
Advances In Social Science, Education and Humanities Research

Proceedings of the 2nd International Conference of Law, Government and Social Justice (ICOLGAS 2020)

Bibliographic information:

Title	Proceedings of the 2nd International Conference of Law, Government and Social Justice (ICOLGAS 2020)
Editors	Yusuf Saefudin, S.H., M.H. Muhammad Bagus Tri Prasetyo Sinta Lidang Mutiara Amardya Galih Pratama
Part of series	ASSEHR
Volume	499
ISSN	2352-5398
ISBN	978-94-6239-295-3

Search

Series: [Advances in Social Science, Education and Humanities Research](#)

Proceedings of the 2nd International Conference of Law, Government and Social Justice (ICOLGAS 2020)

ARTICLES

Search

[+ Advanced search](#)

SEARCH

101 articles

Proceedings Article

The Law Impact on the Inheritance of Nominee Arrangement in Indonesia to the Third Party of Share Buyers

Ari Tri Wibowo, Tri Lisiani Prihartinah

Plenty of the nominee arrangement traditions in Indonesia become obstacles to the nominee arrangement's trade chiefly when the inheritance of nominee arrangement is prevailed. This study examines the legal repercussion of nominee arrangement to the third parties of share buyers. This study used normative...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

[Implementation of Religious and Belief Rights in Surabaya for Creating the Collectability in Religious Life](#)

Deslaz Rannu Handicha

The existence of the right to religious freedom in Indonesia requires protection of the right to freedom of religion and belief from a conflict between religious communities, as many cases occur including blasphemy, physical and non-physical violence committed by the majority, especially conflicts between...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

[Secular or Religious State and the Impact on the Acceptance and Resistance of Sharia Perda in Indonesia](#)

Akhmad Khalimy

This paper wants to know the various views among Indonesian and foreign scholars on the existence of sharia perda in Indonesia. Their various views traced from their works on books, dissertations/thesis, or papers written on the topic of sharia perda from 2000-2020. The following studies will compare...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

[Social Welfare for the Adoption of Displaced Children by Foreign Citizens](#)

Gracia Jasmine Sunaryo Putri, Suhariningsih, Dhia Al Uyun

Children do not have the autonomy to take care of themselves, they must be under the responsibility of adults to have their protection guaranteed. An adult

under the responsibility of adults to have their protection guaranteed. Finally, in this case is the parent, when they fail to carry out their functions, it can be displaced children. An alternative to solving the problem of...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Use of Information Technology in Searching Transnational Crime

Lynda Asiana

The internationalization of crime as a feature of globalization has made a new form of crime by developing increasingly sophisticated and complex information technology, both about the tools used and the impact they have had. This makes it difficult for new forms of crime to be tracked and prosecuted...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Transnational Corruption and Its Impact on Indonesian Jurisdiction

Satria Unggul Wicaksana Prakasa, Basuki Babussalam, Agus Supriyo

As a state of law, all law enforcement processes in Indonesia are limited by sovereignty for trans-border crimes that one of them is corruption. Corruption case is as part of transnational crimes that cannot be underestimated. The legal vacuum that occurs in Indonesia has an impact on the difficulty...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Claim of Human Rights Violations Against China in COVID-19 Case of the Opportunity to Use International Court of Human Rights Mechanisms

Levina Yustitianingtyas, Anang Dony Irawan

The state of China or commonly called the State of China has been accused as the cause of an outbreak of corona virus transmission or COVID-19. The loss caused by COVID-19 is very large for all sectors of the country's life sector in the world, so that countries in the world are trying to sue China which...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Effect of Globalization on the National Legal Policies of Human Rights

Hassan Suryono, Raharjo

The purpose of this paper is (1) to explained whether human rights in the 1945 Constitution of the Republic of Indonesia have adopted universal human rights, and (2) the configuration of the implementation of universal human rights in the Republic of Indonesia. This paper was used comparative and synchronous...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Cyber Attack - The Burden of International Crime Proof: Obstacles and Challenges

Maskun, Naswar, Achmad, Hasbi Assidiq, Armelia Safira, Siti Nurhalima Lubis

Cyber-attack is a negative impact of the development of technology in the modernization era. This attack utilizes technology to attack telecommunications networks. According to international law, cyber-attacks can be categorized as international crimes. Cyber-attacks took place in Estonia and Iran resulted...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Indonesian Republic Government's Role in Handling Refugees in Pekanbaru According to the Presidential Regulation Number 125 of 2016 concerning Handling Refugees

Fithriatus Shalihah, Uni Tsulasi Putri

This study aims to find out the government's role in handling refugees from abroad and analyze obstacles affecting the implementation of government policies according to Indonesian presidential regulation number 125 of 2016 in handling refugees at the Pekanbaru Immigration Detention House (IDH). This...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Implementation of Act 29/ 2004 Concerning Medical Practice and Its Implementation Regulations

Iman Firmansyah, Asti Wasiska, Rahmah Marsinah

Medical practice law is the answer to the doctor's responsibility in standardizing the profession. If the medical practice was done without fulfilling that pre-requirement, the medical practice administrators could be sentenced by administrative or juridical sanction. There are implementing regulations...

[+ Article details](#)

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Special Electoral Tribunal as a Solution for Fairness and Fulfillment of Human Rights of the Candidates for Membership of the House of Representatives and Regional People's Representatives Assembly

Demson Tiopan, Shelly Kurniawan, Yudha Pamungkas

Issues regarding election (in this case, the election for the House of Representatives and Regional People's Representative Assembly) is divided to violations against the election, disputes over election processes, and disputes over election result. The author's purpose in making this research is to...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

ASEAN Experiences on Judicial Utilization of Scientific Evidence in Environmental Justice Cases

Cecep Aminudin, Efa Laela Fakhriah, Ida Nurlinda, Isis Ikhwansyah

Scientific evidence is one of legal and evidentiary challenges in the court settlement of environmental disputes in ASEAN. The issue of scientific evidence in court is related to the outcome of environmental justice cases settlement. The aim of this article is to discuss some available references in...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Legal Protection for Freelance Daily Employee in Salt Pond Madura

Yayuk Sugiarti, Asri Wijayanti, Lilik Puja Rahayu, Anak Agung Sagung Ngurah Indradewi

This study aims to determine and analyze the forms and legal remedies for legal protection for casual daily laborers in salt ponds Madura. This normative legal research uses a statutory approach. Research shows that daily paid workers in salt ponds Madura work more than 21 days in a month for more than...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Role of the Constitutional Court as a Stimulator of the Amendment of Traffic and Road Transport Act

Winda Wijayanti, Mery Christian Putri, Sharfina Sabila

There is a huge increase in the road traffic accidents by underage vehicle drivers. They should not be in the highway, therefore it becomes parent's obligation to watch their activity. However, they often ride vehicles in a highway that may cause road accidents that takes victims. It seems to be an unjust...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Spatial Law and Production of Space in the Context of Cemetery in Surabaya

Victor Imanuel W. Nalle

This article criticizes spatial law about the availability of cemeteries in Surabaya Indonesia. The analysis in this article uses the concept of social space

Sarabaya, Indonesia. The analysis in this article uses the concept of social production by Henri Lefebvre. This article reviews how the paradigm of spatial law in Indonesia impacts on spatial regulation and the availability...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Employment Law System in the Covid-19 and New Normal Pandemic Periods

Citra Resmi Nanda Putri Pratiwi, Tri Lisiani Prihatinah

The Ministry of Manpower on April 20, 2020 collected data on workers who were dismissed and sent home during the Covid-19 pandemic, around 2,084,593 workers from 116,370 companies have been sent home. To avoid a legal vacuum during the Covid-19 pandemic, the government issued an employment policy. Based...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Urgency of Regulating Taxation on Online Business in Instagram Platform

Nasrullah, Sinta Amalia

In this digital era, Instagram becomes a platform which demand by many people. With that phenomenon, the number of online businessmen on Instagram is growing rapidly and they are obtaining a lot of income. This income is very potential to become state revenue. However, many people who conduct online...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Legal Reconstruction of Tax-Sharing Funds in Indonesia: Towards the Progressive and Democratic Tax Function

