



## Student Online Learning as Fulfillment of Education Rights at Covid-19 Pandemic at Muhammadiyah 1 and 2 Baubau High School

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### ARTICLE INFO

### ABSTRACT

#### Keywords

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The rule of law concept places the idea of protecting human rights as an important element. Taking into account the urgency of protecting human rights, the constitution must contain human rights regulations so that there is state guarantee for the rights of citizens. In the context of a state, the fulfillment of the basic rights to education from the perspective of international human rights law is categorized in the group of positive rights. The meaning is, that these rights will not be realized properly, if there is no state intervention. Therefore, the State is obliged to comply. Another characteristic of this right is that it cannot be reduced. In the sense that compliance is absolute by the State. In the context of the 1945 Constitution, this obligation is implicitly affirmed as a part of the human rights clump. The purpose of this research is to find out how student online learning is the fulfillment of the right to education during the Covid-19 pandemic at SMA Muhammadiyah 1 and 2 in Baubau City and to find out whether the factors that hinder students' online learning are fulfilling the right to education during the Covid-19 pandemic in SMA Muhammadiyah 1 and 2 in Baubau City. This study uses an empirical juridical method, namely by collecting primary and secondary data through interviews with school principals, teachers, education staff and students of SMA Muhammadiyah 1 and 2 regarding online learning during the Covid-19 Pandemic. The data obtained were then analyzed in a descriptive qualitative manner regarding whether there was fulfillment of student rights in obtaining education during the Covid-19 Pandemic both through online and face-to-face learning. Based on the results of research, the state has not fully been present to meet the basic needs of providing education, proven during the Covid-19 pandemic, the assistance provided to SMA Muhammadiyah 1 and 2 was only in the form of Covid-19 prevention equipment, masks, but data pulses were not given to all students and did not provide smartphone assistance to students so that online learning activities experience obstacles besides that there is also a lack of facilities and infrastructure such as networks in remote areas that do not exist or have difficulty signals resulting in student barriers in online learning. The Covid-19 pandemic by providing adequate facilities and infrastructure, namely the provision of an integrated network throughout the City of Baubau so that all students and teachers can use it properly without any obstacles and online learning as the fulfillment of students' educational rights. reached.



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## Introduction

The failure of law enforcement in post-reform Indonesia may be attributed to the inadequate application of moral norms, and law enforcement will be remote and separated from the society, particularly with respect to human rights concerns. Human rights give the moral fortitude to ensure and safeguard human dignity in accordance with the law, and not on the basis of specific desires, circumstances, or political leanings. The Declaration of Human Rights for the Indonesian state has existed from the dawn of time, but it has only been enshrined in the country's fundamental principles, especially the preamble to the 1945 Constitution, which includes human rights as individuals and as creatures. In terms of the development of the Declaration of Human Rights, the Indonesian country was founded before the United Nations' Human Rights (UNHR) which was not established until 1948. In Law no. 39 of 1999 regarding Human Rights, human rights regulations are determined by reference to the United Nations Declaration of Human Rights, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention on the Rights of the Child, and various other international instruments regulating human rights. This legislation is also tailored to the community's legal requirements and the evolution of national law based on Pancasila and the 1945 Constitution. In the 1945 Constitution (which has been revised), human rights problems are expressly addressed in Chapter X Articles 28A to 28J, the outcome of the second amendment in 2000 (Setiaji & Ibrahim, 2017).

Understanding of human rights for the Indonesian people is very important to be instilled for all people in Indonesia. Human rights as a gift from God Almighty are inherent in human beings, are universal, natural, and eternal, which are related to human dignity. Every human being is recognized and respected with human rights regardless of skin color, gender, nationality, religion, age, political views, social status, and regional language (Lestari, 2019).

The notion of the rule of law includes the protection of human rights as one of its essential components. Taking into account the necessity of the preservation of human rights, the constitution must include human rights provisions to ensure governmental protection of the rights of people. The regulation of citizens' rights is more extensive in the 1945 Constitution (post-amendment) than it was in the 1945 Constitution (pre-amendment), which was more generic and short. The bad record of human rights breaches during the New Order period under President Suharto teaches us that the regulation of people' rights should at least be more specific in the constitution. In addition, amendments to the Constitution of 1945 provide a judicial framework via the Constitutional Court to challenge legislative items that infringe people' rights as outlined in the Constitution (Asrun, 2016).

As a state of law, all administrative activities and citizen conduct must adhere to the relevant laws. In this instance, the law is a hierarchy of rules that culminates in the

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Constitution of the Republic of Indonesia from 1945. Moreover, the applied and enforced laws must represent the will of the people, therefore they must guarantee public engagement in the state's decision-making process. Laws are enacted not to protect the interests of a few powerful individuals, but to protect the interests of all citizens (Aswandi & Roisah, 2019).

The concept of the rule of law adopted in the 1945 Constitution of the Republic of Indonesia is an active and dynamic rule of law. The rule of law model like this makes it an active party oriented to the fulfillment and realization of the welfare of the people in accordance with the principles of the welfare state (Aswandi & Roisah, 2019).

Democracy has been an option for the Indonesian people since the nation's founders laid the groundwork for Indonesia's independence. Similarly, the preservation and respect for human rights acknowledged in the Republic of Indonesia's 1945 Constitution prior to the revision. Nonetheless, democracy does not necessarily ensure the protection of human rights. Democracy and human rights are inseparable, like the two sides of a coin. Protection of human rights is both an objective and a need for the functioning of democracy. In contrast, failing to safeguard and respect human rights is a danger to democracy (Aswandi & Roisah, 2019).

