Implications of Inclusive Education Policy in Guaranteeing the Rights of Children with Special Needs

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ABSTRACT

The goal of this research is to look into the effects of inclusive education policy in Indonesia in order to protect the rights of children with special needs. A systematic literature review was conducted to synthesize the kinds of literature pertaining to inclusive education policy on children with special needs. The kinds of literature were attained from several article search engines, namely Google Scholar and ScienceDirect, published from 2011 to 2023. The data collected includes the rules and regulations, policies, guidelines, and instructions linked with inclusive education. The study’s findings reveal that inclusive education policies substantially impact the issue of ensuring that children with special needs are given their rights. Specialized educational services will be provided to children with special needs, and efforts will be made to strengthen the overall inclusive education system and make education more accessible to all children. Improving the quality of human resources, guaranteeing that all students have equal access to special education services, and raising public awareness about the significance of inclusive education are all crucial if we want to see an increase in the effectiveness of inclusive education policies. Therefore, it is desired that all children, including those with special needs, would have equal and adequate educational opportunities.

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1. INTRODUCTION

Education is expected to enhance the calibre and extent of a more prosperous community existence. The constitution outlines a primary objective in the realm of education, which is to provide universal education to all citizens of the nation, without any exceptions (education for all) (Slavin, 1996). Despite almost fifty years of development since the era of independence, it has become evident that education cannot be effectively implemented in accordance with the constitutional mandate. These phenomena are evident through the presence of diverse interest biases, disparities, and discriminatory practises (Pratiwi & Wahyudi, 2019).

Education is essential to a nation’s progress. Since it has the potential to help people move from poverty to affluence, education should be one of a developed country’s top goals. However, the Indonesian educational system is constantly confronted with obstacles that can only be overcome via the joint efforts of parents, teachers, school administrators, community members, and students (Nur et
al., 2016). To prepare their children to be effective future leaders in the classroom, parents play a critical role in the input phase by establishing a set of positive values, including leadership concepts. During the implementation phase, parents work with teachers and school administrators to embed these values into the institution's ethos. At the end of the process, known as "output," students put their knowledge to use in real-world situations. The alumni of a school with a robust organizational culture that instills moral concepts in its students are likely to fill key positions in the government. (Megawati, 2012) details their findings.

Law Number 20 of 2003, which regulates Indonesia's National Education System, mandates that the country's educational institutions operate in a democratic and equitable fashion, free from discrimination, while also safeguarding individuals' rights, Indonesia's religious and cultural heritage, and the country's commitment to pluralism. The government guarantees that students with special needs have access to a high-quality education in accordance with Article 5(a)(2) of Law Number 20 of 2003, which established the National Education System. This proves that children with special needs have the right to the same high-quality of educational support as any other student. Services that are suited to the specific problems and difficulties faced by kids with special needs are considered to be of higher quality (Hakim, 2016).

Free education, scholarships, and the supply of assistive devices and equipment have been the primary focus of policy attempts to increase the participation of children with disabilities (Singal et al., 2009). The idea that social and material advantages are unfairly distributed to a small group of people and that economic change is required to address this problem has been a major influence. Many of India's social programmes use this strategy (Kohli, 2007). Since people with disabilities are disproportionately represented among the poor in many regions of the world, especially the developing world (Department for International Development, 2008), it is essential to prioritise efforts to correct economic inequality. According to research done in rural Madhya Pradesh (Singal et al., 2009), living with a disability places significant financial and emotional strains on the entire family. It has been hypothesised that education can break this cycle by increasing individual earnings, boosting labour productivity, and boosting national income (Walton 2012; Myers, Pinnock, and Suresh 2016).

Disabled people are still not given the respect they deserve from the government and the general public. Their existence is comparable to that of those who are crippled and hence deemed useless and unable of leading a regular life (Jannah et al., 2021). As a result of the general public and policymakers' inability to grasp the nature of disability and the status of people with disabilities as citizens, people with disabilities are denied equal rights and opportunities. Disabled people are seen as sick, helpless people who don't need an education or a job to survive but who do need pity and care.