Anis Wahyu Hermawan, Henry Dianto Pardamean Sinaga, Leo B. Barus

There is still a polemic related to tax-sharing funds (DBH), such as transparency and disbursement, which must be addressed immediately so as not to marginalize substantive justice and obscure the meaning of decentralization. Based on the normative method by using democratic theory, two conclusions are...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Electronic Voting: Towards Indonesian Democratic Constitutional Election

Mohammad Mahrus Ali, Alia Harumdani Widjaja

Electronic voting (e-voting) is an constitutional electoral system that can be applied to create effective and efficient democratic elections. The vast territory of Indonesia and a large number of logistics preparation, it turns into costly elections. The problem of miscalculation, inaccuracy counting...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Ideals of Pancasila Law in the Process of Forming

THE IDEALS OF PANCASILA LAW IN THE PROCESS OF FORMULATING Legislation

Hariyanto, Kadar Pamuji, Tedi Sudrajat

The ideals of Pancasila law are thought constructs which are imperative to direct the law to the ideals desired by society. The problem is what are the ideals of Pancasila law in the formulation of democratic laws and regulations and responsive and participatory legal products in this reform era. This...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Problem of Norm on the Retroactive Patent Certificate

Anak Agung Sagung Ngurah Indradewi, Agus Supriyo, Lilik Puja Rahayu, Yayuk Sugiarti, Ni Putu Yunika Sulistyawati, I Made Wahyu Chandra Satriana

This study aims to analyze the meaning of “retroactive” in Article 60 of the Patent Law which has multiple interpretations. This legal research is normative with a grammatical interpretation approach. The result of the research is that there is a vague interpretation of a norm on the phrase “retroactive”...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Legal Protection for the Creditors as the Holders of the Mortgage Rights Towards the Buildings Rights Over the Managements Rights

Agus Suprihanto

Based on the research results, it can be concluded that (1) The process of making

Based on the research results, it can be concluded that (1) The process of making a Land Use Agreement does not fulfill the principles of justice and legal certainty for the parties. (2) The transfer of rights to the object of the Building Use Rights on the land of the Management Rights is not in accordance...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Urgency of Regulation Regarding Standardization of Documentation in Electronic Medical Records

Rano Indradi Sudra

Medical records are documents that must be made in every health service. As an electronic form of medical records, electronic medical records (EMR) do not just transfer content from paper to computer screens, but many adjustments are needed including standardizing documentation. Standardization related...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Legal Protection Towards Geographical Indication of Meranti Liberika Coffee According to Law Number 20 of 2016 on Trademarks and Geographical Indications

Fithriatus Shalihah, Deslaely Putranti

Government of the Republic of Indonesia has declared that 2018 is the year of Geographical Indication (GI). Riau Province has its registered GI product; Rangsang Meranti Liberika Coffee originating from West Kedabu Village, Rangsang Pesisir Subdistrict, Kepulauan Meranti Regency, Riau Province. This...

[+ Article details](#)

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Authority Dynamic Law of Central and Regional Governments in Managing Natural Resources

Achmad Hariri, Anang Dony Irawan, Al Qodar Purwo

The dialectic of central and regional authority has been going on for a long time, even before this state was formed, the debate between the form of a unitary state and the federalism colored the discussion of constitutional formulation.

Soekarna represents unitary ideology while Moh Hatta is Federalist...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

E-Proxy Implementation in General Meeting of Shareholders for Public Companies in the Pandemic Era Covid-19

Sudiyana

The Financial Services Authority (FSA) has issued a policy for public companies that will hold a General Meeting of Shareholders (GMS). This was done as an impact on Covid-19 Pandemic in terms of e-proxy or electronic authorization.

The FSA policy addresses problems for shareholders that cannot attend...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Role of "Mantri" in Reporting the Feasibility Data of the Prospective Debtor and Its Effect on the Number of Bad Loans

PROSPECTIVE DEBTOR AND ITS EFFECT ON THE NUMBER OF BAD LOAN

Marwah, Nurfaidah Said, Fildanasari

People's Business Credit (KUR) is one of the government programs in increasing access to financing for Micro and Small and Medium Enterprises. The role of

Mantri is very important in the distribution of KUR at PT. Bank Rakyat Indonesia (Persero) Tbk, to the public. Mantri is one of the positions assigned...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Arrangement of Procurement of Defense Equipment That Supports the Development of the Defense Industry

Dodik Umar Sidik, Isnu Harjo Prayitno

The procurement of defense equipment, in accordance with the mandate of Law Number 16 of 2012 concerning Defense Industry is necessary to consider the capabilities of the defense industry and the confidentiality of the controlled technology. The practice of procuring defense equipment for the benefit...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Position of Non-Marital Children in Inheritance Reviewed From Tengger's Adat Law

Wahyu Krisnanto, Chris Ayu Berta Uli Sagala, Frans Candra Ziliwu

The core family is the smallest group of a society consisting of father, mother and children. The child's existence in a family has a very important value for the family. Not only as a succession generation of family descendants but also a family heir. However, not infrequently the presence of children

family life. However, not infrequently the presence of children...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Forensic Identification of Workplace Accidents Causing Death (A Case Report)

Ria Kumala, Ahmad Yudianto, Sudjari Solichin

The industrial revolution brought progress to society, but indirectly led to a high number of work-related accidents. Data from ILO stated nearly 2.3 million people died per year worldwide due to work-related accidents/diseases. In case of workplace accidents, forensic doctors have a very important role...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Effectiveness of Postal Money Orders Services to Minimize the Circulation of Money in Correctional Institutions Class IIA Besi Nusakambangan

Muhamad Anwar

The purpose of compilers of conducting this research is to minimize the circulation of money carried out by prison inmates while in a correctional institution, the circulation of money may result in a violation of rules and regulations which may cause security problems, which has implications for disciplinary...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Correctional Revitalization

Agus Wijanarko

Law No. 12 of 1995 has mandated the formation of prison inmates with the penal system. In the course of time, there are many problems faced by correctional institutions in carrying out their functions which often hamper their implementation. These barriers ranging from inadequate facilities and infrastructure,...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Application of the Reform of the Criminal Law System in Presidential Regulation No. 95 of 2018 Concerning Electronic-Based Government Systems Against Online Parole for Prisoners

Agung Isdwiantoro

Presidential Regulation Number 95 of 2018 concerning Electronic Based Government Systems regulates the implementation of online conditional release for prisoners as one of the fulfillment of prisoners' rights. This research needs to know in advance about the rules of conditional release online and know...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Measuring Challenges of the Implementation of Anti-Corruption Education at Junior High Schools Level in Madura

Tolib Effendi, Rusmilawati Windari

Anti-corruption education has acceded as an effort to prevent corruption from an early age. The government has prepared anti-corruption education efforts at the basic education level through various policies up to eventually establishing a model for integrating anti-corruption education at the basic...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Effectiveness of Granting Justice Collaboration (JC) for Terrorist Institutions High Risk Pasir Putih Nusakambangan

Alif Fathurochman

The Bali Bombing incident was the worst act of terrorism which was widely criticized by the international community. The role of justice collaborators like Ali Imron is very large to protect the country from more severe losses and violations of the law that occur. The problems in this research is how...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Effectiveness of Providing Integration in Reducing Overcapacity at the Penitentiary

Awal Setiabudi

The government's policy of freeing prisoners in the midst of the Covid-19 pandemic caused controversy in the community. Some parties expressed objections to concerns about rising crime, while others actually supported the efforts to prevent and spread Covid-19. The formulation of the problem in this...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Role of the Guardians in Deradicalization of Terrorist Caps Outside the Super Maximum Security Nusakambangan

Aris Dwi Ismanto

Terrorist Prisoners in the Super Maximum Security Nusakambangan Penitentiary” Guidance for convicts of terrorism cases in prisons is of course very necessary. This is so that when the prisoner has finished serving his sentence, it is hoped that he will be able to return well to the community and not...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Mapping Effectiveness of Criminal Terrorism in Achieving Deradicalization in the High Risk Pasir Putih Nusakambangan

