HOLISTIC INTEGRATION: THE EFFORTS LEGAL PROTECTION FOR CHILDREN CHALLENGE OF SUPPORT VICTIM

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ABSTRACT

Objective: The objective of this study is to analyze the shared responsibility of the community, state, and government in ensuring the growth and development of children, especially in the context of challenges posed by the pandemic. The study aims to explore the legal framework and regulations in place to protect the basic rights of children, emphasizing the importance of providing an environment conducive to their future growth and development.

Method: This research adopts a normative juridical approach, focusing on the analysis of legislation and relevant secondary data. The study examines existing laws and regulations pertaining to the protection of children's rights, with a particular orientation toward understanding the legal frameworks established by the government. The method also involves studying regional regulations and academic initiatives such as forming task forces and providing psychologist counseling.

Result: The research reveals that the government, both at the national and regional levels, has implemented laws and regulations to ensure the growth and development of children. These legal frameworks encompass various aspects, including education, social support, and psychological well-being. Additionally, the study identifies the establishment of task forces and counseling programs as proactive measures taken to address the challenges faced by children, especially in the academic field. These initiatives reflect the government's commitment to providing comprehensive support to children, even amidst the disruptions caused by the pandemic.

Conclusion: In conclusion, the study underscores the shared responsibility of the community, state, and government in safeguarding the future of children, particularly in the face of challenges like the pandemic. Through the implementation of laws, regulations, and regional initiatives, efforts are being made to ensure that children's basic rights are protected and that they have access to necessary support systems. The establishment of task forces and counseling programs further emphasizes the commitment to the holistic development of children. However, continuous efforts and adaptability in policies are crucial to addressing evolving challenges and ensuring that children receive the best possible environment for their growth and development.

Keywords: child, victimization, cyberbullying, protection.
RESUMO

Objetivo: O objetivo deste estudo é analisar a responsabilidade compartilhada da comunidade, do Estado e do governo em garantir o crescimento e o desenvolvimento das crianças, especialmente no contexto dos desafios colocados pela pandemia. O estudo pretende explorar o quadro jurídico e os regulamentos em vigor para proteger os direitos básicos das crianças, destacando a importância de proporcionar um ambiente propício ao seu crescimento e desenvolvimento futuros.

Método: Esta pesquisa adota uma abordagem jurídica normativa, com foco na análise da legislação e dados secundários relevantes. O estudo analisa as leis e regulamentos existentes referentes à proteção dos direitos das crianças, com uma orientação específica para a compreensão dos marcos legais estabelecidos pelo governo. O método também envolve o estudo de regulamentos regionais e iniciativas acadêmicas como a formação de task forces e o fornecimento de aconselhamento psicólogo.

Resultado: A pesquisa revela que o governo, tanto em âmbito nacional quanto regional, tem implementado leis e regulamentos para garantir o crescimento e o desenvolvimento das crianças. Estes quadros jurídicos abrangem vários aspectos, incluindo a educação, o apoio social e o bem-estar psicológico. Além disso, o estudo identifica a criação de grupos de trabalho e programas de aconselhamento como medidas proativas tomadas para enfrentar os desafios enfrentados pelas crianças, especialmente no campo acadêmico. Estas iniciativas refletem o compromisso do governo em fornecer apoio abrangente às crianças, mesmo no meio das perturbações causadas pela pandemia.

Conclusão: Em conclusão, o estudo ressalta a responsabilidade compartilhada da comunidade, do Estado e do governo na salvaguarda do futuro das crianças, particularmente diante de desafios como a pandemia. Através da implementação de leis, regulamentos e iniciativas regionais, estão a ser feitos esforços para garantir que os direitos básicos das crianças sejam protegidos e que tenham acesso aos sistemas de apoio necessários. A criação de grupos de trabalho e programas de aconselhamento reforça ainda mais o compromisso com o desenvolvimento holístico das crianças. No entanto, os esforços contínuos e a adaptabilidade das políticas são cruciais para fazer face à evolução dos desafios e garantir que as crianças recebam o melhor ambiente possível para o seu crescimento e desenvolvimento.

