mentioned in the Convention. The guarantee of the right to education is already provided by Article 31 of the 1945 Constitution.

Further, Article 9 of Law 35/2014 concerning Child Protection mentions every child has the right to receive education and teaching in the context of personal

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<sup>22</sup> *Ibid.* para 29.

<sup>23</sup> *Ibid.*, para 44.

<sup>24</sup> *Ibid.*, para 47.

development and intelligence levels according to their interests and talents. In article 9 paragraph 2, children with disabilities have the right to receive special needs education. Article 51 also explains that children with disabilities have the opportunity and accessibility to obtain inclusive and/or special education. Further, Article 53 provides responsibility for local governments to provide free education and/or assistance costs or special services for underprivileged children, abandoned children or those living in remote areas.

More particularly, Law 8 of 2016 concerning Persons with Disabilities in Article 10 stipulates that children with disabilities have the right to receive quality education, equal opportunities to become educators or education personnel in educational units in all types of educational pathways and levels and receive proper accommodation as students.

#### **b. Pandemic Covid 19 as State of Emergency in Indonesia**

According to the Act No.24/2007, disaster emergency is a situation that threatens and disrupts life and livelihood caused by natural or non-natural phenomenon or even man-made that results in victims of life, environment damage, property loss and psychological impact that requires urgent and proper action.<sup>25</sup> Hence, National Disaster Management Agency puts indicators of emergency situation which must include cumulative element of:<sup>26</sup>

1. Life disruption, indicated by human victims with mild or severe suffering or death, lost, ill, unfound, stay within its home but their life is threatened due to disaster, displacement for uncertain time.
2. Livelihood disruption as seen by physical damage of the infrastructure that makes disruption of its function partial or total, environment degradation by the declining of quality and function, loss of economic opportunity cost, and psychological impact such disturbance of personality and individual ability to deal with stress due to disaster.

Article 23 Government Regulation (PP) No.21/2008 on the Implementation of Disaster Management stated that the Government (local and central, depending on the scale of the disaster) has the authority to determine emergency situations based on the assessment and recommendation taken by technical institutions.

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<sup>25</sup> art. 1 Law No.24/2007: "Bencana adalah peristiwa atau rangkaian peristiwa yang mengancam dan mengganggu kehidupan dan penghidupan masyarakat yang disebabkan, baik oleh faktor alam dan/atau faktor nonalam maupun faktor manusia sehingga mengakibatkan timbulnya korban jiwa manusia, kerusakan lingkungan, kerugian harta benda, dan dampak psikologis."

<sup>26</sup> BNPB, *Pedoman Penetapan Status Darurat Bencana*, Badan Nasional Penanggulangan Bencana, 2016, p.5-6

Due to the tremendous outbreak of Covid 19, the State enacted Government Regulation No. 21/2020 (PP No.21/2020) concerning Large-Scale Social Restrictions (PSBB) allowing states to limit several rights such as movement (people and goods) and assembly to prevent the outbreak of the Covid 19 virus.<sup>27</sup> Activities in public facilities such as schools, offices, public services and religious practices were very limited starting on 31 March 2020. In April 2020, Presidential Decree No. 12/2020 stated Covid 19 as a national disaster. The situation during the outbreak fulfilled the two elements of disaster emergency situations as elaborated above such as the number of people who died and suffered as contaminated by the virus, which impacted the economic loss to states and individuals due to the disruption of activities, not to mention psychological impact of this pandemic. Hence the situation of Covid 19 was considered a state of emergency. Accordingly, all activities including education were adjusted to emergency mode.

### c. Limitations of Right as Consequences of Pandemic Covid 19

Article 4 ICESCR allows the State to limit economic, social and cultural rights. However, limitations must be set out in law, respect rights, protect public welfare as compatible with progressive realisation as the nature of the ICESCR.<sup>28</sup> The limitation shall be due to the necessity of national security, public order or protection of the rights and freedom of others. The absence of a derogation regime under the ICESCR reflects the structural and normative character of economic, social and cultural rights, which are not designed to be suspended but to be continuously realised, even in times of crisis.<sup>29</sup> In this framework, education as protected under Articles 13 and 14 of the ICESCR is not suspendable during emergencies.<sup>30</sup> States may adjust the modalities of educational delivery—such as through temporary school closures or alternative learning arrangements—but they may not negate the right itself or deny access to its minimum core content.<sup>31</sup> As commentary emphasises, the absence of derogation in the ICESCR

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<sup>27</sup> Pembatasan Sosial Berskala Besar Dalam Rangka Percepatan Penanganan Coronavirus Disease 2019 (Covid-19).

<sup>28</sup> art. 4 ICESCR: "The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society."

<sup>29</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 3 on the Nature of States Parties' Obligations*, 1990, UN Doc E/1991/23, paras 9–10; Matthew C.R. Craven, *The International Covenant on Economic, Social and Cultural Rights: A Perspective on Its Development*, Oxford University Press, 1995, pp. 140–143., M. Pieterse, "Justiciable Socio-Economic Rights as Adaptive Law for Urban Resilience," *Human Rights Law Review* Vol. 25 (2025): ngaf019, 6–7.

<sup>30</sup> International Covenant on Economic, Social and Cultural Rights, arts 13–14; Committee on Economic, Social and Cultural Rights, *General Comment No. 13 on the Right to Education*, 1999, UN Doc E/C.12/1999/10, paras 31–34.

<sup>31</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 13 on the Right to Education*, 1999, UN Doc E/C.12/1999/10, paras 42–43.

signifies that “minimum core obligations remain applicable even under emergency conditions,”<sup>32</sup> and that States may not rely on crisis situations to justify denial of essential access to rights such as education. Any emergency measure that results in the effective exclusion of certain groups from education, particularly children with disabilities, must therefore be assessed as a limitation under Article 4.<sup>33</sup> Emergency measures shall ensure the fulfilment of minimum core educational access, non-discrimination or reasonable accommodation, proportionate on vulnerable groups. When those elements are not fulfilled, they constitute impermissible retrogressive measures rather than lawful limitations.<sup>34</sup>

While Article 4 of the International Covenant on Civil and Political Rights allows states to derogate its obligations in the fulfilment of human rights in time of public emergency which threatens the life and existence of the nation, provided that such measures strictly comply with substantive and procedural safeguards. This may only be applied if they have no other choice and as long as any measures introduced to deal with the emergency do not discriminate against anyone.<sup>35</sup> These include requirements of necessity, proportionality, temporality, non-discrimination, and formal notification to other States parties through the UN Secretary-General.<sup>36</sup> Derogations under Article 4 of the ICCPR are exceptional in nature and are designed to allow temporary suspension of specific obligations while preserving the core essence of protected rights.<sup>37</sup> Importantly, even under the ICCPR, certain rights are explicitly non-derogable, reflecting their fundamental character.<sup>38</sup>

The PP No. 21/2020 on PSBB provides limitations on the rights of movement and assembly while the right to education is still fulfilled but shall be performed in different methods avoiding direct interaction and assembly. Although article 4 mentions that the

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<sup>32</sup> Amrei Müller, “Limitations to and Derogations from Economic, Social and Cultural Rights,” in *Research Handbook on Economic, Social and Cultural Rights* (Edward Elgar, 2022), 215–217.

