

Law and Persons with Disabilities: A Study on the Right to Inclusive Education in the City of Salatiga Indonesia

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Abstract: Education for people with disabilities in Indonesia is carried out inclusively through the inclusive education method. Inclusive education in Indonesia is regulated by the Minister of National Education Regulation Number 70 of 2009. The problem formulation in this research is "How is the legal protection carried out by the Salatiga city government to fulfill the rights of people with disabilities in obtaining inclusive education?" Second, "what are the factors that influence the legal protection of people with disabilities in the implementation of inclusive education in Salatiga City?" Third, "how is the right of people with disabilities to get an inclusive education in the perspective of Islamic law?" This research methodology is based on legal research conducted with a qualitative non-doctrinal approach. This is due to the law which is not only conceptualized as a whole of principles and rules that govern human life in society but also includes the institutions and processes that embody the application of these rules in society, as the embodiment of the symbolic meanings of social actors. 11 of 2013 concerning the Implementation of Inclusive Education and Salatiga Mayor Regulation No. 12 of 2019 concerning the Disability Service Unit for Inclusive Education (Smart Resources Center) as a legal umbrella. Since 2013 Salatiga is an inclusive city, inclusive education for people with disabilities in this city is very good because all public schools under the education office have implemented inclusive schools. The difficulty in continuing their high school education makes children continue their education by pursuing package C and some of them do not continue their education or drop out of school. People with disabilities in classical Arabic use the term "al-`ajzu" the meaning is weak. The word is used because society in the past viewed considered people with disabilities as weak. Islam viewed humans as the most perfect creatures, no creature is more perfect than humans except Allah SWT, although some humans are created in less than perfect physical and mental conditions, what distinguishes humans is only piety and faith. Education from the Islamic perspective is a right and obligation for all human beings without exception, including for people with disabilities. People with disabilities in classical Arabic use the term "al-`ajzu" the meaning is weak. The word is used because society in the past viewed considered people with disabilities as weak. Islam viewed humans as the most perfect creatures, no creature is more perfect than humans except Allah SWT, although some humans are created in less than perfect physical and mental conditions, what distinguishes humans is only piety and faith. Education from the Islamic perspective is a right and obligation for all human beings without exception, including for people with disabilities. People with disabilities in classical Arabic use the term "al-`ajzu" the meaning is weak. The word is used because society in the past viewed considered people with disabilities as weak. Islam viewed humans as the most perfect creatures, no creature is more perfect than humans except Allah SWT, although some humans are created in less than perfect physical and mental conditions, what distinguishes humans is only piety and faith. Education from the Islamic perspective is a right and obligation for all human beings without exception, including for people with disabilities. no creature is more perfect than humans except Allah SWT, although some humans are created in less than perfect physical and mental conditions, what distinguishes humans is only piety and faith. Education from the Islamic perspective is a right and obligation for all human beings without exception, including for people with disabilities. no creature is more perfect than humans except Allah SWT, although some humans are created in less than perfect physical and mental conditions, what distinguishes humans is only piety and faith. Education from the Islamic perspective is a right and obligation for all human beings without exception, including for people with disabilities.

Keywords: law, people with disabilities, inclusive education, profetik, Islamic law.

1. Introduction

The General Assembly of the United Nations has updated the paradigm regarding the terms, objectives, and scope of persons with disabilities under international law since December 13, 2006, through Resolution

number A/61/106 on "Convention on the Rights of Persons with Disabilities" (hereinafter abbreviated as CRPD).) (Convention on the Rights of Persons with Disabilities). The CRPD's goal is to promote, protect and claim the full and equal enjoyment of the rights of persons with disabilities to promote respect for inherent dignity. Persons with disabilities in the CRPD are defined as "those who have long-term physical, mental, intellectual or sensory impairments in which interaction with various barriers can make it difficult to fully and effectively participate in society on an equal basis with others".[1]

On October 18, 2011, the Government of the Republic of Indonesia ratified the CRPD into Law of the Republic of Indonesia Number 19 of 2011 (hereinafter abbreviated as Law No. 19/2011) regarding the Ratification of the CRPD. Indonesia is the 107th country to ratify the convention.[1] The CRPD is an international and national human rights instrument to respect, fulfill and protect the rights of persons with disabilities in Indonesia (Development tool and Human Rights Instrument). Article 1 of Law no. 8 of 2016 concerning Persons with Disabilities states "Persons with Disabilities are everyone who experiences physical, intellectual, mental,

Article 60 paragraph (1) of Law Number 39 of 1999 concerning Human Rights reads "every child has the right to receive education and teaching in the context of the child's personal growth so that it is by the child's talents and intelligence". The right of children with disabilities to obtain an education is regulated in Article 54 of Law Number 39 of 1999 concerning Human Rights which states "every child who suffers from a disability has the right to receive special care, education, training, and assistance at the expense of the state, to ensure his/her life. by human dignity, increasing self-confidence, and the ability to participate in the life of society, nation, and state". Children with disabilities are children who must be protected by their parents, family, and government, children with disabilities have the right to obtain their rights, and the most basic and main right is the right to obtain a proper education, with proper education children with disabilities can build a generation. The implementation, respect, protection, and fulfillment of the rights of Persons with Disabilities is regulated in Article 27 of Law No. 8 of 2016 concerning Persons with Disabilities which states "the government and local governments are obliged to plan, implement, and evaluate the implementation of Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities".[1]

The obligations of local governments are regulated in article 130 paragraph (1) which states that "Local governments shall establish coordination mechanisms at the provincial and district/city levels to respect, protect, and fulfill the rights of Persons with Disabilities by their authority". Education for persons with disabilities in Indonesia is carried out inclusively through inclusive education. Inclusive education in Indonesia has been regulated in the Regulation of the Minister of National Education Number 70 of 2009. Based on the description above, the formulation of the problem in this research is How is the legal protection carried out by the Salatiga city government to fulfill the rights of persons with disabilities in obtaining inclusive education? Second, What is the factors that influence the legal protection of persons with disabilities in the implementation of inclusive education in Salatiga City? Third, what is the right of persons with disabilities to get inclusive education from the perspective of Islamic law?

2. Methodology

This research is based on legal research conducted with a qualitative non-doctrinal approach. This is because, in this research, the law is not only conceptualized as the whole of the principles and rules that govern human life in society but also includes the institutions and processes that embody the application of these rules in society, as the embodiment of meanings. the symbolic meaning of social actors, as manifested and seen in and from the actions and interactions between them. Thus, in this study, we will try to see the relationship between legal factors and extra-legal factors related to the object under study. This research will be conducted in Salatiga City. Determination of the location of this research is done purposively, which is based on considerations, namely: first, because in this area there are already regulations on inclusive education; Second, since 2012 Salatiga City is one of the cities/districts that has declared itself as an inclusive education city. This research requires two types of data from two different sources, namely; Primary Data, namely data that comes from the main data source, in the form of social actions and words, from the parties involved with the object studied in this study. The primary data will be obtained through certain informants and social situations, which are selected purposively, by determining the informants and the initial social situation first. Since 2012 Salatiga City is one of the cities/districts that has declared itself as an inclusive education city. This research requires two types of data from two different sources, namely; Primary Data, namely data that comes from the main data source, in the form of social actions and words, from the parties involved with the object studied in this study. The primary data will be obtained through certain informants and social situations, which are selected purposively, by determining the informants and the initial social situation first. Since 2012 Salatiga City is one of the cities/districts that has declared itself as an inclusive education city. This research requires two types of data from two different sources, namely; Primary Data, namely data that comes from the main data source, in the

