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## Should I Drop Out of School? A Study of the Right to Education For Pregnant Students

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### Abstract

Every Indonesian child has the right to a proper education, including pregnant students. In reality, solving the problem of pregnant students often ends with the dismissal of the children from school either directly or by resignation. Instead of providing protection, the school sanctions children who are considered to damage the image of the school as a moral educational institution, actually the school has neglected their basic rights, namely proper education guaranteed by the state through the constitution and laws related to education. Therefore, the purpose of this paper is to explain the above problems studied from the perspective of child protection on the basis of the principle of the best interests of the child. The method used in this research is the socio-legal method, which analyzes the implementation of education policy. The results of this study indicate that there are no guidelines for resolving cases of students who become pregnant during their study period. The settlement is left to the school, which usually ends with a decision from the school to expel the student on the basis of educational morals and school image. This is contrary to the guarantee of the right to education for every Indonesian citizen child as mandated in education law, especially regarding the 12-year compulsory education policy.

**Keywords:** Pregnant; Student; Access to Education.

### Introduction

This article aims to discuss the implementation of children's rights to education. The term 'rights' in this writing will be viewed from the perspective of children's fundamental rights concerning access to education, which often poses various challenges in its implementation. In many cases, school decisions are frequently based on the school's interests rather than considering the best interests of the child. This article specifically focuses on the policy addressing the issues faced by children who are forced to drop out of school due to marriage and/or unplanned pregnancy during their academic period from the perspective of child protection.

Children's rights to education are enshrined in the constitution which states that every person has the right to develop themselves through the fulfillment of their basic needs, the right to receive education, and to benefit from knowledge, technology, arts, and culture in order to improve their quality of life and the wellbeing of humanity.<sup>1</sup> These provisions form the foundation for the implementation of education in Indonesia. Education is the primary means to enhance human quality through learning that develops the potential of each individual.<sup>2</sup> The existence of education is an absolute right for everyone and its regulation is part of the chapter on human rights as stipulated in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). As a consequence of this provision, every person in Indonesia, without exception, has a constitutional right as a citizen to access education.

According to data from the Directorate of Population and Civil Registration (Dukcapil) of the Ministry of Home Affairs, in 2021, the average education level of the Indonesian population was that of an elementary school graduate, with a total of 64.8 million people, followed by junior high school graduate for 39.7 million people, and high school graduate for 56.2 million people. The number of individuals pursuing higher education was recorded at 17.65 million.<sup>3</sup> Unfortunately, the relatively high participation rate in education in Indonesia is also accompanied by a significant number of school dropouts, which is increasing each year. This can be observed from the dropout rate at the junior high school level, which was 1.06% in 2022, an increase from 0.90% in 2021. The dropout rate at the elementary school level is also significant, at 0.13%, which is a 0.01% increase compared to 2021's rate of 0.12%. As for senior high school level, 1.38% of individuals dropped out in 2022. This means that 13 out of 1000 students in Indonesia drop out from

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<sup>1</sup> The Constitution of the Republic of Indonesia of 1945, Article 28C Paragraph (1).

<sup>2</sup> The Law on National Education System, Law No. 20 of 2003, State Gazette of 2003 No.78, Additional State Gazette No.4301, General Explanation.

<sup>3</sup> Viva Budy Kusnandar, 'Hanya 0,02% Penduduk Indonesia Berpendidikan Hingga S3 Pada Juni 2021' (*databoks*, 2021) <<https://databoks.katadata.co.id/datapublish/2021/11/20/hanya-002-penduduk-indonesia-berpendidikan-hingga-s3-pada-juni-2021>> accessed 6 January 2023.

school.<sup>4</sup> Various reasons for dropping out of school have emerged, as reported by the Indonesian Child Protection Commission (KPAI), including early marriage, employment, inability to pay school fees, and addiction to online games.<sup>5</sup>

The reality of school dropouts, especially at the primary education level, is an irony for Indonesia. Article 34 of Law Number 20 of 2003 concerning the National Education System (UU Sisdiknas) stipulates that the Government and Regional Governments guarantee the implementation of compulsory education programs at least at the primary education level without charging fees. This program is referred to as compulsory education which, according to Article 1 number 18 of UU Sisdiknas, is the minimum education program that must be followed by Indonesian citizens under the responsibility of the Government and Regional Governments.<sup>6</sup> This obligation is further emphasized in Article 6 of the aforementioned Law which states that every citizen aged seven to fifteen years old is obliged to attend primary education.<sup>7</sup> Referring to Government Regulation Number 47 of 2008 concerning Compulsory Education, it is stated that the implementation of compulsory education in the formal education system should be carried out at least at the primary education level, including elementary schools (SD/MI), junior high schools (SMP/MTs), and equivalent forms.<sup>8</sup> The fact that there are individuals who do not complete their education up to junior high school alongside the occurrence of school dropout cases indicates that the compulsory education program has not been fully implemented.