One solution to the problem of providing enough schooling for those with exceptionalities is inclusive education. The purpose of inclusive education is to ensure that all students, including those with special needs, have access to and participate in the educational process on an equal footing (Sutarya, 2019). This idea relates to initiatives to broaden children with special needs' access to and engagement with education on multiple levels, including the physical, mental, and emotional. The strategy's overarching goal is to foster an atmosphere conducive to learning that is sensitive to, accommodating of, and celebratory of variety (Basri, 2010).

According to Article 1 of Permendiknas Number 70 of 2009 (Saputra, 2009), students with disabilities and those who show promise in terms of intelligence and/or special talents are afforded the same educational opportunities as their typically developing peers through the provision of "inclusive education." The goal of this legislation is to provide equal educational opportunities for kids with disabilities who have intellectual or creative promise. Inclusive education aims to "provide the widest opportunity for all students who have physical, emotional, mental, and social disabilities or have the potential for intelligence and/or special talents to obtain quality education in accordance with their needs and abilities and realise the implementation of education that respects diversity and is nondiscriminatory for all students," as stated in Article 2 of the Convention on the Rights of Persons with Disabilities.
Striking a balance between the government’s efforts to promote inclusive education and the participation of all stakeholders is crucial. To ensure the smooth implementation of policies, adhering to the provisions mentioned in the produced policies (Jauhari, 2017). This inclusive education is structured to cater to the requirements of children with special needs (ABK) as a whole and emphasise the constraints that these children face. It is very difficult for students with mental limitations to combine learning in one class with normal students, like in inclusive education since their reasoning and logical abilities are significantly different from those of normal students or students (Praptiningrum, 2010). This makes it very difficult for students who have mental limitations to participate in inclusive education. Due to the situations they are now going through, it is impossible for them to participate in inclusive education or attend schools. In the meantime, students who have limitations such as being deaf, mute, mentally retarded, quadriplegic, mentally retarded, and other disabilities can be included in inclusive education because, despite their limitations, but overall they are normal like other students in terms of reasoning and logic (Darma & Rusyidi, 2015). Students who have limitations such as these can be educated alongside students who do not have these limitations.

Results from numerous studies conducted in various parts of the country have been compiled. Studies have included an examination of relevant policies (Singal 2006, 2016a), an examination of secondary data (Singal et al. 2017), and primary data collecting at the neighbourhood, classroom, and individual student levels (Singal and Muthukrishna 2014, 2016b). These studies have focused on different aspects of inclusive education in various states. Due to the significance of inclusive education, the appropriate local government in each region should establish regional rules pertaining to the implementation of inclusive education as a policy, with specific references to central government regulations. Therefore, this study’s overarching objective is to investigate how Indonesia’s inclusive education policies have contributed to protecting the rights of disabled students there. By gathering data from many sources, the authors of this study hope to assess the efficacy of inclusive education policy. Challenges and possible solutions to inclusive education in Indonesia will be identified in this study with the hope of better realising the rights of children with special needs in a more equal educational setting.

2. METHODS

This study used a systematic literature review (SLR) to discover, evaluate, analyse, and synthesise pertinent information from existing literature. The aim was to address research topics and provide a comprehensive summary of current knowledge in relation to these questions. The references cited are from Kurniati et al. (2022) and Snyder (2019). The study utilised library research to examine literature from academic journals and databases. The study was conducted following the PRISMA guidelines (Page et al., 2021; Siddaway et al., 2019), which involved many stages: (1) identification (searching), (2) screening, (3) eligibility, and (4) synthesis and outcomes.

The researcher sought literature from online databases and article search engines, including Google Scholar and ScienceDirect. The material was published between 2011 and 2023. Words were written in by the researcher is “inclusive education” and “children with special needs”. Articles, proceedings, and books that addressed the research questions were considered. Articles, books, and proceedings that required either a university subscription or a charge to access were disqualified. At this point, 546 items were uncovered by the researcher. Then, 227 pieces were discarded because their initial release dates were before 2011.