Indonesia has declared that education is the right of every citizen. This is clearly seen in Article 31 paragraph (1) of the 1945 Constitution which states that "every citizen has the right to education. However, the fact is, as explained above, the emphasis of development is only on physical development. Various loans from abroad are always used or even spent to build physical facilities and infrastructure. However, in the developments of the last decade, the government has realized the importance of education, thus trying to give more attention to development in this sector. This is marked by the allocation of education funds which is stated explicitly in Article 31 paragraph (4) the 1945 Constitution which reads: "the state prioritizes the education budget at least twenty percent of the state budget for revenues and expenditures as well as from the regional income and expenditure budgets to meet the needs of the implementation of national education." Despite the fact, it is difficult for the government to balance constitutional obligations in fulfilling the education budget in the midst of the high burden of principal installments and debt interest in the State Budget which is still very large (Nababan, 2015).

The current Indonesian laws and regulations to find out whether they have guaranteed and regulated legal protection efforts for the rights of every citizen to obtain basic education, we should first discuss what basic education is. Based on Law Number 20 of 2003 concerning the National Education System in Article 17 paragraphs (1) and (2), among others, it states:

1. Basic education is the level of education that underlies the secondary education level.
2. Basic education in the form of Elementary School (SD) and Madrasah Ibtidaiyah (MI) or other equivalent forms as well as Junior High School (SMP) and Madrasah Tsanawiyah (MTs), or other equivalent forms. From the two paragraphs above, it can be concluded that basic education is education that is carried out before entering

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secondary education and is carried out in elementary schools (6 years) and junior high schools (3 years) (Nababan, 2015).

The principles of providing education contained in the National Education System Law are:

1. Education is conducted in a democratic and fair manner and does not discriminate by upholding human rights, religious values, cultural values, and national pluralism;
2. The approach is carried out as a systematic unit with an open and multi-meaning system;
3. Education is held as a process of cultivating and empowering learners that lasts a lifetime;
4. Education is held by setting an example, building, willing and developing the creativity of students in the learning process;
5. Education is held by developing a culture of reading, writing and counting for all members of the community;
6. Education is carried out by empowering all components of society through participation in the implementation and control of the quality of education services (Hakim, 2016).

The objective of democratic education is to teach individuals to think critically and act democratically. Is it feasible for democratic education to take place in a bureaucratic, hierarchical-centralist, and elitist educational environment, such as the present school? Academic independence, educational variety, and the reform of civics education materials are necessary for the implementation and effectiveness of democratic education. Externally instilled academic freedom, influence, and monitoring must be restricted, while school-based management has started to take shape. Schools must have autonomy, or the freedom of independence. Academic freedom is necessary for the development of democratic ideals in schools, which are built on interaction and collaboration based on mutual respect and care for one another, as well as the ability to think creatively and create collaborative solutions to issues. Democratic schools must promote and give opportunities for all students to engage actively in decision-making, activity planning, and implementation. Schools cannot be isolated from political activity without compromising academic freedom. Due to the intimate interaction between politics and education, which tends to be social in character. According to Plato and Aristotle, everything a nation desires must likewise be offered in schools (Sihono, 2011).

The realization of the fundamental right to education under international human rights law is classified as a positive right within the framework of the state. The implication is that these rights will not be fully fulfilled in the absence of State involvement. Therefore, the State is required to comply. Another feature of this privilege is that it cannot be diminished. In the sense that State fulfillment is total. This commitment is tacitly established within the framework of the 1945 Constitution as a member of the Human Rights family. Writing indicators for the fulfillment of human rights, including the right to education, is very essential, particularly to explain the need to fulfill human rights and to show how the rights provisions above the data are operationalized. United Nations Special Rapporteur Catarina Tomasevsky remarked that this indicator is required to

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convert human rights legislation into the language of quantitative achievement as a standard for the actualization of these rights (Yudhanti, 2013).

For education policymaking to enhance services for the greater community, a clear point of reference is necessary. Educational mapping is designed as a genuine state that policymakers must change. There are at least four systems that support educational planning, which will be specified as policies, taking into consideration the notion of comprehensive education planning. The system consists of the educational activity system, educational communication system, educational facility system, and education operational system (Yudhanti, 2013).

The village's failure to cope with the fast growth of the city is attributable, in part, to the village's inadequate educational system. Frequently, the growth of education done in village schools is not adapted to the community's requirements in advance. Even more worrisome than curriculum creation in city schools is occasionally curriculum preparation. This makes it hard for schools in rural regions to address the issues and employment prospects in their local region. If a country youngster gets educated, there is a tendency for him to be unwilling to work in his town and instead choose to locate a more promising career in the city (Anas et al., 2015).

Along with the spread of the Corona Virus 2019 (Covid-19) outbreak to almost more than 210 countries in the world until April 27, 2020 more than 3,000,000 cases and resulted in more than 200,000 people dying and 878,000 patients having recovered. The Covid-19 outbreak was first detected in Wuhan City, China in December 2019 and was declared a Covid-19 Pandemic by the World Health Organization (WHO) on March 11, 2020. Covid-19 is thought to spread through people who have been contaminated with the corona virus. And this corona virus will easily spread through respiratory droplets or small droplets from the nose and mouth that are produced when coughing or sneezing, besides that the spread occurs through contaminated surfaces and touches the face, eyes or other senses. Common symptoms include fever, dry cough, stuffy nose, runny nose, sore throat and shortness of breath and fatigue. However, some infected patients do not show any symptoms and do not feel sick. The corona virus pandemic for many countries in the world is still a health crisis problem and some other regions are still showing a significant increase. The rapid increase in the number of new cases that hit the United States, which is a developed country, has reached one million positive cases of corona or the highest in the world and the number of new patients has not shown any sign of decreasing. After the United States, which continues to experience an increase in new patients, Britain, Russia, Germany, Spain, Italy and other countries also follow (Anggara et al., 2020).