Palavras-chave: criança, vitimização, cyberbullying, proteção.

1 INTRODUCTION

Children are the next generation of the nation. Children need attention. Because there are many shortcomings including those who are still immature, they need to be directed to choose and live life in the present as well as to prepare for the future, namely the future. Children are like white paper, beautiful colors can be patterned when the family and the environment support them...
to grow and develop to form their identity. Children need to be guided, directed, and protected from all things on this earth.

Child protection is closely linked to the five pillars, namely, parents, families, communities, governments, and local and state governments. All five are independent of each other as providers of child protection. (Fitriani, 2016) Legal protection is a continuation of the concept of legalization and protection of human rights that developed in the 19th century. The concept is about the legalization and protection of human rights. (Anisa, 2020) During the coronavirus 19 or Covid 19 pandemic that is hitting the world today, children are vulnerable to events that are outside of their daily habits. Habits of doing activities in all fields experienced significant changes during the COVID-19 pandemic. The fields of education, health, welfare, employment, economics, and other fields experienced changes. The impact of the COVID-19 pandemic has caused everyone, including children, to be able to adjust their behavior patterns and daily habits. This will affect the development of children in the future. (Anjari, 2020)

Every child has not yet reached maturity, the family plays an important role in directing. All of this needs support from the state, namely the government. The family is the initial environment for the growth and welfare of all its members and especially children, therefore for the development of a good personality, children must grow up in a family environment in a happy atmosphere, full of love and understanding. Families teach children about religious values, love, and mutual respect. Families must also prepare children to be able to live in a society. (Lubis, 2020)

Family is the first environment for children. Furthermore, an environment where children grow and develop and socialize with those around them. Good children grow up in a good family and community environment. Upholding the values of goodness that are upheld and respected in the community. Children with the inherent nature of imitating what is seen, experienced, and heard let alone taught. It will certainly have a major influence in shaping identity in the future.

The second environment in the growth and development of children after the family is the school environment. In the family environment, the growth and development of children begin with a happy atmosphere, full of love and understanding. In the school environment, children are taught about assertiveness, leadership, tolerance, character, tolerance, and respect for differences, responsibility, cooperation, and knowledge. More than 130 countries restricting travel to contain the COVID-19 pandemic, the Internet has become a critical tool for children and youth to play, have entertainment, access learning, and social interaction. In short, they may have something from spending time in the digital space. The number of keywords related to the
pandemic significantly increased in social media (Twitter) from February to March 2020. We would like to appreciate Twitter’s decision to block Mr Trump’s account. The increased rates of anti-Asian violence (150%) are a perfect example of how cyberbullying came to change the lives of most Asians in the US. (Ukataevna et al., 2021)

Family, the next environment that affects the growth and development of children is education. Quality education will create superior and intelligent human resources for the nation. Educating the life of the nation is one of the goals of the Unitary State of the Republic of Indonesia as stated in paragraph 4 of the Preamble to the 1945 Constitution of the Republic of Indonesia. Children are defined in Civil Law as minors who have not reached the age of 21 years and have not been married before. In Criminal Law, it is stated that children are those who are under 18 (eighteen) years of age.

Child Protection defines child protection as an activity to guarantee and protect children's rights so that they can develop, live, and grow optimally in their dignity, and human dignity, and can also be protected from violence and discrimination. (Phillo Cynthia, Arteja Hessa, 2021) all about the Juvenile Criminal Justice System both put forward the principles of general protection of children, namely non-discrimination, best interests of children, survival, and growth and respect for participation child. (Musofiana et al., 2020)

Children are the main priority in education because children are one of the groups that require adult assistance in protecting their rights. Because of the importance of fulfilling the rights that must be obtained by a child, it was formulated at the international level in the convention on the rights of the child through the United Nation general assembly on November 30, 1989. Indonesia as one of the countries in it has ratified the Convention on the Rights of the Child which was adopted and declared through Presidential Decree Number 36 of 1990, with the aim that children in Indonesia can live their childhood happily, their rights are fulfilled and their freedom is guaranteed for the realization of welfare for Indonesian children. (Putro Ferdiawan et al., 2020)