One of the factors leading to school dropouts is early marriage. According to the Central Statistics Agency, as many as 94.72% of children who marry early

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<sup>4</sup> Aulia Mutiara Putri, 'Lapor Pak Jokowi, Angka Anak Putus Sekolah Naik Lagi' (*cnbcindonesia.com*) <[https://www.cnbcindonesia.com/news/20221128122021-4-391770/lapor-pak-jokowi-angka-anak-putus-sekolah-naik-lagi#:~:text=Angka putus sekolah di jenjang SMP tercatat sebesar 1%2C06,yang sebesar 0%2C12%25](https://www.cnbcindonesia.com/news/20221128122021-4-391770/lapor-pak-jokowi-angka-anak-putus-sekolah-naik-lagi#:~:text=Angka%20putus%20sekolah%20di%20jenjang%20SMP%20tercatat%20sebesar%201%2C06,yang%20sebesar%2012%25)> accessed 6 January 2023.

<sup>5</sup> Yanuaratikah, 'Alasan Anak Putus Sekolah Menurut KPAI' (*republika.co.id*) <<https://www.republika.co.id/berita/qpj4396/ini-alasan-anak-putus-sekolah-menurut-kpai>> accessed 6 January 2023.

<sup>6</sup> 'The Law on National Education System, Law No. 20 of 2003, State Gazette of 2003 No.78, Additional State Gazette No.4301, Article 8 Number 18'.

<sup>7</sup> *ibid.* Pasal 6 ayat (1).

<sup>8</sup> 'Government Regulation on Compulsory Education, Government Regulation No. 47 of 2008, Article 3 Paragraph (2)'.

experience school dropout. There is a clear correlation indicating that early marriage contributes to low education participation rates.<sup>9</sup> School dropout due to early marriage can be categorized into two forms: students choosing to leave school after getting married and students being expelled by the school. The actions of schools in expelling students who get married is interesting to examine in the context of Indonesia considering the state's obligation to provide education for everyone without exception.

Many cases in Indonesia often involve schools expelling students who get married and/or become pregnant during their education. For example, a case in Sabang, Aceh, involved a 16-year-old who got married and was expelled from school by the school authorities. According to the Aceh Education Office, the decision to expel students who are already married is within the school's autonomy to take action.<sup>10</sup> Similar arguments were found in Widha Sinulingga's research, which states that schools that have sanctions for expelling students who are married or pregnant have attributions derived from delegated legislators. The authority granted by Article 52 of Government Regulation Number 19 of 2005 to each educational unit (school) to establish rules and regulations serves as a gateway for school autonomy to create policies regarding the return of married or pregnant students to their parents.<sup>11</sup> Additionally, there was a case in Depok where a student was expelled from school for getting married while in the 10th grade. The expulsion was reportedly due to a rule in that particular school that did not allow married students to continue their education.<sup>12</sup> These cases illustrate that the reality of expelling married students from

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<sup>9</sup> Intan Yunelia, '94 Persen Anak Menikah Dini Alami Putus Sekolah' (*medcom.id*) <<https://www.medcom.id/pendidikan/news-pendidikan/9K54gZyk-94-persen-anak-menikah-dini-alamiputus-sekolah>> accessed 6 January 2023.

<sup>10</sup> Jakarta Post, 'Siswa Di Aceh Dikeluarkan Dari Sekolah Karena Menikah' (*acdpondonesia*, 2015) <<https://acdpondonesia.wordpress.com/2015/01/23/siswa-di-aceh-dikeluarkan-dari-sekolah-karena-menikah/>> accessed 6 January 2023.

<sup>11</sup> Widha Sinulingga, 'Analisis Tata Tertib Sekolah Tentang Sanksi Pengembalian Siswi Hamil Kepada Orang Tua Dalam Perspektif Hukum Administrasi Negara' (Universitas Islam Indonesia 2012).[146].