<sup>33</sup> International Covenant on Economic, Social and Cultural Rights, art 4; Committee on Economic, Social and Cultural Rights, *General Comment No. 13 on the Right to Education*, 1999, UN Doc E/C.12/1999/10, para 42.

<sup>34</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 3 on the Nature of States Parties’ Obligations*, 1990, UN Doc E/1991/23, paras 9–10; Convention on the Rights of Persons with Disabilities, arts 5, 9, 24.

<sup>35</sup> Article 4 ICCPR : “In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant *may take measures derogating* from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.”

<sup>36</sup> Human Rights Committee, *General Comment No. 29 on States of Emergency (Article 4)*, 2001, UN Doc CCPR/C/21/Rev.1/Add.11, paras 2–4, 7–8 see also B. Saul, “Derogation, Emergency and International Human Rights,” *International Journal of Human Rights* Vol. 25 (2021): 1–23.

<sup>37</sup> Human Rights Committee, *General Comment No. 29 on States of Emergency (Article 4)*, 2001, UN Doc CCPR/C/21/Rev.1/Add.11, paras 1, 11.

<sup>38</sup> International Covenant on Civil and Political Rights, art 4(2); Human Rights Committee, *General Comment No. 29 on States of Emergency (Article 4)*, 2001, UN Doc CCPR/C/21/Rev.1/Add.11, paras 13–15.

limitation includes school holiday, nevertheless it shall consider education needs. Therefore, to ensure the fulfilment of the right to education during the pandemic, the state enacted new regulations and policies as an order to be implemented by the local government for more technical issues. Such as the MEC Circular Letter<sup>39</sup> SE No. 15/2020 concerning Guidelines for the Implementation of Learning from Home in the Emergency Period of the Spread of Coronavirus Disease (Covid-19) and Joint Decree of Ministers. This was swiftly followed by a hierarchical Circular Letter (*Surat Edaran*) from Governor to city/municipal level including Education Office in all levels including guidelines to conduct education during lockdown.<sup>40</sup>

Those policies require the public to conduct online learning, including children with disabilities, however in the implementation it depends on the situation of the locality. Although there are many restrictions during a pandemic, schools are available and operated. Field findings indicate that educational activities continued through modified delivery mechanisms, including distance learning (*Pembelajaran Jarak Jauh/PJJ*), the distribution of printed learning materials to students with limited internet access, and the use of television educational programmes. Teachers also conducted home-visit learning sessions and adapted assessment methods to students' individual capacities.<sup>41</sup> These practices prove that, despite mobility restrictions and public health measures, educational services remained functionally available, albeit unevenly and with varying levels of effectiveness across regions.

### **Indonesia Obligation to Fulfill Core Rights to Education During State of Emergency**

ICESCR has set out a minimum core in the fulfilment of the right to education, further the Committee of the Rights of the Child more specifically stated that even in the case of emergency, the right to education shall not be limited. As the core standard has

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<sup>39</sup> Circular letter is used to implement the government's policy as a recommendation to be technically implemented by relevant institutions.

<sup>40</sup> for example, Banten Education Office, through SE No. 421/0318-Dindikbud/2022 gives full authority to each school in technical implementation of distance learning (PJJ) noting that each school principal is obliged to report periodically about the learning process to the Head of the Education and Culture Office (*Disdik*) of their respective regions. Through letter number 423/9614-Set.Disdik issued by the West Java Provincial Education Office, the local government swiftly issued a PJJ Guideline (for high school, vocational school, high school, special needs school/SLB) and the New Habit Adaptation Protocol (AKB) for schools in West Java Province for the 2020/2021 academic year and several regulations of the Governor of West Java related to Large-scale social restrictions policy (PSBB). The Governor of West Java also issued 2 (two) circulars, including the SE of the Governor of West Java Number 72/KS.13/HUKHAM concerning the Implementation of Restrictions on Community Activities in Handling Coronavirus Disease 2019 in West Java Province and the SE of the Governor of West Java Number 133/KS.01.01/HUKHAM concerning the Enactment of Restrictions on Community Activities of Coronavirus Disease 2019.

<sup>41</sup> Information is gathered from teachers of inclusive schools and special need schools in all levels (from playgroup to high school) through in-depth interviews, focus group discussions and seminars.

elaborated in the previous section, in this part the authors assess its implementation in Indonesia.

### **1. Core obligation under ICESCR**

During covid 19, although there was restriction including assembly for school activities, yet the learning process was not closed down. State took measures from regulation, policies into technical issues to ensure that all children including children with disabilities have access to education although in the event of a pandemic situation.

As previously elaborated, the Indonesian government established many regulations and policies from national to municipal level to ensure the implementation of national education strategy during pandemic. This aligns with the core minimum standard of the right to education: “adopt and implement a national education strategy that includes the provision of primary, secondary and higher education”.

Referring to the indicator of “availability” by the General Comment no.13, numbers of the public special need schools in Indonesia were about 26,4% while the rest are private schools.<sup>42</sup> There were 35,802 inclusion schools who accepted students with disabilities.<sup>43</sup> However, the available schools and teachers are attended only by 22% of 132,220 children with disabilities (age 5-19, or school age)<sup>44</sup> with various reason such as shame, not well informed, surrender with the condition of the child or financial matters. Even in public inclusive schools, disabled pupils need to pay more for helpers or special teachers. This shows that the state is still unable to provide free and compulsory education for all. However, the State able to provide assistance to private special needs schools by providing BOS, this financial assistance then used by the school to provide quota or sanitary needs for school during pandemic.<sup>45</sup>

To implement online learning programme, State cooperate with telecommunication providers both state enterprise and private sector to provide internet quota as well as better internet networks all over Indonesia to ensure accessibility of all students. However, it can only be exercised by those who have

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<sup>42</sup> In the 2020/2021 academic year, there were 2,250 SLBs, of which 595 (26,4%) were Public SLBs and 1,655 (73,56%) of them were Private Special Needs School (SLB). Centre of Data and Information Technology Ministry of Education and Culture, Jakarta, 2021 [https://repositori.kemdikbud.go.id/22120/1/isi\\_3E73984D-07CD-40C7-9E81-3809CBC4081F\\_.pdf](https://repositori.kemdikbud.go.id/22120/1/isi_3E73984D-07CD-40C7-9E81-3809CBC4081F_.pdf)

<sup>43</sup> Antara, “Kemenko PMK: Kini sudah 44 ribu sekolah inklusi di tahun 2023, <https://www.antaranews.com/berita/3758190/kemenko-pmk-kini-sudah-44-ribu-sekolah-inklusi-di-tahun-2023>

<sup>44</sup> Badan Pusat Statistik, “Jumlah Penduduk Berumur 5 Tahun ke Atas yang Mengalami Kesulitan Mengurus Diri Sendiri menurut Kelompok Umur, Daerah Perkotaan/Perdesaan, Jenis Kelamin, dan Sebab Kesulitan Mengurus Diri Sendiri, INDONESIA, Tahun 2022” <https://sensus.bps.go.id/topik/tabular/sp2022/153/0/0> Indonesian data provided by the ministry of Education and different number and percentages, therefore the authors only mention the general average but not accurate number.

