

The Urgency of Post-Pandemic State Administrative Legal Instruments in the Field of Education Based on the Value of Dignity Justice

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Abstract. The effectiveness of learning during the post-pandemic transition period still shows various limitations. Since the beginning of the pandemic until now, the education sector has maintained the implementation of the blended learning model as a mitigating measure to minimize direct interaction in the classroom to prevent the spread of infection. Although it has been about four years since the end of the pandemic, the trend of increasing COVID-19 cases is now re-emerging, especially in the Southeast Asian region. In response to this, the Ministry of Health of the Republic of Indonesia, through the Directorate General of Disease Prevention and Control, issued a "Circular Letter Number SR.03.01/C/1422/2025 concerning Vigilance Against the Increase in COVID-19 Cases" addressed to all levels of society. This circular has special significance for the education sector, especially school institutions, which are functionally public spaces where many individuals gather in one environment. Therefore, schools need to implement clean and healthy living practices consistently, as well as ensure the availability and implementation of health infrastructure facilities through an adequate legal framework. Even though the pandemic has been declared over, the existence of the COVID-19 virus is still a real threat. This is reinforced by the re-issuance of a circular by the Ministry of Health in the 12th week of 2025. However, to provide stronger legal protection in the education sector, more binding arrangements are needed through government regulations or laws. Collaboration between the Ministry of Health and the Ministry of Education is important so that the principles of health protocols, such as physical distancing and the provision of proper sanitation facilities, can be systematically integrated into national policies. Furthermore, the education office, together with accreditation institutions, can make the existence of school health facilities a mandatory indicator in the accreditation assessment process of educational institutions.

1. INTRODUCTION

After the COVID-19 pandemic, there have been significant changes in the implementation of public services. One of the main transformations that occurred was the transition from a conventional work system to a work system that relied on information technology, such as the implementation of Work from Home (WFH) and the use of digital platforms in the implementation of public services, including in the education sector. This aims to increase efficiency, flexibility, and transparency in services to the community (Widyastuti et al., 2023).

Thus, regulations related to the protection of children's rights after the COVID-19 pandemic require policy adjustments and strengthening the role of public administration to ensure the fulfillment of children's basic rights, including the right to education, health services, and protection from violence and exploitation, through legal instruments that are responsive and adaptive to the post-pandemic situation; this reflects the principle of good governance that puts the best interests of children as a consideration in the formulation and implementation of public policies (Ridwan, 2018), and requires coordination between government agencies to ensure the effectiveness of holistic and sustainable protection.

Seeing the effectiveness of learning that is still lacking in the post-pandemic transition period since the pandemic, the education sector still uses the blended learning model (Prihatini & Kuntari, 2022). The blended learning model is a combination of face-to-face learning and technology-based online learning (Yang, 2020). This model has a number of advantages, including flexibility in implementation, cost efficiency, ease of time adjustment, and a high level of interactivity because students can access materials in various formats (Fatima & Chibb, 2023; Nuratzila et al., 2024; Sari et al., 2024). However, blended learning also has several limitations, such as dependence on a stable internet network, obstacles in its implementation if facilities and infrastructure are not available adequately and evenly, and time constraints when face-to-face learning sessions take place (Yamin, 2022).

During the pandemic, the learning process in applied disciplines that rely on direct interaction with human objects and the environment has undergone significant changes in its approach (Alawi et al., 2022). In the current normal situation, teaching and learning activities have resumed face-to-face (*on-site*), considering that this form of learning requires intensive interaction between students and teachers, as well as between researchers and their research objects, both in the form of humans and the natural environment.

According to one of the results of the study, adolescent and child students are vulnerable to infectious diseases (Tanjung et al. 2023). Given this, it would be good if the stakeholders, in this case, school administrators provided alternatives to the education model between online and onsite with policies supported by the legal umbrella from the government. Several relevant studies reveal that part of post-pandemic learning uses blended learning systems more (Sari et al., 2024), with the blended learning model, students can choose to use onsite or online learning. While regulations that should be applied in onsite learning in maintaining cases of the spread of infectious diseases in general, socialization in clean and healthy living behaviors needs to be carried out in schools. Thus, schools also need to provide health facilities in the school environment such as school health units, adequate hygiene facilities, and so on.

Thus, the urgency of administrative legal instruments in the field of education needs to be a concern in regulating the form of

learning activities and appropriate educational methods as well as regulations on school environmental health are the main objectives in the discussion of research results in this scientific article.

