

Analysis of Legal Protection and Children's Health in the Post-Covid 19 Pandemic (Based on Dignified Justice)

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ABSTRACT

National education is education that is based on Pancasila, the 1945 Constitution of the Republic of Indonesia, and is rooted in the diversity of Indonesian culture and society, and is responsive to the demands of changing times. The purpose of writing this article is to reveal how the application of education in the post-pandemic period in the form of prevention and increasing healthy living behavior such as washing hands, wearing masks and so on, accompanied by strict health protocols, is still needed to prevent further transmission. The implementation of legal protection for children's health needs special attention in the post-Covid-19 pandemic, both in formal and non-formal education. In educational environments, health protocols are still required and students who have a cold or cough are advised to be self-aware and responsible for maintaining health protocols.

Keywords: Legal Protection, Child Protection, Dignified Justice

INTRODUCTION

The national education system which continues to be updated in line with the amendments to the 1945 Constitution of the Republic of Indonesia (NKRI 1945) and changes in the public policy paradigm, especially in the post-corona virus (covid-19) pandemic period, seems to be inseparable from the attention of various parties, both individually and collectively, similar institutions and organizations in the field of education. In general, it can be understood that the government has a role in the field of education nationally to realize the ideals of the Indonesian nation and create a prosperous, just and prosperous society. As stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, the fourth paragraph, namely:

"Protect all Indonesian people and all of Indonesia's blood, promote general welfare, make the nation's life intelligent, and participate in implementing world order based on independence, eternal peace and social justice."

National education based on Pancasila, the 1945 Constitution of the Republic of Indonesia, and is rooted in the diversity of Indonesian culture and society, and is responsive to the demands of changing times. The national education system is all educational components that are interconnected in an integrated manner, which includes the education system, students, education staff, education managers, curriculum, facilities and infrastructure, education policies and regulations to achieve national education goals.

As time goes by and the reign of the Indonesian nation and state from the Old Order era to the industrial revolution 4.0 has brought various policies in the field of

national education in various forms and with their respective problems, until now the policy is known as Freedom of Learning. Merdeka Belajar provides students with the opportunity to learn as freely and comfortably as possible, tailored to individual interests and talents without any burden, stress or pressure from any party (Wartoyo, 2022).

Based on the results of interviews with parents who have children, there is a circular letter from the Ministry of Health HK.02.02/C/4815/2023 concerning Increasing Awareness of the Spike in Covid-19 Cases, as well as news on social media. Parents are very worried about their children's health, so The school is expected to cooperate between parents and the school, so that if their child is sick they can be tolerated not to go to school or wear a mask. Schools should provide masks, hand sanitizer and temperature measuring devices. If a child contracts the flu, appropriate action can be taken immediately.

Based on interviews with several teachers and parents, it shows that school activities through face-to-face learning have not run optimally, especially self-awareness and responsibility for health protocols, in general because they have been vaccinated and the regulations have been lifted so they feel free. In the change in learning policy from online to face-to-face in school or formal education environments, indications were found of no longer paying attention to hand washing, hand washing stations and the provision of hand sanitizers due to Covid-19 in Indonesia. After the Covid 19 status policy was not enforced, it was found that in several educational environments there was less attention to health protocols because until December 2023 there were still many cases found in Indonesia, this concerns the immunization of every individual who is very vulnerable and weak for children and the elderly. If you already have a congenital disease, based on the Ministry of Health's circular letter HK.02.02/C/4815/2023 concerning Increasing Awareness of the Spike in Covid-19 Cases, formal education institutions need to follow up to ensure that both psychological and intellectual aspects are maintained so that learning remains comfortable and protected. .

However, there are still teachers' opinions which state that the level of learning participation is increasing, after the pandemic there is more face-to-face interaction. Apart from that, there are also big obstacles such as adapting learning to the face-to-face method. With the on-site learning method, there are currently many complaints from some students and teachers, but from some of the problems raised, it turns out that face-to-face learning provides flexibility in various aspects that can be useful. for both teachers and students.

The results of Wartoyo's research (2022) state that in the context of preventing the spread of Covid-19, which was established on April 23 2020, because as we all know, in order to prevent the spread of the virus, the government has made various efforts to help the community by providing disinfectant tools, hand sanitizers and tools. other security. This effort is one part of legal and health protection for Indonesian citizens to achieve national health goals and prevent the spread of the Covid-19 virus.