The Covid-19 epidemic has had a devastating effect on all aspects of life. In addition to the economic damage, our psyche is also plagued by worry, which in some cases leads to despair. In order to avoid transmission, we are necessary to practice social distance. We are obligated to remain at home. Even infected individuals are expected to self-isolate for 14 days. Isolation may lead to sadness, while quarantine can exacerbate anxiety.

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Because our society, which is used to developing social relationships with others, must be restricted, conditions are deteriorating. Yet, in this precarious circumstance, we need the assistance of others. We cannot exist alone. We need the assistance of others to combat this disease (Masrul, 2020).

The COVID-19 pandemic or the Corona virus pandemic has had a significant influence on many facets of the life of Indonesians. The tremendous spread of the virus compelled the government to implement social and physical distancing regulations in order to avoid further huge and widespread viral transmission. This policy is applied at the national level such that it affects not just the impacted regions, but also those that have not been affected. With the issuance of Minister of Education and Culture Circular Letter No. 3 of 2020 Concerning the Prevention of COVID-19 in Education Units and Minister of Education and Culture Circular Letter No. 4 of 2020 Concerning the Implementation of Educational Policies in the Emergency Period of the Spread of Coronavirus Disease, this policy has also been implemented in the implementation of national education (Covid-19). This measure is used to reduce the number of patients exposed to the infection (Ahmad, 2020).

As previously stated, the Circular released by the Ministry of Education and Culture includes rules governing the execution of education under a state of emergency. Among these measures are the cancellation of the 2020 National Examination. Second, the home-based execution of the learning process. Third, the graduation requirements for the School Examination. Fourth, the requirements for grade advancement. Fifth, the implementation provisions for new student admissions. Sixth, with respect to the use of the School Operational Assistance Fund or Education Operational Assistance (Ahmad, 2020). Activities involving groups of people, such as going to school, work, or church, are beginning to be restricted. To limit the number of COVID-19-exposed patients, the government has urged people to work, study, and worship from home. Minister Nadiem Anwar Makarim issued Circular Letter No. 3 of 2020 on Education Units and No. 36962/MPK.A/HK/2020 on the Implementation of Education in the Coronavirus Disease (COVID-19) Emergency Period in order for online learning activities to be conducted for the purpose of preventing the spread of coronavirus disease (COVID-19).

With the Internet of Things (IoT) as a sign of the presence of the industrial revolution, it is inevitable that the world of education must find a way to ensure that its learning system does not become obsolete. Whereas face-to-face meetings were previously required, online/online learning is now a solution for implementing IoT in education. But the question today is whether online learning can effectively replace classroom learning, what variables must be addressed so that online learning can function according to the organization's goals, and if the world of education is genuinely prepared for the 4.0 industrial revolution (Pangondian et al., 2019).

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Anticipating and reducing the number of corona virus sufferers in Indonesia has been carried out in all regions. Among them by providing a policy of limiting activities outside the home, school activities being laid off, working from home (work from home), even worship activities being laid off. This has become a government policy based on considerations that have been analyzed to the fullest, of course (Yunus & Rezki, 2020).

Indonesia developed a program of home-based education, employment, and religion without prior planning. This circumstance necessitates the solution-oriented leadership required in the 21st century. This century demands a strategic leader who is capable of advancing common aims and values. According to user requirements, the 21st century requires transformational leaders, namely innovation-friendly leaders. The 21st century need digital leaders, namely leaders with a high degree of digitalization.

In this case, dynamic capability development is driven from the role of a digital leader (Darmalaksana et al., 2020). With the rise of the COVID-19 pandemic, formerly school-based teaching and learning activities are now conducted at home over the Internet. Online education is implemented according to each school's capabilities. Online education may use digital technologies such as google classroom, study home, zoom, video conference, telephone, and live chat, among others. However, in order for children to really learn, it is necessary for instructors to monitor and guide students via WhatsApp groups. Then, instructors work from home in conjunction with parents through video chats or photographs of children's learning activities at home to guarantee engagement between teachers and parents (Dewi, 2020).

Technology and education cannot be separated, where all things must go hand in hand. Blended learning is one solution that can be implemented by teachers in learning. According to Thorne, blended learning is an opportunity to integrate the innovations and technologies offered by online learning with the interaction and participation of conventional learning. Blended learning activities are characterized by combining conventional and online learning. The combination of learning is adjusted to the learning objectives to be achieved (Wicaksono & Rachmadyanti, 2016).

Modern learning systems based on information technology provide a wide range of quality that is very suitable for millennial communities that can be accessed in various places and times. This system can be accessed by various levels of society from medium to medium. The industrial revolution 4.0 makes it easier for people to connect online, such as social media and can access information quickly (Mustofa, 2019).

E-learning has the following characteristics: (a) learning materials are in accordance with learning objectives; (b) using various learning methods to help learning occur such as examples and exercises; (c) using appropriate media elements such as visuals and narratives to support materials and methods; (d) and can be done with guided learning strategies (instructor-led synchronous learning) or self-paced individual study asynchronous learning (Chaeruman, 2017).