2. LITERATURE REVIEW

The implementation of health policies in the school environment through the arrangements contained in the legal system in the field of education is considered very crucial, especially in order to support health promotion and socialization of the national health system. This effort is important because the state has a constitutional responsibility to provide decent public services, especially in the education and health sectors, as stipulated in: "Law No. 25 of 2009 concerning Public Services, Preamble to the Constitution of the Republic of Indonesia 1945 4th paragraph (... educate the life of the nation...), Article 31 of the 1945 Constitution of the Republic of Indonesia paragraph (1) namely the right to proper education, and article 28H paragraph (1) the right to a prosperous life and a healthy environment".

According to Ismatullah (2018), Public service is defined as an activity or series of activities carried out to meet the needs of the community for goods, services, and/or administrative services organized by public service provider institutions, in accordance with the provisions of laws and regulations. In its implementation, public services must be based on basic principles, including public interest, legal certainty, equal rights, and non-discrimination.

The principle of dignified justice (Prasetyo, 2020), demands comprehensive protection of the rights of students, especially those who are vulnerable to disease transmission. In this situation, justice is not only interpreted as an equal distribution of educational resources, but also as recognition of the special needs of certain groups such as preschool-age children, and primary schools who are more susceptible to health risks (UNESCO, 2019). Thus, dignity justice prioritizes the principle of protecting human dignity—which is to ensure that every student, without exception, has a safe, healthy, and inclusive learning environment.

The school community is a very effective means of developing healthy living behaviors through the implementation of laws and regulations related to health in the school environment. As formal educational institutions, schools have a great opportunity to instill knowledge that encourages the formation of healthy living behaviors through policies issued by the government (Barnes et al., 2021). In this context, students are required to comply with the rules imposed by the school. If this compliance lasts for a long enough period of time, then the expected positive behaviors, such as throwing garbage in its place, not smoking, and eating a balanced nutritious diet, will become an inherent habit.

When compared to other countries, with Indonesia being a more developed country and still in the same region with Indonesia such as Singapore in terms of their health that the onsite learning system that requires students to come to school with full classrooms, the school has physically provided adequate health facilities and sanitation facilities in every class. Likewise, in the learning curriculum, efforts have been made to include learning about individual health (Mokhtar et al., 2023).

"Law of the Republic of Indonesia number 17 of 2023 concerning Health" in the school health section has been carried out school health efforts as stated in "article 97 paragraph (1) that school health is organized to improve healthy living abilities for students, educators, and education personnel in order to realize quality human resources and create a healthy school environment". The provision of health facilities in schools with the support of facilities and infrastructure is carried out in collaboration with first-level health service facilities, in this case the facility refers to community health centers or health centers.

3. METHOD

This research uses a normative juridical method with a doctrinal approach, namely examining the applicable laws and regulations and relevant legal doctrines (Sunggano, 2015). The data used is in the form of secondary data, including primary legal sources and laws and regulations directly related to the research topic. The data analysis technique applied is qualitative analysis with a descriptive approach to the substance of laws and regulations (Prasetyo, 2019). This analysis method is carried out through the study of legal documents and literature studies as the basis for legal interpretation (Azwar, 2004).

4. DISCUSSION

Since the five-year Covid-19 pandemic has passed, however, the education system in most countries in the world, including Indonesia, still applies online and hybrid learning models, namely between online and onsite. The online education system model is carried out to eliminate physical contact and meet in one classroom to prevent the spread of viruses and other infectious disease cases that students bring when entering the classroom and establishing physical contact with friends at school.

Currently, school health units in their implementation in the field have not been fully implemented at every level of education and evenly distributed in each region (Sinaga, 2024). This effort should receive support from the government through regulations so that schools can provide more complete health resources with health workers available in schools, be it doctors or nurses, because this is part of the dignity of children in achieving education (Prasetyo, 2020), besides that schools also carry out periodic health programs such as health checks once a month.

Health facilities that must be organized by schools if they are unable to afford it can be financed by the state, in this case the role of the state is to facilitate the efforts of schools to equip their learning facilities with health clinics. "In accordance with Article 31 paragraph (4) of the 1945 Constitution that the State prioritizes the education budget at least twenty percent of the state revenue and expenditure budget as well as from the regional revenue and expenditure budget to meet the needs of the implementation of national education."

In addition, education about health in the educational curriculum needs to be implemented because currently many young generations in Indonesia, from infants to 20s, many have kidney failure (CNBC Indonesia, 2024). So in this case, the role of the state in education about health through regulations that support the implementation of a healthy lifestyle from an early age needs to be implemented in schools.

Schools' efforts in health with the government's role in the national health program in schools and the financing of health facilities with a budget from the government are certainty and legal protection that uphold human dignity and rights, thus health and science run in balance and in harmony. In addition, in the management of the budget in school health facilities and services through the supervision and evaluation of the ombudsman's budget, socialization with the school committee is also necessary, if viewed from the organization, the school committee is also the supervision of the school's internal budget. This is done so that there is no conflict between students, parents, and schools, so it is necessary to form an agreement, for example, if they are sick, they will be taken to the hospital, so there is a commitment between the school, the school committee and parents.