In accordance with the discussion above, it can be concluded that legal and health protection for children needs special attention, both at the formal education level such as kindergarten and elementary school as well as parental attention for children who are not yet in school so that they maintain their lifestyle and parenting patterns. Pay attention to children's health development so that they don't get infected

with the Covid-19 virus. From a health perspective, they have actually been vaccinated, but it would be better to continue to anticipate by washing their hands if someone has a cough or flu, it is recommended to use a mask and provide nutritious food intake as reflected in the protection law. Child No. 23 of 2022 concerning Child Protection article 3 which states, "Child protection aims to guarantee the fulfillment of children's rights so that they can live, grow, develop and participate optimally in accordance with human dignity, as well as receive protection from violence and discrimination. , for the sake of realizing Indonesian children with quality, noble character and prosperity" who reflect or are in accordance with Pancasila and the values of dignified justice that are in accordance with Pancasila.

METHOD

This research uses a qualitative descriptive method, the analytical approach uses normative juridical and empirical juridical methods. Normative juridical research is legal research that places law as a building system of norms. The norm system in question is about the principles, norms, rules of statutory regulations. The data analysis technique uses a deductive analysis method which uses logic to draw one or more conclusions based on a given series of premises.

RESULTS AND DISCUSSION

Based on sociocultural learning theory, cultural factors play an important role in developing learning independence and increased self-regulation in a meaningful and collaborative environment. Teacher-learner and learners interactions contribute to the appropriate application of self-regulated strategies in desired situations. Agency is the ability of people to make choices in ways that make a difference in their lives. This agent aspect offers humans independent learning management to be carried out independently and causally in order to have an impact on their results and experiences (Kamyabi Gol & Royaei, 2013).

Pintrich (quoted from Kamyabi Gol & Royaei, 2013) stated that most of the self-developed definitions of learning have the same four general assumptions. The first is an active constructive assumption that comes from the cognitive aspect. In this perspective, students are expected to construct their own meanings, goals and techniques from information in their "external" and "internal" environments. The second assumption is the control potential assumption. In this case students can monitor, examine, manage and regulate certain dimensions of their cognition, motivation and behavior as well as several characteristics of their condition.

In line with the principle of self-regulation (Kamyabi Gol & Royaei, 2013), the concept of independent learning proposed by the Minister of Education and Culture, has the intention that independent teachers have the meaning of educational units or schools, teachers and students have the freedom to innovate, learn independently and be creative. He said, this is educational autonomy, or educational autonomy policy. Thus, all Indonesian students have different ways of learning, as stated in the principle of self-regulation.

Referring to independence in the sense of freedom to organize learning independently and creatively, dignified justice from a legal theory perspective provides the view that upholding justice is based on national cultural heritage and the characteristics of a pluralistic Indonesian nation with *Bhinneka Tunggal Ika*. This means that it can provide social justice that does not only have a utilitarian or material

and property dimension, but also a spiritual or spiritual dimension in accordance with the characteristics of the Indonesian nation which is based on a spirit of dignified justice.

The theory of dignified justice or can be abbreviated as dignified justice put forward by Teguh Prasetyo provides an overview and specifically explains the existence of law and justice in a dignified justice system. Dignified Justice is a grand theory of law, as a new legal theory that functions to explain and justify a valid legal system, different from the western theories that have been referred to so far. The Theory of Dignified Justice explains and justifies a legal system by including the proposition that law exists and grows with the soul of the nation.

The theory of dignified justice does not conflict with existing theories and is determined by legal interpretation in Indonesia. However, Ethical Justice seeks to provide examples of law, including the study and construction or reconstruction of law, as well as philosophical or philosophical explanations of law that are quoted from Indonesia itself and do not need to rely on theories or concepts developed in other laws. system (Teguh Prasetyo, 2015).

Pancasila is the soul of the nation which consists of five things, namely the commands of God Almighty, justice and civilized humanity, and the principles of social justice for all Indonesian people which are the source of all sources of law, or including the first agreement. This noble theory of justice is noble because it does not look for the roots of Western thought, but is found in the Indonesian state of Pancasila as the source of all sources of law. Law is built from philosophy, which contains the noble values of a nation which are believed to be true. So that justice in law is based or grounded in that philosophy. So it can be concluded that the concept of justice in Indonesia is based on the two principles of Pancasila, namely the second principle, namely just and civilized humanity and the fifth principle, namely social justice.