Children as the forerunners of the nation's successors naturally receive care and protection both while still in their mother's womb, and after birth, so that if the interests of the child so desire, the child who is still in the womb of a woman is considered a legal subject. Meanwhile, a child who dies at birth or in the womb is considered to have never existed. (Satrio, 1999)

The right to education is a human right that is regulated in Chapter X concerning Human Rights in Article 28 C paragraph (1) of the 1945 Constitution of the Republic of Indonesia (Basic Law 1945) which states that: "Everyone has the right to develop themselves through the
fulfillment of their basic needs, have the right to education and benefit from science and technology, art and culture, to improve the quality of life and for the welfare of mankind.”

The whole world is facing various challenges related to the Covid-19 pandemic, but the risks to the safety and well-being of children as one of the most vulnerable groups are becoming much higher and intensified in health emergencies. Although public health issues remain one of the main risks for children, child protection issues can be exacerbated by the crisis. Everything the government takes has the potential to add to the risk and impact on children. Indonesia and even the world are facing the Covid-19 pandemic. During the Covid-19 pandemic, all aspects of human life in Indonesia and around the world were disrupted, including education. We can see that all schools and universities are required to carry out the teaching and learning process that must be done online. It is undeniable that all countries in the world, both developed and developing countries need education because education is the main source or benchmark of whether the country can prosper its people, can protect and fulfill all the needs of its citizens both in fulfilling secondary needs and needs. tertiary. This pandemic has made the Indonesian government decide to close schools from early childhood education to higher education. The learning process that is usually carried out in schools has turned into distance learning online during the Covid-19 pandemic.

Women also worry about bored children because they cannot freely leave the house and cannot freely play with their peers, just as women also worry about how to convince older people who have difficulty understanding or adapting to new situations due to the pandemic. Anxiety in facing a pandemic also illustrates the relationship between the chaotic flow of information and the waning level of confidence in how the pandemic crisis situation will be managed. Distrust of the role and capacity of authorities such as the state and other social institutions in managing the pandemic crisis is also seen in the apathy of women regarding pandemic management policies.(Asriani et al., 2021)

In addition to families and schools, the government is also responsible for protecting the growth and development of children. Therefore, the government must protect the growth and development of children. Reinforcement that provides an understanding that children are very important to be protected, in various documents both national and international, explains that child protection can cover various aspects, namely protection of children's human rights and freedoms, child protection in the judicial process, protection of child welfare family, education and social environment), protection of children in matters of detention and deprivation of liberty, protection of children from all forms of exploitation (slavery, child trafficking in prostitution, pornography,
trafficking or drug abuse, using children to commit crimes and so on), protection of children street children, protection of children from the consequences of war/armed conflict, and protection of children against acts of violence.(Fahlevi, 2015)

The protection provided by the state to children is divided into two parts, namely:(Said, 2018) Juridical child protection, which includes: Protection in the field of public law, and Protection in the field of civil law. Non-juridical child protection includes: Protection in the social field; Protection in the health sector, and; Protection in the field of education.

According to Barda Nawawi Arief, the protection of children's rights is an effort or legal protection effort related to all freedoms and human rights of children to achieve prosperity. In general, child protection is a way of life and livelihood of children which aims to ensure the growth and development of children properly, both spiritually, physically, and socially. The state is obliged to create a sense of security and provide legal protection to every Indonesian child so that they grow and develop properly and participate in development. Legal protection for children in an effort to protect children related to the freedom and human rights of children.(Barda, 2005)

Child protection is also defined as all activities that guarantee and protect children and their rights so that they can live, grow, develop and participate optimally following human dignity and protection from violence and discrimination. Child protection is a joint activity aimed at securing, procuring, and fulfilling the spiritual and physical welfare of children following their interests and human rights.(Arief, 2004)

