



The State's Responsibility in Ensuring Access to Education for Children with Special Needs in Remote Areas

Hasan Syahrizal¹, Fajrina Dhia Salsabila², Ainul Mardhiah³

Institut Agama Islam Ar-Risalah Indragiri Hilir, Riau, Indonesia¹, Yarmouk University, Jordan², Al-Azhar University, Mesir³

Email Korespondensi: hasansyahrizal311@gmail.com

Article received: 01 Januari 2026, Review process: 12 Januari 2026

Article Accepted: 22 Februari 2026, Article published: 01 Maret 2026

ABSTRACT

The fulfillment of the right to education for children with special needs in remote rural areas continues to face a gap between the normative guarantees provided by the national legal framework and the limited reality of educational access due to geographical barriers and weaknesses in local policy implementation. This study aims to analyze the state's responsibility in ensuring access to education for children with special needs in the remote areas of Indragiri Hilir Regency, Riau Province, by examining the alignment between human rights principles, the national legal framework, and the practical implementation of education policies at the local level. The study employs a normative-empirical approach with a descriptive-analytical design, combining a review of statutory regulations and inclusive education policies with field data collection through semi-structured interviews, observations, and analysis of regional education planning documents. The findings indicate that although the state possesses a strong legal foundation for guaranteeing the educational rights of children with special needs, policy implementation in remote rural areas remains largely formalistic, as reflected in the limited availability of inclusive educational institutions, the shortage of specialized educators, weak needs-based planning, and underdeveloped public oversight and complaint mechanisms. The implications of this study highlight the importance of strengthening region-based affirmative policies, cross-sectoral integration, and the development of adaptive educational service models to ensure more responsive, inclusive, and equitable legal protection for children with special needs

Keywords: State Responsibility; Children With Special Needs; Inclusive Education; Remote Areas; Human Rights

ABSTRAK

Pemenuhan hak pendidikan anak berkebutuhan khusus di wilayah pedesaan terpencil masih menghadapi kesenjangan antara jaminan normatif dalam kerangka hukum nasional dan realitas akses layanan pendidikan yang terbatas akibat hambatan geografis dan kelemahan implementasi kebijakan di tingkat daerah. Penelitian ini bertujuan untuk menganalisis tanggung jawab negara dalam menjamin akses pendidikan bagi anak berkebutuhan khusus di wilayah terpencil Kabupaten Indragiri Hilir, Provinsi Riau, dengan menelaah kesesuaian antara prinsip hak asasi manusia, kerangka hukum nasional, dan praktik kebijakan pendidikan di tingkat lokal. Metode penelitian yang digunakan adalah pendekatan normatif-empiris dengan desain deskriptif-analitis, yang menggabungkan kajian terhadap peraturan perundang-undangan dan kebijakan

pendidikan inklusif dengan pengumpulan data lapangan melalui wawancara semi-terstruktur, observasi, dan telaah dokumen perencanaan pendidikan daerah. Hasil penelitian menunjukkan bahwa meskipun negara telah memiliki dasar hukum yang kuat dalam menjamin hak pendidikan anak berkebutuhan khusus, implementasi kebijakan di wilayah pedesaan terpencil masih bersifat formalistik, ditandai dengan keterbatasan satuan pendidikan inklusif, minimnya tenaga pendidik khusus, lemahnya perencanaan berbasis data kebutuhan wilayah, serta belum optimalnya mekanisme pengawasan dan pengaduan publik. Implikasi penelitian ini menegaskan pentingnya penguatan kebijakan afirmatif berbasis wilayah terpencil, integrasi lintas sektor, dan pengembangan model layanan pendidikan adaptif untuk memastikan perlindungan hukum yang lebih responsif, inklusif, dan berkeadilan bagi anak berkebutuhan khusus.

Kata Kunci: Tanggung Jawab Negara; Anak Berkebutuhan Khusus; Pendidikan Inklusif; Wilayah Terpencil; Hak Asasi Manusia

INTRODUCTION

Education constitutes a fundamental right of every citizen guaranteed by the constitution and forms an integral part of universal human rights, including for children with special needs. The Indonesian national legal framework positions education as a primary instrument for achieving social justice and fostering holistic human development, as stipulated in the 1945 Constitution of the Republic of Indonesia and Law Number 20 of 2003 on the National Education System. In this context, the state bears the obligation to ensure the provision of equitable, high-quality, and non-discriminatory educational services for all citizens, regardless of physical, intellectual, social, or geographical conditions (Ministry of Education and Culture, 2016; Republic of Indonesia, 2003).