In order to assess which publications were included and which were not, the researcher studied both the titles and abstracts. This is where the researcher would compile a collection of publications about inclusive education and students with special needs to use later on in the research process. After that, 225 articles were thrown out because they had nothing to do with the research. The researcher found 94 papers after the final screening. In the eligibility phase, the researcher manually assessed the remaining papers to determine which ones were appropriate for inclusion. After reviewing the title,
abstract and the content of the articles, there were 20 in this step. However, 74 publications were omitted because they were irrelevant to the study's objectives and did not provide access to the complete text.

There were a total of 20 articles in this particular stage. The researcher categorized the publications according to the variables of inclusive education, policy, and students with special needs. During this step, the researcher thoroughly examined 20 papers that were pertinent to the research topics and satisfied the inclusion criteria.

3. FINDINGS AND DISCUSSION

3.1 Inclusive Education Policy

According to Sue Stubb (2018), "Education for All" and "School improvement" are closer to the essential ideals of inclusive education. Inclusive education, it is suggested, is a movement from worrying about a single group to aiming to remove barriers to education and success. Ainscow (2011) cites a more recent definition of inclusive education from Ofsted, which argues that a school is inclusive if it places a premium on the learning, growth, and safety of all its students. He went on to suggest that pupils from all walks of life would benefit most from attending an inclusive school.

Dunn (2015) contends that political action comprises a series of activities, one of which is the examination of policies. The political process is dissected and presented as a sequence of interconnected arrows, commencing with (a) agenda setting and culminating in (e) policy review. Government policies as a commitment to realize the implementation of inclusive education in Indonesia, can be marked by the issuance of the following laws:

a. Law Number 4 of 1997, article 5 concerning disabled children
b. Law Number 23 of 2002, articles 48 and 49 concerning child protection
c. Law Number 20 of 2003 article 5, paragraphs 1 to 4 concerning the National education system.
e. Permendiknas No. 70 of 2009 concerning Inclusive Education
f. Government Regulation Number 17 of 2010 articles 127 to 142, concerning the management and implementation of education.

The government has made efforts to put the decided-upon measures into effect. From the data gathered, it seems that the implementation that has been carried out indicates a progressive quantity, but the question is, is it true that the implementation has been successful? Solichin Abdul Wahab (2021) quotes Pressman and Wildavsky as saying that the process of implementing policies requires meticulous attention. Assuming that the process will run smoothly on its own would be a mistake.

Public policy, according to Hogwood and Gunn (2014), is not without its own inherent risk of failure. There are two main causes of ineffective policy implementation: inaction and poorly executed plans. The government's actions in putting its plans into effect are neither of these things, nor are they universally hailed as a complete success.

To assess the effectiveness of the implementation, it is crucial to analyze the execution of the policy based on the definition of inclusive education and the underlying content of the policies. One definition of inclusive education is an educational system that allows students with disabilities and exceptional abilities to receive education in the same environment as their peers without disabilities. The question posed by letter (b) is whether the intended objective of the policy, which is to establish an inclusive and hospitable learning environment for all students, has been achieved. However, it might be argued that the strategy has the potential to generate immediate transformation, thereby challenging the aforementioned claim. Irrespective of the criticism, the primary objective of study should be to ascertain the efficacy of inclusive education. It is crucial to promptly address the different challenges that arise in inclusive education in Indonesia by implementing targeted policies that do not impede the
execution of inclusive education policies (Astawa, 2021). Sunardi (2019) identifies a number of challenges that require attention through targeted measures, namely:

a) The method for admitting new students, especially at the secondary and university education levels, uses national exam scores as admission criteria. Admission of students is contingent upon meeting the minimum requirements set by each school based on their national exam scores.

b) The assessment of schools’ quality is mostly based on their ability to maximise students’ diverse abilities in a comprehensive manner, rather than solely relying on national exam results.