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Planning, according to Majid, may be described as the process of assembling topic content, using instructional media, utilizing teaching styles and methodologies, and evaluating in a time allocation to reach predefined objectives. Even an ideal online learning plan must adhere to the aforementioned patterns, according to this assertion. A teacher must first develop suitable instructional materials. Materials for learning are developed from indicators of competence attainment, so that blended materials offered by the instructor will execute the 2013 curriculum's content requirements. Therefore, the supplied content is neither difficult nor exhaustive, but rather consists of stimuli or stimuli to assist students in drawing a conclusion from the skills to be learned (Syarifudin, 2020).

The Certificate of Inspection (CoI) framework includes the aspect of social presence since it is anticipated that the success of learning via computer-mediated communication (Computer Mediated Learning) would be able to replicate the social presence of traditional classrooms. In typical classrooms, group communication activities may be conducted by finding verbal signals that are reinforced by nonverbal cues that transmit socio-emotional information, so that speakers experience a bodily presence. Sight (facial expression, direction of gaze, body posture, gestures, and eye contact), sound (volume, voice variations, softness of voice), touch (touching, shaking hands), and scent communicate nonverbal messages (smells) (Tantri, 2018).

Based on some of the explanations above, projections of online learning for future teacher candidates need to consider the following points: a. Strengthening the spirit or essence of prospective teachers; b. Improving online learning literacy insight, both lecturers and students; c. Creating blended, online and face-to-face patterns in normal lectures; d. Develop causality patterns with business driven by technology in class lectures (Jamaluddin et al., 2020).

Research from Nohut P. Tua Sihalolo (2015), The rights of citizens to get an education. To provide really excellent education outputs, the state is obligated to ensure quality education without discrimination against any citizen, in order to satisfy every person's right to education. From the lofty aspirations of teaching the nation's life as mentioned in the preamble of the Constitution of 1945, it seems that attempts to promote the nation's intellectual life continue to face numerous hurdles. Since the onset of the economic crisis in the middle of 1998, the number of impoverished families in Indonesia has grown, and more children are being forced to beg on the streets and sing instead of attending school. Humanity is oppressed by ignorance; thus, if the state has not fulfilled its duty in granting its inhabitants the right to a basic education, then the state has violated human rights and the constitution (Nababan, 2015).

Research from Albitar Septian Syarifudin (2020), Implementation of online learning to improve the quality of education as a result of the implementation of social distancing. Online learning is learning that is carried out using the internet as a place to transmit

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knowledge. This form of learning can be done anytime and anywhere without being bound by time and without having to meet face to face. In the era of the development of online learning technology, it is increasingly sophisticated with various applications and features that make it easier for users. Not being bound by time and being done without meeting face to face are the advantages of online learning that educators can take advantage of. As is currently the case, online learning is the only form of learning that educators can do when a natural disaster or global pandemic occurs. Indonesia applies social distancing in all aspects of life, including the world of education. Therefore, online learning can be said to be the only learning option that can be done by educators to improve the quality of learning in Indonesia (Syarifudin, 2020).

Research from Wahyu Aji Fatma Dewi, *Impact of Covid-19 on the Implementation of Online Learning in Elementary Schools* (2020). As a consequence of the COVID-19 epidemic, this research intends to determine the deployment of online learning at home for elementary school kids. The study employs library research in which data is gathered through documentation procedures, i.e., searching for data on relevant items in the library, such as papers, books, and periodicals. Articles and stories were picked based on their coverage of the effects of COVID-19 and online learning in primary schools. From the 10 available sources, the three most relevant articles and six news stories were chosen. The findings of the research indicate that COVID-19's influence on the adoption of online learning in primary schools may be implemented effectively. This is evident from the data findings of three articles and six news stories, which demonstrate that the influence of COVID-19 on the deployment of online learning in primary schools may be carried out effectively if instructors, students, and parents study at home together (Dewi, 2020).

Based on this study, the formulation of the problem in this study is (1) How is online learning for students as a fulfillment of the right to education during the Covid-19 pandemic at Muhammadiyah 1 and 2 Senior High School of Baubau City? (2) What are the factors that hinder students' online learning as a fulfillment of the right to education during the Covid-19 pandemic at Muhammadiyah 1 and 2 Senior High School of Baubau City? While the objectives of this study are (1) To find out how students' online learning is as a fulfillment of the right to education during the Covid-19 pandemic at Muhammadiyah 1 and 2 Senior High School of Baubau City; (2) To find out what are the factors that hinder students' online learning as a fulfillment of the right to education during the Covid-19 pandemic at Muhammadiyah 1 and 2 Senior High School of Baubau City.

## **Methodology**

This study uses an empirical juridical method, namely by collecting primary and secondary data through interviews with school principals, teachers, education staff and students of Muhammadiyah 1 and 2 Senior High School at Baubau regarding online learning during the Covid-19 pandemic. The data obtained was then analyzed descriptively qualitatively regarding whether there has been fulfillment of student rights in obtaining education during the Covid-19 pandemic, both through online and face-to-face learning.