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The determination of the initial informants was carried out on several informants who met the following criteria: (1) those who mastered and understood the focus of the problem through the enculturation process; (2) those who are involved with (in) the activity being researched and; (3) those who have the sufficient opportunity and time to be asked for information. For this reason, those who are expected to become initial informants are (1) the Head of the Education Office; (2) GPK in Salatiga City; Meanwhile, the determination of the initial social situation will be carried out by observing the process of the object being studied. The determination of the social situation that will be further observed will be directed at: (a) social situations belonging to the same group as the initial situation sample and (b) social situations whose activities have similarities to and sample initial situation.[2][3]

Second, secondary data, namely data originating from library materials, both of which include: (1) written documents, sourced from statutory regulations (Indonesian positive law), scientific articles, literature books, documents official documents, archives, and publications from related institutions. (2) Documents sourced from statistical data, whether issued by government agencies or by companies, related to the focus of the problem. The data needed in this research will be collected in three ways, namely: through interviews, observation, and literature study. After all the stages of the analysis have been carried out, at the final stage, the interpretation of the data will also be carried out, where the existing theories are applied to the data, so that there is a dialogue between theories on the one hand and data on the other. Through this method, it is hoped that some assumptions will be found, as a basis for supporting, expanding, or rejecting the existing theories, it is also hoped that various empirical facts that are relevant to the social reality will be found.[4]

3. Results and Discussion

3.1 Legal Protection for Persons with Disabilities in Indonesia

Legal protection is protection by using legal facilities or means or protection provided by law for the protection of certain interests, namely by making the interests that need to be protected into a legal right. According to Philips M Hadjon, legal protection is a collection of rules or rules that can protect several things, such as the protection of dignity, respect, and recognition of human rights. The basic interest of every citizen is the protection of their human rights as human beings. Human rights can be said to be rights that are owned by humans simply because he is a human beings. A person has this right not because he is given by society or applicable law, but solely based on his dignity as a human being. The concept of human rights is not merely a concept of individual human rights, but also the accompanying human obligations.[13] Protection and respect for human rights are essentially protecting the safety of human existence as a whole through balanced action between rights and obligations and maintaining a balance between private interests and universal interests.[14]

The 1945 Constitution which was born before the Universal Declaration of Human Rights (UDHR) has a fairly progressive human rights perspective, as stated in the preamble of the 1945 Constitution, paragraph I, which reads "Indeed, independence is the right of all nations and because Therefore, colonialism in the world must be abolished, because it is not by the principles of humanity and justice". Article 28 G paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia reads "Everyone has the right to protect himself, his family, honor, society, dignity, and property under his control, and has the right to a sense of security and protection from the threat of fear to do or not do something which is a human right" and "Everyone has the right to be free from torture or treatment that degrades human dignity and has the right to obtain political asylum from another country". The constitutional rights of citizens include human rights and the rights of every citizen which are guaranteed in the 1945 Constitution and apply to all Indonesian citizens. This can be seen from the use of the phrases "everyone", "all citizens", "every citizen", and "every citizen", which shows that constitutional rights are owned by every individual citizen without any distinction based on ethnicity, or religion, , political beliefs, or gender. The constitutional rights of citizens include human rights and the rights of every citizen which are guaranteed in the 1945 Constitution and apply to all Indonesian citizens. This can be seen from the use of the phrases "everyone", "all citizens", "every citizen", and "every citizen", which shows that constitutional rights are owned by every individual citizen without any distinction based on ethnicity, or religion, , political beliefs, or gender. The constitutional rights of citizens include human rights and the rights of every citizen which are

guaranteed in the 1945 Constitution and apply to all Indonesian citizens. This can be seen from the use of the phrases "everyone", "all citizens", "every citizen", and "every citizen", which shows that constitutional rights are owned by every individual citizen without any distinction based on ethnicity, or religion, political beliefs, or gender.[5]

Persons with disabilities receive special treatment as a form of protection against various human rights violations. A person's disability is not a reason to castrate or eliminate a person's rights. The basis for constitutional rights for persons with disabilities is regulated in Article 28H paragraph (2) jo. Article 28I paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Article 28H paragraph (2) states that "everyone is entitled to special facilities and treatment to obtain equal opportunities and benefits to achieve equality and justice. Article 28I paragraph (2) states that "everyone has the right to be free from discriminatory treatment on any basis and is entitled to protection against such discriminatory treatment. In addition to being stated in the 1945 Constitution of the Republic of Indonesia, it is also regulated in Article 5 paragraph (3) of Law no. 39 of 1999 concerning Human Rights (HAM) states that "everyone belonging to a vulnerable community group has the right to receive more treatment and protection about specificity". Elucidation of Article 5 paragraph (3) states that vulnerable groups of people include the elderly, children, the poor, pregnant women, and people with disabilities.

Law No. 4 of 1997 concerning Persons with Disabilities states that "a person with a disability is any person who has a physical and or mental disorder, which can interfere or become an obstacle and obstacle for him to perform properly which consists of, physically disabled, mentally and physically disabled and mentally". Based on Law Number 11 of 2009 concerning Social Welfare, "people with disabilities are classified as part of a society that has a life that is not humanely appropriate and has criteria for social problems".

The word is disabled in Law no. 4 of 1997 concerning Persons with Disabilities, Law no. 39 of 1999 concerning Human Rights, Law no. 11 of 2009 concerning Social Welfare, and the Regulation of the Minister of National Education Number 70 of 2009 concerning Inclusive Education, changing the designation of persons with disabilities to persons with disabilities in Law no. 8 of 2016 concerning Persons with Disabilities. The word disabled has confused me in understanding the existence of someone who is said to be disabled. The word disability has a negative, pejorative meaning and is not friendly to people with disabilities. The term people with disabilities raises a perception that certain social groups are deprived, weak, incapable, need pity, and lack dignity. A person's disability is not a limitation to prove one's existence as a human being. When disability is seen as a certain identity for a person, it degrades human dignity. The use of the term people with disabilities has the potential to be a form of violence against human rights.[19]

The substitution of the word Disabled Persons with Disabilities in Indonesia changes the paradigm for people with disabilities, as long as the compassionate approach becomes an empowerment approach. The word empowerment is a challenge for all parties to involve people with disabilities in all aspects of life, including educational activities so that people with disabilities become independent and beneficial people for the nation and state. Empowerment and recognition of persons with disabilities is not a form of discrimination, but it is a form of respect so the principle of non-discrimination should be echoed. Charles Taylor said that people with disabilities as a minority should not survive in a liberal democracy, should show their identity in the dominant political culture, and require recognition from others. The recognition itself begins with the politics of "self-image". As a group that represents and reflects their group, they have the challenge to change a negative image into a positive one by themselves.

Persons with disabilities in the Convention on the Rights of Persons with Disabilities abbreviated as CRPD (Convention on the Rights of Persons with Disabilities) are defined as "those who have long-term physical, mental, intellectual or sensory suffering in which interaction with various barriers can make full participation difficult. and effective in society on an equal basis with others. Article 1 point 1 of Law no. 8 of 2016 concerning Persons with Disabilities states that Persons with Disabilities are any person who experiences physical, intellectual, mental, and/or sensory limitations in the long term and who in interacting with the environment may experience obstacles and difficulties to participate fully and effectively with other citizens. based on equal rights". The term disability comes from the English language, namely different abilities, which means humans who have different abilities. The term disability is based on the reality that every human being is created differently. So in essence there are only differences, not defects or abnormalities.

According to John C Maxwell, a person with a disability is someone who has a disability or who can interfere with their activities. According to Corlin Barnes and George Mercer, people who have mental disabilities or better known as persons with disabilities are terms that include disturbances or limitations in activities. Disability has been linked to mental and physical deficiencies, which include limping, sitting in wheelchairs, and being victims of conditions such as blindness, hearing loss, and mental illness.