Indragiri Hilir Regency in Riau Province is characterized by a unique geographical landscape, where large parts of the region are connected and separated by extensive river networks. This condition makes inter-village and inter-district transportation highly dependent on water routes, with limited land infrastructure affecting community mobility. Such geographical realities directly impact the accessibility of public services, including education, particularly for children with special needs who require supportive facilities, specialized educators, and adaptive learning environments. In this context, limited physical access often results in the neglect of the educational rights of children who occupy the most vulnerable social positions (Statistics Indonesia of Indragiri Hilir Regency, 2023).

Normatively, the national legal system has established the state's obligation to guarantee the fulfillment of educational rights for persons with disabilities through various constitutional, sectoral, and administrative instruments. Law Number 8 of 2016 on Persons with Disabilities affirms the state's duty to provide accessibility, reasonable accommodation, and inclusive and equitable educational services. Furthermore, inclusive education policies formulated by the Ministry of Education emphasize schools as social spaces that must accommodate and serve diverse learner needs. Nevertheless, the existence of these legal norms has not been fully accompanied by policy implementation that is responsive to the conditions of remote regions such as Indragiri Hilir, resulting in legal protection that remains

largely formal rather than operational (Ministry of Education and Culture, 2017; Republic of Indonesia, 2016).

From a human rights perspective, the responsibility of the state extends beyond normative recognition of the right to education for children with special needs and includes the obligation to actively protect and fulfill this right through affirmative policies and equitable resource distribution. The principles of non-discrimination and equality of opportunity require the state to give particular attention to vulnerable groups facing structural barriers, including geographical constraints. In remote rural areas, the limited presence of the state in providing special education services may be understood as a failure to realize distributive justice, thereby widening educational and social disparities between central and peripheral regions (National Commission on Human Rights of Indonesia, 2020).

The social reality in Indragiri Hilir indicates that families of children with special needs often bear additional burdens in their efforts to secure education for their children. The scarcity of inclusive schools or special education units near their residences compels many parents to travel long distances at high costs or to withdraw their children from formal education altogether. This condition reflects systemic inequality in access and poses potential violations of the principle of equality before the law. In the long term, such circumstances not only affect individual development but also have broader implications for human resource quality and sustainable social development in remote rural areas (Ministry of Social Affairs of the Republic of Indonesia, 2021).

Based on these normative and empirical contexts, this study aims to examine in depth the state's responsibility in ensuring access to education for children with special needs in remote areas, with a specific focus on Indragiri Hilir Regency, Riau Province, by analyzing the alignment between the national legal framework, human rights principles, and the practical implementation of educational policies at the local level as a basis for formulating recommendations to strengthen more responsive, inclusive, and equitable legal protection.

METODE

This study employs a normative-empirical approach with a descriptive-analytical design to examine the state's responsibility in ensuring access to education for children with special needs in the remote areas of Indragiri Hilir Regency, Riau Province. The normative component is conducted through a review of primary and secondary legal materials, including the 1945 Constitution of the Republic of Indonesia, Law Number 20 of 2003 on the National Education System, Law Number 8 of 2016 on Persons with Disabilities, and technical policies on inclusive education issued by relevant ministries. The empirical component is designed to capture the practical implementation of legal norms at the local level by examining regional education policies, planning documents, and the factual conditions of educational service provision for children with special needs in rural areas fragmented by extensive river networks.

Empirical data are collected through semi-structured interviews with key stakeholders, including officials of the local education office, school principals,

teachers, and parents of children with special needs, as well as through field observations of the accessibility of educational facilities and supporting services in selected remote villages. The collected data are analyzed qualitatively using an interactive analysis technique, which involves data reduction, data display, and conclusion drawing, to identify the alignment and gaps between the national legal framework, human rights principles, and policy practices at the local level. Data validity is ensured through source and method triangulation, enabling the findings to comprehensively reflect empirical conditions and to serve as a basis for formulating recommendations to strengthen more responsive and equitable legal protection.