<sup>45</sup> field research by the interview with schools and teachers in Bandung, Rangkasbitung and Raha.

facilities to do so (gadgets such as smartphones, laptops and internet access). In fact, not all schools, teachers and students with disabilities have access to online learning, especially in terms of device ownership, stable internet connection and the cost to buy internet quota. Children who come from lower income families or who live in villages or remote areas have no access or are not even familiar with the technology of smartphones, laptops and the internet. Due to geographic conditions, not all areas of Indonesia are covered by the internet, especially in remote areas. They should go to certain places only to receive internet signals. Other than that, this online method caused financial burden for parents to buy internet quota and other learning materials. Although the central government promised to provide free internet for students and teachers, schools and parents in Bandung and Rangkasbitung regency reported that they never receive quota assistance although other students and schools enjoy this government's facility.<sup>46</sup>

Accordingly, this policy can lead to a discriminatory since it can only be accessed by the middle-up economy and/or who live in the city or urban place. This situation does not comply with the core standard of the right to education where states must ensure the right to access to public educational institutions and programs in non-discriminatory manner.

Therefore, schools take policy to allocate a regular School Operational Fund (BOS) for credit/quota for students and teachers although it was not listed as budgetary allocation allowed by the Education Office. This action was taken due to no realisation by the of PP 13/2020 that instructs local government to take any measure to ensure including budgetary allocation and infrastructure to ensure education in time of emergency. In this regard, school put *the best interest of the child* as main consideration. While government stuck in normative framework stated the internet quota is the responsibility of the central government instead of local authority. This is because local government are afraid of being accused of corruption if they use budgetary allocation differently from the approved plan. Nonetheless, school has never been reported or sued for altering BOS fund to quota or other emergency action during the covid-19 pandemic as illegal act. It can be interpreted that government give tacit agreement to the act to ensure the fulfilment the right to education.

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<sup>46</sup>field research and interview with parents and school in Bandung and Rangkasbitung. SLB Muhammadiyah Bandung has a majority of students who come from poor or low-income families, but they did not receive assistance from the government. While SLB Cicendo where the students are still able to pay school fee (Rp.300.000/months), schools and students receive the assistance although the funds are not as much as received by the SLB Lebak.

Other challenge is technology literacy of teachers, students and parents.<sup>47</sup> In fact, some people are not familiar with online platform such as zoom, gmeet, WhatsApp or even youtube. Furthermore, due to special circumstances of the student with disabilities, teachers and helpers also found difficulties in providing innovative learning methods, since every child has a different case. For example, teaching three autistic students with different spectrums through online learning by zoom makes it difficult to handle the focus of the students, and students also feel easily bored with the learning methods.<sup>48</sup> Hence it is very important that parents accompany their children during online learning.<sup>49</sup> However, not all parents are able to cooperate due to busy activities. State broadcasts materials for all level primary education in cooperation with national television (TVRI). However, parents still complain about teaching methods where parents become busier to accompany children, prepare lessons or even work on the assignments for their children because schools were still giving tasks for students as the material in TVRI is not sufficient. Parents who used to give education responsibility to school (teachers) were overwhelmed and blame the methods, schools and State.

The strategy was schools give assignments on a weekly basis through WhatsApp then parents collect the task manually by visiting schools.<sup>50</sup> If this condition cannot be met, schools provide the task manually where parents shall take and collect it to school. In circumstances where parents cannot go to school, the teachers do home visits. Those alternatives are offered by SLB Rangkasbitung to ensure a learning process for the students.<sup>51</sup> This practice was not applied to all schools; it depends on school's policy and teachers' availability.

Another challenge of technical issues faced by the teachers are that they lack knowledge, skill, facilities and funds to produce and conduct the innovative learning strategies demanded by the State as the State gives the authority to schools to do so. Issues of unqualified teachers is experienced by an inclusive elementary school at Payakumbuh-West Sumatera and Central Java. Teachers are supposed to have particular skill in handling students with disabilities to avoid teachers' misunderstandings regarding the characteristics and needs of students with special

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<sup>47</sup> Minsih, M., Nandang, J. S., & Kurniawan, W. (2021). Problematika Pembelajaran Online Bagi Anak Berkebutuhan Khusus Di Sekolah Dasar Masa Pandemi Covid-19. *Jurnal Basicedu*, 5(3), 1252-1258. <https://doi.org/10.31004/basicedu.v5i3.876>.

<sup>48</sup> Minsih, *Loc. Cit.*

<sup>49</sup> *Ibid.*

<sup>50</sup> practice in SKH 1 Lebak Banten.

<sup>51</sup> field research in SLB SKH 01 Rangkasbitung.

needs.<sup>52</sup> In fact, not all special needs teachers have a background in Special Education. For example, two SLB teachers in Raha, Southeast Sulawesi have English education background but not special education. They are responsible for teaching students with deaf students with the help of their sign language skills learnt autodidactically.<sup>53</sup> The absence of a dedicated budget for providing inclusive education, limited facilities that accommodate the needs of students with special needs, , and pandemic conditions that make the learning process less effective make the schools unable to fulfil the requirements of inclusive education.<sup>54</sup> Teachers also stated that training provided by the government has not reach all areas, it mainly focus in the capital city or school close to city centre.<sup>55</sup>

Consequently, as an example for pre-school level education, parents tend to choose to move their children to private informal education who can fulfil the needs of the students such as courses, home schooling or private tutor. However, in this situation, the State gives flexibility and allows students to choose any educational system available. This is in line with the minimum standard that states shall ensure freedom of choice of education without state or third-party interference by subject to *minimum educational standards* (Article 13(3) and (4) of ICESCR. In this regard, state has taken measure to implement its obligation, but need to improve to maximum capacity to cover all elements.