Article 4 paragraphs (1) and (2) of Law no. 8 of 2016 concerning Persons with Disabilities states "Diversity of Persons with Disabilities includes: (a) Persons with Physical Disabilities; (b) Persons with

Intellectual Disabilities; (c) People with Mental Disabilities; and or (d) Persons with Sensory Disabilities". Paragraph (2) states "The variety of persons with disabilities as contained in paragraph (1) can be experienced singly, multiply, or multiple times in a long period of time determined by medical personnel in accordance with the provisions of the legislation". Further explanation on persons with disabilities is contained in Article 4 paragraph (1) of Law no. 8 of 2016 concerning Persons with Disabilities, namely that (a) "Persons with physical disabilities are impaired movement functions including amputation, wilting or stiff paralysis, paraplegia, cerebral palsy (CP) due to stroke, due to cysts and small people"; (b) "Intellectual disability is a disorder of thought function because the level of intelligence is below average, including slow learning, mental disability and down syndrome"; (c) "Mental disabilities are disorders of thought, emotion and behavior, including: Psychosocial including schizophrenia, bipolar, depression, anxiety, and personality disorders, and developmental disabilities that affect social interactions, including autism and hyperactivity"; (d) "Persons with sensory disabilities are disturbances in one of the functions of the five senses, including visual impairment, hearing disability, and/or speech disability". (b) "Intellectual disability is a disorder of thought function because the level of intelligence is below average, including slow learning, mental disability and down syndrome"; (c) "Mental disabilities are disorders of thought, emotion and behavior, including: Psychosocial including schizophrenia, bipolar, depression, anxiety, and personality disorders, and developmental disabilities that affect social interactions, including autism and hyperactivity"; (d) "Persons with sensory disabilities are disturbances in one of the functions of the five senses, including visual impairment, hearing disability, and/or speech disability". (b) "Intellectual disability is a disorder of thought function because the level of intelligence is below average, including slow learning, mental disability and down syndrome"; (c) "Mental disabilities are disorders of thought, emotion and behavior, including: Psychosocial including schizophrenia, bipolar, depression, anxiety, and personality disorders, and developmental disabilities that affect social interactions, including autism and hyperactivity"; (d) "Persons with sensory disabilities are disturbances in one of the functions of the five senses, including visual impairment, hearing disability, and/or speech disability". Psychosocial include schizophrenia, bipolar, depression, anxiety, and personality disorders, and developmental disabilities that affect social interactions include autism and hyperactivity"; (d) "Persons with sensory disabilities are disturbances in one of the functions of the five senses, including visual impairment, hearing disability, and/or speech disability". Psychosocial include schizophrenia, bipolar, depression, anxiety, and personality disorders, and developmental disabilities that affect social interactions include autism and hyperactivity"; (d) "Persons with sensory disabilities are disturbances in one of the functions of the five senses, including visual impairment, hearing disability, and/or speech disability".

The explanation of article 4 paragraph (2) states that (a) "Persons with multiple or multiple disabilities are persons with disabilities who have two or more types of disabilities, including deaf-speech and deaf-blind disabilities"; (b) "In the long term is at least 6 months and/or is permanent".

The legal basis for the rights of persons with disabilities in Indonesia is regulated in Law no. 8 of 2016 concerning Persons with Disabilities. Based on the law, the rights of persons with disabilities are divided into 3 categories: First, the rights of persons with disabilities as contained in Article 5 paragraph (1) of Law Number 8 of 2016 concerning Persons with Disabilities, in that article "the rights of persons with disabilities include: (1) the right to life; (2) free from stigma; (3) privacy; (4) justice and legal protection; (5) education; (6) employment, entrepreneurship and cooperatives; (7) health; (8) politics; (9) religious; (10) sports; (11) culture and tourism; (12) social welfare; (13) accessibility; (14) public services; (15) protection from disasters; (16) habilitation and rehabilitation; (17) concessions; (18) data collection; (19) living independently and being involved in society; (20) express, communicate and obtain information; (21) change place and nationality; (22) free from acts of discrimination, neglect, torture, and exploitation".

Second, there are several additional rights for women with disabilities which are regulated in article 5 paragraph (2) of Law No. 8 of 2016 concerning Persons with Disabilities, in that article states that "women with disabilities have the right: (1) to reproductive health; (2) accept or reject; (3) get more protection from layered discrimination treatment; and (4) to get more protection from acts of violence and sexual exploitation".

Third, the rights of children with disabilities as regulated in Article 5 paragraph (3) of Law no. 8 of 2016 concerning Persons with Disabilities states that "children with disabilities have the right: (1) to receive special protection from discrimination, neglect, harassment, exploitation, and sexual violence and crime; (2) getting treatment and care from a substitute family or family for optimal growth and development; (3) their interests are protected in decision-making; (4) humane treatment of children by the dignity and rights of children; (5) fulfillment of special needs; (6) equal treatment with other children to achieve social integrity and individual development; (7) get social assistance".

3.2 Legal Protection of the Right to Education in Indonesia.

The concept of human rights in education in Indonesia is specifically reflected in the preamble to the 1945 Constitution of the Republic of Indonesia which states that the Indonesian government is obliged to educate the nation's life. Regulations and guarantees regarding education in Indonesia are contained in Article 31 of the 1945 Constitution of the Republic of Indonesia. Article 31 paragraphs (1) – (5) reads as follows paragraph (1) "every citizen has the right to education"; paragraph (2) "every citizen is obliged to attend basic education and the government is obliged to pay for it"; (3) "the government seeks and organizes a national education system, which increases faith and piety as well as a noble character in the context of the intellectual life of the nation, which is regulated by law"; paragraph (4) "the state prioritizes the education budget at least twenty percent of the state revenue and expenditure budget as well as from the regional revenue and expenditure budget to fulfill the implementation of national education"; (5) "the government advances science and technology by upholding religious values and national unity for the advancement of civilization and the welfare of mankind".[6]

Article 31 of the 1945 Constitution of the Republic of Indonesia shows two things. First, the regulation and guarantee of legal protection for citizens to get the right to education. Second, article 31 becomes the basis for the state to fulfill its functions and responsibilities as the highest organ that is obliged to carry out all the interests of citizens so that they are fulfilled properly and completely.[26] Article 31 of the 1945 Constitution of the Republic of Indonesia is expected to increase opportunities and access for citizens to obtain the right to education in Indonesia. All citizens, especially students, have the same opportunities and rights to obtain and access the education they should.[27]

The regulation and guarantee of the right to education is regulated in Article 28 C paragraph (1) and Article 28 E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the article states that "everyone has the right to develop himself through fulfilling his basic needs, has the right to education. , benefit from science and technology, arts and culture, to improve the quality of life and for the welfare of mankind", and "everyone is free to embrace religion and worship according to his religion, choose education and teaching, choose work, choose nationality, choose a residence in the territory of the state and leave it and have the right to return". Based on the above provisions, citizens get two legal protections at once. First, legal protection to obtain the right to education. Second, legal protection for choosing education and teaching. The state provides and is responsible for all aspects related to education as stated in the 1945 Constitution.[28]

The right to education is regulated in Article 12 of Law Number 39 of 1999 concerning Human Rights which states "everyone has the right to protection for his personal development, to obtain an education, to educate himself, and to improve the quality of his life to become a man of faith, piety, and responsibility. , have a noble character, be happy and prosperous by human rights. Article 48 of the Law states that "women have the right to obtain education and teaching at all types, levels, and paths of education by predetermined requirements". The right of children to get an education is also regulated in Article 60 paragraph (1) of the Law which reads "every child has the right to receive education and teaching in the context of personal development by the request for talent and level of intelligence".

The right to education is also contained in Law Number 20 of 2003 concerning the National Education System. Article 1 paragraph (18) reads "compulsory education is a minimum educational program that must be followed by Indonesian citizens with responsibility". Article 5 paragraph (1) reads "every citizen has the same right to obtain quality education". The Indonesian government must provide education for all citizens.