<sup>12</sup> Yopi Setya Budi, 'Siswi SMK Di Depok Dikeluarkan Dari Sekolah Karena Menikah' (*kesatu.co*) <<https://www.kesatu.co/news/pr-2471567017/siswi-smk-di-depok-dikeluarkan-dari-sekolah-karena-menikah>> accessed 6 January 2023.

school still occurs frequently in Indonesia, despite the country's commitment to providing education for everyone without exception.

Similar cases have also occurred, for example, where a junior high school student in Rote Ndao, East Nusa Tenggara Province was expelled from school after being discovered to be pregnant. In the expulsion letter, the school removed the student but proposed that she could continue her education at a Community Learning Center (PKBM).<sup>13</sup> This situation has also been conceptually addressed by Dariyo, stating that in reality, the consequence of pregnancy during school years often leads to the loss of education. This is because pregnant girls in school do not receive social acceptance from their educational institutions and are therefore required to be expelled. Similar circumstances also apply to boys who impregnate someone, resulting in rejection from the school.<sup>14</sup>

The cases of teenage pregnancy outside of marriage seem to affect the rate of early marriage in Indonesia. The National Commission on Violence Against Women (Komisi Nasional Perempuan) recorded in 2021 that there were 59,709 cases of early marriage granted dispensation by the court.<sup>15</sup> These are the official recorded numbers but, in practice, there are also many cases of secret marriages that do not receive dispensation from the court due to insufficient age (early marriage). With such sociological conditions present, cases of students being expelled from school due to marriage or pregnancy have the potential to continue occurring. In her research, Mirna once noted that the primary reason educational institutions expel students who are married or become pregnant during their education is to protect the school's reputation that may be tarnished by such cases.<sup>16</sup>

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<sup>13</sup> Frangky Johannis, 'Seorang Siswa SMP Di ROTE NDAO Dikeluarkan Dari Sekolah Karena Diketahui Hamil' (*rotendao.victorynews.id*) <<https://rotendao.victorynews.id/rote-ndao/pr-3425210758/seorang-siswa-smp-di-rote-ndao-dikeluarkan-dari-sekolah-karena-diketahui-hamil>> accessed 6 January 2023.

<sup>14</sup> Agus Dariyo, *Psikologi Perkembangan Remaja* (Graha Indonesia).[69].

<sup>15</sup> Issha Harruma, 'Kasus Pernikahan Dini Di Indonesia' (*kompas.com*) <<https://nasional.kompas.com/read/2022/10/02/00000061/kasus-pernikahan-dini-di-indonesia#:~:text=Komnas Perempuan mencatat%2C sepanjang tahun,yang berjumlah 23.126 pernikahan anak>> accessed 6 January 2023.

<sup>16</sup> Mirna, 'Remaja Putus Sekolah Akibat Hamil Pranikah' (2019) 2 *Phinisi Integration*. [296].

However, in principle, education should be conducted democratically, fairly, and without discrimination with the aim of upholding human rights, religious values, cultural values, and national diversity.<sup>17</sup>

The non-discriminatory principle reminds us that the reality of expelling students who are married or pregnant during their schooling is not in line with the principles of education in Indonesia. From a human rights' perspective, the right to continue education and the right to continue one's family (marriage) are two rights that are recognized and respected by the state. They do not negate or hinder each other. The constitutional norm states that every individual, regardless of their marital or pregnancy status, has the right to access education. In 2016 and 2017, the Minister of Education and Culture, Anies Baswedan, and the Minister of Women Empowerment and Child Protection, Yohana Yembise, have urged that students who are pregnant or married should not be expelled from school. Unfortunately, this still continues to occur in Indonesia.<sup>18</sup>

The guarantee of the right to education for everyone is also recognized in the International Covenant on Economic, Social, and Cultural Rights. Article 13, paragraph 1 recognizes the right of everyone to education. This provision establishes that in a free and democratic society, education should be accessible to everyone and allow for broad participation.<sup>19</sup> This demonstrates that education should not be compromised or made difficult to access by imposing conditions. Under any circumstances, the state has an inherent obligation to provide educational accessibility to everyone.

Therefore, the author is interested in examining the issue of school policies that expel students who are married or pregnant from the perspective of child legal protection. The overall discussion in this article will answer

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<sup>17</sup> National Education System Law, Law No. 20 of 2003, State Gazette Year 2003 No. 78 Supplement No. 4301, Article 4.