Education is defined as an effort to realize the learning process so that students can actively develop the potential of each student, to have religious strength, self-control, personality, intelligence, noble character, and skills needed by themselves, society, and the country. Based on Article 4 Paragraph (1) of Law Number 20 of 2003 concerning the National Education System, education is carried out democratically and fairly and does not discriminate and uphold human rights, religious values, cultural values, and national pluralism. Based on Article 9 paragraph (2) of Law Number 35 of 2014, in addition to getting children's rights, children with disabilities have the right to get special education, and children who have advantages are entitled to special education. The purpose of holding education is clearly stated in Law Number 20 of 2003, specifically Article 3 so that students can develop the potential that exists within themselves.(Azzet, 2017)

This article aims to discuss the fulfillment of children's rights during the ongoing Covid-19 pandemic, especially regarding the legal protection of children's rights to education during the Covid-19 pandemic, and the role of the state including the government in fulfilling children's
rights for education during the Covid-19 pandemic. The research method used is a normative legal research method. Normative legal research, namely legal research that puts the law as a building system of norms. The system of norms that is built is about principles, norms, rules and laws and regulations, court decisions, agreements, and doctrines.

Researcher in compiling this research with a document study step, which uses various opinions of scholars. This study uses qualitative analysis by explaining existing data and theories related to answers to literature problems such as laws, court decisions, legal theories, and it could be that the source of data used in this study is secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials.

The procedure for collecting data in this research is carried out through a series of activities to collect materials that can assist the implementation of research, especially by conducting library research. In this case, through research on documents that are primary legal materials, then research secondary legal materials.

The purpose and use of literature study are basically to show the way to solve research problems. Literature research is carried out through an inventory of documents which are legal materials that will be used as writing material for all documents and other materials that have been collected to understand what will be found and be able to present the research results. To be able to solve and describe the problem to be studied based on the legal material obtained, it is necessary to have a legal material analysis technique.

Analysis of legal material data is a systematic search and planning process for all documents and other materials that have been collected to understand what will be found and be able to present research results. To be able to solve and describe the problem to be studied based on the legal material obtained, it is necessary to have a legal material analysis technique.

This study uses qualitative analysis, namely by interpreting the symptoms that occur or will occur, but not because of a condition that dominates or is unfortunate. Analysis of legal materials is carried out by collecting all the necessary legal materials and then connecting them to the existing problems.

2 THE IMPACT OF THE COVID-19 PANDEMIC FOR CHILDREN

The stipulations in Article 5 paragraph (1) of Law Number 20 of 2003, the legal instrument that regulates the protection of children's rights in the United Nations Convention on the 1989 Convention on the Rights of the Child, have been ratified by more than 191 countries, including Indonesia. As a member of the United Nations, he has
also ratified the convention on the rights of the child through Presidential Decree No. 36/1990. (Mumbunan, 2013)

The United Nations Convention has become Indonesian law and is binding on all Indonesian citizens. In 1999, Indonesia has issued Law Number 39 of 1999 concerning Human Rights, which also includes the rights of children through several articles. The 1945 Constitution contains six matters relating to children's rights to education, namely: Every citizen has the right to receive education (Article 31 paragraph (1)); Every citizen is obliged to attend basic education and the government is obliged to pay for it (Article 31 paragraph (2)); The government seeks and organizes a national education system that aims to increase faith and piety as well as noble character to educate the nation's life which is regulated by law (Article 31 paragraph (3)); The state must prioritize the education budget at least 20% (twenty percent) of the regional revenue and expenditure budget to meet the needs of national education administration (Article 31 paragraph (4)); Every child has the right to grow and develop (Article 28B paragraph (1)); Everyone has the right to develop themselves through the fulfillment of basic needs, and has the right to receive education and benefit from science and technology, arts and culture, in order to improve the quality of life and for the welfare of mankind (Article 28B paragraph (1)).