## **2. Indonesian practice in core obligation under United Nations Convention on the Rights of the Child (UNCRC)**

Under CRC, States parties have an obligation to put attention on:

### **a. Legal, administrative and other steps**

Although the adjustment process carried out by Indonesia is not as fast as other countries in responding to Covid-19 cases<sup>56</sup>, but over time the government has issued regulations that are used to make adjustments to the situation that occurred at that time. Nevertheless, the central government still leaves everything to the local government as the implementing agencies and

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<sup>52</sup> Haryono, Ahmad Syaifudin, Sri Widiastuti, "Evaluasi Pendidikan Inklusif Bagi Anak Berkebutuhan Khusus (ABK) di Provinsi Jawa Tengah", *Jurnal Penelitian Pendidikan*, Vol. 32 Nomor 2 Tahun 2015, p.120-124.

<sup>53</sup> Based on an interview with one of the Private SLB Teaching Staff of Raha City.

<sup>54</sup> Irradhiatul Jannah, Hermanto, "Implementation of Inclusive Education at Elementary Schools During the Covid-19 Pandemi", *Jurnal Prima Edukasia*, 10 (2), 171-179, [https://journal.uny.ac.id/index.php/jpe/article/view/48884/pdf\\_1](https://journal.uny.ac.id/index.php/jpe/article/view/48884/pdf_1).

<sup>55</sup> Interview with the teacher of SLB Banten and SLB Muhammadiyah Bandung.

<sup>56</sup> Presentation by Academician of the Faculty of Social and Political Sciences, University of Indonesia Inaya Rakhmani in the Seminar 'Governance or Social Resilience: Learning from the Experience of Southeast Asia Facing Covid-19'.

supervision as a representative of the central government in each region as stipulated in the 1945 Constitution.

b. Resources

Presidential Instruction Number 4/2020 concerning *Refocusing* Activities, Budget Reallocation and Procurement of Goods and Services in the Context of Accelerating the Handling of Covid-19 provides budget for the education sector.<sup>57</sup> Accordingly, the MEC needs to carefully recalculate *and refocus* the budget to present special strategies and assistance to regions with limited computer technology facilities and internet networks. The Parliament also suggested the MEC to accelerate the disbursement of BOP, BOS as well as Smart Indonesia Program (PIP) funds, considering that these funds are still urgently needed, especially during the Covid-19 pandemic emergency.

Through the same regulation, the MEC received additional funds to facilitate the quota needs of students, teachers, students and lecturers. The budget is supposed to be allocated as an internet quota for 4 months from the end of September to December 2020. However, in reality, not all students and teachers throughout Indonesia receive this assistance regularly, some even only get it in the first 1 month, or even not receive it at all.

The MEC has also issued Regulation of the MEC Number 19/2020 concerning Amendments to the Regulation of the MEC Number 8/2020 concerning Technical Guidelines for Regular School Operational Assistance (BOS), which changes the provisions of the maximum limit of 50% of the BOS fund for the salary of honorary teachers and educator transportation. This was conducted to improve the welfare of educators so that they are more optimal in providing teaching as a form of compensation for teachers who provide online teaching and *home visits*.

Further, Permendikbud Number 23/2020 and Kepmendikbud Number 580 and 581/020 puts criteria for regions that receive BOS Affirmation and BOS Performance include: 1) remote or underdeveloped; 2) the condition of remote indigenous peoples; 3) borders with other countries; 4) affected by Covid-19 disasters, natural disasters, social disasters or areas that are in other emergencies. In addition, the criteria for schools that receive BOS Affirmation and Performance funds based on Permendikbud Number 24/2020 and Kepmendikbud Number 746/P/2020 are: 1) schools with a larger proportion of

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<sup>57</sup> Ministry of Education and Culture's Education Window, "Reallocation of the Ministry of Education and Culture's Budget for Pandemic Programs", December 58, 2021 Edition, accessed through the <https://jendela.kemdikbud.go.id/v2/fokus/detail/realokasi-anggaran-kemendikbud-untuk-program-hadapi-pandemi> page.

students from poor families; 2) schools that receive lower Regular BOS funds; 3) Schools that have a larger proportion of teachers who do not remain at home. Nonetheless, although funds have been disbursed by the Central Government to the regions for the implementation of the fulfilment of the right to education, in fact, the distribution of these costs is still uneven.<sup>58</sup>

Therefore, The government should expand the government subsidy scheme, expand the time frame for access to cash and financial assistance and collect comprehensive and centralized data so that the distribution of aid and support from organizations can be more targeted.

c. International cooperation

Article 28 of the UNCRC encourages developing countries to carry out international cooperation in the fulfilment of the right to education. The right is not only related to "access" but also about the educational materials that will be provided to children. The government has an obligation to ensure the quality of education that will be provided to children, including the preparation of the curriculum<sup>59</sup>. In addition, States Parties are required to actively monitor and conduct regular implementation, monitoring and review of a national curriculum, rules, to form a comprehensive national action to promote and monitor the realization of the objectives set forth in Article 29 (1) of the UNCRC.

Directorate of Public and Special Education cooperated with local and international community based organisation (CSO) such as Helen Keller International Indonesia, Mitra Netra, inclusive education unit, and YAKKUM (The Christian Foundation for Public Health) Emergency Unit to prepare learning guidelines for students with disabilities during pandemic.<sup>60</sup> The World Bank, through the Inclusive Education Initiative (IEI) Trust Fund and the Wahana Inklusif Indonesia Foundation, established a pilot program as requested by the MEC to assess students with disabilities during pandemic Covid-19.<sup>61</sup> From this program, teachers and parents know how to optimize a

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<sup>58</sup> SLB Muhammadiyah Bandung has a majority of students who come from poor families, but they did not receive assistance from the government. While SLB Cicendo that still apply school fee to the parents (Rp.300.000/months) receive the assistance although the funds are not as much as received by the SLB Lebak.

<sup>59</sup> Article 29 of the UNCRC.

<sup>60</sup> Abdul Amin and Rosita, *Op. Cit.*, p. 41.

<sup>61</sup> The program was implemented in five districts: Lebak, Cilacap, Bondowoso, Ponorogo, and Bima, from October 2021 to November 2022. Through a multidisciplinary approach involving educators, teachers, psychologists, and health workers. Teachers receive training on the student assessment and individual learning plans (IEPs) and customized Indonesian and Mathematics modules. World Bank, "How Indonesia is Including Students with Disabilities in School in Rural Indonesia", 8 February 2024, <https://www.worldbank.org/en/news/feature/2024/02/08/how-indonesia-is-including-students-with-disabilities-in-school-in-rural-indonesia?>

child's competency in the learning process.<sup>62</sup> UNICEF conducted training of inclusive education for Islamic teachers and caregivers.<sup>63</sup>