## Results and Discussion

### Online Learning During the Covid-19 Pandemic

**Tabel 1.** Student teaching and Learning Activities

| Total number of Students | Number of Students Who Own Smartphone | Number of teachers | Number of Education Staff | Learning System |
|--------------------------|---------------------------------------|--------------------|---------------------------|-----------------|
| 115                      | 44                                    | 18                 | 2                         | Face to face    |

Data source: Muhammadiyah 1 Senior High School Baubau Year 2021

From the data above, it shows that students at Muhammadiyah 1 Baubau Senior High School, which consists of 115 students, still have their right to education. Learning at Muhammadiyah 1 Senior High School is carried out face-to-face. The number of students who have smartphones are 44 students and students who do not have smartphones are 71 students. Therefore, the number of students who have smartphones is 38.26%, while the number of students who do not have smartphones is 61.74%. Thus students who do not have smartphones are more than students who have smartphones or cellphones. With this condition, based on an interview with Andrianto Arifin, S.Pd, M.Pd, Principal of Muhammadiyah 1 Baubau Senior High School (SMA Muhammadiyah 1 Baubau), then made a policy for schools with a face-to-face system in class. The face-to-face learning system policy at Muhammadiyah 1 Senior High School Baubau was then implemented considering that of the 44 students who had smartphones, most of them belonged to their parents or siblings so they had to share their time in using the cellphone.

Muhammadiyah 2 Senior High School Baubau carries out online learning, with each subject teacher creating a Whatsapp group including all of the pupils in the class he teaches. The teacher then distributes learning materials to these students via the group. Online learning has been used at Muhammadiyah 2 Senior High School Baubau, but solely through WhatsApp group media generated by each instructor. The instructor creates one WhatsApp group with the topic title on a specified timetable and then sends a list of attendance lists that must be completed by pupils. The instructor then distributes assignments over the WhatsApp group. Students respond to their teacher's questions by penning on paper, which is then photographed and shared back to the WhatsApp group.

#### *a. The condition of teachers, students and education staff*

Teachers at SMA Muhammadiyah 1 Baubau offer subject matter for face-to-face teaching and learning activities. Teachers at SMA Muhammadiyah 2 Baubau offer subject matter for online teaching and learning activities by distributing materials, assignments, and assessments through WhatsApp groups. Teachers and Education Staff According to the table below, there are 18 teachers and 2 education staff members.

| No. | Teachers and Education Staff                 | Total amount |
|-----|--|--------------|
| 1   | Civil Servant teacher                        | 5            |
| 2   | Permanent lecturer                           | 9            |
| 3   | Temporary Teacher                            | 4            |
| 4   | Head of Administration and Computer Operator | 1            |
| 5   | Security                                     | 1            |

Based on the table above, it shows that there are concurrent positions between the Head of Administration and Computer Operator. This should not happen, meaning that there must be a separation between the Head of Administration and the Computer Operator so that their respective jobs can run smoothly. According to the Principal of SMA Muhammadiyah 1, this happened because of the lack of budget for the procurement of computer operators, so that the Head of Administration was concurrently responsible for it.

The development of students of SMA Muhammadiyah 1 Baubau can be explained as follows:

**Tabel 2.** The development of students of SMA Muhammadiyah 1 Baubau

| No. | Class X | Class XI | Class XII | Total Number | Total Rumbel | Tahun Pelajaran |
|-----|---------|----------|-----------|--------------|--------------|-----------------|
| 1   | 8       | 33       | 68        | 109          | 6            | 2016/2017       |
| 2   | 8       | 22       | 60        | 99           | 5            | 2017/2018       |
| 3   | 9       | 27       | 74        | 110          | 7            | 2018/2019       |
| 4   | 29      | 43       | 112       | 187          | 7            | 2019/2020       |
| 5   | 11      | 40       | 100       | 151          | 8            | 2020/2021       |

Source of Data: Muhammadiyah 1 Baubau Senior High School 2021

Based on the table above shows that there is a decrease of 0.8% in new student admissions. According to an interview with the school principal, this is a result of the COVID-19 pandemic.

Data on Teachers, Education Personnel and Students of Muhammadiyah 2 Senior High School Baubau are as shown in the table below

**Tabel 3.** Data on Teachers, Education Personnel and Students of Muhammadiyah 2 Senior High School

| No. | Number of Study Groups | Teachers | Education Staff | Students |
|-----|------------------------|----------|-----------------|----------|
| 1.  | 4                      | 16       | 2               | 54       |

Source of Data: Muhammadiyah 2 Senior High School Baubau 2021

Based on the data above, it shows that there are 54 students, 16 teachers, 2 educational staff and 4 study groups.

*b. Facilities and Infrastructure to Support Teaching and Learning Activities*

SMA Muhammadiyah 1 Baubau was founded in 2001 by the Decree of the Head of the Education Office of Southeast Sulawesi Province Number 21 of 2001 about the Operational Approval of the Private Muhammadiyah High School in Baubau, Buton Regency, dated July 21, 2001. On the waqf property of the late Mr. Hifni Sazali, SMA Muhammadiyah 1 Baubau comprises 1,000 square meters. The facilities and infrastructure supplied by SMA Muhammadiyah 1 include classrooms, a Natural Sciences laboratory, a Computer

Laboratory, a Student Activity Unit, a teacher's room, an education staff room, a mosque, and school wifi. The current head of the school is Andrianto Arifin, S.Pd, M.Pd.