RESULTS AND DISCUSSION

Theoretical Framework of the Right to Education for Children with Special Needs and the Principle of State Responsibility

The right to education for children with special needs, from a human rights theoretical perspective, is understood as a social right that requires the active role of the state in ensuring the availability, accessibility, acceptability, and adaptability of educational services. The theory of the *right to education* positions the state not merely as a regulator, but as the primary duty bearer responsible for guaranteeing that every child, including those living with disabilities and in geographically remote areas, receives equitable and quality education. Within this framework, education is not only perceived as a public service, but also as a social instrument that enables individuals to develop their full potential and participate meaningfully in social life.

The principle of state responsibility in fulfilling the right to education can also be explained through the *welfare state* approach, which emphasizes the constitutional obligation of the state to protect vulnerable groups through affirmative policies. Children with special needs in remote rural contexts occupy a position of double vulnerability, as they experience both disability-related limitations and structural barriers arising from geographical isolation. This theoretical perspective requires corrective measures that go beyond formal equality and aim to reduce structural inequalities rooted in social and territorial disparities.

From the perspective of inclusive education theory, schools are conceptualized as social spaces that must accommodate diversity in learners' abilities, backgrounds, and learning needs. Inclusive education does not merely require formal admission of children with special needs, but also demands curricular adaptation, differentiated pedagogical strategies, and the availability of specialized educators. This theoretical framework underscores that educational access cannot be reduced to the physical presence of schools alone, but must be understood as the provision of meaningful and responsive learning systems that genuinely address the needs of individual learners.

The theory of distributive justice provides a normative foundation for the argument that the state is obligated to allocate educational resources proportionally based on levels of need. In remote areas, this approach necessitates greater investment in funding, facilities, and human resources compared to urban regions,

due to the compounded challenges of geographical barriers and limited infrastructure. Justice, in this sense, is not interpreted as equal treatment, but as equitable treatment that accounts for different starting points and structural disadvantages.

Field conditions in Indragiri Hilir Regency indicate that these theoretical principles have not yet been fully realized in practice. The limited number of inclusive schools and the absence of specialized educational units in several rural areas separated by river networks demonstrate that access to education for children with special needs remains heavily dependent on families' capacity to overcome distance and financial constraints. Under such circumstances, education tends to remain a normative right rather than a lived social reality that can be enjoyed on an equal basis.

From a legal perspective, national law positions education as a constitutional right that must be guaranteed by the state without discrimination. However, when legal norms are confronted with empirical conditions, a significant gap becomes apparent between regulatory frameworks and policy implementation. General legal provisions have not been sufficiently translated into operational policies that respond to the specific geographical and social characteristics of remote regions, resulting in legal protection that is largely formalistic in nature.

The synthesis between theory and empirical reality suggests that the core problem does not lie in the absence of a legal framework, but rather in the weakness of implementation mechanisms and oversight structures. Although the state possesses a relatively comprehensive normative basis, it has not yet developed policy instruments capable of effectively reaching high-barrier regions. This condition reflects broader governance challenges in the delivery of inclusive education at the local level.

Within this context, state responsibility must be understood more broadly as an active and continuous obligation. The state is required not only to enact regulations, but also to ensure that such regulations are materialized through concrete services that are accessible to children with special needs in remote rural areas. This perspective calls for stronger policy integration between central and local governments, as well as cross-sectoral collaboration to support inclusive educational provision.

Based on this analysis, it can be formulated that strengthening legal protection for the educational rights of children with special needs in remote areas must begin with a reconstruction of the model of state responsibility that emphasizes affirmative policies, needs-based resource distribution, and robust oversight mechanisms to ensure that the principles of justice and non-discrimination are effectively implemented in local educational practice.

Empirical Conditions of Educational Access for Children with Special Needs in the Remote Rural Areas of Indragiri Hilir

The geographical landscape of Indragiri Hilir Regency, which is dominated by extensive river networks, shapes settlement patterns that are fragmented and difficult to access by land transportation. This condition has a direct impact on the

availability of public services, including education, as the mobility of educators, the distribution of facilities, and administrative supervision are significantly constrained. For children with special needs, these geographical barriers further limit access to adaptive and continuous educational services.

Field findings indicate that most remote villages do not have inclusive schools equipped with specialized teachers or adequate supporting facilities. Children with special needs in these areas are often required to travel long distances by river transport to reach schools that are willing and able to accommodate them, or they remain out of school altogether due to financial limitations and physical challenges faced by their families. This situation demonstrates that educational access is still largely determined by distance and economic capacity rather than by universal rights guaranteed by law.