Article 13 paragraph (1) of Law no. 11 of 2005 concerning the Ratification of the International Covenant Of Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights) regulates the right to education. Article 13 paragraph (1) reads "States parties to the present Covenant recognize the right of everyone to education. They agree that education should be directed at the development of the full human personality and awareness of his dignity, and strengthen respect for human rights and fundamental freedoms. They further agree that education enables all people to participate effectively in a free society, promotes understanding, tolerance, and friendship among all nations and all groups, races, ethnicities, or religions,

The definition of education according to Article 1 paragraph (1) of Law Number 20 of 2003 concerning the National Education System states that "education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have religious spiritual strength, self-control, personality, intelligence, noble character, and skills needed by himself, the community, nation, and state.

The function and purpose of education in Indonesia are regulated in Article 3 of Law Number 20 of 2003 concerning the National Education System which states "National Education functions to develop capabilities and shape the character and civilization of a dignified nation in the context of educating the nation's life, aiming to develop the potential of students. to become human beings who believe and fear God Almighty, have a noble

character, are healthy, knowledgeable, capable, creative, independent, and become democratic and responsible citizens".[29]

3.3 Legal Protection for Persons with Disabilities to Get the Right to Inclusive Education

The provisions of Article 31 paragraphs (1) to (5) of the 1945 Constitution of the Republic of Indonesia do not limit who has the right to education, meaning that every Indonesian citizen has the right to education. Every citizen who has the same ability in general as well as persons with disabilities deserves to receive an education that is guaranteed by the state. The right to education for persons with disabilities is also regulated in Article 28 C paragraph (1) and Article 28 E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the article reads that "everyone has the right to develop himself through the fulfillment of his basic needs, has the right to education, benefiting from science and technology, art and culture, to improve the quality of life and for the welfare of mankind",

The right to inclusive education for persons with disabilities is regulated in Article 12 of Law Number 39 of 1999 concerning Human Rights which states "everyone has the right to protection for his personal development, to obtain an education, to educate himself, and to improve the quality of his life to become a man of faith, pious, responsible, noble, happy, and prosperous by human rights. Article 42 states that "every elderly citizen with a physical disability and/or mental disability has the right to receive special care, education, training and assistance at the expense of the state to obtain a decent life by human dignity, to increase self-confidence and the ability to participate in the life of the nation's community. and state". The right of children to get an education is also regulated in Article 60 paragraph (1) of Law Number 39 of 1999 concerning Human Rights which reads "every child has the right to receive education and teaching in the context of personal development by the request for talent and intelligence level". Article 54 of the Law also regulates the right of children with disabilities to receive education, the article states that "every child who is physically and or mentally disabled has the right to receive special care, education, training, and assistance at the expense of the state, to ensure his life is by his dignity." humanity, increasing self-confidence, and the ability to participate in the life of the nation and state.[7]

Article 5 paragraphs (1) – (5) of Law Number 20 of 2003 concerning the National Education System is the basis for persons with disabilities to obtain the right to education, the article states "every citizen has the same right to obtain quality education"; "citizens who have physical, emotional, mental, intellectual, and/or social disorders are entitled to special education"; "citizens in remote or underdeveloped areas, as well as remote indigenous peoples, are entitled to special education services"; "citizens who have the potential for intelligence and special talents are entitled to special education"; and "every citizen has the right to have the opportunity to improve lifelong education".[8]

The right to inclusive education for persons with disabilities is regulated in Article 24 paragraphs (1) to (5) of Law no. 19 of 2011 concerning the ratification of the Convention on The Rights of Persons with Disabilities. Article 24 paragraph (1) reads "States Parties recognize the right of persons with disabilities to education. In order to fulfill this right without discrimination and on the basis of equal opportunity, States parties must ensure an inclusive education system at every level and lifelong learning that is directed at: (a) the full development of one's potential and a sense of dignity and worth, and strengthening respect for human rights, fundamental freedoms and human diversity; (b) development of personality, talent and creativity, and the mental and physical abilities of persons with disabilities to reach their full potential; (c) enable persons with disabilities to participate effectively in a free society". Paragraph (2) reads "in fulfilling these rights, States should ensure that: (a) persons with disabilities are not excluded from the general education system on grounds of disability, and that children with disabilities are not excluded from compulsory and free primary education or from further education based on disability reasons; (b) persons with disabilities can access inclusive, quality and free primary and secondary education on an equal basis with others in the communities in which they live; (c) providing reasonable accommodation for the individual's needs; (d) persons with disabilities receive the support needed, within the general education system, to facilitate effective education; (e) effective means of individual support are available in an environment that maximizes academic and social development, consistent with the goal of full inclusion".

Paragraph (3) reads "States parties should enable persons with disabilities to learn life skills and social development to facilitate full and equal participation in education and as members of society. To this end, States Parties shall take appropriate measures, including (a) facilitating the learning of braille, alternative writing, augmentative and alternative forms, means and formats of communication and orientation and mobility skills, as well as facilitating support systems and mentoring fellow persons with disabilities; (b) facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community; (c) ensure that the education of persons, including children, who are blind, deaf or deaf-blind, is delivered in the language,[9]

Paragraph (4) reads "To ensure the fulfillment of this right, States parties should take appropriate measures to employ teachers, including teachers with disabilities, who are qualified with sign language and/or braille, and to train professionals and staff working at various levels of education. The training will include awareness of disability and the use of augmentative and alternative forms of communication tools and formats as well as educational techniques and materials to support persons with disabilities". Paragraph (5) states "States parties must ensure that persons with disabilities can access general secondary education, vocational training, adult education, and lifelong learning without discrimination and on an equal basis with others.

Article 10 of Law no. 8 of 2016 concerning Persons with Disabilities also regulates the right to education. The article reads "the right to education for disabilities includes the right to (a) obtain quality education in education units in all types, pathways, and levels of education inclusively and especially; (b) have equal opportunities to become educators and education personnel in educational units in all types, pathways, and levels of education; (c) have equal opportunities as providers of quality education in educational units in all types, pathways, and levels of education; and (d) get proper accommodation as a student".

The third part of Law no. 8 of 2016 concerning Persons with Disabilities discusses Education in articles 40 to 41. Article 40 paragraph (1) states that "the government and local governments are obliged to organize and/or facilitate education for persons with disabilities in every path, type, and level of education in accordance with its authority"; (2) "education providers and/or facilities for persons with disabilities as referred to in paragraph (1) shall be implemented in the national education system through inclusive education and special education"; (3) "the government and local governments are obliged to include children with disabilities in the 12 (twelve) year compulsory education program"; (4) "local governments are obliged to prioritize children with disabilities attending school in a location close to their place of residence"; (5) "local governments facilitate persons with disabilities who do not have formal education to obtain a diploma with basic and secondary education through an equality program"; (6) "the government and local governments are obliged to provide scholarships for students with outstanding disabilities whose parents cannot afford to pay for their education"; (7) "The government and regional governments are obliged to provide education costs for children with disabilities who are unable to finance their education". Article 41 paragraph (1) states that "the government and local governments in organizing and/or facilitating inclusive education and special education as referred to in Article 40 paragraph (2) are obliged to facilitate persons with disabilities to learn the basic skills needed for independence and full participation in pursuing education and social development"; paragraph (2) "the basic skills as referred to in paragraph (1) include: (a) writing and reading skills in Braille for people with visual impairments; (b) orientation and mobility skills; (c) skills of peer-to-peer support and guidance systems; (d) communication skills in augmentative and alternative forms, means and formats;

Elucidation of Article 10 letter a of Law no. 8 of 2016 concerning Persons with Disabilities states that what is meant by inclusive education is "education for participants with disabilities to study together with non-disabled students in regular schools or colleges". What is meant by special education is "education that only provides services to students with disabilities by using a special curriculum, special learning process, guidance and or care with special educators and places of implementation in special learning places".