c) The rise of ‘new exclusivism’ symptoms, such as refusing children with special needs due to a lack of specialised staff or erasing a student’s record because of a disability, is demonstrated by the application of the inclusive school label and the PP. no. 19 of 2005 regarding National Education Standards, specifically Article 41 paragraph 1 which mandates the presence of special education personnel in inclusive schools. This requirement is being used as a justification for denying entry to children with disabilities at the mentioned school.

d) The existing general education curriculum fails to cater to children with diverse capacities, including disabilities.

e) The user describes a superficial notion of inclusive education as the act of placing disabled students in conventional classrooms without making any effort to address their specific needs. This syndrome can lead to the social exclusion of children as they experience feelings of exclusion, isolation, rejection, discomfort, sadness, or anger, among other emotions. Inclusion is achieved when the classroom or school atmosphere cultivates emotions of joy, acceptance, warmth, compassion, affection, gratitude, and communal learning.

f) There are now terms like “favourite schools,” “pilot schools,” “accelerated classes,” “religion-based schools,” “international standard schools,” and “superior schools” that were made up by the government and society. These terms tend to create an exclusive attitude. This rule may make inclusive schools less good because accepting ABK is the same as accepting kids with special needs. Based on (Sukadari, 2020).

g) The government’s implementation of inclusive education is missing in terms of socialisation, resource preparation, and learning technique trials. This gives the perception that it is only an experimental programme (Alfikri et al., 2022).

3.2 The Right of Children with Special Needs to get proper education

There are a variety of legal mechanisms (both international and national) that fully protect the equal rights of children to receive an education. The purpose of education is to reinforce human rights. Despite the fact that the goals and objectives shift depending on the national cultural, political, religious, and historical context, they remain consistent overall. The Universal Declaration of Human Rights (UDHR), Article 26 Paragraph 1 states, “Everyone has the right to education.” At the very least, primary and secondary school should not cost students anything. Education at the elementary level should be required by law.

According to Handayani (2013), Convention on the Rights of the Child on 1989, World Declaration on Education for All on 1989, United Nations Standard Regulations on Equal Opportunities for Persons with Disabilities on 1993, Salamanca Declaration and Unesco Framework for Action on 1994, The Disability Act on 1997, and Dakar Framework for Action on 2000, all provide additional detail on the right of children with special needs to receive an education. The Salamanca Declaration made it official; we are now obligated to respect and celebrate our many differences. There should be as many opportunities as possible for children to learn in a group context, regardless of their background or special requirements.

Both individuals with special needs and individuals without special needs have the same rights, as highlighted at the 8th International Congress on Inclusion of Children with Disabilities into Society: Towards Full Citizenship, which took place in June 2004 in Stavanger. Attaining full citizenship
ensures equal access to resources like as healthcare, education, rehabilitation, and extracurricular activities for all children (Hakim, 2021). Consequently, children with special needs possess equivalent entitlements to all children, encompassing the liberty to express themselves, the ability to develop and articulate viewpoints, access to high-quality medical treatment, and an equitable opportunity to achieve the American Dream.

The 1945 Constitution of Indonesia mandates that all residents of the country are entitled to equitable access to educational opportunities. This implies that children with special needs are not granted any exemptions. As per Article 4 of Law Number 4 of 1997 on Persons with Disabilities, individuals with disabilities have the right to equal educational opportunities at any educational institution, regardless of the degree or kind of disability. However, it is incumbent upon every educational institution to ensure the availability of this opportunity. The Convention on the Rights of the Child, approved by Presidential Decree Number 20 of 1990, and Law Number 23 of 2002 on Child Protection, contain provisions that protect the rights of children with special needs. These clauses encompass a range of entitlements to healthcare, education, and social interaction:

a) Get equal opportunities and accessibility for ordinary education and special education;
b) Receive education, training in a way that allows for the fullest possible achievement of social integration;
c) Protected from acts of violence committed by teachers, school administrators, or friends.