<sup>18</sup> Mahisa Cempaka, 'Hukuman Mengeluarkan Siswa Dari Sekolah Masih Populer Meski Pernah Dikritik Menteri' (*vice.com*) <<https://www.vice.com/id/article/pkeb89/hukuman-mengeluarkan-siswa-dari-sekolah-masih-populer-meski-pernah-dikritik-menteri>> accessed 6 January 2023.

<sup>19</sup> Emanuel Sujatmoko, 'Hak Warga Negara Dalam Memperoleh Pendidikan' (2010) 7 Jurnal Konstitusi.[192].

the big question of how the provisions of the prevailing laws and regulations in Indonesia are related to the guarantee of children's right to education and how they are implemented in schools related to the issue of students who are pregnant or married during their study period. The data presented in this article was obtained through socio-legal research methods, and the analysis used a sociology of law approach. The data was collected through a literature study and observations conducted in Ujung Alang Village, Kampung Laut Subdistrict, Cilacap Regency in July 2022. In the literature study, the research was conducted by collecting various laws and regulations and government policies related to the right to education for children. Meanwhile, observation activities were carried out by interviewing students who dropped out of school due to pregnancy as the informants. A focus group discussion (FGD) was also conducted with the Head of the Cilacap Regency Education Office and one of the school principals in Kampung Laut Subdistrict, Cilacap Regency.

### **Policy Foundations for the Protection of Children's Rights in Relation to Education**

The discussion on children's rights can be found in several international documents. The opening of the Convention on the Rights of the Child states that as human beings, children require special attention and protection.<sup>20</sup> The Convention on the Rights of the Child (CRC) serves as an instrument that formulates the universal principles regarding the status of children.<sup>21</sup> Mrs. dos Santos Pais, a representative from Portugal during the discussion of the draft CRC, stated that the draft would have two positive impacts. First, it would inspire countries to adopt the fundamental principles of human rights in general. It would create special protection for children in order to harmonize their personal growth and enable them to play a constructive role in society in the future.<sup>22</sup>

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<sup>20</sup> United Nations, Convention on the Rights of the Child (1989), Preamble.

<sup>21</sup> Darmawan Prinst, *Hukum Anak Indonesia* (PT Citra Aditya Bakti 2003).[212].

<sup>22</sup> History of Convention on the Rights of the Child.[212].

The CRC asserts that human rights apply to all age groups. Therefore, it is crucial to enhance human rights standards to meet the specific needs of children. The term ‘child’ in the CRC refers to every human being below the age of 18 but the recognition of childhood may vary in different countries based on their national laws.<sup>23</sup> One of the inherent rights of a child is the right to receive an education. Education is the center for equipping children with spiritual self-control, intelligence, a noble character, and skills.<sup>24</sup> In the preamble of the CRC, there are several principles listed correlating to the education right, namely:<sup>25</sup> (1) providing education, care, and special treatment for children with disabilities or mental or social disadvantages, and (2) to nurture a fully developed and harmonious personality, children require love and understanding.

This is further emphasized by the obligation to seek education as a duty for every Muslim as commanded in the Qur’an: “Iqra” - Read! Seek knowledge! Philosophically, the importance of education is also reflected in the inclusion of Chapter XIII in the 1945 Constitution of the Republic of Indonesia, specifically addressing Education and Culture.<sup>26</sup> Article 31, paragraph (3) emphasizes that the government strives to establish a national education system capable of enhancing faith, piety, and noble character in order to enlighten the nation’s life.<sup>27</sup> This article is directly correlated to one of the fundamental concepts of Indonesia’s national goals as stated in the fourth paragraph of the Preamble of the 1945 Constitution, which highlights the Indonesian nation’s commitment to the intellectual advancement of people’s lives.

In the 1945 Constitution, there are six provisions related to the right of children to education, namely:<sup>28</sup>

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<sup>23</sup> Ima Susilowati, [et., al.], *Pengertian Konvensi Hak Anak* (UNICEF 2003).[3].

<sup>24</sup> National Education System Law, Law No. 20 of 2003, State Gazette No. 78 of 2003, Supplement No. 4301. Article 1.

<sup>25</sup> Kusumah Mulyana, ‘Hukum Dan Hak-Hak Anak,’ Yayasan LBH Indonesia (1986) Quoted by Silvia Fatmah Nurushshobah, ‘Konvensi Hak Anak Dan Implementasinya Di Indonesia’ (2019) 1 *Jurnal Kebijakan Ilmiah dan Pelayanan Pekerjaan Sosial*. [121].