Eko Purwanto

This thesis entitled “The Effectiveness of Mapping of Terrorism Prisoners in Achieving Deradicalization in the Pasir Putih High Risk Prison Nusakambangan” Correctional Institution or abbreviated (LAPAS) is an institution of the criminal justice sub-system which has a strategic function as the implementation...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

One Man One Cell Implementation Effectiveness for Terroris Institution High Risk Pasir Putih Nusakambangan

Dias Martha

This thesis is entitled “The Effectiveness of One Man One Cell Implementation for Terrorism Prisoners in the High Risk Prison, Pasir Putih Nusakambangan”. The special treatment carried out by the prison authorities for terrorism convicts is that the placement has been carried out in accordance with the...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Correctional Institution Policy (prison) in Assimilating Covid Virus 19 (Corona)

Hamdono Sari

The Covid-19 pandemic has become a national disaster for Indonesia, in this case the Indonesian Ministry of Law and Human Rights issued a policy to assimilate prisoners to prevent them from spreading Covid-19. This research uses descriptive qualitative research methods with a literature study approach...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Effectiveness of Human Rights-Based Public Services in Narcotics Correctional Institutions Class IIA Nusakambangan Based on Regulation of the Minister of Law and Human Rights Number 27 Year 2018

Wisnu Galih Kusuma

Penitentiary as a guiding institution aims to make prisoners target. The Narcotics Correctional Institution Class II A Nusakambangan continues to improve to improve public service facilities in the prison area, from the

arrangement of the parking area, the visiting room made more comfortable, children's...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Problem Analysis of Proposing Parole Relation to Narcotics Prisoners Related to PP Number 99 Year 2012 in Nusakambangan Narcotics Prison

Meinar Ayu Dewi Shinta

The phenomenon of narcotics crime that is rampant in Indonesia requires a special approach to suppress its circulation, including in terms of punishment and penal. Correctional institutions as a place that plays a role in fostering narcotics inmates not to repeat his actions. Conditional release is an...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Treatment of High Risk Prisoners in Batu Nusakambangan Class I Correctional Institutions for Human Rights

Mohammad Ibnu Fajar

The Ministry of Law and Human Rights (Kemenkum HAM) has implemented a high-risk system or the security of high-risk prisoners at the Batu Dam White Sand Correctional Institution (Lapas) Central Java. This high risk status is

Sana Correctional Institution (Lapas), Central Java. This high risk status is specifically for prisoners of narcotics and terrorism cases. Batu Nusakambangan...

[+ Article details](#)

[Download article \(PDF\)](#)



Proceedings Article

Sectoral Statistic Data Integration

Kuat Herry Isnanto

Sectoral statistics is one of the product an institution work that can be used as a reference in development planning in local governments. In managing sectoral statistical data in the regions there are problems, one of which is often found differences in data and collection time which takes a long time...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Effectiveness of the Implementation of Rehabilitation for Prisoners in Narcotics Class IIA Correctional Institutions in Nusakambangan

Teguh Nugroho

Narcotics abuse is a person who uses narcotics without rights or against the law. Article 127 Paragraph (3) of Law Number 35 Year 2009 states that in the case of narcotics abusers, whether they can be proven or proven to be victims of narcotics abusers, they must undergo medical and social rehabilitation...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Human Rights and Biological Needs of Prisoners

Sukardi

Biological needs as basic human needs cause prisoners to fulfill informally and deviate to fulfill their biological rights. Illegal sex business practices are rife at the Penitentiary as a reaction to prisoners' requests to be able to meet their natural needs. Indonesia as a rule of law has an obligation...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Effectiveness of Fostering Independence for Prisoners as a Provision for Community Reintegration

Moch Soenaryo

Skills development as one of the prisoners' training programs, to make prisoners to get along with other prisoners while undergoing skills and also as prisoners' provisions in the process of reintegration with the community. The formulation of the problem of this research are 1) How is the implementation...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Alternative Dispute Resolution as a Solution to Family Law Issue (Field Study at the Muhammadiyah Branch Leaders in Tegalondo, Malang)

Rahayu Hartini, R. Tanzil Fawaiq Sayyaf, Luciana Anggraeni

Harmonious family life is the goal of fostering the household to become sakinah

harmonious family life is the goal of fostering the household to become safe but it cannot be denied that conflict will always arise in family life, so an alternative dispute resolution is needed. The main question that arises is why people take litigation methods to solve family problems such as...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Covid-19 Situation: The Role of Guiding Principles in Regional Comprehensive Economic Partnership (RCEP) in ASEAN Economic Recovery

Amalina Binti Ahmad Tajudin

This paper investigates the impact of the Regional Comprehensive Economic Partnership (RCEP) trade agreement that is expected to boost 45% of the world's population economy by 2021. With ASEAN and 5 developed nations participating in RCEP, one area of concern is how these different nations could achieve...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Effectiveness of Online Remission Implementation

Bima Ganesha Widyadarma

In the process of fostering prisoners, it is known that there is a period of parole for prisoners, which is regulated in Article 14 Paragraph (1) letter k of Law Number 12 of 1995 concerning correctional prison, which states that prisoners are entitled to get parole. The formulation of the problems in...

[+ Article details](#)

[Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Problematics of Legal Protection Towards Victims of Domestic Physical Violence in Indonesia

Rani Hendriana

People basically had psychological violence but do not realize that they are victims of domestic violence. Even though he is aware, there is a tendency to put aside the psychological suffering. The ignorance of psychological suffering can certainly affect a person's mental health, and may even have implications...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Force Majeure and Unfulfillment of Construction Contracts Due to COVID-19 in Indonesia

Edison Hatoguan Manurung, Ina Helianny

The COVID-19 pandemic has a significant impact on economic stability, including a slowdown and even a recession in the world economy. This also has an impact on the construction problem in Indonesia which destroys all social pillars and especially business actors, plus the government has implemented...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Policy on the Special Treatment of High Risk Prisoners in the Botu Nussakembengen Class I Prison

Akhmad Khanifudin

The state has no right to make someone worse or worse than before being imprisoned. Therefore, we need a clear system regarding the treatment of

prisoners. The formulation of the problem in this study is how the special treatment of high-risk prisoners in the Batu Nusakambangan Class I prison and how...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Political Law Crime Money Politics in General Elections and Regional Head Elections

Sugiyatno

Money politics in organizing general elections and regional head elections still occurs using a variety of methods. Money politics criminal acts are regulated in Article 523 paragraph (1) to paragraph (3) of Law no. 7 of 2017 concerning Elections, which are divided into 3 categories, namely during the...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Role of the International Law Commission in the United Nations. Progress or Stagnant?

Ria Karlina Lubis

The urgent need for international law codification leads us to the establishment of The International Law Commission (ILC). The principle purpose of codification is to tackle obstacles due to the uncertainty of customary and the

...contribution is to tackle obstacles due to the uncertainty of customary and abstract aspect of the general principle. In daily interaction, the subject...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Study of Natuna Island Dispute Between Indonesia and China, Based on UNCLOS 1982

Yoyon Mulyana Darusman, Anisa Fauziah, Boru Dwi Sumarna

Every sovereign state must have territory. Either land, sea and air. Likewise with the country of Indonesia, which consists of 2/3 parts of its territory, the ocean. With the sovereign rights in the maritime area, Indonesia has the right to its jurisdiction in the maritime area by continuing to approve...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Tracing the Logic Fallacy in Formulating the Norms of "Everyone" and Its Application to Criminal Actions Committed by Corporations

Panca Sarjana Putra, Muhammad Imanuddin

Law, as science at an epistemological level, of course, has been constructed based on thinking and reasoning, which is subject to scientific logic. Thus, scientific reasoning has a systematic, sequential, and logical pattern. However, a model of legal reasoning will find its articulation in the legislative...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Optimization of Halal Certification in Indonesia: Finding Right Balance between Consumer and Businessmen Interest

Wirdyaningsih, Iffah karimah, Aufi Qonitatus Syahida, Annisah Marwah Nabilah

The halal market's growing trend has enormous potential that can be utilized to benefit Muslim society. In Indonesia, the regulation of halal market stipulated in Halal Product Assurance Act No. 33 Year 2014. This law gives Halal Certification obligation for all products that are entered, circulated,...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Enforceability Force Majeure's Clause in Performance of Business Contracts During Pandemic Covid-19 in Indonesia