Law No. 20 of 2003, which governs the National Education System, mandates that education for children with disabilities, also referred to as those with special needs, must be provided either through inclusive settings or specialised institutions. This implies that its implementation is not limited to special schools, but can potentially extend to public schools. The most crucial component in implementing education in a democratic and non-discriminatory manner is the upholding of human rights, religious values, cultural values, and national diversity.

3.3 Implications of Inclusive Education Policy on the Rights of Children with Special Needs

3.3.1 Increasing Accessibility to Education for Children with Special Needs

Through the implementation of an inclusive education policy, every kid, regardless of their unique needs, is ensured a high-quality education. The ramifications of an inclusive education system are evident for students with impairments. One outcome of this is an increased accessibility to educational options for children with special needs. Several strategies can be employed to expand the accessibility of educational opportunities for children with exceptional needs. The first step involves the establishment of essential infrastructure and amenities, including classroom furnishings, ramps, and accessible restrooms, to cater to the needs of students with disabilities. Furthermore, it is imperative to provide comprehensive training to educators and teachers in order to equip them with the necessary skills and knowledge to effectively instruct pupils with impairments. Furthermore, assistance is provided for special education and other endeavours that strive to create equal opportunities for children, regardless of their disability.

Students with special disabilities also benefit socially from an inclusive education. Children with special needs have the opportunity to learn and grow in an inclusive classroom setting alongside their typically developing peers. The ability to speak, connect, and create relationships with people are all social skills that can benefit from this. In addition, this can improve community cohesion and social integration. Children who have unique requirements can potentially benefit from receiving an education that is all-inclusive in the long run. Children who have special requirements have a better chance of becoming independent adults and acquiring the knowledge and abilities they’ll need in the future if they are granted equal rights to attend quality educational programs (Jannah, 2021). In addition to this, inclusive education may also assist children with special needs in overcoming the social stigma that may be held against their very existence in the society in which they live.
However, there are a number of challenges that arise when attempting to put inclusive education plans into action. These problems include a limited budget, a lack of suitable facilities and infrastructure, a lack of knowledge and comprehension of inclusive education policies in the community, and a lack of information and comprehension of inclusive education policies in the community. As a consequence of this, participation from all of the relevant parties is necessary in order to develop a policy that is both successful and sustainable for inclusive education.

3.3.2 Improving the quality of education for children with special needs

The second effect of inclusive education policies on the rights of children with special needs is that these children will receive a higher quality of education as a result of these policies. Children who have special requirements have the opportunity to participate in education on an equal footing with their typically developing peers, which increases the likelihood that they will realize their full potential. Madani (2019) states that inclusive education allows teachers and educators to accommodate the individual needs of each child, so that they can benefit more from the learning experience. Teachers and educators are trained to understand the special needs of each child, so they can develop learning strategies that suit individual needs.

Inclusive education fosters collaboration and cooperation among students with special needs, as well as their peers and educators. This enables individuals to acquire more extensive social and educational encounters, so assisting them in overcoming social stigmatisation and discrimination that they could encounter. An additional advantage of inclusive education is its focus on multiple dimensions of comprehensive education, including the development of social, emotional, and practical abilities. One of the myriad benefits of inclusive education is this specific advantage. Hence, students with special needs now have the opportunity to get a more inclusive education, which can be beneficial for their daily life. Typically, developing children do not have the same opportunity.

Nevertheless, Darma (2015) said that to enhance the calibre of education provided to children with special needs, it is still necessary to implement projects that are larger in scope and more enduring over time. To support inclusive education, it is imperative for the government and educational institutions to enhance and refine training programmes for teachers and teaching staff, while also providing adequate facilities and infrastructure.

In addition, assistance from the local community and the surrounding environment is required to provide a setting that accepts children with special needs and provides them with support. Improving the quality of education provided to children who have special needs by utilizing a strategy known as inclusive education is something that may continue to be developed and correctly implemented if there is strong cooperation from all involved parties.