Inclusive Education is also regulated in the Regulation of the Minister of National Education Number 70 of 2009 concerning Inclusive Education for Students Who Have Abnormalities and Have Potential for Special Intelligence and/or Talent, in the regulation, it is stated that "inclusive education is a system of providing education that provides opportunities for all participants. students who have disabilities and have the potential for intelligence and or special talents to participate in education or learning in an educational environment together with students in general. Article 3 paragraph (2) participants who have the disorder as referred to in paragraph (1) consist of those who are "blind, deaf, speech impaired, mentally retarded, physically disabled, mentally retarded, learning difficulties, slow learners, autistic, have motor disorders,[10]

The purpose of inclusive education is regulated in Article 2 of the Regulation of the Minister of National Education Number 70 of 2009 concerning Inclusive Education for Students Who Have Disabilities and Have Potential Intelligence and/or Special Talents, namely (a) Providing the widest possible opportunities for all students with disabilities physical, emotional, mental, and social or have the potential for intelligence and/or special talents to obtain quality education by their needs and abilities and (b) Realizing the implementation of education that respects diversity and is not discriminatory for all students as referred to in letter a.

3.4 Legal Protection for Persons with Disabilities to Get Inclusive Education Rights in Salatiga City.

Whereas since 2012 Salatiga City is one of the cities/districts that has declared itself as an inclusive city and since 2013 Salatiga City has had rules regarding inclusive education in the form of a mayoral regulation. Inclusive education is the responsibility of the local government of the city of Salatiga to articles 10, 11 paragraphs (1) and (2) of Law Number 20 of 2003 concerning the National Education System. Article 10 reads "The government and regional governments have the right to direct, guide, assist and supervise the

implementation of education by the applicable legislation". Article 11 paragraph (1) reads "The Government and Regional Governments are obligated to provide services and facilities, as well as ensure the implementation of quality education for every citizen without discrimination; Paragraph (2) reads that the Government and regional governments are obliged to guarantee the availability of funds for the implementation of education for every citizen aged seven to 15 years. The implementation, respect, protection, and fulfillment of the rights of Persons with Disabilities is regulated in Article 27 of Law No. 8 of 2016 concerning Persons with Disabilities which states "the government and local governments are obliged to plan, implement, and evaluate the implementation of Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities". The obligations of local governments as regulated in article 130 paragraph (1) state that "Local governments shall establish coordination mechanisms at the provincial and district/city levels in order to respect, protect, and fulfill the rights of Persons with Disabilities in accordance with their authority". The state's obligation is also reaffirmed in article 41 paragraph (1) which states that "the government and local governments in organizing and/or facilitating inclusive education and special education as referred to in article 40 paragraph (2) must facilitate persons with disabilities to learn basic skills needed for independence and full participation in education and social development". Article 6 paragraph (1) of the Regulation of the Minister of Education Year 70 of 2009 concerning inclusive education states that "Regency/City Governments guarantee the implementation of inclusive education in accordance with the needs of students". Article 12 reads "The government, provincial governments, and district/municipal governments shall provide guidance and supervision of inclusive education in accordance with their respective authorities".[11]

Mayor Regulation (Perwali) Salatiga No. 11 of 2013 concerning the Implementation of Inclusive Education is the basis of legal protection for persons with disabilities in the city of Salatiga to obtain the right to education. The Salatiga city government has the duty and responsibility to organize inclusive education as legal protection for the fulfillment of rights for persons with disabilities in the field of education, this is stated in article 5 paragraphs (a) to (d) which states "ensure the implementation of inclusive education by the needs of participants. students with special needs"; "ensure the availability of educational resources in the designated education unit"; "improving competence in the field of special education for educators and education personnel in inclusive education providers"; and "facilitating the implementation of cooperation and the establishment of a network of special education units, universities, professional organizations, rehabilitation institutions, hospitals, health centers, therapeutic clinics, the business world, non-governmental organizations, and the community". The implementation of Inclusive education in the city of Salatiga is held in education units within the Regional Government, Ministry of Religion Offices, and Private Education Institutions. The purpose of inclusive education in the city of Salatiga is to provide the widest possible opportunities for students with special needs to obtain quality education according to their needs and abilities and to realize the implementation of education that respects diversity and is non-discriminatory for all students with special needs. The implementation of inclusive education is based on equity and quality improvement; individual needs; meaningfulness; continuity; and engagement.[12]

Inclusive education in the city of Salatiga is held for students with special needs or persons with disabilities. Students with special needs are students who are "blind; deaf; speech impaired; mentally disabled; quadriplegic; tunalaras; double disability; concerned with learning; slow learner; autism; have motor impairments; become a victim of drug abuse, illegal drugs, and other addictive substances; and have other disorders. Students with disabilities or people with special needs also have rights and obligations in inclusive education as stated in article 4 paragraphs (1) and (2), in paragraph (1) stating that "students with disabilities or special needs have the right to attend education inclusively in educational units according to their needs and abilities, obtain quality and non-discriminatory education, and obtain an educational environment that accepts diversity and respects differences regardless of their abnormality and disability"; Paragraph (2) explains the obligations of students with disabilities, that "students with disabilities are obliged to take an active role in learning and teaching activities, and to obey school rules and regulations". The implementation of the inclusive education system in the city of Salatiga is the local government of the city of Salatiga in coordination with the Office of the Ministry of Religion and private educational institutions in conducting mapping, assessment, and evaluation of the presence of students with special needs or persons with disabilities in basic education/secondary education units and levels to provide inclusive education.

By the provisions of article 42 paragraph (1) of Law no. 8 of 2016 concerning Persons with Disabilities, paragraph (1) states "local governments are obliged to facilitate disability service units to support the implementation of inclusive education at the primary and secondary levels";

Article 20 paragraphs (1) and (2) Government Regulation no. 13 of 2020 (PP 13 of 2020) concerning Adequate Accommodation for Students with Disabilities states that "Fulfillment of proper accommodation for students with disabilities is carried out by educational institutions with the support of the Disability Service

Unit; Local governments are obliged to facilitate the establishment of disability service units in early childhood education, basic education and secondary education.

Article 22 states that "the establishment of a disability service unit to support the implementation of inclusive education in formal early childhood education, basic education, and secondary education is carried out through strengthening the functions of regional apparatus that carry out government affairs in the field of education by their authority". Based on the Regulation of the Mayor of Salatiga No. 12 of 2019 concerning the Disability Service Unit in the Field of Inclusive Education (Smart Resources Center). Smart Resources Center (SRC) is a non-structural institution that carries out the functions of disability service units in the field of inclusive education. SRC is Domiciled under and administratively responsible to the Mayor, operationally technically responsible to the Head of the Education Office and the Head of the Office of the Ministry of Religion by their authority. The task of the SRC is to coordinate, facilitate, and manage support for inclusive education providers at the early childhood education level and basic education level in the Salatiga city area.

3.5 Factors Affecting the Implementation of Inclusive Education in Salatiga City.

The essence of law enforcement as a process is the application of discretion which involves making a decision that is not strictly regulated by the rule of law but has an element of personal judgment. Conceptually, the essence of law enforcement lies in the activity of harmonizing the relationship of values that are outlined in solid rules and attitudes of action as a series of elaboration of values at the final stage to create, maintain and maintain a peaceful social life. The concept requires further elaboration so that it will look more concrete. Law enforcement in realizing inclusive education in the city of Salatiga is influenced by several factors. According to Seorjono Seokanto, the main problem of law enforcement is the factors that influence it. These factors have a neutral meaning so the positive and negative impacts lie in the content of these factors. Law enforcement factors include:

3.5.1 Legal factors (Laws)

Law is something that gives rise to rules that have coercive power, that is, if they are violated, they will get strict and real sanctions. Law can also be referred to as a set of norms or rules that function to regulate human behavior with the aim of peace.