Nizam Zakka Arrizal

This study examines the enforceability of Force Majeure's clauses in the Performance of business contracts during the covid-19 pandemic in Indonesia, so that a study of the problem with the legal issues discussed are Is the Covid-19 Pandemic a force majeure? and What is legal consequences as a result...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Legal Protection of the Parties in the Franchise Agreement

Dharu Triasih, Dewi Tuti Muryati

Franchise agreements are based on the principles of contractual freedom set forth in Article 1338 of the Civil Code. However, the implementation on this basis needs to pay attention to the requirements mentioned in Article 1320 of the Civil Code which is about the legal conditions of an agreement. One...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Protection of Rights to Education for the Refugee Children During the Covid-19 Pandemic

Fithriatus Shalihah, Uni Tsulasi Putri

Child as the smallest member in family is the main vulnerable actor. Internationally speaking, the protection of children's rights is granted under the Convention on the Rights of the Children. One of the most crucial children rights to be concerned is the right to education in a non-discriminatory manner...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Spatial Planning Policy in the Region: Problems and Solutions

Haris Budiman, Bias Lintang Dialog, Dikha Anugrah

Spatial planning policies in the regions must be designed in Regional Spatial Plan (RTRW) and Detailed Spatial Plan (RDTR). In its implementation, the majority of regions in Indonesia only formulate RTRW, and do not elaborate it in RDTR, as spatial planning policy is seen as to achieve the target of...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Fighting for Ecological Justice Through Administrative Court: A Case Study of the Verdict of Makassar Administrative Court in Indonesia

Francisca Romana Harjiyatni, Meicke Caroline Anthoni

The struggle for environmental justice through this court often fails, including the struggle of the Indonesian Forum for the Environment (WALHI) through the Makassar State Administrative Court. More specifically, this paper discusses: 1) WALHI's reasons to sue Makassar State Administrative Court; and...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The State of Indonesia Needs Investment to Accelerate Infrastructure Development After New Normal Policies Due to Covid-19

Surizki Febrianto, Suparto

Indonesia as a developing country heading towards developed countries is demanded to make efforts to accelerate economic growth. One way that can be done is to invite investors to invest their capital in Indonesia, both domestic investors and foreign investors as contained in the Law of the Republic...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Role of Law in the Improvement of Maternal Health in Central Sumba

This research focuses on the issue of how law should be developed to improve maternal health issues at the regional level, particularly in Central Sumba

Regency, East Nusa Tenggara, Indonesia. Based on the presumption that law can be used as a tool to achieve the goals of the community, this study aims...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Obligation of Establishment Registration of A Partnership Business Entity Based on Commercial Law Code After the Enactment of the Minister of Law and Human Rights Regulation of the Number 17 Year 2018

R. Murjiyanto, Devi Andani

Commercial Law Code (KUHD) set regarding about process of establishing business entities in the form of partnerships such as the General Partnership and the Limited Partnership (Comanditair Vennootschap / CV), there must be registered with the Registrar of the local District Court. Then based on the...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Precautionary Principle Approach in Time of Financial System Crisis

Kukuh Komandoko

The precautionary principle has the potential and essential role concerning

specific needs to be applied more broadly and understood as an alternative approach in making decisions in the face of dangerous and uncertain threats. Thus, it is possible to use the precautionary principle approach in the...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Prospect of Online Dispute Resolution (ODR) and Business Dispute Resolution in the Legal System in Indonesia

Pan Lindawaty Suherman Sewu

WHO decided COVID-19 as a global pandemic. Pandemic is a situation in which a disease is spread to a lot of people in a number of countries at the same time. The number of the spreading of the corona virus is significantly increasing and globally continuing. The potentiality of disputes of business activities...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Arrangement of Sharia Agreement in Hajj Funds Investment With Productive Waqf Schemes

Vidya Nurchaliza, Wirduyaningsih

The management of the Hajj fund by BPKH is still not optimal. Up until now, BPKH only invested the Hajj funds in the form of banking products and securities. Even though the Hajj Financial Management Act also mandates the placement of Hajj funds in the form of direct investment. On the other hand, productive...

[+ Article details](#)

[Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Effectiveness of the Penitentiary Revitalization Program on Nusakambangan Island in Accordance With the Minister of Law and Human Rights Regulation No. 35 of 2018 Concerning Revitalization of Correctional Organizations

Arfianto Indrajaya

In accordance with Article 2 point C of the Regulation of the Minister of Law and Human Rights Republic of Indonesia Number: 35 of 2018 concerning Penitentiary Revitalization that the Revitalization of Correctional Organization aims to enhance the role of Community Guidance. The formulation of the problem...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Importance of Restorative Justice in the Settlement of Criminal Actions Which Harm an Individual Interest

Beny Timor Prasetyo

Restorative justice is an approach that aims to build a criminal justice system that is sensitive to victims' problems. Restorative justice is important in relation to crime victims, because this approach is a form of criticism of the current criminal justice system in Indonesia which tends towards retributive...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Effectiveness of Prisoners' Online Visit in Penitentiary Class 11A Permisan Nusakambangan

Candra Putra Perwira

Efforts to uphold these human rights can also be carried out in consulting institutions. One of prisoners' rights in prison is the right to receive visits from their families. In Law Number 12 Year 1995 Article 14 letter (h) concerning Penitentiary states that prisoners are entitled to receive family...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Comparison of Regulations on Human Rights in the Constitution of 1945 and the Constitution of Medina

Suparto, Admiral

In terms of Human Rights there are many differences in the realm of the individual/private such as marriage, employment relations, citizenship status and differences in the concept of Human Rights protection in which the Constitution of 1945 adheres to the principle of democratic rule of law while the...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Understanding the Restorative Idea of the Correctional Institution in Indonesia

Ariesta Wibisono Anditya

Indonesian Ministry of Law and Human Rights recently released a large

Indonesian Ministry of Law and Human Rights recently released a large number of prisoners. More than 30,000 prisoners were set free. Law and Human Rights Minister stated this is due to the possible surge of the novel coronavirus in several overcrowded prisons. In the following days after being released,...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Meaning and Development of State Emergency Laws Based on Constitution in the Indonesian Legal System

Atma Suganda, Musa Anthony Siregar

Supremacy of law constitute the main resultant of the principle of the state based on law, which is conserved by legal experts in the legal traditions of Continental Europe and the Anglo-Saxon legal system, is that all government actions must be based on law, governed by law, controlled according to...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Criticize the Constitutional Rights of Citizens on Era and Post Pandemic Covid 19 in State of the Republic of Indonesia

Nany Suryawati

The Constitution of the Republic of Indonesia has been stated in Article 1 paragraph (3), that the State of Indonesia is a State based on law (rechtsstaat), which places recognition and protection of human rights especially the rights of citizens as the highest, and also shows the harmony of relations...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Public Participation Urgency as Efforts and Requirements for the Formation of Good Law

Bayu Dwi Anggono, Fahmi Ramadhan Firdaus

One of the requirements for a good law is participatory, this is needed in the hope that the law can be effectively implemented, because the aspirations of the needs of the public have been accommodated. However, it is not uncommon for the process of establishing laws in Indonesia to be considered to...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

State Responsibility and Justice in Fulfillment of National Health Insurance in Indonesia

Diah Arimbi

National health insurance is one of the human rights essences that is abstracted from health rights, the need for national health insurance will affect individual life, group even a state. The protection of national health insurance is given by the state as a form of protection from rights. National...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Legal Protection Urgency of Children's Rights From Violence Action in Tenggara Selatan Area

ACTION III TANGERANG SELATAN AREA

Feb Amni Hayati, Susantoor, Oksidelfa Yanto

This research is the result of research with Contract Number: 0225 / D5 / SPKP / LPPM / UNPAM / II / 2020. This study aims to determine the urgency of legal

protection for children's rights from violence in the city of South Tangerang. The focus of this research is on the role of the Integrated Service...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Legal Study of Family Resilience: Domestic Violence as Cause for Women for Divorce in Purwokerto