It is highly important, in order to fulfill their rights to receive quality education, to improve the quality of education that is provided to children with special needs by employing an approach to education known as inclusive education. Children with special needs can have a better chance of reaching their full potential with the assistance of inclusive education, which can also assist in overcoming societal stigma and prejudice and enhancing social inclusion and justice. Therefore, increased efforts and commitments that can be maintained over time are required from all relevant stakeholders in order to facilitate the adoption of inclusive education policies that are both effective and sustainable.

3.4 Increasing the participation and social inclusion of children with special needs in the educational environment and society

The government, society, and educational institutions face difficulty in figuring out how to maximize the educational and social inclusion of children with special needs. Since 2003, the government of Indonesia has mandated inclusive education. However, there have been several challenges in putting this policy into practice. The absence of public understanding and support for accommodating children with special needs presents a significant barrier.
Several authors have discussed the underappreciation of disabled children's opinions as a root cause of their isolation at home and in the community (Tisdall, 2013). On a more local scale, students' opinions on the schools they had like to attend and their overall school experiences are seldom heard. The absence of children's voices in this area of study is striking when viewed from a macro viewpoint. Based on the scant available data, it appears that children with impairments have a number of unfavourable experiences while attending regular schools. Elton-Chalcraft, Cammack, and Harrison (2016) found that when polled about the best model for educating disabled children in Bangalore, "the majority of respondents cited separate schooling as the most appropriate model for reasons of unsuitable pedagogy and curriculum, a lack of individualised attention for children, and difficulties of social interaction."

Improving children's social inclusion who have special needs requires active community participation. Society must understand and appreciate individual uniqueness, including that of children with special needs, if these children are to feel welcomed and valued by society. It is also important for the community to be involved in the education of children who have special needs, whether through extracurricular activities or by providing support for inclusion initiatives in the classroom.

Schools also have a responsibility to do more to encourage the inclusion and involvement of students with disabilities. A strategy that takes into account the needs of students with disabilities is essential in higher education. To this end, schools and districts should invest in professional development opportunities for educators that focus on inclusive practices and the effective application of technology. Institutions of higher learning for students with disabilities should encourage parental and community participation in the learning process.

Furthermore, it is crucial that schools make their facilities and services accessible to students with special needs. The finest possible service for children with special needs requires not just exceptional human resources but also concrete infrastructure including building accessibility, health facilities, and learning support facilities. Government, schools, and the community must collaborate to improve opportunities for children with special needs to participate in and benefit from society. To remedy this, policymakers and regulators at all levels of government must work in tandem with schools and communities to make inclusive education a reality for all students.

In conclusion, fostering greater educational and social inclusion for children with special needs is an endeavor that calls for the concerted effort of a wide range of parties. Social inclusion for children with special needs is important, and communities and schools need to learn more about it and understand its meaning. The government can play a role here by providing aid and regulations that facilitate the spread of inclusive education.

4. CONCLUSION

Under Law No. 20 of 2003, all children, including those with special needs, have the right to an appropriate public education. It is crucial that all children, including those with special needs, have access to a high-quality education, which is why policies that promote inclusive education are so important. Countries around the world recognise the rights of children with special needs in the sphere of education as evidenced by conventions on the rights of the child, United Nations standard declarations, and legislation that allows all children to learn together regardless their obstacles or eccentricities. The environment of inclusive education policies has several implications for the rights of children with exceptional needs. To begin with, this method may make schooling more available to children with special needs, giving them the same opportunities as children who are developing typically. Second, inclusive education benefits children with disabilities because it allows teachers to modify lessons to meet the requirements of each student. In addition, inclusive education policies can have a substantial impact on how much special needs students learn and how they are incorporated into their schools and communities. Inclusive education policies are crucial to ensuring that children
with special needs have their educational and social rights respected and maintained. This study solely examined the impact of inclusive education policies on students with special needs using library research. Therefore, it is advisable for future researchers to investigate this subject using an alternative approach.

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