<sup>26</sup> Constitution of the Republic of Indonesia 1945. Chapter XIII.

<sup>27</sup> *ibid.*[31].

<sup>28</sup> Nurul Amaliah, ‘Perlindungan Hak Pendidikan Anak Menurut Hukum Dan Perundang-Undangan (Case Study of Underage Marriage of Girls in Pekkabata Subdistrict, Duampanua District, Pinrang Regency, 2015-2016)’ (Alauddin State Islamic University Makassar 2017).[45].



1. Every citizen has the right to receive education (Article 31 paragraph (1)).
2. Every citizen is obliged to attend basic education and the government must finance it (Article 31 paragraph (2)).
3. The government strives for and organizes a national education system aimed at enhancing faith, piety, and noble character to enlighten the life of the nation, regulated by law (Article 31 paragraph (3)).
4. The state must prioritize education budget of at least 20% of the state and regional budgets to fulfill the needs of national education (Article 31 paragraph (4)).
5. Every child has the right to grow and develop (Article 28B paragraph (1)).
6. Every person has the right to self-development through the fulfillment of basic needs and has the right to education and to benefit from science, technology, arts, and culture, for the improvement of their quality of life and the welfare of humankind (Article 28B paragraph (1)).

The importance of education is also evident in the explicit provision that the education budget should be at least 20% of the national and regional budgets.<sup>29</sup> The budgetary allocation limitation demonstrates the significance of education to the state, as in constitutional theory, the constitution embodies the fundamental values of the state. Therefore, education plays a fundamental role in nation-building.

Article 31 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that every citizen has the right to receive an education.<sup>30</sup> Furthermore, in Law Number 20 of 2003 on the National Education System, it is stated that every citizen aged 7 to 15 years is required to attend basic education.<sup>31</sup> Article 17 paragraph (1) specifies that primary education includes Elementary School (SD) and its equivalent Madrasah Ibtidaiyah (MI), as well as Junior High School (SMP) and its equivalent Madrasah Tsanawiyah (MTs). Moreover, this right is constitutionally guaranteed with the government's obligation to finance basic education.

The right to education for children should be provided to the fullest extent by the state, government, local governments, families, and parents.<sup>32</sup> In law, an obligation norm imposes an imperative character, creating a responsibility to fulfill it. Therefore when a child is deprived of their right to education, there is a normative

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<sup>29</sup> *ibid.*

<sup>30</sup> Constitution of the Republic of Indonesia 1945.[Article 31].

<sup>31</sup> 'The Law on National Education System, Law No. 20 of 2003, State Gazette of 2003 No.78, Additional State Gazette No.4301, General Explanation' (n 2).[ Article 6].

<sup>32</sup> *ibid.*[49].

and ethical violation. This violation can be attributed to the state, government, and even the family.

Furthermore, the right to education is also part of the regime of human rights. In the Universal Declaration of Human Rights, Article 26 paragraph (1) states: “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory”.<sup>33</sup> In Law Number 39 of 1999 on Human Rights (Human Rights Law), it is stated that everyone has the right to protection for personal development, to obtain an education, to improve themselves, and to enhance their quality of life in accordance with human rights, so then they become individuals who are faithful, devout, responsible, morally upright, happy, and prosperous.<sup>34</sup>

As the right to education is granted universally and is the right of every individual, there should be no discrimination against those who are entitled to education. Both children in general and children with special needs must have their right to education fulfilled without exception.

## **A Study of A Teenage Student Who Becomes Pregnant Outside of Marriage and the Consequences for Their Continued Education: A Case Study in Ujung Alang Village, Kampung Laut Subdistrict – Cilacap**

### **1. Terminated Schooling Rights**

The termination of schooling is a phenomenon that is prevalent in various regions of Indonesia, including Cilacap Regency, which ranks the second highest for school dropout cases in Central Java Province. According to the data on out-of-school children (ATS) collected in 2021 by the Ministry of Education and Culture, 3,294 children dropped out of school. In her research conducted in Jangrana Village, Kesugihan District, Cilacap Regency, Kamsiyati found that the low student

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<sup>33</sup> Emanuel Sujatmoko, ‘Hak Warga Negara Dalam Memperoleh Pendidikan’ (2010) 7 Jurnal Konstitusi.[192].