Meliana Damayanti, Siti Haniyah

This article is focusing on the legal study and discussing in the area of Acts: the women's rights and social stigma related to divorce cases because of domestic violence in Purwokerto. The objective of this research is to find out the legal study of victims' rights especially women's rights in the family's...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Autopsy Findings on a Corpse With Blunt Trauma Suspected Murder (Case Report)

Puji Rahayu, Ahmad Yudianto

In some cases of morbid deaths, especially bodies found in water, researchers need the help of a forensic pathologist to determine whether the deaths were due to suicide. A 58-year-old man, fully clothed, was found at the port of Tanjung Perak in a state of float on his stomach. Initially investigators

...yang telah in a state of heat on his stomach. Initially, investigators...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Diversion Urgency in Traffic Violations Committed by Minors

Yunan Prasetyo Kurniawan, Hartiwiningsih, Hari Purwadi, Soehartono

Increasing of traffic breach committed by minors and/or at children age, shows the weak role of regulations related to child protection and child welfare, as well as the weakness and inaccurate sanctions applied to violators. Sanctions given to them based on Law No. 22 of 2009 concerning traffic and...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Overcriminalization Due to Moral Panic Covid-19 Pandemic

Arif Awaludin, Iskatrinah

Public health has become the new moral of modern society. The spread of covid-19 pandemic related to public health interests caused moral panic. This article analyzes the discursive process of criminalization in Indonesia. Law enforcement in Indonesia is fighting people who respond to the moral panic...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Review of the Juvenile Justice System for Children With Disabilities as Juvenile Offender in Indonesia

DISABILITIES AS JUVENILE OFFENDER IN INDONESIA

Sunnah, Tuti Widyaningrum

In dealing with children with disabilities who are juvenile offenders, law enforcers face obstacles in interacting because the special needs of the children with disabilities are not understood and the children lack understanding of criminal law enforcement processes. Indonesian Law Number 11 of 2012...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Fair and Beneficial Tobacco Excise Sharing Funds Regulations for Tobacco Farmers in Indonesia

Aditya Wirawan, Benny Rikardo P. Sinaga

The prosperity of cigarette factory entrepreneurs and the increasing of the tobacco excise revenue in Indonesia is in stark contrast to the vulnerability of poverty experienced by tobacco farmers. It is urgent and necessary to describe the prevailing of Tobacco Excise Production Sharing Fund (DBHCHT),...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Propria Delict on Indonesian Financial Policy Relating to Covid-19

Retno Dewi Pulung Sari

The government acted swiftly by issuing Law Number 2 of 2020 concerning the stipulation of Government Regulations in lieu of Law Number 1 of 2020 concerning Financial Policies and Financial System in handling Pandemic Corona Virus Disease 2019 (Covid-19) an / or in Order to Face Threats which

Serious Virus Disease 2019 (COVID-19) and Other Global Health Threats Which
Endangers...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Rural Spatial Planning and Public Participation in Preserving Cultural Heritage Site

Rofi Wahanisa, Aprila Niravita, Wakhidatun Nissak

The Law of Spatial Planning stipulates that in order to create safe, comfortable, productive, and sustainable space it is required to carry out spatial planning which is able to harmonize natural and artificial environments, achieve integration between the use of natural and artificial resources, protect...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Risk Distribution in Coal Mining: Fighting for Environmental Justice in East Kalimantan, Indonesia

Muhamad Muhdar, Mohamad Nasir, Juli Nurdiana

This study is aimed to explore the environmental risk posed by the unsustainable mining activities in Mulawarman village, East Kalimantan, and articulate the disproportionate impact from the perspective of environmental justice on how mining regulations affect the lives of a vulnerable community. A qualitative...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Reclamation as Land Procurement Efforts for Development in the Public Interest

Sri Herowanti Susilo

This research reveals the relationship between reclamation and land procurement laws for development in the public interest; Whether or not it is necessary to rearrange the provisions of reclamation in a provision that is generally applicable and intersectoral and integrated in the types of land rights...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Needed but Unwanted Independent Regulatory Agencies: Questioning Their Legitimacy and Control in Indonesia

Rizki Ramadani, Andika Prawira Buana

Along with the wave of democracy in 20th century, one of the most dominant trends of public institution in OECD countries is the shift from a centralized bureaucracy to a decentralized and autonomous institution. Such are the so called "Independent Regulatory Agencies" (IRAs). The same trend happened...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Application of the Proportionality Principle in the Credit Restructuring Policy for the SMEs Financial Performance During the Covid-19 Pandemic in Indonesia

Kukuh Tejomurti, Nurhidayatulloh, Irawati Handayani

This article aimed to analyze how to apply the fundamental principle of proportionality in the restructuring of credit contracts to stabilize economic growth in Indonesia during the Covid-19 pandemic period. The spread of Covid-19 directly or indirectly affects debtors' output and ability, including...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Relevance for the Establishment of the Truth and Reconciliation Commission for the Enforcement of Human Rights in Indonesia

Woro Winandi, Endah Lestari Dwirokhmeiti

The rise of cases of gross violations of human rights in Indonesia that have not been resolved through the courts must be resolved by an institution that adopts the values of the local wisdom of the community. The formation of an institution called the truth and reconciliation committee is expected to...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

The Effectiveness of E-Procurement in Realizing Good Governance in the Regency of Kampar

Nasrullah, Ghina Salsabila Aven

Electronic procurement of government's goods or services (e-procurement) which launched by the Government in 2010 is aimed to increase transparency and accountability as well as to realize clean and good governance and it has been commenced into practice by the Local Government of Kampar, Riau Province...

[+ Article details](#)

[Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Legal Review of Collective Investment Contracts in Issuance of Sharia Mutual Fund Instruments According to Islamic Law (Case Study in Indonesia)

Gemala Dewi, Achmad Abdullah Farchan

According to the Capital Market Law in Indonesia, namely Law no. 8 years 1995 concerning the Capital Market, Mutual fund management can be in the form of a Limited Liability Company and can also be in the form of a Collective Investment Contract (KIK). This article will explore the legal form of KIK...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Copyright Tribunal in Malaysia. The New Paradigm

Nazura Abdul Manap

With the increasing of intellectual property cases in Malaysia, the specialised court, i.e, the Intellectual Property Court is not the only mechanism for access to justice. Due to the advent of alternative disputes resolution, a Copyright Tribunal was introduced, which is the first and only intellectual...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

COVID-19 Response and Human Rights - Comments From the German and European Perspective

German and European Perspective

Thomas Schmitz

The coronavirus pandemic is a challenge for the constitutional state. The state must take measures to stop it but they have a serious impact on economic, social and private life and, thus, on human and fundamental rights. This contribution discusses from the German and European perspective the classical...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Sustainability and Its Responsibility

Tri Lisiani Prihatinah

A food security becomes an important issue in Indonesia as it does not only relate to the survival of individual but it is also an important way to combat poverty. This could be analyzed from sustainability point of view, which is important to integrate the concept of sustainability transferred into...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Company Policy on Termination of Employment at Pandemic Covid-19 From a Fair and Justice Perspective

Prawitra Thalib, Herman, Sri Winarsi, Faizal Kurniawan, Wahyu Aliansa

Currently the spread of the Covid-19 Virus develops rapidly not only in Indonesia but almost all over the world, before the new normal applied by the government, almost most cities in Indonesia implemented a large-scale social restriction (hereinafter called PSBB) It means that all activities are done...

[+ Article details](#)

[+ Download article \(PDF\)](#)

Proceedings Article

Legal Protection Factors for Owner of Land Right in the Land Procurement That is Still Not Giving Justice (Legal Case Study on Semarang-Solo Freeway Construction in Boyolali Regency)

Nanik Sutarni

The research is conducted on an unsupported by the fulfillment of rights for land rights holders on the construction of the Semarang-Solo freeway in Boyolali. The purpose of this study is to identify the factors that lead the protection of landrights holders in the securing of land for development of...

[+ Article details](#)

[+ Download article \(PDF\)](#)



Atlantis Press

Atlantis Press – now part of Springer Nature – is a professional publisher of scientific, technical & medical (STM) proceedings, journals and books. We offer world-class services, fast turnaround times and personalised communication. The proceedings and journals on our platform are Open Access and generate millions of downloads every month.