In practice, families play a dominant role in sustaining the educational participation of children with special needs. Parents frequently face difficult choices between keeping their children at home or bearing the high costs and risks associated with long-distance travel. This reality reflects a shift of responsibility from the state to individuals, which, from a human rights perspective, represents a departure from the normative obligation of the state to serve as the primary duty bearer.

From the perspective of educational institutions, limitations in human resources constitute a major challenge. Teachers in remote rural areas generally lack formal training in inclusive education, which restricts their capacity to identify and address the diverse learning needs of children with special needs. Consequently, even when schools formally accept such students, the learning process often remains inadequately adapted and insufficiently responsive to individual educational requirements.

The legal perspective places local governments as key actors in the provision of basic and secondary education services. Within the framework of decentralization, regional authorities possess the discretion to design policies that align with local conditions. However, empirical findings reveal that local policies tend to remain general in nature and do not specifically regulate strategies for fulfilling the educational rights of children with special needs in geographically fragmented areas.

Another significant barrier lies in the absence of accurate and comprehensive data regarding the number and distribution of children with special needs in remote villages. Without a reliable data foundation, budget allocation and human resource deployment are often misaligned with actual needs. This condition highlights systemic weaknesses in planning and information management that undermine the effectiveness of public service delivery.

The synthesis of empirical findings and legal analysis indicates that the problem of educational access in Indragiri Hilir is not merely technical, but structural. Geographical constraints, limited resources, and weak policy planning intersect to create a context in which the educational rights of children with special needs are difficult to realize in concrete terms.

From the standpoint of social justice, this situation risks widening disparities between central and peripheral regions. Children in urban areas benefit from greater access to inclusive educational services, while those in remote rural areas become increasingly marginalized. This inequality suggests that the education system has not yet fully functioned as an instrument for equalizing opportunities across different territorial contexts.

Accordingly, a more contextual and region-based policy approach is required to respond to these empirical conditions. The state and local governments need to develop flexible service models, such as mobile education units or community-based learning resource centers, that can reach remote villages without relying solely on conventional school infrastructure.

Based on this analysis, it can be formulated that fulfilling the educational rights of children with special needs in Indragiri Hilir necessitates a transformation of policy that positions geographical conditions as a central variable in planning and implementation, ensuring that educational services are no longer concentrated in specific areas but are genuinely present within the social spaces where children live and grow.

Legal Analysis and Policy Synthesis of Region-Based Legal Protection in Remote Areas

The Indonesian national legal framework provides a strong foundation for the protection of the educational rights of children with special needs through constitutional recognition and sectoral regulation. The right to education is positioned as a fundamental and non-derogable right, while persons with disabilities are afforded specific guarantees in terms of accessibility and reasonable accommodation. Within this context, the state holds both the legal authority and the binding obligation to ensure that educational policies reflect the principles of non-discrimination and equality of opportunity.

However, an analysis of policy implementation in remote regions reveals that the existence of legal norms has not been fully translated into operational policy instruments. National regulations tend to adopt a general and uniform approach, without explicitly addressing strategies for fulfilling educational rights in areas characterized by high geographical barriers. As a result, local governments often lack clear technical guidelines for designing inclusive education programs that are responsive to the specific needs of remote rural communities.

From the perspective of administrative law, local governments are positioned as the primary executors of educational policy at the regional level. Within the decentralized governance framework, regional authorities possess discretionary space to adapt national policies to local contexts. Nevertheless, research findings indicate that this discretion has not been optimally utilized to develop innovative service models for children with special needs in isolated villages, thereby rendering legal protection largely passive and dependent on central-level initiatives.

In human rights terms, this condition can be interpreted as a failure of the state to fulfill its *duty to fulfill*, namely the obligation to take concrete steps toward

the realization of rights. The state is required not only to establish legal frameworks, but also to ensure the presence of effective implementation mechanisms, monitoring systems, and remedial pathways when violations occur. In remote areas, weak complaint and oversight mechanisms further constrain communities' ability to claim their educational rights.

The synthesis of legal analysis and empirical findings suggests that legal protection for the educational rights of children with special needs requires a region-based approach. Uniform national policies must be complemented by affirmative strategies that take into account the geographical, social, and economic characteristics of remote areas. Such an approach calls for the development of comprehensive regional needs assessments as a foundation for policy planning and resource allocation.

Within the framework of public policy, cross-sectoral integration emerges as a critical factor in strengthening legal protection. Education for children with special needs cannot be separated from health, social services, and transportation systems. Accordingly, the state must develop coordination mechanisms across institutions to ensure the provision of holistic and sustainable educational services in remote regions.