The right to health is a human right. This is as stated in the "Universal Declaration of Human Rights (DUHAM) article 25 which states that everyone has the right to an adequate standard of living for the health and welfare of themselves and their families". Maintaining health is an individual right regulated by law as stated in "Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia stipulates that everyone has the right to live a healthy life and has the right to receive health services". Meanwhile, "Article 34 paragraph (3) of the 1945 Constitution of the Republic of Indonesia stipulates that the state is responsible for the provision of health service facilities". Because in maintaining common health in a public sphere such as schools, schools need to pay attention to facilities for cleanliness and health.

The government needs to regulate in education policies related to individual health in the education law. Education policy is a series of actions or plans designed by the government or educational institutions to achieve certain goals in the field of education (Ismatullah, 2018). Education policy covers various aspects, such as policies on curriculum, teaching methods, educational facilities and infrastructure, teacher training, and access to education for people in need (National Academies of Sciences et al., 2023). Education policies aimed at improving the quality and accessibility of education, as well as creating the importance of a healthy and competitive educational environment at local, national, and global levels have been the focus of significant attention in the context of education.

The implementation of government policies in the field of education, especially related to the health of the school environment, plays an important role in ensuring the availability of adequate facilities and infrastructure to support teaching and learning activities after the Covid-19 pandemic. This includes the provision of hygiene facilities such as hand sanitizers, hand soap, and masks. This is in accordance with "Circular Letter Number SR.03.01/C/1422/2025 concerning vigilance against the increase in covid-19 cases" from the 12th week of 2025 until this article was written. There has been an increase in COVID-19 cases in several countries in the Asian region, including Thailand, Hong Kong, Malaysia, and Singapore. The dominant variants spreading in Thailand are XEC and JN.1, while in Singapore the LF.7 and NB.1.8 variants are more prevalent. In Hong Kong, the JN.1 variant is the dominant one, while in Malaysia the XEC variant is the most widely found (Ministry of Health, 2025). In addition, schools also need to prepare adequate infrastructure to support the implementation of distance learning (Machusky & Herbert-Berger, 2022), in the event of future emergencies.

Regulations made by the government through the ministry of health and the ministry of education, related to health in schools are also needed so that schools can implement school health protocols (M. Elaine Auld et al., 2020), by implementing health protocols in the implementation of teaching and learning activities, such as limiting the number of students in one class, implementing social distancing, ensuring room cleanliness, and providing the right to maintain health. Every individual if suffering from a contagious illness should not go to school or wear a mask that can prevent contracting if healthy, or infecting others if sick.

Online learning facilities and school policies in Indonesia have received support from the government in the education law, namely implementing an online education model by adjusting learning methods in schools to suit post-Covid-19 conditions and preventing the rapid spread of infectious diseases. This includes paying attention to online learning and integrating technology in classroom learning (Rivaldi & Rahaju, 2022). Innovative learning methods can help students be more interested and involved in the learning process so that they can improve their learning outcomes.

Policies related to student learning can include regular evaluation and monitoring of performance to ensure that students are able to follow the learning process effectively and achieve optimal learning outcomes. Evaluation and monitoring of student performance can be done in a variety of ways, such as online exams, homework, or evaluations through distance learning platforms. Schools and parents can also collaborate to provide the facilities their children need to learn from home such as a stable internet connection, adequate electronic devices, and a comfortable environment for learning.

5. CONCLUSION

Education laws that regulate the education system in a hybrid learning model, both onsite and online are very necessary as well as in terms of regulating health as regulated in Law No. 14 of 2005 concerning teachers and lecturers, but health for students or students in terms of arrangements in the learning system in schools is also needed, therefore judicial review in the education law needs to pay attention to the protection of health rights in the school environment.

Its implementation can be through regulations regulated by the central government through the Ministry of Health and the Ministry of Education collaborate so that the use of the health system and by maintaining distance, sanitation facilities, washing places can be realized through law, and at that time the Education Office in collaboration with the assessor body makes it a mandatory requirement for the school health facility in the assessment in accreditation.

After the pandemic, the covid-19 virus still exists, even the ministry issued a circular letter No. SR.03.01/C/1422/2025 concerning vigilance against the increase in covid-19 cases since the 12th week of 2025, but in order to pay more attention to the education sector, it is necessary to have legal certainty with government regulations or laws that can guarantee the rights of everyone, especially in the school environment through the Ministry of Health and the Ministry of Education collaborate so that the use of the health system And by maintaining distance, and sanitation facilities can be realized through the law, and at that time the Education Office in collaboration with the assessor body makes it a mandatory requirement for the school health facility in the assessment in accreditation.

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