Article 1 Paragraph (2) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Children's rights are part of human rights that must be guaranteed, protected, and fulfilled by parents, families, communities, society, state, and government. The understanding of children's rights to education should be returned to the basic understanding and understanding of what human rights are. According to Hillary Rodham, the basic concept of the substance of children's rights as human rights is a joke in the process of achieving an essential understanding and understanding of children's rights themselves.

Research results from the ISEAS-Yusof Ishak Institute, which was released on August 21, 2020, have shown that nearly 69 million students lost access to education and learning during the Covid-19 pandemic. But on the other hand, many groups of students from well-to-do families find it easier to study remotely. This research found that only 40% of Indonesians have internet access.  

The inequality that occurs is because there are several families who cannot afford to buy long-distance communication tools which are now used to carry out the teaching and learning process. The right to obtain education for children is also regulated by Law Number 23 of 2002 concerning Child Protection which has been changed to Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. (Wijaya, 2015)

Implement the protection of children's rights to education, concerning Law Number 23 of 2002 concerning Child Protection which has been amended by Law Number 35 of 2014 concerning Child Protection. In the law, several articles mention the problem of protecting children's education rights. In the law, child protection is defined as an activity to guarantee and protect children and ensure the fulfillment of children's rights to live, grow, develop, and participate optimally following human character and dignity, and get protection from all kinds of violence and discrimination. While children's rights are part of human rights that must be guaranteed, protected, and fulfilled by parents, families, communities, governments, and the state.

This law also regulates the protection of children's rights to education for children with disabilities or children who have disabilities, as stated in Article 9 paragraph (2), that specifically for children with disabilities are entitled to special education. So, it can be interpreted that Law Number 23 of 2002 concerning Child Protection, regulates the right to education for children as a whole without distinction. In addition to Article 9, several articles in Law Number 23 of 2002 concerning Child Protection also regulate the protection of children's rights to education. This law stipulates that education received by children must be accompanied by the assistance provided by the state, government, family, and parents. The community has the obligation and responsibility to realize the rights and protection of children. This can be seen in Article 25 of Law Number 23 of 2002 concerning Child Protection. The law states that the obligations and responsibilities of the community are in the implementation of child protection so that it is seen that the community voluntarily participates in realizing the child's right to education.

Article 1 paragraph (13) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, society is individuals, families, groups, and social and/or community organizations. Article 26 paragraph (1) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection stipulates that parents are obliged and responsible for the following:
Caring for, nurturing, educating, and protecting children; Develop children according to their abilities, talents, and interests; and; Preventing child marriages.

In addition to the laws and regulations in the article that regulates the obligations of parents and responsibilities towards children, parents also have responsibilities in the education of children which include: Maintaining and raising them; Protecting and ensuring their health, both physically and mentally. Educate him with various knowledge and skills that are useful for his life.

In Article 26 paragraph (2) that if parents are not present or their whereabouts are not known, or for some reason, they are unable to carry out their duties and responsibilities, then the duties and responsibilities as referred to in paragraph (1) may be transferred to the family, which are carried out following the applicable laws and regulations. Therefore, regardless of the presence or absence of a child's parents. The education of a child must be met.

3 THE CAUSES OF CHILD PROTECTION ISSUES

This large-scale phenomenon coupled with a fear of related experts and conditions filled with uncertainty can hurt a child-friendly environment where both children themselves and those around them face significant changes in their lives. The Internet and advanced technology are increasingly dominating our lives. We spend so much time in front of the ‘black mirror’ that we sometimes forget about the dangers of online communication. Cyberbullying is a relatively new topic for especially relevant in the context of the coronavirus pandemic when usual forms of communication are limited. Today, there are about 3 billion people globally, and almost 90% of students do not attend school. Many students and their parents are increasingly communicating with the outside world through their digital screens. (Ukataevna et al., 2021)

Worst of all, during lockdown when schools, when legal and preventative services do not function fully, children are rarely in a position to report violence, abuse and harm if they have abusive homes. (Shweta Singh, Deblima Roy, Krittika Sinha, SSheeba Parveen, Ginni Sharma, 2020) Daily social life during the Covid-19 pandemic, in this context, can increase cases of domestic violence, sexual violence, and abuse both physical and non-physical. In addition, all can increase the adverse impact on the psychosocial health of children. Parents and caregivers who contract the virus and are quarantined are
causing more children to live outside of parental control, while those living in alternative care institutions and detention are also exposed to intensive security risks.