**Tabel 4.** Facilities and Infrastructure at Muhammadiyah 1 Senior High School

| No. | Name of goods  | Academic Year | Type of aid                              | Source of Fund |
|-----|--|---------------|--|----------------|
| 1   | Laptop 2 units   | 2013/2014     | School Operational Assistance (SOA) Fund | State Budget   |
| 2   | Laptop 1 unit  | 2015/2016     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 3   | Printer Epson L220 1 unit                              | 2015/2016     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 4   | wall fan   | 2016/2017     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 5   | Wall Clock 3 pcs & Long desk letter U                  | 2016/2017     | School Fund                              | Wali Murid     |
| 6   | Printer Epson L 360 1 unit                             | 2017/2018     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 7   | Computer 5 unit  | 2017/2018     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 8   | Headset 38 pcs<br>Projector/Infocus                    | 2017/2018     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 9   | Bed School Infirmary 1 unit<br>Mattress and bedsheet   | 2017/2018     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 10  | Learning ICT tools 1 set                               | 2017/2018     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 11  | Server, 22 set   | 2018/2019     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 12  | Computer, 1 unit                                       | 2018/2019     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 13  | Projector, 23 set headset,<br>A set network tool       | 2018/2019     | Hibah Kemendikbud RI                     | STATE BUDGET   |
| 14  | 5 unit UPS   | 2018/2019     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 15  | Laboratory Plastic chair computer<br>3 dozens (36 pcs) | 2018/2019     | School Operational Assistance (SOA) Fund | STATE BUDGET   |
| 16  | Longdesk letter I metal rack &<br>Science Lab          | 2019/2020     | School Operational Assistance (SOA) Fund | STATE BUDGET   |

Source of Data: Muhammadiyah 1 Senior High School Baubau 2021

Facilities and infrastructure for Muhammadiyah 2 Senior High School Baubau prepared for the teaching and learning activities are classrooms, computer laboratories, UKS, teachers' rooms, education staff rooms, mosques, public toilets, school wifi.

The facilities and infrastructure at Muhammadiyah 1 Senior High School are actually quite adequate to carry out online learning, but because students who have cellphones are not sufficient, the learning is carried out face-to-face. However, what must be considered during the COVID-19 pandemic is the health factor of both students, teachers and education

staff. To be able to carry out face-to-face learning, the school should ask for a statement from the parents of students whether they are willing to learn face-to-face because it should be noted that Baubau is included in cluster 3. Based on the circular letter of the Mayor of Baubau, learning should be carried out online.

**Table 5.** Facilities and Infrastructure at Muhammadiyah 2 Senior High School Baubau

| No. | Facilities and Infrastructure Data | Amount |
|-----|------------------------------------|--------|
| 1   | Classroom                          | 4      |
| 2   | Laboratory room                    | 1      |
| 3   | Library Room                       | 1      |
|     | Total                              | 6      |

Source of Data: Muhammadiyah 2 Senior High School Baubau 2021

c. Government Aid during Covid-19 Pandemic

In the context of online learning at SMA Muhammadiyah 1 Baubau there is assistance from the Education and Culture Office of Southeast Sulawesi Province, namely:

**Table 6.** covid-19 prevention assistance

| No. | Name of Goods | Amount  |
|-----|---------------|---------|
| 1   | Mask          | 383 pcs |
| 2   | Handwash      | 1 set   |
| 3   | Pamphlet      | 1 box   |

Source of Data: Muhammadiyah 1 Senior High School Baubau 2021

Based on the data above, it shows that there are facilities to prevent Covid-19, namely masks, hand washing tools and pamphlets, but there is no hand sanitizer for students and educators and education staff. This is certainly very useful for maintaining health at school.

**Tabel 7.** Aid from Southeast Sulawesi Province

| No. | Name of aid           | Receiver    | Amount         |
|-----|-----------------------|-------------|----------------|
| 1   | Data credit           | 54 students | IDR. 195.000   |
| 2   | Operator Aid          | 1 student   | IDR. 800.000   |
| 3   | Aid for Poor students | 2 students  | IDR. 1.000.000 |

Source of Data: Muhammadiyah 1 Senior High School Baubau 2021

Based on the data above, it shows that all students have received credit assistance. Although all students have received credit assistance, because not all students live in areas that have internet networks, this is still an obstacle for students to carry out online learning, so the government should pay more attention to internet networks by establishing Telkomsel network centers in remote areas. which does not exist or lacks an internet network. Operators receive assistance of Rp. 800,000. This of course will help operators in carrying out their daily duties at school. For poor students there is assistance of Rp. 1.000.000,- as many as 2 (two) people. This is of course very helpful for poor students, but because the number of poor students is large, the assistance should be given to all students.

Assistance data for online learning both credit and mobile for Muhammadiyah 2 Senior High School Baubau is as shown in the following table:

**Tabel 8.** Data on Assistance from the Government at SMA Muhammadiyah 2

| No. | Source of Aid | Students                 | Teacher              | Education Staff |
|-----|---------------|--------------------------|----------------------|-----------------|
| 1   | School        | Rp.50.000,-/student      | Rp.100.000,-/teacher | -               |
| 2   | Government    | Rp.195.000,-(19 persons) | -                    | Rp.800.000,-    |
| 3   | Third Party   | Handphone 50 pcs         | -                    | -               |

Source of Data: Muhammadiyah 2 Senior High School Baubau 2021

Data on facility assistance during the covid 19 pandemic from the Education and Culture Office of Southeast Sulawesi Province are banners to prevent covid 19, 4 hand washing places, 1 water reservoir, brochures, leaflets and banners about preventing the spread of covid 19.

d. Factors Inhibiting the fulfillment of Student's Rights in obtaining Education during the Covid -19 Pandemic