<sup>34</sup> Human Rights Law, Law No. 39 of 1999, State Gazette No. 165 of 1999, Supplement to State Gazette No. 3886.[Article 12].

interest and lack of motivation from the environment were the dominant factors contributing to the high number of school dropouts. About 63.64% of the children showed no interest in pursuing higher education, and 86.36% of the respondents preferred to work rather than continue their schooling. These findings indicate that the majority of school-aged children in low-income environments prioritize working to earn money over pursuing academic knowledge. The environment plays a significant role in shaping an individual's interest and desire to attend school and pursue higher education. A low-educated community environment can influence the mindset of the younger generation, leading them to believe that education is not a top priority. Furthermore, their interests are also influenced by their parents, as 68.18% of parents in Jangrana Village do not provide encouragement and motivation for their children to continue their education.

The conditions in Jangrana Village are not much different from those in other areas, as seen in the frequent occurrence of school dropouts in Ujung Alang Village, Kampung Laut District. In this area, there are many school dropout cases. According to the data from one of the secondary schools in Ujung Alang Village, Kampung Laut District, in the past three years, 22 students decided not to continue their education. Nine of them dropped out due to a lack of interest in school, eight of them left school to work as ship crew members (ABK), and the remaining students stopped attending school due to being pregnant outside of marriage and lacking the financial means to pay for schooling. Among those who dropped out, some did so because of early pregnancy and being forced into early marriage. Their reasons for quitting school included feeling ashamed in front of their schoolmates due to their pregnancy outside of marriage and being forced into early marriage. Another reason is that many parents play a role in encouraging the dropping out of school because they are unable to take care of the child born out of wedlock, leaving their daughters to assume the role of mother even though they are not ready to fulfill that responsibility.

Based on an interview with the Principal of SMPN 2, Ujungalang, the school has never expelled students who face problems or become pregnant outside of marriage. The school policy ensures that pregnant students are not expelled and

that they are allowed to return to school after giving birth. However, in reality, many students end up dropping out without informing the school. If a student fails to attend school until graduation year, their data will be automatically removed with the notation “dropped out without notification/report”. There was one case, Student X, who became pregnant during the practical exam period. Technically, she had already graduated but she took a period of leave during her pregnancy. The school’s policy was to continue providing assistance because the student wanted to continue her education and so they helped her find an alternative high school. Meanwhile, the baby was adopted by someone else.

## **2. The Experience of a Pregnant Student During her Study Period in Ujung Alang Village, Kampung Laut**

In the context of schools unilaterally expelling students, one of the reasons is based on the role of schools as social institutions that have the function of maintaining the behavior of their community members and providing guidelines for social control. Social control guidelines in this case establish and enforce rules for students, including imposing sanctions on students who become pregnant and/or marry during their study period. Typically, the sanction imposed is expulsion from school with the phrase “returned to parents/guardians”. As stated in Article 7c of Chapter IV on Student Discipline of SMP Negeri 2 Temanggung, Central Java, students will be returned to their parents/guardians if they marry or become pregnant. The phrase “returned to parents/guardians” is often interpreted by schools as one of the last and best solutions for troubled students, as they go on to be transferred to other schools. However, in reality, these students are likely to be rejected by other schools because they do not want to accept students who have been expelled for specific issues.

What follows are the experiences of five former students who dropped out of school at ages between 15 to 17 due to becoming pregnant outside of marriage. When I began the interviews with them, two of the young mothers couldn’t hold back their emotions and started crying even before I asked any questions. The burden on them was evident from their facial expressions and they expressed their

emotions during the interviews. On the other hand, the other three young mothers kept their heads down and remained silent but one of them seemed stronger in terms of coping with the consequences of early pregnancy and marriage.

From the interviews, it became evident that they had different experiences but all ultimately ended up discontinuing their education. The interviews revealed that these young mothers were struggling to adapt to their new circumstances. For example, one of them, called A, became pregnant while dating her schoolmate. She initially tried to hide it but when her pregnancy reached seven months and her belly couldn't be concealed any longer, it became a topic of discussion among her friends. When she was called by the Principal, she admitted that she was pregnant by her schoolmate. After her parents were called in by the Principal, a letter was issued stating their expulsion from school. Subsequently, they had a private marriage ceremony and after giving birth, they were officially married through the Office of Religious Affairs (KUA). The young girl then became a young mother responsible for taking care of her child, while her husband intended to continue his education. However, it turned out that continuing school was not easy for a teenage boy who was already married. When he tried to find a school, he was not allowed because he was already married. As a result, he had to continue his education in another region, Malang, while hiding his married status. The wife was left with her husband's family to raise the child alone.