“The analysis of the content of the information space of the network allows us to conclude that the Internet has a dual nature: on the one hand, it provides enormous opportunities for information exchange, and on the other hand, it creates problems associated with the use of these opportunities by criminal elements. In this case, social networks, specialized sites, and anonymous Internet spaces are the primary resources for distributing illegal information. The use of cryptographic protocols significantly complicates or even eliminates the ability of law enforcement agencies to detect, prevent, suppress and solve the crimes committed through the Internet while providing access even to the sites blocked by Internet service providers. The lack of digital protection among children aggravates the problems associated with trafficking in children, child pornography and prostitution, suicide, formation of extremist views and ideology, contributing to the rejuvenation of the drug business and an increase in the facts of the involvement of minors in criminal activity through the Internet. With its public availability, openness, demand, and decentralization, the Internet causes anonymity and invulnerability of cyberbullies. This factor allows them to spread harmful content and commit acts in violation of national and international law. This combination makes the Internet one of the most potent tools of criminalization and victimization”. (Ukataevna et al., 2021)

Increasing poverty and reducing access to education, health, and sanitation significantly pose challenges during a pandemic situation. (Unicef, 2020) Increased activity via online, Stress related to economic concerns and poverty, inability to avoid domestic violence, barriers to care caused by death, quarantine or household issues, social isolation, increased interaction with violence in family relationships, disruption of services health, education, civil administration, and other basic services. Coupled with the fear, confusion, and difficulty in adapting to new normal situations, it is not certain when it will be considered stable.

The implementation of risk reduction from the above conditions during the pandemic can be reduced including by the government making other decisions that play a key role in child protection during the Covid-19 pandemic, especially in facilitating, supervising, and promoting the foremost interests of children to face the increased risk of child protection.
The protection provided to children as victims can be in the form of protection in legal proceedings, protection from physical threats, services health, counseling services, and providing information on case developments that befell the victim. (Musofiana, 2015) During this covid-19 pandemic, many cases of children experienced an increase in domestic violence, abuse, and exploitation, especially against girls. This can be overcome by establishing safe spaces and opportunities for children. Ensure that children continue to learn and are free from exploitation due to economic hardship. Provide accessible psychosocial support for parents and caregivers. Support household income and economic well-being for families. Strengthen reporting mechanisms and response capacities for service providers.

The next risk, in the context of the Covid-19 pandemic, can have a significant impact on children's psychosocial conditions, and increase mental health. This can be overcome by ensuring that clear and simple information is available to children so that they understand the current situation related to the Covid-19 pandemic, including the approach to children to develop key messages in preventing COVID-19. Support positive interactions, both formal and informal, between children while still implementing standard operational protection related to the pandemic. Increase the availability of psychosocial support services that can be accessed by children independently and comfortably. Work with parents and caregivers to ensure a positive family environment for children for continued child development.

The existence of Islamic law amid human life is intended for the preservation and benefit of humans and the universe. This can be seen in the purpose of implementing Shari'ah (Maqashid al-Syar'i) by protecting five things: protecting religion (hifdzuddiin), protecting the soul (hifdzunnafs), protecting reason (hifdzul'aql), protecting offspring (hifdzunasl), and protecting property (hifdzulmaal). The notion of protecting religion develops from time to time. If it is traced from the perspective of worship, then religious protection includes the individual's obligation to keep the teachings of Islam for himself. Keeping in the sense of carrying out all obligations in the Pillars of Islam and the Pillars of Faith for each individual even amid the covid-19 pandemic. Protection of body and soul is very important because worship and other human activities will be carried out if the body and soul remain healthy. Al-'aqlus saliim fil-jismis saliim, in a healthy mind there is a healthy body and soul. (Silfiah, 2020)
4 PROTECTION TO CHILDREN DURING A PANDEMIC