- 1) Many students do not own a smartphone, or if they do, it belongs to their parents or siblings, making it difficult for them to fully use their smartphone for online learning activities.
- 2) No internet networks
- 3) Frequently, the lights go out.
- 4) Students are less engaged and enthusiastic about online learning.
- 5) Some students reside in regions where it is difficult to connect to the internet due to the lack of a network.
- 6) For some pupils, online learning activities are so monotonous that they are unwilling to complete the assignments assigned by the instructor.
- 7) According to some students, online learning is not as efficient as face-to-face learning, which includes cognitive, emotional, and psychomotor learning, since they are less able to comprehend what the instructor conveys via PowerPoint or other media.

e. Legal Analysis of Online Learning as the Fulfillment of Educational Rights During the Covid-19 pandemic at Muhammadiyah 1 and 2 Senior High School Baubau

1) Students Rights in Obtaining Education

In line with a Ministry of Education and Culture Circular, the Minister of Education and Culture's policy during the Covid-19 Pandemic is studying from home. Muhammadiyah 1 Senior High School Baubau develops its own strategy, namely face-to-face learning, since only 44 pupils have cellphones, making the use of online learning very difficult. While Muhammadiyah 2 Senior High School Baubau adopts the policy of the Minister of Education and Culture, namely studying online or online utilizing the messaging technique through Whatsapp group, online learning is implemented at Muhammadiyah 2 Senior High School Baubau.

The aforementioned information indicates that pupils had access to schooling throughout the Covid-19 epidemic. However, the realization of the right to education is hampered by a number of barriers. The government should promptly remove these hurdles since,

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without proper facilities, students cannot gain adequate education, therefore diminishing their entitlement to education.

Education is fundamental to human rights. In addition to economic, social, and cultural rights, the right to education also includes civil and political rights. The right to education is a fundamental prerequisite for the realization of all other human rights. Organizing education to completion is a need for acquiring the right to work, on the belief that a high level of education will make it simple to get employment. Even education is often related with women's rights problems, and education is seen as crucial for the empowerment of women. The realization of the fundamental right to education under international human rights law is classified as a positive right within the framework of the state. The implication is that these rights will not be fully fulfilled in the absence of State involvement. Therefore, the State is required to comply. Another feature of this privilege is that it cannot be diminished. In the sense that State fulfillment is total. This commitment is tacitly established within the framework of the 1945 Constitution as a member of the Human Rights family (Yudhanti, 2013).

Article 4 paragraph (1): "Education is carried out in a democratic and fair manner and is not discriminatory by upholding human rights, religious values, cultural values, and national pluralism". That education must be given to every citizen without exception based on the values of growing and developing in the country of Indonesia and the involvement of the community and the management authority and supporting institutions will be greater than the central government. Article 5 paragraph (1): "Every citizen has the same right to obtain quality education" (Nababan, 2015).

In line with the mandate of the Republic of Indonesia's 1945 Constitution, the state shall fulfill the educational rights of pupils based on the information presented above. During the covid-19 epidemic, the Education and Culture Office of Southeast Sulawesi Province does not give support to all Muhammadiyah 1 and 2 Senior High School students, particularly smartphone aid and internet data packages as a method of online learning.

## 2) Ideal Online Learning during Covid-19 Pandemic

According to Djamarah, the conventional learning technique is a traditional learning method or the so-called lecture method, since this approach has been utilized for a long time as a means of spoken communication between educators and students in the learning process. According to Ujang Sukandi, the traditional method is defined by educators teaching more about ideas than doing things, and students listening more throughout the learning process. Consequently, in the traditional method, educators dominate as "transmitters" of information, whilst students are more passive "receivers" of knowledge. Less active expression of ambitions and ideas by students will result in learning that is monotonous. According to Muhibbin Syah, a student who suffers learning saturation believes that the acquired information and abilities are stagnating. For this reason, it is vital to have a driving force capable of motivating kids to attain academic success. According to Darsono, motivation is directly associated with learning since it is the students' learning

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ready capital. To be able to address the different educational demands of communities. Therefore, one approach is to enhance the quality of education (Rimbarizki, 2017).

Even when a worldwide pandemic calamity is causing the government to adopt social distance in the field of education, education must continue. Online learning is the optimal option, but what is the optimal online learning? Online learning is essentially virtual learning via the use of accessible virtual apps. However, online learning must maintain a focus on the to-be-taught abilities. Teachers must recognize that the nature of learning is very complicated since it simultaneously incorporates pedagogical, psychological, and didactic elements. Therefore, online learning is not limited to the transfer of information through internet-based media or to the transmission of assignments and social issues via social media apps. Online learning must be similarly designed, executed, and assessed as classroom-based learning. Planning, according to Majid, may be described as the process of assembling topic content, using instructional media, utilizing teaching styles and methodologies, and evaluating in a time allocation to reach predefined objectives. Based on this, the optimal online learning strategy must likewise adhere to the aforementioned patterns. A teacher must first develop suitable instructional materials. Materials for learning are developed from indicators of competence attainment, so that the material supplied by the instructor will execute the 2013 curriculum's content requirements. Remember that online learning materials must also include constructivism philosophy, which encourages student participation. Therefore, the supplied content is neither difficult nor exhaustive, but rather consists of stimuli or stimuli to assist students in drawing a conclusion from the skills to be learned (Syarifudin, 2020).