For more information, please contact us at: contact@atlantis-press.com

▶ PROCEEDINGS

▶ ABOUT

▶ JOURNALS

The Protection of Rights to Education for the Refugee Children during the Covid-19 Pandemic

Fithriatus Shalihah¹, Uni Tsulasi Putri²

^{1,2}Universitas Ahmad Dahlan, Yogyakarta - Indonesia

E-mail: fithriatus.shalihah@law.uad.ac.id/uni.putri@law.uad.ac.id

Abstract- Child as the smallest member in family is the main vulnerable actor. Internationally speaking, the protection of children's rights is granted under the Convention on the Rights of the Children. One of the most crucial children rights to be concerned is the right to education in a non-discriminatory manner. The Covid-19 Pandemic led to the closure of schools to enforce physical distancing measure, and this condition impact the refugee children learners as well. The study aims to examine legal protections of the right to education for the refugee children in international perspective and in Indonesia. This research uses a normative legal research using three approaches: statutory approaches, conceptual approaches, and comparative approaches. The result of this study was: the protection of the right to education towards the refugee children shall be remained a concern in international society. Education shall be applicable in a non-discriminatory manner, including to the refugee children. During this Covid-19 Pandemic, International organization as well as the States government shall ensure that the community as well as the refugee within certain state jurisdiction, remain informed about the educational opportunities, school re-opening and the pandemic. Secondly, Indonesia has no specific regulations about the implementation to the fulfillment of right to education towards refugee children. Whereas, Indonesia is responsible to provide non-discriminatory education to the children refugee. Thus, Indonesian government shall also put concern to the access to education especially during this Covid-19 Pandemic towards the refugee children.

Keywords: Refugee Children; Covid-19 Pandemic; Rights To Education

to be a violation of the rights of the child. According to Peter Davies, children become victims of various situations and conditions that are very concern.[1] The rise of abuse, child exploitation, discrimination, and various violent acts that endanger the physical, psychic, and social development of children is a form of transgression. The torture or persecution occurred due to intentional or otherwise accidental factors, or also because of the situation. Recorded in the past decade, about 1.5 million children were killed in armed conflict, 4 million children were leg defects or fractures, blindness and brain damage, 5 million children becoming refugees, and at least there were many more suffering from illness, malnutrition, and neglected education.[2]

Children as an integral part of the survival of human beings are very vulnerable. In fact, each child must be given a container to grow and develop to the fullest, both physical, mental, and social, to materialize the prospective successors of national and state life. On the other hand, every child should also be given special protection especially in the early years of his life that relies heavily on the existence of an adult.[3] Therefore, it needs a protection effort to realize the welfare of the child by providing assurance of the fulfillment of rights without any discriminatory treatment.

In general, the protection of human rights are manifested in several international instruments, from the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Culture, the Convention on the Rights of the Child, and some others convention. [4] In regards to the protection of children's right, the Convention on the Rights of the Child (CRC), which entries into force in 2 September 1990, becomes the main legal basis that

I. INTRODUCTION

The reflection of human rights violations is still being found in many parts of the world. The more astounding thing is when the highest number is found

offers the highest standards of protection and assistance for children. The main guiding principles for the CRC are non-discrimination, the best interest of the child, the right to life, survival and development, and the right to participation. [5]

The Human Rights concept that is grown by adults essentially also applies to children of equal value. It means to respect the child's rights as well as respect for human rights. [6] Philips C. Jessup affirmed human Rights (HAM) is a priority in the importance of being under the international guarantee in the Charter of the United Nations so that all members of the UN cannot be backing on the importance of human rights issues. [7]

The birth of the child's right of thought was triggered by the reaction to the sufferings suffered by women and children after World War I. At that time, many children were orphaned by war. On the other hand, the rapid dynamics of the international community development in science and technology, especially transportation technology, give the victims the opportunity to move from country to country to seek protection. Refugees who come to a specific region of the country are usually family groups who are mature and who are still in the category of children so that the refugees of these children need attention and protection that is special in remembrance of the vulnerabilities they have. [8] Consequently, the protection of children is not only applied to the children of an Indonesian citizen but all children who inhabit the country of Indonesia.

Indonesia has ratified the CRC on 25 August 1990 through Presidential Decree No. 36 the Year 1990 (Government Gazette year 1990 number 57). Indonesia as the earliest state ratifying the CRC was to contribute to providing child protection. So Indonesia has the obligation to make various efforts in the protection of human rights. [9] To enforce the provisions under CRC, precisely on 22 October 2002, Indonesia established Law No. 23 of 2002 on the Child Protection. In its development, the law was amended by the Law Number 35 of 2014. Article 59 section (2) of the Law Number 35 of 2014 provides that the government, local government and other state institution shall be responsible to the "Special Protection" towards the "children". Article 59 section (2) provides provision on the subject who may receive this "special protection", and in its sub-section letter a provides that the special protection shall be provided

to the children in emergency situation. Furthermore, article 60 provides that the children in emergency situation consist of the children who becomes refugee, children as the victim of riot, children as the victim of natural disaster, and the children in the situation of an armed conflict.

Based on the articles aforementioned, Indonesia has shown the effort in providing the right protection towards the refugee children. Disregard the fact that Indonesia has not ratified the 1951 Refugee Convention and 1967 Protocol, Indonesia still shall be liable for the right protection of the refugee children under article 22 of the CRC. [10] Under the CRC, Indonesia shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the CRC. The protection standard under the CRC includes the guarantees of health, education and welfare, and include guarantees relating to the child's individual personality, rights to freedom of expression, religion, association, assembly, and privacy. Among others basic children's right, education becomes one of the most crucial rights to be fulfilled. As the refugee children are the vulnerable subject, education may protect them from child labor, sexual exploitation, child marriage, forced recruitment into armed groups. Further, education empowers them by the knowledge and skills to live productive and independent. [5]

In 31 December 2016, Indonesia established the Presidential Regulation Number 125 of 2016 concerning the Handling of Refugees from Abroad. This regulation is a part of the government's effort in handling the issue of refugee, even though there is no particular provision govern about the education of refugee children in the Regulation. [11] This is an interesting issue, since Indonesia has not ratified the 1951 Refugee Convention and the 1967 Protocol, but provides a national regulation regarding handling the refugee, even though it does not specifically govern about the right to education for the refugee children.

The UNHCR data shows, until June 2020, there are 13.541 refugees registered with UNHCR, and 28% (3.736 refugees) of which are children. Refugee children are indeed vulnerable subject. Moreover, since the Covid-19 has been determined as the global pandemic, it also impacts to the refugee as well as to the refugee children in terms of access to education.

Therefore, it is interesting to discuss about the fulfillment of the right to education towards refugee children especially during Covid-19 Pandemic both

from international perspective and in Indonesia. The refugee children themselves are vulnerable, even more during this current pandemic. During this pandemic, these children shall face problems from the communication language skill, education facilities and infrastructure, to the physical distancing policy that affect their access to education.

II. PROBLEMS

The problems of this research include first, How is the protection of the right to education towards refugee children during Covid-19 Pandemic? And, second, How is the protection of the right to education towards refugee children in Indonesia?

III. RESEARCH METHOD

In this research, the author performs a normative legal research, which is the research conducted on the principles of law, the rules of law in the sense of value (norm), regulation of the law of concrete and system of law, with respect to the material being researched. [12] The approach to the problem used is as follows:

1. The Statue approach, which is an approach through the study of all laws and regulations relating to the problems discussed. This method of approach requires understanding the hierarchy and the principles in the legislation.
2. Conceptual approach, which is an approach through assessment or concept of experts related to the discussion. It is done when the law does not exist.
3. Comparative approach, namely approach with the comparison of the law either sourced from another country or a certain time with another time. [13]

While the selected data collection techniques are documentation studies by noting any information relating to a topic that is selectively researched, then the prescriptive analysis means analyzing the documents by participating in the correct argument or one of the events in the eyewear. To get the answer to the problem examined through systematic, logical and sequential reasoning of the law by describing the legislation with international rules relating to the protection of therefugee childrens' right to education, especially during Covid-19 Pandemic.

IV. DISCUSSION

IV.1. The Protection of the Right to Education for Refugee children during Covid-19 Pandemic in International Perspective.