The Australian government, through the *Towards a Strong and Prosperous Indonesian Society* (MAHKOTA) program and *the Australia-Indonesia Partnership for Justice 2* (AIPJ2), supports a national survey conducted by the network of Organizations of Persons with Disabilities (OPD) with Bappenas.<sup>64</sup> The survey highlights the challenges faced by people with disabilities in all sectors. This report gives recommendations to make a more inclusive education system with better integration of support services for children with disabilities to help educators to be more aware of the needs of children with disabilities. This strategy can also allow for better adaptation to remote learning environments for children with disabilities.<sup>65</sup> Assessment report was also conducted by cooperation with UNESCO emphasizing the importance of inclusive and responsive policies to the needs of the vulnerable groups.<sup>66</sup>

In emergency situations, the Committee of the CRC emphasized a right based approach to state obligation in the fulfilment of the right to education. Further, the committee highlighted state obligation in the fulfilment of the right to education in preparedness, emergency and post emergency situations. Accordingly, Indonesia has Law No.24/2007 on disaster management which include mitigation of preparedness, emergency response and post disaster. Further, in 2019, Ministry of Education Regulation No.33/2019 established a Disaster Safe Education Programme to raise disaster preparedness and mitigation within education institutions. This regulation ensures the implementation of the right to education in emergency situations to meet the minimum standard from the preparedness (such as inserting disaster preparedness for students in the curriculum, establishment of disaster resilience building for school, capacity building for relevant stakeholders to be prepare with disaster emergency situation), emergency response as well as post disaster. The main focus of this regulation is to ensure the safety and security of students, teachers and staff, as well as the accessibility and availability of educational services in response to disasters. Further, to implement this

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<sup>62</sup> *Ibid.*

<sup>63</sup> UNICEF, "Building Back Better: towards a disability-inclusive, accessible and sustainable post-COVID-19 world | UNICEF Indonesia", 2020.

<sup>64</sup> Australian Government, Department of Foreign Affairs and Trade, One year into the pandemic: Socioeconomic impacts of COVID-19 and access to social protection for people with disabilities in Indonesia | Australian Government Department of Foreign Affairs and Trade, 2021.

<sup>65</sup> Australian Governmen - Bappenas, "Covid-19 Impacts on People with Disabilities in Indonesia: An In-Depth Look", 2021

<sup>66</sup> UNESCO, "Inequitable Impact of Covid-19 In Indonesia: Evidence and Policy Response", 2020.

regulation in the field, the government established an education cluster which consist of relevant government institutions, red cross, CSO and other relevant stakeholders in education and disaster at national, province and municipal/city level based on the Head of BNPB Decree N0.173/2015. All in all, although those regulations have not considered disasters in the form of health emergencies such as Covid 19, but regulations as well as measures taken by the Indonesian government to fulfil the right to education in emergencies are in line with the core standard promoted by the CRC.

**c. Convention on the Rights of Persons with Disabilities (CRPD)**

This convention highlighted the quality of education for people with disabilities. During an emergency, the quality of education provided is affected by the implementation of the Emergency Curriculum which prioritizes the provision of flexible education. In addition, the capacity of the teachers also plays important roles. Teachers who receive training and socialization from MEC on the skill for pandemic education learning including curriculum design and development have better quality particularly in the learning methodology. Although the MEC already provided the program,<sup>67</sup> it was not available to all beneficiaries. For example, the MEC, the Bandung City Government and the Education Office provide dissemination and *special workshops* for SLBs in the city of Bandung, one of which is SLB Cicendo.

While SLB Rangkasbitung never receives this from its local government. This shows that although the policy from the state is to comply with international obligations, the implementation depends on the capacity and ability of the implementing agencies. Means, the state shall ensure that all stakeholders are involved indiscriminately. There should be a strategy to ensure that all beneficiaries are well informed and trained about the tools to conduct learning methods. On the other hand, schools as the implementing agencies should be proactive to play their role in providing the right to education for all pupils to the maximum extent possible.

A good example from SLB Cicendo Bandung can be taken into consideration as a success story of schools in coping with emergency situations such as pandemic.<sup>68</sup> During the pandemic, the school has prepared a special team who work proactive to accompany and oversee the “study from home” BDR<sup>69</sup> process so that it is carried out properly, including creating programs:

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<sup>67</sup> SLB Cicendo Bandung.

<sup>68</sup> field research to SLB Cicendo Bandung.

<sup>69</sup> the terminology of PJJ (Pembelajaran Jarak Jauh / Distance Learning) was then change into “belajar dari rumah/BDR” to avoid misinterpretation with the established terminology of PJJ which applies to distance learning method that usually in university level.

1. Socialization of BDR implementation guidelines that have been designed by the Ministry of Education and Culture and adapting them for use in schools
2. Determine the curriculum used during BDR by modifying the curriculum, curriculum structure and curriculum content
3. Designing learning tools that are tailored to the BDR implementation guidelines
4. Evaluate and monitor the implementation of BDR through reports collected by each teacher on the school's *google drive* address
5. Providing credit assistance since quota assistance from the Ministry of Education and Culture is not divided evenly and regularly.<sup>70</sup>

The implementation of those programmes such as teachers' training in the use of technology such as in using applications such as *google meet*, *google form*, provide direct assistance in the use of *zoom meetings*, so that teachers can understand their use well. The school also prepares a technical instruction for learning at the school and at home which is then socialized to parents and children through the *zoom meeting platform*.

### **Inclusive Justice on the Right to Education for Children with Disabilities in Terms of Emergency**

Inclusive justice is a principle that actively ensures the participation, protection, and recognition of all individuals, especially marginalized groups, in the legal and social order. It refers to a normative and institutional framework that ensures all individuals – especially those historically marginalized or excluded – have equitable access to legal protections, decision-making processes, and the full enjoyment of their rights.<sup>71</sup> Alston emphasizes that justice must go beyond formal equality to address systemic exclusion and structural disadvantage. Further, he explains that *inclusive justice* is where social and economic rights are central, and marginalized voices – such as the poor, Indigenous peoples, and persons with disabilities – are not just protected but empowered. “*Justice must be responsive to the lived experiences of the excluded. Inclusion is not a favor, but a right.*”<sup>72</sup> This concept emphasizes the dismantling of structural barriers, meaningful participation, and outcomes reflecting substantive equality and social inclusion. To achieve this, OHCHR promotes a rights-based approach that includes the principles of participation, accountability, non-discrimination, and inclusion as stated:

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<sup>70</sup> However, in the end, the provision of assistance had to be stopped also due to cost limitations

<sup>71</sup> Alston, P. (2019). *Report of the Special Rapporteur on extreme poverty and human rights (A/74/48037)*. United Nations. <https://undocs.org/A/74/48037>, Sen, A. (2009). *The idea of justice*. Harvard University Press., Office of the United Nations High Commissioner for Human Rights. (2020). *Guidelines on access to justice for persons with disabilities*. <https://www.ohchr.org/en/documents/tools-and-resources/guidelines-access-justice-persons-disabilities>.

<sup>72</sup> Philip Alston, UN Reports on Human Rights and Extreme Poverty (2019).