Law or legislation is the first variable in law enforcement in the context of realizing inclusive education in the city of Salatiga. The 1945 Constitution of the Republic of Indonesia (abbreviated to the 1945 Constitution of the Republic of Indonesia) to the Mayor's Regulation (abbreviated as Perwali) has regulated the Right to Education for all citizens as well as persons with disabilities. Specifically, in the city of Salatiga, there are 2 (two) regulations that form the basis for running an inclusive school, namely Salatiga Mayor Regulation No. 11 of 2013 concerning the Implementation of Inclusive Education and Salatiga Mayor Regulation No. 12 of 2019 concerning the Disability Service Unit in the Field of Inclusive Education (Smart Resources Center). Whereas in Salatiga Mayor Regulation No.

Legal certainty to get inclusive education for people with disabilities in the city of Salatiga is already guaranteed. Schools under the Salatiga City Education Office may not reject prospective students with special needs, both elementary and junior high schools in the city of Salatiga. Whereas in Salatiga 2 perwali specifically regulates inclusive education but there is no regional regulation that discusses Persons with Disabilities.

3.5.2 Law Enforcement Factor

Law enforcement is a role model in society who should have certain abilities by the aspirations of the community. Law enforcers are the parties that form and apply the law. One of the keys to success in law enforcement is the personality of the law enforcers themselves. Based on article 41 paragraph (1) Government Regulation no. 19 of 2005 on National Education Standards (PP No. 19 of 2005 on National Education Standards) states that "Every educational unit that implements inclusive education must have educational staff who have the competence to organize learning for students with special needs". Article 3 Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform (Permen PAN-RB) No. 16 of 2009 concerning Teacher Functional Positions and Credit Scores divides the types of teachers based on their nature, duties, and activities including "Class Teachers, Subject Teachers, Guidance Teachers, and Counseling/Counselors". Based on article 13 paragraph (4) letter (f) all these teachers can carry out additional tasks and or other tasks relevant to the function of the school/madrasah as special advisors in educational units that provide inclusive education. Article 10 paragraphs (1) and (2) Regulation of the Minister of National Education (Permendiknas) No. 70 of 2009 stipulates that: (1) "Regency/city governments provide at least one special supervising teacher in the designated education unit to provide inclusive education"; (2) "Education units providing inclusive education that is not appointed by the district/city government are obligated to provide at least 1 (one) special supervising teacher". The same thing is also contained in Article 17 letter a of the Salatiga

Mayor Regulation No. 11 of 2013 which states that the resources for the implementation of inclusive education consist of (a) "GPK". Thus, every inclusive education unit in the city of Salatiga must provide at least 1 Special Advisory Teacher. Based on observations in the city of Salatiga, it was found that all activities directly related to inclusive education were focused on the Disability Service Unit in the Inclusive Education Sector (Smart Resources Center). Inclusive Education in the city of Salatiga is organized by GPK or Shadow Teacher. The existence of GPK can come from the homeroom teacher and Shadow Teacher. The homeroom teacher who becomes the GPK is the homeroom teacher who oversees piloting schools who are given additional duties as a companion for Children with Special Needs (ABK). GPK which comes from Shadow Teacher is a teacher who directly accompanies ABK in class. The 25 Shadow teachers in the city of Salatiga are spread over several schools in the city of Salatiga which are not only piloting schools.[13]

The homeroom teachers who become GPK are only in Piloting schools, while the 25 shadow teachers are divided equally in all elementary and junior high schools in the city of Salatiga. Piloting elementary and junior high schools each received 1-3 Shadow Teachers, as in Pulutan 2 SD got 3 people, Blotongan 3 SD got 2 people, SMP Negeri 07 Salatiga got 1 person, and SMP Negeri 10 got 2 people. The rest is for all public elementary and junior high schools in the city of Salatiga.

The biggest impact is when learning about children with special needs because if there is a lack or unavailability of GPK, the children's needs cannot be served optimally. Children with special needs do not get the appropriate facilitators/mediators to discover and develop the potential that exists within them, their classroom teachers do not have the competence and understanding of children with special needs.[38]

3.5.3 Factors Supporting law enforcement

Law enforcement requires certain means and facilities. Facilities or facilities that must be provided include, among others, educated and skilled human resources, good organization, sufficient finances, and adequate equipment so that law enforcement can run smoothly and properly. If these things are not fulfilled, it will be impossible for law enforcement to achieve its objectives.

Supporting facilities or activities that must be fulfilled by the Salatiga city government based on Chapter V entitled Resources article 17 are (a) "GPK" (b) "Facilities and Infrastructure" (c) "Funding". Article 18 reads "every inclusive education unit in the city of Salatiga must provide at least 1 Special Advisory Teacher". Article 19 reads that "the facilities and infrastructure as referred to in Article 17 letter b are in the form of providing accessibility and learning media needed for students with special needs". Article 20 reads that "the funding as referred to in Article 17 letter c shall be sourced from (a) the state revenue and expenditure budget; (b) Central Java provincial revenue and expenditure budget;

The Salatiga City Government established the Disability Service Unit in the field of inclusive education as the Disability Service Unit in the Inclusive Education Sector. Based on the Regulation of the Mayor of Salatiga No. 12 of 2019 concerning the Disability Service Unit in the Inclusive Education Sector (Smart Resources Center), the Smart Resources Center (SRC) is a non-structural institution that carries out the function of the disability service unit in the field of inclusive education. The task of the SRC is to coordinate, facilitate, and manage support for inclusive education providers at the early childhood education level and basic education level in the Salatiga city area. Based on article 23 PP No. 13 of 2020 that "disability service units in regional apparatus that carry out government affairs in the field of education have the task of (a) conduct a needs analysis; (b) provide data and information; (c) provide recommendations; (d) carry out technical training and guidance; (e) carry out assistance; and (f) carry out monitoring, evaluation, and reporting. SRC is a disability service unit in the city of Salatiga".

Facilities and infrastructure factors from 2013 until now in inclusive education in the city of Salatiga continue to be sought and developed, especially in terms of accessibility. Accessibility is an easy environment and facility for students with disabilities. There are 3 resources in inclusive education in the city of Salatiga, namely GPK, Facilities and Infrastructure, and Funding. GPK has been around since 2013 and in 2019 a shadow teacher recruitment was held to help GPK. Facilities and infrastructure have been carried out by the Salatiga city government by building a piloting school and constructing the SRC building. The existing facilities and facilities at SRC have been inaugurated on December 12, 2019, and began to be active in January 2020, gradually starting to complete the needs for learning facilities and infrastructure for children with disabilities. SRC and piloting schools in the city of Salatiga have more complete facilities than public schools in general. Existing facilities include a learning resource room equipped with facilities for therapy for children with disabilities, the usual therapy is fine motor therapy, gross motor skills, and children's exercise areas. The education office makes SRC a place for learning outside the classroom or in other words an additional place for children with disabilities to study. SRC also provides facilities for free psychological tests at least once a year. Funding comes from the APBN, APBD which is submitted through proposals, there are also private donors. Limited funding makes inclusive education in the city of Salatiga not run optimally even though it is good,

because every year the facilities and infrastructure to support are always pursued and developed. Since the inauguration of the SRC, the development of facilities and infrastructure has indeed increased, but it is not as ideal as what is mandated by the Government Regulation.[14]

3.5.4 Community Factors

The community has a strong influence on the implementation of law enforcement. People who are aware of the law certainly understand the things that are their rights and obligations, thus the community will develop their needs by the valid rules.