The stages of designing online learning are at least carried out in the following stages. Analysis Stage:

- a) Identify the Learning Outcomes of Graduates (CPL) that is charged to the course;
- b) Formulate course learning outcomes (CPMK) that are specific to courses based on the CPL imposed on the MK;
- c) Formulating sub-CPMK which is the final capability that is planned at each learning stage and formulated based on CPMK;
- d) Conducting learning analysis to provide an overview to students about the stages of learning that will be undertaken;
- e) Conducting a learning needs analysis to determine the need for the breadth and depth of learning materials and learning tools needed;

Design Stage:

- a) Determine indicators of achievement of sub-CPMK as the final capability planned at each learning stage to fulfill CPL;
- b) Establish assessment criteria and develop learning assessment instruments based on indicators of achievement of sub-CPMK;

Development Stage:

- a) Select and develop forms of online learning, learning methods, and student assignments as learning experiences;
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- b) Develop diverse learning materials in the form of appropriate teaching materials and online learning resources;

Implementation Stage:

- a) Organizing courses;
- b) Conduct pre-training and briefing for educational staff who function as support staff;
- c) Evaluation Stage:

Develop and evaluate learning, both formative evaluation and summative evaluation (Agus Sumantri et al., 2020).

The online learning process can be carried out through two categories, namely independent learning and guided learning (Mulyana et al., 2020)

- a) Independent learning is a student-initiated learning process within a specified time frame. In online learning, lecturers create several activities and triggers/initiations to assist students in learning autonomously.
- b) Guided/structured learning: online learning process began by professors in the form of face-to-face tutorials and non-face-to-face online tutorials with the aid of virtual lecturers/tutors.
  - i. Face-to-face tutorials: The online learning process requires direct face-to-face tutorials/guidance (mediated through video conferencing media, Skype, audio conference, and others). This learning process is occurring simultaneously (synchronous).
  - ii. Non-face-to-face tutorials: online learning procedures require student contact with lecturers/tutors or students with students, mediated through forums, chat, e-mail, blogs, and social media (WhatsApp, Facebook, Twitter, and others). This learning process might occur simultaneously (synchronously) or asynchronously (asynchronous).

Online education/learning has generated an exceptional exhilaration, since before learning depended only on face-to-face interactions and was still constrained by distance and time, and is now beginning to convert into online education/learning, where this barrier will no longer exist. The fast spread of the Internet as a viable course delivery platform, along with rising interest in lifelong learning and budgetary restrictions, has provided institutions with a substantial incentive to establish online programs. Now that technology is readily accessible and very simple to use, colleges that are not prepared will fall behind in the globalization and technological development race. Effectiveness is the key to the success of online learning, according to prior research indicating that three factors might have an influence on online learning:

- a) Technology, in particular network settings must allow for the exchange of synchronization and asynchronization; students should have easy access (eg via remote access); and the network should take minimal time to exchange documents.
  - b) Characteristics of the teacher, the teacher plays a central role in the effectiveness of online learning, it is not a technology that is important but the instructional application of technology from the teacher that determines the effect on learning, students who attend classes with instructors who have positive attitudes towards the distribution of learning and understanding of a technology will tend to produce a more positive
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learning. In the conventional learning environment students tend to be isolated because they do not have a special environment to interact with the teacher.

- c) Characteristics of students, Leidner revealed that students who do not have basic skills and high self-discipline can do better learning with conventional methods, while students who are smart and have discipline and high self-confidence will be able to do online learning methods (Pangondian et al., 2019).

Given the gap in educational technology infrastructure and the variation in access capabilities of Indonesian students, distance learning or online learning is difficult to be the main or only choice of learning mode. On the other hand, education experts say that the hybrid or blended learning model between face-to-face and distance learning is a more realistic choice for most educational institutions in the new normal era. If the application of the health protocol requires a limitation on the number of students in the study room or in rotating face-to-face learning, distance learning can act as a complement to the reduced face-to-face learning hours (Mulyana et al., 2020).

All parties involved in the online teaching and learning process, including instructors, students, and students, suffer anxiety. In the online teaching and learning process, technical issues are only one of many impediments and difficulties. The technological issues faced in this subject are quite broad, ranging from the technical functioning of computers or mobile devices to the appropriateness of quotas to the operation of online learning apps. In addition to technological issues, several barriers were faced, including the need to adapt the lecture content to "unusual" circumstances (Sanjaya, 2020).

## Conclusion

Education is one of the human rights guaranteed by the 1945 Constitution of the Republic of Indonesia that must be fulfilled by the state, hence the state is obligated to provide education to every person. According to the findings of the study, the state has not been fully present to meet the basic needs of providing education. During the covid-19 pandemic, the only assistance provided to SMA Muhammadiyah 1 and 2 was in the form of Covid-19 prevention equipment and masks, but data pulses were not provided to all students and smartphone assistance was not provided to students, causing online learning activities to encounter obstacles.

During the COVID-19 pandemic, social distancing was conducted by studying at home or online learning to prevent transmission, but things in online learning such as those conducted by SMA Muhammadiyah 2 Baubau and face-to-face learning conducted by SMA Muhammadiyah 1 Baubau while still paying attention The health protocol that must be considered is how to improve the quality of education, particularly overcoming obstacles in the implementation of the learning. To increase the quality of education via the implementation of online learning, it is required to consider the consequences of online learning, including technology, instructor qualities, and student characteristics, so that online learning is effective. As for face-to-face learning, the teacher must be able to direct students to have the motivation to learn and be able to play an active role in class, so that

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the method provided is not only lectures from the teacher, but can be developed with the question-and-answer method and case surgery so that students are more active in receiving material and can solve problems related to these subjects.

Recommendations to both central and regional governments in order to meet the needs of education during the Covid-19 Pandemic by providing adequate facilities and infrastructure, specifically the acquisition of an integrated network throughout Baubau City so that all students and teachers can use it well and without any obstacles and online learning as a means of achieving students' educational rights.

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