*“Inclusive justice requires legal and institutional systems to ensure effective access, equality of outcome, and the dismantling of exclusionary practices.”<sup>73</sup>*

Looking at existing relevant regulations in responding to emergencies such as disasters and pandemics, all elements required by the core standard of the right to education are fulfilled, including assurance of people participation in the decision-making process as well as in the implementation (represented in the assessment process and cluster elements). However, in the implementation, there are challenges to achieving all the indicators stated by the relevant international agreements such as geographical factors, economic (budget) factors, interest and priority factors of local government officials.

Based on the factual circumstances as elaborated on the previous sections, the most crucial issues regarding the right of education for children with disabilities either in normal and emergencies is the availability of schools and teachers. It includes the quantity and quality of schools and teachers which is inadequate for numbers of pupils. In addition, research and evaluation reports highlighted the insufficient quality or competency of the teachers for pupils with disabilities moreover during emergency situations. Laws oblige States to provide capacity building facilities (this include availability and accessibility) for relevant stakeholders in the education sector including teachers, management and parents to improve the quality and preparedness in responding to emergencies such as disaster. It should be given regularly, periodically, professionally and planned to the needs of teaching staff in the field including updating learning methods and curriculum. It can be through seminars, workshops or training to adapt to emergencies, such as online teaching methods and strategy, how to operate the technology used for BDR, innovative learning, etc. Parents must also be trained as teaching assistants at home at least by school to ensure the learning objectives are achieved.

Another challenge is limited budget from the local government to fulfil these needs because the priority issues of each local government are varied, moreover during pandemic, health issues are the most priority. Although the State provides a contingency plan including in budgeting and distributed to local governments, the implementation may vary. For example, although the West Java Province government is very active to ensure the right to education of the children with disabilities, in lower levels such as cities and municipalities the policies are different. In the case of Banten province, they are only able to provide minimal efforts due to limited human and financial resources. Policies in a region taken by regional leaders will also have a great influence, because

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<sup>73</sup> OHCHR, *Guiding Principles on Access to Justice for Persons with Disabilities*, (2020).

the budget flowing from the central government to the local government has been divided evenly and quite according to the needs of each region.

Those challenges not only occurred in responding COVID-19 because those issues have been met in disaster management which was regulated and managed far before the pandemic. Although Indonesia has Law No.24/2007 on Disaster Management and its derivatives include protection for people with disabilities and disaster risk reduction (DRR) curriculum, there are areas that should be improved. Children with special needs are among the most vulnerable in disasters due to limited access to disaster risk reduction (DRR) knowledge, inadequate support, and mobility challenges.<sup>74</sup> They are often excluded from DRR activities and lack opportunities to build practical skills.<sup>75</sup> Inclusive schools play a critical role in providing both protection and early DRR education. However, the specific vulnerabilities of these children in disaster contexts remain insufficiently addressed and understood. The previous research conducted by UNICEF and MEC found that children with disabilities were largely absent from DRR education research and programmes.<sup>76</sup> Further, as a result, none of the DRR education programmes is accessible for children with disabilities.<sup>77</sup>

This proves that participation of the affected children or teachers and special needs school is crucial and shall not be neglected. Therefore, the Committee on the Rights of Persons with Disabilities highlighted the lack of a disability-inclusive DRR framework and urged the Indonesian government to work with the organisation of People with Disabilities (OPD) to develop inclusive prevention, response, and support measures.<sup>78</sup> UNICEF proposed to conduct an inclusive education sector analysis to assess how the system addresses the needs of children with disabilities, identifying gaps in access, quality, and demand, and informing coordinated reforms across all education levels and government tiers.<sup>79</sup> In addition, the state is urged to develop disability inclusive and accessible emergency preparedness programmes including in inclusive education schools, special schools and targeting out of school children with disabilities.<sup>80</sup>

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<sup>74</sup> Boon, H.J., Brown, L.H., Tsey, K., Speare, R., Pagliano, P., Usher, K. et al., 2011, 'School disaster planning for children with disabilities a critical review of the literature', *International Journal of Special Education* 26(3), 223-237., Ronoh, S., Gaillard, J.C. & Marlowe, J., 2017, 'Children with disabilities in disability-inclusive disaster risk reduction: Focussing on school settings', *Policy Futures in Education* 15(3), 380-388, That, K., Gaillard, J.C., Elizabeth, C., Akgungor, C. & Thanh, H., 2019, 'Expanding the capabilities of people with disabilities in disaster risk reduction', *International Journal of Disaster Risk Reduction* 34, 11-17.

<sup>75</sup> Quail, J., Barker, R.N. & West, C., 2019, 'Experiences of people with physical disabilities before, during, and after tropical cyclones in Queensland', *International Journal of Disaster Risk Reduction* 39, 101-122.

<sup>76</sup> UNICEF, *Landscape Analysis on Children with Disabilities in Indonesia*, p.151.

<sup>77</sup> Sheehy, K., Vackova, P., van Manen, S., et al, (2022) 'Inclusive disaster risk reduction education for Indonesian Children,' *International Journal of Inclusive Education*. <https://www.tandfonline.com/doi/full/10.1080/13603116.2022.2115156>.

<sup>78</sup> UNICEF, *Loc. Cit.*

<sup>79</sup> *Ibid*, p.10.

<sup>80</sup> *Ibid*, p.11.

To respond, MEC and relevant stakeholders establish temporary learning spaces and materials for educators to ensure stability and continuity of education for children with disabilities.<sup>81</sup> Additionally, training sessions for educators to provide psychosocial support, address gender-based violence, improve child protection services and increase capacity in emergencies to address current trauma – building resiliency for future events.

From the elaboration above, government overlooks that not everyone or family has a gadget (either smartphone or laptop) that can be used for the BDR and not all areas of Indonesia have good access to internet although for people in big cities and medium-high social class this tool is commonly used and commercial advertisement campaigning that internet is easily accessible in every place including villages and remote areas of Indonesia. During the pandemic and disaster or other emergencies, the facilities and infrastructures could not be accessible to all Indonesians. Not to mention the economic situation of the families, where many employers are forced to lay off their employees, or adults cannot go to work due to emergency situations such as disaster causing an economic crisis for many families.

A policy that is lack of consideration of factual circumstances and tends to be followed only by the middle-high level who live in big cities, can be considered as discriminative. Hence the government and the school, should consider all possible circumstances to ensure all people have their rights to education without discrimination. For example, give assignments to students according to their portions, feasibility, availability of the facilities and not burdensome, because not all students come from families who can afford it. Through digital platforms, Indonesia can conduct comparative studies and hold focus group discussions with other developing countries or developed countries that have succeeded in fulfilling the right to education of persons with disabilities during emergencies.