The theoretical perspective of *good governance* emphasizes the importance of transparency, participation, and accountability in the delivery of public services. In the context of legal protection, these principles should be reflected in community involvement in educational planning, public access to information regarding programs and budgets, and evaluation mechanisms that allow rural communities to express concerns and grievances effectively.

Based on this synthesis, the policy formulation that can be proposed is the development of a region-based legal protection model for remote areas that encompasses affirmative policies, strengthened local government capacity, and accessible oversight and complaint mechanisms. This model is expected to bridge the gap between legal norms and social realities.

In the long-term perspective, strengthening legal protection for the educational rights of children with special needs also contributes to inclusive and sustainable human resource development. Equitable and inclusive education enhances social cohesion and reduces the risk of marginalization among vulnerable groups in peripheral regions.

Thus, it can be formulated that the state's responsibility in ensuring access to education for children with special needs in remote areas must be realized through adaptive legal policies grounded in regional needs and supported by transparent and participatory governance, so that legal protection is not confined to regulatory texts but is concretely manifested in the lived experiences of rural communities.

CONCLUSION

This study concludes that the state's responsibility in ensuring access to education for children with special needs in the remote rural areas of Indragiri Hilir Regency, Riau Province, is normatively grounded in a strong legal framework through constitutional recognition and sectoral regulations that affirm the

principles of non-discrimination and equality of opportunity. However, empirical findings reveal a significant gap between legal norms and policy implementation at the local level, as reflected in the limited availability of inclusive educational institutions, the shortage of specialized educators, and the weakness of needs-based planning and oversight mechanisms. From a human rights perspective, these conditions indicate that the state's obligation to fulfill the right to education for children with special needs remains largely formalistic and has not yet been fully realized through affirmative policies and concrete services capable of reaching rural communities fragmented by geographical barriers.

Based on these conclusions, it is recommended that the state and local governments develop a region-based legal protection model for remote areas that emphasizes affirmative budget allocation, the strengthening of human resource capacity through inclusive education training for rural teachers, and the establishment of accessible oversight and complaint mechanisms for rural communities. Furthermore, cross-sectoral integration among the education, social, health, and transportation sectors is necessary to deliver holistic and sustainable educational services, including the development of mobile service units and community-based learning resource centers as strategic measures to bridge access gaps for children with special needs in geographically isolated areas.

DAFTAR RUJUKAN

- Badan Pusat Statistik Kabupaten Indragiri Hilir. (2023). *Kabupaten Indragiri Hilir dalam angka 2023*. Badan Pusat Statistik.
- Creswell, J. W. (2014). *Research design: Qualitative, quantitative, and mixed methods approaches* (4th ed.). SAGE Publications.
- Kementerian Pendidikan dan Kebudayaan Republik Indonesia. (2016). *Panduan penyelenggaraan pendidikan inklusif*. Kemendikbud.
- Kementerian Pendidikan dan Kebudayaan Republik Indonesia. (2017). *Kebijakan nasional pendidikan inklusif*. Kemendikbud.
- Kementerian Sosial Republik Indonesia. (2021). *Profil penyandang disabilitas di Indonesia*. Kementerian Sosial RI.
- Komisi Nasional Hak Asasi Manusia Republik Indonesia. (2020). *Laporan tahunan Komnas HAM Republik Indonesia*. Komnas HAM.
- Miles, M. B., Huberman, A. M., & Saldaña, J. (2014). *Qualitative data analysis: A methods sourcebook* (3rd ed.). SAGE Publications.
- Republik Indonesia. (1945). *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*.
- Republik Indonesia. (2003). *Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional*.
- Republik Indonesia. (2016). *Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas*.
- Republik Indonesia. (2017). *Peraturan Menteri Pendidikan dan Kebudayaan Republik Indonesia Nomor 70 Tahun 2017 tentang Pendidikan Inklusif bagi Peserta Didik Penyandang Disabilitas*.
- Sugiyono. (2019). *Metode penelitian kualitatif, kuantitatif, dan R&D*. Alfabeta.

Suryadi, A. (2018). *Pendidikan inklusif dalam perspektif kebijakan publik di Indonesia*. Remaja Rosdakarya.

UNESCO Indonesia. (2020). *Pendidikan inklusif dan berkeadilan di Indonesia: Tantangan dan kebijakan*. UNESCO Office Jakarta.