Education is one of the rights that must be obtained by children and the state should provide education to its citizens equally and in balance. (Wijaya, 2015) The state has an important role in society in fulfilling the right to education. Article 21 of Law Number 23 of 2002 concerning Child Protection states that the state and government have the obligation and responsibility to respect and protect the human rights of every child, regardless of race, religion, class, gender, culture, or physical or mental condition. Followed by Article 22 paragraph (2) of Law Number 23 of 2002 concerning Child Protection which states that the state and government are obliged and responsible for providing support for the implementation of child protection facilities and infrastructure.

In Article 23 Paragraph (1) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, the state, government, and local governments guarantee the protection, care, and welfare of children by taking into account the rights and obligations of parents, guardian, or another person who is legally responsible for the child. This provision shows that the occupation of a child will be guaranteed by the state, government, local government with the assistance of parents, guardians, or other people who are legally responsible for the child. Furthermore, Paragraph (2) states that the state, government, and local governments supervise the implementation of child protection. From the provisions stipulated in Article 23 Paragraph (2) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, it can be concluded that the state is obliged to guarantee and provide facilities or infrastructure so that children can realize their rights to education and for that reason. The state is obliged to supervise the implementation of children's education, which is one of the rights of the child.

Education is an essential right that must be owned by everyone, including the right to obtain education which has been formulated in the Constitution, namely Article 31 paragraph (1) of the 1945 Constitution which reads: "Every citizen has the right to education." This is emphasized in paragraph (2) which reads: "Every citizen is obliged to attend basic education and the government is obliged to pay for it." Organizing education means that the state must provide places or schools, educators, infrastructure so that the teaching and learning process. (Sirait, 2017)

Funding for education means that the state only provides funds or a budget so that the teaching and learning process can be carried out. Education is an important aspect that
must be considered by the state. The state’s responsibility to the world of education includes providing basic school needs, providing facilities and infrastructure, and professional educators.

Education is a formal way by the state to educate its citizens so that it can produce human resources that have good competitive qualities. The educational process will give birth to intellectuals, practitioners, politicians, scientists, and other professions. Therefore, citizens must be given access to be able to get an education up to college, especially during the Covid-19 pandemic.

The government as a representative of the State in its duties to fulfill the rights of education for children. First, the government fulfills all children's rights to undergo education for a minimum of nine years, without any discrimination on differences, both in terms of ethnicity, race, religion, gender, economic level, and limitations of children. Second, the government as a state administrator is obliged to carry out the implementation of education. This means that the government must step down to assist the implementation of education including funding and also public services for the implementation of education. (Wijaya, 2015)

The Covid-19 pandemic has shocked the world of life therefore the state must ensure that education for everyone can be fulfilled. In fulfilling the right to educate in pandemic, concerning for the Implementation of Learning from Home in the Emergency Period for the Spread of Covid-19. This Circular Letter serves to concern the Implementation of Education in the Covid-19 Emergency Period. Learning from Home During the Covid-19 Disaster Emergency in Indonesia which aims to ensure the fulfillment of children's rights to obtain educational services during the Covid-19 emergency and minimize the adverse effects of Covid-19.

Emergency education during pandemic is carried out by Distance Learning which is divided into two approaches, namely distance learning within the network (online) and outside the network (offline). For online distance learning media, the Ministry of Education and Culture has recommended 23 pages that students can use as learning resources. Then for the offline distance learning method, students can take advantage of self-study modules and worksheets, printed teaching materials as well as teaching aids and learning media from objects and the environment.