The refugee child is a very vulnerable group that needs to be given protection and special treatment. Peter Newel gives subjective reasons why children need protection, including: (i) Recovery fee; (ii) The long-term influence of actions or otherwise of the Government or a group of people; (iii) The gap in public service provision; (iv) The existence of voting rights not accompanied by lobbying ability to influence government policy; (v) Difficulty in accessing the protection and arrangement of children's rights; (vi) is often exploited and misused against the existing regulations.[14]

Lord Mc Dermont voiced "*paramountcy means more than that child's welfare is to be treated as the top item in a list of terms relevant to be matter in question...*" meaning that the welfare of the child is the main goal of every action, policy, and rule made by the competent authorities in which it is in line with the principle of the best interest of the child. [15] In precarious situations, child refugees are vulnerable to separate families. These children are then faced with greater risk of being recruited to become an army or sexually exploited or become victims of international crime-class human trafficking. [16]. So the children suffered from trauma and disturbance from the runaway. The second magazine preached Rohingya refugees as a real form of understanding the interconnectedness of universally inherent rights due to the large number of refugee children who were stranded in the Indonesian territory.[17]

In general, the protection of children has been a major concern marked by the ratification of the CRC, with 4 (four) principles in the Convention: (i) Non-discrimination inspired in the universality principles of human rights; (ii) The best interest of the child, every action that is best for the child should be considered; (iii) Survival and development; (iv) Respect for the views of the child. The issue of non-discrimination is significant for the refugee children. It is related to the recognition to be given the opportunity to enjoy the rights without regard to immigration status, citizenship or any other status. The rights in CRC shall be equally applicable to the refugee children as well as aliens.[5] The Committee on the Rights of the Child pointed out, "*The*

Committee notes that all children who have had their asylum requests rejected but remain in the country have had their rights to health care and education provided de facto but not de jure. It is the view of the Committee that such services should be provided as a matter of principle according to the letter and spirit of article 2 and 3 of the Convention.”[5]

Furthermore, the Committee asserted that, “...with respect to the provision of health and education services to children in asylum-seeking situations, the Committee wishes to draw attention to the provisions of Article 2 of the Convention which state, inter alia, that States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction.” [5]

The grant of refugee children rights to education shall remain be the concern even during this Covid-19 Pandemic. The spread of the Covid-19 Pandemic led to the total or partial closure of schools to implement a physical distancing protocol in order to eliminate the spread of the virus. As of Mid-June 2020, UNESCO reports that over 67,7% (around 1,18 billion learners) of all those enrolled in education programs are affected by the closures. This condition also impacts the refugee children who also as the learners and students. During this pandemic, both refugee children learners and the teachers shall adapt a new learning mechanism to ensure the continuity of learning process. [18]

A lesson learnt from the Ebola crisis in 2014 – 2016 was the significance of ensuring that communities remain informed about educational opportunities, school re-opening and the epidemic.[18] Another lesson drawn from the other pandemic is to avoid the situation where the extended closure of schools led to the less likely return of the girls to school, even more, at a greater risk of falling behind.[19]

In response to the Covid-19 Pandemic, it is important to ensure the community as well as the refugee within state jurisdiction, remain informed about the educational opportunities, school re-opening and the pandemic. Thus, even though the Covid-19 impact on the closure of schools, the learning process still shall be maintained. In regards to this learning maintenance, some States as well as international organization undertake certain measures in response to the Covid-19 Pandemic by upholding and guaranteeing the right to education for refugees through ensuring all are able to learn at home and

safely return to school. [20] Furthermore, most schools and universities establish an online learning mechanism and provide virtual learning.

Condition in Malawimay probably become a good example who undertake effort to maintain the access to education for the refugee children. The protection of right to education in terms of the Covid-19 Pandemic in Malawi are at least in the form of supporting teachers to adapt to new ways of teaching, providing hardware necessary to access learning program, ensuring the continuity of school-based support services. UNHCR and Jesuit Refugee Services (JRS) provided training to nine primary school teachers on the fundamentals radio broadcasting to support learning and deliver lessons using community radio. The Ministry of Education Science and Technology (MoEST) in Malawi initiated the Primary Emergency Radio Education Program. In this regard, UNHCR Malawi distributed 500 radios to primary students to enable them listening to the lessons-broadcasts from the MoEST Program.[18]

In Malaysia, disregard its non-ratification of 1951 Refugee Convention status of the State, UNCHR partners distribute learning materials and worksheets to the refugee families together when they deliver food assistance for them. The completed worksheets are then collected and replaced with the new ones.[18]

IV.2.The Protection of the Right to Education for Refugee children during Covid-19 Pandemic in Indonesia

The 1945 Constitution as the foundation of Indonesia lists the child in one of its own. To follow up with the Constitution, on 22 September 2002 passed law Number 23 the year 2002 on Child Protection which was then amended by the Law Number 35 of 2014. Tb.Rachmat Santika mentions the fundamental points of this regulation, namely the fulfillment of children's rights to live, grow, develop and participate fully in accordance with dignity and respect and to obtain protection from the nature of discrimination and all forms of violence for the establishment of qualified generations. In terms of participation in development, recognition of the child's right to express opinion becomes the primary basis. [21]

As a member of the United Nations, in regards to the refugee children, Indonesia only ratifies the Convention on the Rights of children while the 1951 Convention on the Status of refugees and protocols

1967 has not been ratified. Therefore, the fulfillment of the mandate of refugee protection and all its problems are handed over to the institution named UNHCR. Reading each article by article in the UNHCR statute is not explicitly attached to the child's refugees, although the term any person is categorized in children.

In fact, Indonesia recognizes the existence of children's rights characterized by the adoption of the Declaration of the Rights of children into Presidential Decree No. 26 of 1990. It means that Indonesia approves all contents of the Convention relating to the child in Indonesia as stipulated in article 3 paragraph 2 of the State's obligation to protect the child in its legal jurisdiction. To view its development in the field, the child's legal protection efforts are limited to children in need of special protection such as children who are in emergency situations as written in article 59 of Law No. 23 of 2002. In addition, it can be seen in article 60 point A of the child being a refugee. This is very difficult because until this second Indonesia does not have a written legal arrangement against the protection of Refugees as stated in the 1951 Refugee Convention. However, it should be underlined that the benchmark of human rights implementation is not limited to the ratification of international treaties. This can certainly be done if the national law has covered all the concerns. [22]

Damos Dumoli Agusman mentions the process of ratification can not be done plainly, because the true ratification is done according to the needs, demands, and in accordance with the development of the people of Indonesia. [23] On the other hand, the international world continues to urge to ratify the conventions pertaining to human rights. However, the Indonesian government has a different way than to ratify the Convention, by farming the opening of the Constitution of the year 1945 which reads *"... To form a government of Indonesia that protects all Indonesians and all the blood in Indonesia. To conduct a world order based on independence, eternal peace, and social justice."* So it is guided by the opening of this Constitution is evidence of Indonesia participated in the enforcement of human rights.

Ratification of the Refugee Convention and its Protocol is not a fault, even Komnas HAM presents two advantages if Indonesia ratified this Convention, *"First, the government can determine the status of refugees as a form of direct involvement in the*

handling of issues of national interest. Secondly, the government is getting help and international cooperation in the handling of refugees and asylum seekers. The expenses borne by the State are not entirely government-imposed but also by the international community." [24] The handling of refugee problems that have been the duty of UNHCR at least get supervision from the direct government if there are persons who utilize refugees committing international crimes. This is because UNHCR as an authorized institution cannot refuse if there is a refugee in need of protection but on the other hand, Indonesia has difficulty dampening in case of international offense within its country, because Indonesia is not a country that supports 1951 Refugee Convention.

In the case of human rights, enforcement should not wait for adjustments between people's needs in protecting refugees in the absence of a clear arrangement for it. Only, in the implementation will be clash and limited if the arrangement is not only the right of child rights while the intended child is not merely a genuine Indonesian child but all children in Indonesia in this case also the child of refugees. Article 22 of the CRC requires the State to ensure appropriate protection and humanitarian aid. The state is also required to guarantee every institution of service and facilities as per the standards created by the competent child agencies as stated in article 3 paragraph (3) of the Child Rights Convention.