A similar situation was experienced by her friend who had also become pregnant outside of marriage with a classmate. Like A, when the school found out about her pregnancy, she was asked to withdraw from school. Her situation was better than A's because her family took them in and she received support. She was encouraged to continue her education through a government program called "Paket C". However, she did not pursue it because she believed that the program was not equivalent to regular schooling, and she still felt embarrassed about her situation.

Two of their other friends, called B and C, also experienced similar situations. They tended to withdraw and focus on their roles as mothers. It's interesting to note here the response of C when asked about her case and being expelled from school.

Her eyes welled up with tears, and with a trembling voice, she recounted how she had been forced to quit school at the age of 16 (at the time of the interview, she was 19 years old with 2 children). She felt deeply ashamed and resigned when she was expelled from school. After a secret marriage, her husband started working as a laborer in Cilacap. From her explanation, it can be concluded that it was difficult for her because she had only completed the first year of high school and couldn't find work due to having another child following her marriage. When asked if she would continue her education, she replied by asking whether she was allowed to attend school given her current status. It's a heart-wrenching question.

Among these five young mothers, there was one person who had managed to navigate this difficult situation well. She lived in Tasikmalaya and became pregnant out of wedlock (at the age of 17) with her boyfriend from the village of Ujung Alang. After they got married, her husband took her to Ujung Alang to live with his family. To support the family, she didn't continue her education but learned various selling skills. Now, she has started selling products through a mobile application and seems to be successful. In terms of appearance, at the time of the interview, she appeared healthy, cheerful, and dressed stylishly, just like her lively and healthy child. In contrast to her friends, the other four individuals interviewed by the author looked worn out, and some of them were only wearing house dresses, displaying tired faces.

From the results of these interviews, we can depict that the school principal's policy of asking them to drop out of school is not a good decision. Instead of maintaining the school's image of upholding ethics and morality, this decision essentially deprives the children of the opportunity to access education, which should have been guaranteed for them by the state. Even if they were able to continue their education, they were forced to conceal their status to be accepted as new students, as experienced by B's husband mentioned earlier. Another finding that can be explained here is that in the case of the village of Ujung Alang, it turns out that young girls who are forced to become young mothers can successfully face their critical situation when they have family support. Unfortunately, the economic difficulties faced by the family and the lack of attention given to the young often

mother force her to face the risks alone.

### **3. Case of a High School Student in Aceh Expelled from School Due to Marriage**

The phenomenon of revoking the right to education due to pregnancy has occurred in one of the high schools in Sabang. A student in the eleventh grade, identified as SZ (16), was expelled from school because of her marriage. This is stated in the Student Return Letter Number 442/001/2015 which states that the student in question is to be returned to her parents. Unfortunately, in the third consideration point of the letter, the school acknowledges that there is no written law that allows the expulsion of married students. The reason for the student's expulsion, according to the school, is that a high school should not provide schooling for students who are already married. If such a situation were allowed, it would pose the risk of negatively impacting on the school's credibility. According to the respective Head of School, the expulsion was a decision made jointly by the Council of Teachers. Despite the lack of written regulations justifying this action, expulsion has become a collective agreement between the Sabang Regional Legislative Council (DPRK Sabang), the School Committee, and other relevant institutions to remove married female students from school.

### **4. A student from a madrasah in Garut was prohibited from taking the National Examination (UN) due to suspected pregnancy**

Apart from marriage cases, allegations of pregnancy have also become a reason for the disruption of educational rights in Garut, West Java. Three female students from one of the State Islamic Senior High Schools (Madrasah Aliyah Negeri/MAN) in Garut were not allowed to take the national examination (ujian nasional) due to being accused of being pregnant. Various actions took place in the school and one parent stated that their child was expelled from school a week before the national examination. The school forced them to sign a resignation letter without the knowledge of their parents. Furthermore, the pregnancy allegation was only based on accusations since the student in question was proven not to be pregnant following a medical examination. The school still refused and prohibited the student from participating in the national examination.

**Children and the Right to Education**

Referring to our constitution, the 1945 Constitution of the Republic of Indonesia, Article 31 (paragraphs 1, 2, and 3) stipulates that every citizen has the right to receive an education and is obliged to participate in basic education (12 years). The government is obligated to finance and allocate at least 20% of the Regional Income and Expenditure Budget to meet the needs of national education. Furthermore, Article 31 of the 1945 Constitution is accommodated by Article 6 of the National Education System Law (UU SISDIKNAS) which explains that the eligible age for receiving education guaranteed by the state is from seven (7) to fifteen (15) years.