Distance learning creates difficulties for both teachers and those being taught in carrying out the teaching and learning process because Indonesia itself has never carried
out online teaching and learning processes. Therefore, to overcome the difficulties that occur, the Emergency, to ensure the fulfillment of the educational rights of every student, and inform several roles that must be met by the Education Office, Head of Education Unit, and Educators. The education office is an element of implementing government affairs in the education sector. The roles taken by the Education Office in fulfilling children’s rights to education are Establishing Education Posts; b. Online coordination with the Ministry of Education and Culture through the National Secretariat, Disaster Safe Education Unit, Education Quality Assurance Institute, and Early Childhood Education; Collect regional data through the link http://data.spab.kemdikbud.go.id; Develop and establish education policies; Facilitate online and offline learning; Disseminate information and education on prevention of Covid-19; Monitoring and evaluating the implementation of Learning From Home; Report the progress of implementing this policy to the Ministry of Education and Culture.

In addition to the Education Officer, the Head of the Education Unit also plays a role in fulfilling children's rights to education. The Head of the Education Unit itself consists of the Principal, Chancellor, Director, and other terms. The role of the Head of the Education Unit in its implementation is as follows: Establishing a mode of managing emergency education units as long as it determines the learning system; Create a learning continuity plan; Carry out coaching and monitoring of teachers; Ensure the availability of infrastructure owned by teachers in facilitating distance learning; Create a parenting program to support parents/guardians in accompanying children; Establishing an Emergency Alert Team for handling Covid-19 in the Education Unit; Coordinate and provide periodic reports to the Education Office and/or Regional Education Post.

Educators also play an important role in facilitating distance learning online, offline, or a combination of both in accordance with the conditions and availability of learning facilities. Educators also have several obligations when meeting the needs of children in remote education (via online), namely: Creating a mechanism to communicate with parents/guardians and students; Make a Learning Implementation Plan according to the interests and conditions of the child; Contacting parents to discuss inclusive learning plans according to students' conditions; Ensuring the learning process runs smoothly: Ensuring preparation for students; Doing reflection with students; Explain the material to be taught; Facilitate questions and answers. If without face to face, the teacher must coordinate with parents/guardians for study assignments; Collect and recap assignments.
sent by students within the agreed time; The assignment content is life skills education, including regarding the Covid-19 pandemic. In addition, it is necessary to ensure the existence of recreational content.

In addition to the Education Office, Head of Education Units, and also Educators who play a role in education that occurred during the Covid-19 Pandemic, the Indonesian Ministry of Education and Culture has also taken a role in the implementation of this online distance teaching process. In addition to assistance in the implementation of the teaching-learning process, the Government also provides quota assistance for students, students, teachers, and lecturers so that they can carry out the online teaching-learning process. For students and educators at the elementary school level, an internet quota of 20 GB is provided, then for students and educators at the Junior High School level, an internet quota of 35 GB is provided. Then for students and educators at the high school level, internet quota assistance of 42 GB is provided. Then for college lecturers and students, 50 GB of internet quota assistance is provided.

The legal reference and policy for child protection during the Covid-19 pandemic. During this pandemic, the government issued Presidential as a National Disaster. This was followed by the ratification. Coordination cross-sectoral efforts are required to protect children during the Covid-19 pandemic, reflecting the impact of a multi-sectoral and broad response in a shared commitment to protect Indonesian children.

5 CONCLUSION

The impact of the Covid-19 pandemic is felt in all aspects of human life. For many parents who know that their child is a victim, the first step that must be taken is to prevent or avoid their child using the computer or cell phone too often. Including legal protection for children during this pandemic. Fulfillment, attention to children, in fulfilling children's rights is the obligation of all elements, starting from the smallest scope, namely the family, then followed by the social environment including education, as well as the role of the state, namely the government, providing guarantees of protection in the form of a policy of forming a task force team to guarantee and providing protection for children that focuses on paying attention to the child's psychological condition. Coordinated, cross-sectoral efforts are needed to protect children in the future, reflecting the impact of multisectoral and broad-based responses in a shared commitment to protect children.
REFERENCES


Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection


Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of Corona Virus Disease 2019 (Covid-19).