Community participation is an important factor in the implementation of inclusive education. Inclusive education requires collaboration between classroom teachers and the community to create and maintain a warm classroom community, accepting diversity and respecting any differences that exist. Inclusive education is a shared responsibility between the government, schools, and the community. Article 8 of law no. 20 of 2003 concerning the National Education System states that "the community has the right to participate in planning, implementing, monitoring, and evaluating work programs". Article 9 states that "the community is obliged to provide resource support in the implementation of education". Article 56 paragraph (1) states that "the community plays a role in improving the quality of education services which includes planning, monitoring, and evaluation of education programs through education boards and school/madrasah committees". Article 11 paragraph (5) of the Minister of National Education Regulation No. 70 of 2009 states that "education units providing inclusive education can cooperate and build networks with special education units for higher education, professional organizations, rehabilitation institutions, hospitals, community health centers, therapeutic clinics, the business world, non-governmental organizations (NGOs) and the community. Community support and role in inclusive education is very much needed". Community participation can be done through the education board or school/madrasah committee, the community has the right to evaluate educational programs in schools and in the teaching and learning process. CHAPTER VII Community Participation Article 22 of Perwali No. 11 of 2013 states that "community participation in the implementation of inclusive education includes: (a) actively participating in decision-making planning, curriculum development, implementation of learning, and evaluation and supervision; (b) providing direct assistance in the form of providing experts/professionals, financial support, financing support, facilities and infrastructure support, distribution of graduates, access and network assistance. The education disability service unit or Smart Resources Center (SRC) in the city of Salatiga as a non-structural institution that carries out the functions of the disability service unit in the field of inclusive education may involve doctors, specialists, clinical psychologists, physical therapy personnel (physiotherapy, occupational therapists and speech therapists).

The community is needed in the implementation of inclusive education because the community has many of the resources needed by the school and at the same time, the community is the owner of the school in addition to the government. From 2013 until the establishment of the SRC, the education office has collaborated with several agencies such as RSUD, RSPAW, SWCU, IAIN SALATIGA, P3A Health Service, Social Service, and Education Supervisor in Salatiga city. The role of the community in the city of Salatiga so far has made a special program for parents of children with disabilities. SRC also cooperates with the disability community in every sub-district in the city of Salatiga. Salatiga City often holds seminars and during the pandemic only webinars 2 times a year.

3.5.5 Cultural Factors

Legal culture is one part of the wider human culture. Legal culture is the same general response of certain people to legal phenomena that arise.[44] Legal reality shows the relationship between law and variables outside the law, especially culture. A phenomenon can be understood through the starting point from the basic thinking that legal institutions are always embedded in a certain social and cultural structure, from this emerge other variables that affect the purity of the law, such as economics, politics, socio-culture, and so on. A legal culture will show the pattern of the same individual as a member of the community toward the legal life that is lived by the community concerned.

The law that is made in the end is largely determined by the legal culture in the form of values, views, and attitudes of the people concerned. Legal culture should not be ignored, if the legal culture in the community in question is neglected, there will be a failure of an applicable legal system, such as misinformation about a rule, and the difference between legislation and practices carried out by the community. Whereas the regulation on inclusive education in the city of Salatiga already exists in the form of two guardians, then the people in the city of Salatiga should already know these regulations. Regulations on inclusive education are very important for people with disabilities so that their rights in education are not neglected.

Based on research conducted by Haryono on the evaluation of inclusive education for children with special needs (ABK) in Central Java, it is stated that there is a gap between schools and the community in the

implementation of inclusive education in full, involving only a formality to carry out the coordination of planning and socialization, while at the implementation stage nor evaluation is involved. Communication and collaboration between the community and stakeholders are very important for the development of inclusive education, especially for students to get quality in an inclusive environment.[48] Research conducted by Lukitasari states that in the city of Salatiga, policies regarding inclusive schools are still lacking, resulting in a lack of understanding and ignorance about inclusive education programs. The community in general does not know about the inclusive education program in the city of Salatiga apart from the school itself. This is indicated by the fact that there are still many parents who do not know that children with disabilities can attend regular schools with normal friends.[49] Based on an interview with one of the GPKs at SRC that every time there are prospective students with disabilities, the GPKs at school or at SRC direct that prospective students be sent to piloting elementary/junior high schools because the facilities there are more complete than schools in general even though all schools in the city of Salatiga for elementary and junior high schools is all-inclusive.

That with education and socialization about inclusive education, it is hoped that all stakeholders will comply with the law in the form of Perwali No. 11 of 2013 concerning the Implementation of Inclusive Education and Salatiga Mayor Regulation No. 12 of 2019 concerning the Disability Service Unit in the Inclusive Education Sector (Smart Resources Center) so that it can be said that all components of the community in the city of Salatiga are legal.

3.6 Constraints Faced in the Process of Implementing Inclusive Education in Salatiga City.

Since 2013 the city of Salatiga is an inclusive city, that inclusive education for persons with disabilities in the city of Salatiga is very good compared to the surrounding areas, the city of Salatiga is said to be better because all public schools under the education office have implemented inclusive schools. The implementation of inclusive education in the city of Salatiga, although it is good, but there are still some obstacles that must be faced such as the lack of support from stakeholders in the implementation of inclusive education, the lack of support from stakeholders because some parties feel that schools are not involved in formulating internal school policies that anti-violence against students. Socialization in the community is still lacking so community support and participation in the implementation of inclusive education in the city of Salatiga is still not optimal and is an obstacle that must be faced by all stakeholders. Obstacles that are often faced by children with disabilities who want to continue their education from junior high school to senior high school experience difficulties because the responsibility of the Salatiga city education office is only basic education while high school is an area of the provincial education office, this makes the education office unable to intervene so that children with disabilities have difficulty continuing. The difficulty of continuing high school education makes children continue their education by pursuing package C and many do not continue their high school education or drop out of school, while the rough number from early childhood to junior high school is around 1000 children with disabilities who study in the city of Salatiga. Salatiga compared to other cities or regencies around the city of Salatiga is already better at managing inclusive education.

3.7 Rights of Persons with Disabilities in Islamic Law

There are no explicit provisions in the Qur'an regarding the meaning of persons with disabilities, but the Qur'an uses several categories for persons with disabilities, namely shummum (deaf), bukmun (mute), umyun (blind), and a'raj (limping).[54] The term disability in contemporary Arabic is called "iaqah", the term for the person with disabilities is called "al-muaq" jama'nya (al-mu'aqun). The word can mean to prevent or hinder. It is called so because the presence of persons with disabilities in carrying out activities or associating in society is prevented or hindered by their limitations. The use of word disabled in classical Arabic uses the term "al-'ajzu" which means weak. The word is used because society in the past viewed people with disabilities as weak.

Islam views humans as the most perfect creatures, no creature is more perfect than humans except Allah SWT, although some humans are created in less than perfect physical and mental conditions, what distinguishes humans is only piety and faith. Everything that is attached to and happens to humans is a gift from Allah SWT, this is by the word of Allah in Surah At-Tin verse 4 which means "Indeed We have created Man in the best form". Likewise, it is explained in Surah Al Hujurat verse 13 which reads: "O mankind, indeed we created you from a male and a female so that you may know each other, indeed the most honorable of you are in the sight of Allah the most pious, Verily, Allah is All-Knowing, All-Knowing." The verse above is very clear that Allah SWT has created humans in a perfect state both physically and psychologically. The human physique needs to be maintained and developed by providing adequate nutrition to maintain health. The human psyche is nurtured by providing adequate religious education. Based on the two verses above, Islam views humans in a positive and egalitarian way and views human substance as more immanent than material. All humans have the same rights and obligations, regardless of one's social, educational, or physical background, what distinguishes humans is their piety. The human physique needs to be maintained and developed by providing adequate nutrition to

maintain health. The human psyche is nurtured by providing adequate religious education. Based on the two verses above, Islam views humans in a positive and egalitarian way and views human substance as more immanent than material. All humans have the same rights and obligations, regardless of one's social, educational, or physical background, what distinguishes humans is their piety. The human physique needs to be maintained and developed by providing adequate nutrition to maintain health. The human psyche is nurtured by providing adequate religious education. Based on the two verses above, Islam views humans in a positive and egalitarian way and views human substance as more immanent than material. All humans have the same rights and obligations, regardless of one's social, educational, or physical background, what distinguishes humans is their piety.[15]