In relation to the government's role in financing all educational costs, it is stated in the 1945 Constituion of the Republic of Indonesia that every citizen is obliged to attend basic education. In line with this, Law Number 20 of 2003 concerning the National Education System Chapter IV Article 6 paragraph 1 states that "every citizen aged 7-15 years is obliged to attend basic education". Article 34 paragraph 2 states that "the Government and regional governments guarantee the implementation of compulsory education at a minimum level of basic education without charge", while in paragraph 3 it is stated that compulsory education is the responsibility of the state which is carried out by educational institutions, the government, regional government and the community. The message of the law is that the Government and regional governments are obliged to provide educational services for all students at the basic education level (SD and SMP) and other equivalent education.

Human health is above all, so serious attention is needed in maintaining and improving individual health, especially children who are vulnerable to disease transmission and the impacts resulting from the spread of the Covid-19 virus after the pandemic. Increasing children's awareness in health education is not easy, efforts must be made apart from parents, schools and the community must support each other in preventing and seeking prevention and awareness of the increase in the return of the Covid-19 virus, through the circular letter from the Ministry of Health HK.02.02/C/ 4815/2023 concerning Increasing Vigilance Against the Spike in Covid-19 Cases.

The prolonged and quite severe Covid-19 pandemic in Indonesia has had a major impact on the quality of the future of Indonesian children. Likewise, psychological problems such as stress in children due to staying at home for too long or the impact of family economic pressure, minimal interaction and outdoor activities due to too much online activity also have long-term impacts. Old homework (PR) problems with children also add to the challenges in preparing Indonesian children to realize the ideals of an Indonesian nation that is prosperous and just and dignified.

Indonesian children are the future of this country to achieve glory. The goal of making Indonesia the 4th largest country in the world is largely determined by the quality and growth environment of Indonesian children today. Therefore, it protects Indonesian children from various direct and indirect impacts of the Covid-19 pandemic. The first thing, of course, is to ensure that you try as much as possible to protect exposed children from Covid-19. The high number of Covid-19 should be a warning to the government and related parties to strengthen protection for children.

Coinciding with the end of the Large-Scale Social Restrictions (PSBB) period in several areas which are considered green zones (not yellow, orange or red zones) for the Covid-19 virus, the government has established a policy called "Post-pandemic". Post-pandemic according to the ombudsman. (the agency in charge of providing public services), is a health protocol related to the spread of the Covid-19 virus. The new normal in the education sector must begin with massive socialization of health SOPs (System Operational Procedures) to the community, both students, teachers, education services and elements related. A number of protocols must be prepared, such as the fulfillment of school facilities and infrastructure, both classrooms and teachers' rooms, which are pro-covid-19 prevention (physical distance/contact, masks, sanitizers, disinfectants, face shields, etc.), getting used to the PHBS (Clean and Clean Living Behavior) pattern. Healthy) in schools, fulfilling intensive student and teacher health checks by activating the school health unit (UKS), providing comprehensive prevention and mitigation training to teachers, students and parents. or society, and being consistent in implementing its policies with the main basis of mutual safety is a characteristic of justice based on honor and dignity or for the sake of humanity.

Implementing legal and health protection for children is one way of implementing dignified justice in education in the post-pandemic period, and one of the ideas where the implementation of education based on independent learning must also follow the rules in accordance with health protocols in order to create a teaching and learning process that can be carried out by public. every student, whether in the city center or in areas, has a diverse economic and cultural background and is able to prevent the spread of the Covid-19 virus by obeying and adhering to the health protocols established wherever they are, especially in the red zone.

CONCLUSION

In the post-pandemic era, from online learning to face-to-face learning, schools still need to be alert to the spread of the Covid-19 virus. With the Republic of Indonesia Ministry of Health circular letter Number HK.02.02/C/4815/2023 concerning Increasing Awareness of the Spike in Covid-19 Cases, schools implementing policies for legal protection and children's health need to create facilities and infrastructure such as providing hand washing sinks, schools provide masks to students who cough so that children remain protected in their learning

activities, so they can learn optimally. In order to humanize humans, "nguwongkeuwong" is the basis for protecting children and their health in making the nation's life intelligent.

Children in formal education need to emphasize health, humanity and for children outside formal education the role of the family is very necessary in their development process. To minimize the spread of the epidemic and ensure children's learning activities at school, it is necessary to provide education to teach children how to live clean and healthy so that they are alert to the spread of the Covid-19 virus, namely how to wash their hands properly and correctly, if you cough, it is recommended to wear a mask.

Apart from that, legal protection for children is also guaranteed by Child Protection Law No. 23 of 2022 concerning Child Protection, article 3 which states, "Child protection aims to ensure the fulfillment of children's rights so that they can live, grow, develop and participate optimally in accordance with human dignity, as well as protection from violence and discrimination, in order to create Indonesian children who are of good quality, have noble character and are prosperous."

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