Research shows that initiatives from schools in cooperation with parents to prepare children for emergency response is a key no matter what challenges they face, including unavailability of budget from the government. This experience by inclusive schools in Bantul-Central Java<sup>82</sup> and SLB Cicendo-Bandung, West Java. In Bantul, the school initiated the implementation of inclusive DRR (which emphasises the mitigation on how to save life when disaster comes) involving teachers to identify children with special needs individually, followed by planning corresponding learning.<sup>83</sup> Nonetheless, different levels of teachers' understanding of the socialisation material and capacity as

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<sup>81</sup> Plan International, 1st year Tsunami Relief Programme, 2007.

<sup>82</sup> Nurul Rofiah., et al. "Key Elements Of Disaster Mitigation Education In Inclusive School Setting In The Indonesian Context", *Jambá: Journal of Disaster Risk Studies* vol.13 n.1 Cape Town 2021.

<sup>83</sup> *Ibid.*

well as expertise in integrating DRR into the curriculum makes students confused to understand.

The ideal to achieve inclusive justice such as participation of all elements in every step from preparedness to reconstruction are written in many regulations and policies. However, it is found the issue is in the implementation either from the local government particularly in strict budgeting allocation due to threat of corruption act and limited reach out ability to all beneficiaries, and the community itself as the beneficiary that lack of knowledge and confidence or even trust to reach the state (in this regard, local government). The multi-interpretation or lack of understanding in anti -corruption law as one of the causes of strict and rigid budgeting allocation need to be taken into consideration. While schools as the direct implementor have wisely taking policy in budgeting allocation, State shall provide legal protection for flexible budgeting allocation based on real needs and expenses as mitigation for contingency action with legal safeguards. This shall also apply for any parties including private sectors such as foundations, corporations, non-governmental organizations and community services organisations that has been able to bridge the needs of the people and assisting state to conduct its obligations. In addition, there shall be sanction as forms of responsibility to any local government who suspend the realisation of the right to education in time of crises, as this right shall continuously realise.

## CONCLUSION

The covid-19 resulted in rapid changing of education policies and regulations. As the state party to ICESCR, CRC and CRPD, Indonesia has obligation to ensure the fulfilment of the right to education for children with disabilities including in emergencies. Based on the existing regulations, Indonesia has met all indicators of minimum standards on the right to education. However, in the implementation, the government needs to pursue and further improve its measure to ensure the equitable distribution of educational facilities and services throughout Indonesia, improving the supervisory function in implementing government obligations properly. The most crucial part is the performance of local government in implementing PP 13/2010 in light of budgeting allocation. Taking examples of schools' policies that bravely altering BOS fund for pandemic needs due to unavailability budget from the government, State shall provide legal protection for flexible budgeting allocation based on real needs and expenses as mitigation for contingency action with legal safeguards. In addition, sanction towards local government who does not implement PP 13/2020 can be taken into consideration as state of crisis shall not suspend the realisation of the right to education. Therefore, Indonesia proves its compliance with its obligations under

international law by taking all necessary measures to its maximum capacity to ensure the fulfilment of the right to education for children with disabilities in time of crisis.

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### **REFERENCES**

#### **Books**

- High Commissioner for Human Rights. *Guidelines on access to justice for persons with disabilities*, New York and Geneva: United Nations, 2020. <https://www.ohchr.org/en/documents/tools-and-resources/guidelines-access-justice-persons-disabilities>
- Sen, A., *The idea of justice*. Harvard University Press., Office of the United Nations, 2009.
- BNPB, *Pedoman Penetapan Status Darurat Bencana*, Badan Nasional Penanggulangan Bencana, 2016.
- Officer of the United High Commissioner for Human Rights, Economic, Social and Cultural Rights, *Handbook for National Human Rights Institutions*, New York and Geneva: United Nations, 2005.
- OHCHR, *Guiding Principles on Access to Justice for Persons with Disabilities*, New York and Geneva: United Nations, 2020.
- UNESCO, "Inequitable Impact of Covid-19 in Indonesia: Evidence and Policy Response", New York and Geneva: United Nations, 2020.
- UNICEF, "Building Back Better: towards a disability-inclusive, accessible and sustainable post-COVID-19 world | UNICEF Indonesia" New York and Geneva: United Nations, 2020.
- UNICEF, *Landscape Analysis on Children with Disabilities in Indonesia*, New York and Geneva: United Nations, 2020.

#### **Journals**

- Boon, H.J., Brown, L.H., Tsey, K., Speare, R., Pagliano, P., Usher, K. et al., 'School disaster planning for children with disabilities a critical review of the literature', *International Journal of Special Education*. 26 no. 3, (2011). 223-237. [https://www.researchgate.net/publication/253329443\\_School\\_disaster\\_planning\\_for\\_children\\_with\\_disabilities\\_a\\_critical\\_review\\_of\\_the\\_literature](https://www.researchgate.net/publication/253329443_School_disaster_planning_for_children_with_disabilities_a_critical_review_of_the_literature)
- Dugard, J. & D. Porter, "Emergency Measures and ESC Rights after COVID-19," *Human Rights Quarterly*. Vol. 44, (2022): 704-707.

- Haryono, Ahmad Syaifudin, Sri Widiastuti, "Evaluasi Pendidikan Inklusif Bagi Anak Berkebutuhan Khusus (Abk) di Provinsi Jawa Tengah", *Jurnal Penelitian Pendidikan*. Vol. 32, no. 2, (2015), p.120-124. DOI: 10.15294/jpp.v32i2.5057
- Irradhiatul Jannah, Hermanto, "Implementation of Inclusive Education at Elementary Schools During the Covid-19 Pandemi", *Jurnal Prima Edukasia*. 10, no. 2, (2022). 171-179, DOI: 10.21831/jpe.v10i2.48884. [https://journal.uny.ac.id/index.php/jpe/article/view/48884/pdf\\_1](https://journal.uny.ac.id/index.php/jpe/article/view/48884/pdf_1)
- Minsih, M., Nandang, J. S., & Kurniawan, W. Problematika Pembelajaran Online Bagi Anak Berkebutuhan Khusus di Sekolah Dasar Masa Pandemi Covid-19. *Jurnal Basicedu*, 5, no. 3, (2021). 1252-1258. <https://doi.org/10.31004/basicedu.v5i3.876>
- Mueller, A. 'Limitations to and Derogations from Economic, Social and Cultural Rights', *Human Rights Law Review*. vol. 9, (2009). pp. 557-601 DOI: 10.1093/hrlr/ngp027
- Pieterse, M. "Justiciable Socio-Economic Rights as Adaptive Law for Urban Resilience," *Human Rights Law Review*. Vol. 25 (2025), 6-7, DOI: 10.1093/hrlr/ngaf019
- Rofiah, Nurul., et al. "Key Elements Of Disaster Mitigation Education In Inclusive School Setting In The Indonesian Context", *Jàmá: Journal of Disaster Risk Studies*. vol.13 no. 1 (2021). Cape Town 2021 DOI: 10.4102/jamba.v13i1.1159
- Ronoh, S., Gaillard, J.C. & Marlowe, J., 'Children with disabilities in disability-inclusive disaster risk reduction: Focussing on school settings', *Policy Futures in Education*. vol. 15, no. 3, (2017). 380-388, DOI: 10.1177/147821031769450
- That, K., Gaillard, J.C., Elizabeth, C., Akgungor, C. & Thanh, H., 'Expanding the capabilities of people with disabilities in disaster risk reduction', *International Journal of Disaster Risk Reduction*. 34, (2019), 11-17 DOI: 10.1016/j.ijdr.2018.11.002
- Quaill, J., Barker, R.N. & West, C., 'Experiences of people with physical disabilities before, during, and after tropical cyclones in Queensland', *International Journal of Disaster Risk Reduction*. 39, (2019), 101-122 DOI: 10.1016/j.ijdr.2019.101122
- Sheehy, K., Vackova, P., van Manen, S., et al, 'Inclusive disaster risk reduction education for Indonesian Children,' *International Journal of Inclusive Education*. (2022), <https://www.tandfonline.com/doi/full/10.1080/13603116.2022.2115156>