Based on the UNHCR fact sheet on June 2020 edition, Indonesia has provided refugee children access to national schools through the Ministry of Education Circular Letter No. 75253/A.A4/HK/2019 issued on July 2019. [25] In 2019, Pekanbaru Education Authorities prepared 12 public schools for the refugee children. [26] However, the refugee children may still find difficulties in having access since there is no particular regulation granting the access to education for refugee children. [11]

During the Covid-19 Pandemic, as of June 2020, there is no reported case of refugee who suffer the Covid-19. On the other hand, to minimize the risk of the virus spread, Indonesian government has delayed all formal as well as non-formal education activities, and switched to distance learning delivered through free online educational platforms, such as radio and TV lessons broadcasting. Moreover, the Ministry of Education also collaborated with three major telecommunications operators providing free internet

data to access online education platforms. Most learning centers established by UNHCR Indonesia and its education partners, moved to distance learning mechanism using video conferencing application such as Zoom or YouTube and instant messaging application such as WhatsApp. [18]

Until now, Indonesia has no specific regulations about the implementation to the fulfillment of right to education towards refugee children. Indonesian government only relies on the Presidential Regulation No. 125 of 2016 concerning the Handling of Refugees from Abroad. Even so, Indonesia has undertaken measures to equip the refugee with information and self-protection tools. [27] However in regards the rights to education towards refugee children during Covid-19 Pandemic, Indonesian government shall put concern to the access to education, such as the hardware in having an online learning, and the network as well as the upgrading of teacher's capability.

V. CONCLUSION

In conclusion, the protection of the right to education towards the refugee children shall be remained a concern in international society. Education shall be applicable in a non-discriminatory manner, including to the refugee children. During this Covid-19 Pandemic, International organization as well as the States government shall ensure that the community as well as the refugee within certain state jurisdiction, remain informed about the educational opportunities, school re-opening and the pandemic.

Under article 22 of the CRC, Indonesia shall be responsible to provide the non-discriminatory access to education towards the refugee children. Furthermore, the Law No.35 of 2014 concerning the Amendment of the Law No. 23 of 2002 concerning Child Protection affirm Indonesian obligation to provide special protection to the refugee children within Indonesian jurisdiction. In general, Indonesia has taken some measures to ensure the fulfillment of the right to education. However, in regards to the protection of the right to education towards refugee children during Covid-19 Pandemic, Indonesian government shall also put special concern to the access to education, such as the hardware for the refugee children in having an online learning, and the network in certain area, as well as the teacher's capability upgrading.

ACKNOWLEDGEMENT

We would like to thank to the Faculty of Law University of Ahmad Dahlan and all parties who have assisted in finishing this paper.

REFERENCES

- [1] P. Davies. *Human rights*, Jakarta: Indonesian Torch Foundation, 1994
- [2] J. P. Grant. *The world's children's situation*, the UNICEF representative office for Indonesia, Jakarta, 1994
- [3] C. D. Rover. *To Serve & To Protect Universal Human rights enforcement*. Jakarta: PT Raja Grafindo Persada, 2000.
- [4] UNESCO. *Protecting the Right to Education for Refugees*. Working Papers on Education Policy, Second Edition, France: UNESCO Organization, 2017.
- [5] U. Refugees, "Action for the Rights of Children (ARC): Foundations - International Legal Standards", UNHCR, 2020. [Online]. Available: <https://www.unhcr.org/3e37e5ba7.pdf>. [Accessed: 29- Aug- 2020]
- [6] S.S. Hadiwijoyo. *Child Rights Mainstreaming in Public Budget*, Yogyakarta: Graha ILMU, 2015
- [7] P. C. Jessup, *A Modern Law of Nations (Introduction to Modern Law)*, interpreting: Fitria Mayasari. Bandung: Nuansa Cendekia , 2012.
- [8] Fita Erdiana. *Protection Of The Law For Refugees From Armed Conflict In The Democratic Republic Of The Congo According To International Refugee Law*, Surakarta: Tesis Universitas Sebelas Maret, 2009.
- [9] R.K.M. Smith & C. Ranheim. *Human Rights Law*, Yogyakarta: PUSHAM UII, 2008.
- [10] M. Riadhussyah, "PERLINDUNGAN HUKUM BAGI PENGUNGSI ANAK DI INDONESIA MENURUT HUKUM INTERNASIONAL", *Hukum.studentjournal.ub.ac.id*, 2020. [Online]. Available: <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/1745/1300>. [Accessed: 29-Aug-2020]
- [11] F.B. Anggoro. "Polemik menyekolahkan pengungsi anak di SD negeri di Pekanbaru", *Antara News*, 2020. [Online]. Available: <https://www.antaraneews.com/berita/928503/pole>

- mik-menyekolahkan-pengungsi-anak-di-sd-negeri-di-pekanbaru. [Accessed: 29- Apr- 2020]
- [12] S. Mertokusumo. Penemuan hukum, Yogyakarta: Liberty, 2004.
- [13] P.M Marzuki. Penelitian Hukum, Jakarta: Pranada Media Group, 2014
- [14] M. Nasir Djamali, The child not to be punished (note the discussion of the children's criminal justice system ACT), Jakarta: Sinar Grafika 2014.
- [15] S. Goonesekere, Children, Law and Justice a South Asian Perspective, New Dehli: UNICEF, 1998.
- [16] "Humanitarian Aid Organization for Children", Save the Children, 2020. [Online]. Available: <https://www.savethechildren.org/>. [Accessed: 03- Jan- 2020].
- [17] M. Wibisono. the Rohingya dilemma Jakarta: (magazine seconds edition 1-7 June 2015), 2015.
- [18] UNHCR. Supporting Continued Access to Education during Covid-19: Emerging Promising Practices. UNHCR Education Section, July Edition, Issue 2, Pg. 2. [Online] Available: <https://www.unhcr.org/5f06d92e4.pdf>. 2020
- [19] J. Hallgarten, "Evidence on efforts to mitigate the negative educational impact of past disease outbreaks", Reliefweb.int, 2020. [Online]. Available: https://reliefweb.int/sites/reliefweb.int/files/resources/793_mitigating_education_effects_of_disease_outbreaks.pdf. [Accessed: 29- Aug- 2020]
- [20] UNESCO, "Latest articles", UNESCO, 2020. [Online]. Available: <https://en.unesco.org/news/covid-19-what-you-need-know-about-refugees-education>. [Accessed: 29- Mar- 2020].
- [21] Tb. Rachmat Sentika, The Role of Humanity In Improving Indonesian Human Quality Through Child Protection In Order To Realize Healthy Indonesian Children, Smart Cheerful, Noble And Protected, Bandung: Sociotechnology Journal.Edition II, 2005
- [22] S.B Amidjojo. (2004). Legal Protection Against Refugees Based On Geneva Convention 1951, Jakarta: National Legal Development Agency Department of Law and Human Rights RI, 2004.
- [23] D.D. Agusman, international treaty Law of Theory and Practice studies in Indonesia, Bandung: Refika Aditama, 2014
- [24] Online Law, Indonesia needs the ratification of the Convention on Refugees, many evacuees who neglected its rights in the immigration Detentions House, [Online] Available: www.hukumonline.com, [Accessed 3-January-2020]
- [25] UNHCR. Indonesia Fact Sheets – June 2020, Pg. 1. [Online] Available: <https://www.unhcr.org/id/wp-content/uploads/sites/42/2020/08/Indonesia-Fact-Sheet-June-2020-FINAL.pdf>, 2020
- [26] R. Pos, "Tak Ada Aturan Izin Anak Imigran Bersekolah", RiauPos.co, 2020. [Online]. Available: <https://riaupos.jawapos.com/pekanbaru/02/07/2019/202721/10-kategoriberita-pendidikan.html>. [Accessed: 29- Aug- 2020]
- [27] I. Hidayati, *Pengungsi di Tengah Pandemi COVID-19*, Pusat Penelitian Kependudukan LIPI, [Online] Available: <https://kependudukan.lipi.go.id/id/berita/53-mencatatcovid19/984-pengungsi-di-tengah-pandemi-covid-19>, 2020.