Protection for persons with disabilities in the Qur'an is contained in Surah al Fath 17 and Surah An-Nur verse 61. Surah al Fath verse 17 "There is no sin on the blind and the lame and on the sick. (if not in war). And whoever obeys Allah and His Messenger, Allah will surely admit him to Paradise under which rivers flow, and whoever turns away will surely be punished by Him with a painful punishment." The verse was revealed regarding people who have physical limitations and feel restless because they cannot carry out the command of jihad the verse is directed at hypocrites who are reluctant to fight, even though their condition is very possible. The threat of the Koran against people who do not want to fight and fight in the way of Allah,[16]

Surah An-Nur verse 61 reads, "There is no obstacle for the blind, not (also) for the lame, not (also) for the sick, and not (also) for yourself, eating (with them) in your house. alone or in the house of your fathers, in the house of your mothers, in the house of your brothers, in the house of your female brothers, in the house of your father's brother, in the house of your father's sister, in the house of your mother's brother men, at your mother's sister's house, the house where you have the key or the house of your friends. There is no obstacle for you to eat with them or alone. So when you enter (a house from) (these) houses, you should greet yourself (the occupants mean greeting) to yourself, a greeting that is prescribed by Allah,

The reason for the revelation of this verse is that Muslims find it difficult to eat with a blind person because he cannot see a good place to eat. According to Abu Dhahak, before this verse was revealed, some of the Muslims objected to eating with these people (blind, lame, and sick) because they were dirty and disgusted, so as not to prioritize them, this verse was revealed.

Persons with disabilities as a minority group are often despised and even ostracized, therefore Islam forbids taskhir (insulting or humiliating) other people for any reason, as emphasized in QS Al-Hujurat verse 11 which reads "O you who believe, do not be a group of people. make fun of other people, maybe those who are made fun of are better than them, and don't let women make fun of other women, maybe women who are made fun of are better than women who make fun of. Do not criticize one another, and do not call with bad titles, the worst of calls is a bad call (fasik) after faith. And whoever does not repent then they are the wrongdoers."

Some of the verses above can be used as a basis for disability protection in Islam. Furthermore, Islamic jurists in 1981 Cairo put forward the "Universal Islamic Declaration of Human Rights" which was sourced from the Al-Quran and Hadith. The Declaration of Human Rights contains several basic rights, including (a) the right to life, (b) the right to freedom, (c) the right to equality of position, (d) the right to justice, (e) the right to protection against abuse of power, (f) the right to protection from torture, (g) the right to honor and good name, (h) the right to freedom of thought and speech, (i) the right to freely choose religion, (j) the right to freely assemble and organize, (k) the right to regulate life and the economy, (l) social security rights,

3.8 Inclusive Education an Islamic Perspective

The term education in Arabic is usually divided into three, namely, al-taklim, al-ta'dib and al-tarbiyah. Al-taklim means teaching which is giving or delivering knowledge and skills. Al-al-ta'dib is understood as a term for the educational process that leads to the improvement of the morals of students. Al-tarbiyah means educating or nurturing. Muhammad Athiyah al-Abrasyi in his book entitled *Ruh Al-Tarbiyah wa al-Taklim* mentions that Tarbiyah is an attempt by a person or group to prepare their students to live a perfect, happy life, love the homeland, be physically capable, have perfect morals, straight in thinking, smooth feeling, skilled in work, helping each other among others, able to use his mind well orally and in writing and able to live independently.

Education from the Islamic perspective is a right and obligation for all human beings, without exception, including for persons with disabilities. The essence of man is a learning creature, he was born without any knowledge, attitude, or skills then humans grow and develop so that they become humans who know, know and master many things. The process occurs through learning that optimizes all the potential and capacities possessed by a person (Surah An-Nahl: 78, Az-Zumar: 9, At-Taubah: 122, Ali-Imron: 187).

Education and learning in the verses of the Qur'an are very much discussed, one of which is contained in QS Al-Alaq verses 1-5. The verses are, (1) Read in the name of your Lord, the Creator, (2) He has created Man

from a clot of blood, (3) read it, and your Lord is the Most Gracious, (4) It is He who teaches mankind with a pen, (5) He taught man what he did not know.

Education is needed by humans to form quality characters, to create human beings with character by having knowledge of good morals and having skills so that they can become examples for others around them. Inclusive education from the Islamic perspective is an educational process that lasts until children reach adulthood, for that children have the right to a good education, including those with special needs.[66] Islam places great emphasis on the importance of an education that does not discriminate between humans and one another. The obligation to seek knowledge is not only an obligation for certain groups but is obligatory for all human beings, especially those who are Muslim, both men and women. in conditions of persons with disabilities and non-disabled persons. The obligation to seek knowledge for a Muslim is contained in several hadiths conveyed by the Prophet Muhammad, which means "Seeking Knowledge is obligatory for a Muslim" (HR Ibn Majah No. 224). Seeking knowledge in Islam is commanded from birth to the grave, meaning that there is no time limit and no discrimination against anyone.

The right to education in Islam has been regulated in article 9 of the Cairo Declaration on Human Rights in Islam which states that [68]:

- a. Seeking knowledge is an obligation while providing education is the duty of society and the state. The state must ensure the availability of facilities and infrastructure to obtain education and ensure the diversity of education for the benefit of the community so that people know the religion of Islam and the secrets of the universe for human prosperity.
- b. Every human being has the right to receive worldly and religious education from various educational institutions and guidance from the family, schools, mass media, and so on to get a complete religious and worldly human education.

Persons with disabilities are part of humanity and have the same rights and obligations to learn and seek knowledge and there is no prohibition for them to study and work together as in general human beings. [16] [10]

4. Conclusion

Persons with disabilities receive special treatment as a form of protection against various human rights violations. The legal protection given to persons with disabilities to guarantee their rights in the field of inclusive education in the city of Salatiga already has regulations, there are 2 mayoral regulations, namely Perwali No. 11 of 2013 concerning the Implementation of Inclusive Education and Salatiga Mayor Regulation No. 12 of 2019 concerning the Inclusive Education Disability Service Unit (Smart Resources Center) as a legal umbrella, it can be said that legal certainty to obtain inclusive education for persons with disabilities in the city of Salatiga is already guaranteed.

Since 2013 the city of Salatiga is an inclusive city, that inclusive education for persons with disabilities in the city of Salatiga is very good compared to the surrounding areas, the city of Salatiga is said to be better because all public schools under the education office have implemented inclusive schools. The implementation of inclusive education in the city of Salatiga, although it is good, but there are still some obstacles that must be faced such as the lack of support from stakeholders in the implementation of inclusive education, the lack of support from stakeholders because some parties feel that schools are not involved in formulating internal school policies that anti-violence against students.

People with disabilities in classical Arabic use the term "al-'ajzu" which means weak. The word is used because society in the past viewed people with disabilities as weak. Islam views humans as the most perfect creatures, no creature is more perfect than humans except Allah SWT, although some humans are created in less than perfect physical and mental conditions, what distinguishes humans is only piety and faith. Education from the Islamic perspective is a right and obligation for all human beings, without exception, including for persons with disabilities.

Suggestion. Inclusive education in the city of Salatiga can be said to be better than in the surrounding areas, the rules that have been ratified in the form of two mayoral regulations are the legal umbrella for the implementation of inclusive education, one of these rules was passed in 2013 I think it needs to be revised immediately following some of the provisions above such as Law no. 8 of 2016 concerning disability and PP No. 13 of 2020 (PP 13 of 2020) concerning Adequate Accommodation for Students with Disabilities and following the social dynamics that exist in the city of Salatiga.

Improvement of facilities and infrastructure and facilities still need to be improved to make it easier for people with disabilities to get the right to inclusive education. We need to pay attention to the welfare of inclusive education providers and SRC education managers so that they focus on providing inclusive education and they are all people who directly deal with people with disabilities. Massive socialization of inclusive education and SRC in the city of Salatiga also needs to be improved.

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