### **Legal Instruments**

Undang-undang Nomor 24 Tahun 2007 tentang Penanggulangan Bencana

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Convention on the Rights of the Child (CRC)

Universal Declaration of Human Rights (UDHR)

United Nations Convention on the Rights of the Child (UNCRC)  
Convention on the Rights of Persons with Disabilities (CRPD) UNCRPD  
Circular Letter (SE) of the Minister of Education and Culture No.4/2020 concerning the  
Implementation of Education Policies in the Emergency Period of the Spread of  
Coronavirus Disease (COVID-19)  
Minister of Education and Culture Decree Number 719/P/2020 concerning Pedo,am  
Curriculum Implementation in Education Units in Special Conditions  
letter number 423/9614-Set.Disdik issued by the West Java Provincial Education Office  
SE No. 421/0318-Dindikbud/2022  
SE of the Governor of West Java Number 72/KS.13/HUKHAM concerning the  
Implementation of Restrictions on Community Activities in Handling Coronavirus  
Disease 2019 in West Java Province and the SE of the Governor of West Java  
Number 133/KS.01.01/HUKHAM concerning the Enactment of Restrictions on  
Community Activities of Coronavirus Disease 2019

#### **Other Sources**

- Alston, P. *Report of the Special Rapporteur on extreme poverty and human rights*. (2019).  
(A/74/48037). United Nations. <https://undocs.org/A/74/48037>
- Alston, Philip, *UN Reports on Human Rights and Extreme Poverty*. (2019).
- Antara, "Kemenko PMK: Kini sudah 44 ribu sekolah inklusi di tahun 2023,  
<https://www.antaraneews.com/berita/3758190/kemenko-pmk-kini-sudah-44-ribu-sekolah-inklusi-di-tahun-2023>
- Australian Governmen - Bappenas. "Covid-19 Impacts on People With Disabilities in  
Indonesia: An In-Depth Look" (2021).
- Australian Government, Department of Foreign Affairs and Trade, *One year into the  
pandemic: Socioeconomic impacts of COVID-19 and access to social protection for  
people with disabilities in Indonesia | Australian Government Department of  
Foreign Affairs and Trade*. (2021).
- Badan Pusat Statistik. "Jumlah Penduduk Berumur 5 Tahun ke Atas yang Mengalami  
Kesulitan Mengurus Diri Sendiri menurut Kelompok Umur, Daerah  
Perkotaan/Perdesaan, Jenis Kelamin, dan Sebab Kesulitan Mengurus Diri Sendiri,  
INDONESIA, Tahun 2022". (2022). [https://sensus.bps.go.id/topik/tabular/  
sp2022/153/0/0](https://sensus.bps.go.id/topik/tabular/sp2022/153/0/0)
- Centre of Data and Information Technology Ministry of Education and Culture, Jakarta,  
(2021) [https://repositori.kemdikbud.go.id/22120/1/isi\\_3E73984D-07CD-40C7-  
9E81-3809CBC4081F\\_.pdf](https://repositori.kemdikbud.go.id/22120/1/isi_3E73984D-07CD-40C7-9E81-3809CBC4081F_.pdf)

- Committee on the Rights of the Child. "Report of the Committee on the Rights of the Child on its General Discussion on the Right of the Child to Education in Emergencies Situation", (2008). [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRC\\_Report\\_Right\\_of\\_the\\_Child\\_to\\_Education\\_in\\_Emergencies\\_2008.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRC_Report_Right_of_the_Child_to_Education_in_Emergencies_2008.pdf)
- Dina Afrianty, Slamet Thohari, Unita Werdi Rahajeng, Tommy H. Firmanda, Mahalli and Bima Pusaka Samedhi. "Decent Accommodation for Students with Disabilities during the Pandemic: The Teaching Experience of Teachers Learning from Home", Australia-Indonesia Disability Research and Advocacy Network La Trobe University and the Center for Disability Services Studies of Universitas Brawijaya. (2020). <https://www.ksi-indonesia.org/assets/uploads/original/2020/08/ksi-1596761756.pdf>
- Inaya Rakhmani. in the Seminar 'Governance or Social Resilience: Learning from the Experience of Southeast Asia Facing Covid-19', Faculty of Social and Political Sciences, University of Indonesia. (2023).
- Ministry of Education and Culture. "*Ministry of Education and Culture Policy during the Pandemic*", accessed through the <https://gtk.kemdikbud.go.id/read-news/kebijakan-kemendikbud-di-masa-pandemi>. (2020).
- Ministry of Education and Culture. "Ministry of Education and Culture Issues Emergency Curriculum for Education Units in Special Conditions" August 12, (2020).
- Ministry of Education and Culture's Education Window, "Reallocation of the Ministry of Education and Culture's Budget for Pandemic Programs", December 58, (2021). Edition, accessed through the <https://jendela.kemdikbud.go.id/v2/fokus/detail/realokasi-anggaran-kemendikbud-untuk-program-hadapi-pandemi> page
- Plan International, 1st year Tsunami Relief Programme, Bangkok-Jakarta, (2007).
- The Covid-19 Handling Task Force, "Distribution Map", (2022), was accessed via the <https://covid19.go.id/peta-sebaran> page in March 2022
- UNOHCHR, General Comment No. 13: The right to education (article 13) (1999), <https://www.ohchr.org/en/resources/educators/human-rights-education-training/d-general-comment-no-13-right-education-article-13-1999>
- World Bank, "How Indonesia is Including Students with Disabilities in School in Rural Indonesia", 8 February (2024), <https://www.worldbank.org/en/news/feature/2024/02/08/how-indonesia-is-including-students-with-disabilities-in-school-in-rural-indonesia?>