Based on the above provisions, it can be concluded that the compulsory education guaranteed by the state only extends to the junior high school level or its equivalent, as stated in Government Regulation No. 47 of 2008. Meanwhile, the provision regarding compulsory education for 12 years (until completing high school) is left up to each Regional Government to decide whether it will be until junior high school or its equivalent, or until senior high school or its equivalent. However, this does not imply that the national education program that every citizen must follow is only until junior high school. It has been found that there are at least two Regional Regulations (Perda) that accommodate the 12-year compulsory education, namely the Provincial Regulations of Lampung and the Provincial Regulations of DKI Jakarta. In both Perdas, it is stated that the Regional Government provides 12 years of compulsory education.<sup>35</sup>

Looking at the provisions of compulsory education as mentioned in our constitution and related laws regarding the education system, the state recognizes education as a fundamental right of children that must be fulfilled by the state. This provision can also be interpreted as the recognition that with the guarantee of the right to education by the state, every child who is a citizen of Indonesia is eligible, meaning that they have fulfilled the requirements to access national

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<sup>35</sup> See Provincial Regulation of Lampung No. 18 of 2014 regarding 12-Year Compulsory Education and Provincial Regulation of DKI Jakarta No. 8 of 2006 regarding the Education System.



education without any obstacles when accessing education in public schools. This is also in line with the Islamic understanding of the fundamental right to education of citizens.

Continuing with the understanding of eligibility as a requirement to obtain the right to education guaranteed by the state, it should also be linked to the principle of equality when accessing educational opportunities. Every child is entitled to legal protection and equal treatment when they are about to graduate or during the learning process in school. Therefore, they should be free from any barriers they may face when encountering problems related to their status or particular circumstances, such as the condition of a student being pregnant during their studies at school. The practices in several regions mentioned above indicate that most schools cannot accept and allow pregnant students or those who impregnate them to continue their education. However, there is no regulation from the Ministry of Education and Culture that prohibits pregnant students or those who are married from attending school.

The sustainability of fulfilling children's basic rights, including education, becomes an issue when dealing with cases of students who become pregnant or impregnate other students in school. On the one hand, schools as educational institutions have an obligation to provide education based on ethics and morals, while on the other, there is no universally applicable guideline or mechanism in all schools for imposing disciplinary sanctions on pregnant students during their study period. As a result, the form and mechanism of imposing sanctions are both left up to the school's discretion based on their own beliefs regarding what they consider to be immoral behavior without considering the continuity of the child's education as a fundamental right that should also be protected.

In the aforementioned cases, it appears that schools, as institutions that uphold ethical and moral values, have placed pregnant students in a position that is seen as violating the morals upheld by the school, considering their pregnancy to be a form of misconduct that should be heavily sanctioned, often resulting in pressuring the child or their parents to withdraw from school.

In the context of imposing sanctions on pregnant students who become unmarried mothers, we can learn from the case of *Shull v. Columbus Municipal Separate District* in the USA. The policy in the United States is that if a student becomes pregnant or married, they are exempted from the obligation to attend school. However, if the student wishes to continue their education at school, they should still have the right to do so. In the aforementioned case, the school refused to allow the pregnant student to continue studying. In this matter, the court ruled that the rejection of the child solely because of being pregnant and an unmarried mother is a denial of the principle of equality related to protecting the child's legal rights to education. Therefore, the court ordered the school to hold a hearing before implementing the judge's decision to determine whether the child had displayed a severe lack of moral character that would tarnish the education of other students if they were present in the school. The result of the hearing showed that the child had the right to continue being accepted at school.<sup>36</sup>

From this judicial ruling, we also learn that the judges have considered elements related to children's rights as stated in the Convention on the Rights of the Child which mentions that the best interests of the child should be taken into account when handling problematic cases involving children.<sup>37</sup> In this context, the judge recognized that although it is not mandatory for a pregnant and unmarried child to continue their schooling, if the child in question still wishes to pursue their education, their right to receive education should be upheld. This means that considerations of human rights become an important element in making decisions. Basic rights should still be provided even though they will undoubtedly face challenges in their role as a mother.

What the judge ruled above is in line with the principle of justice from Rawls' perspective regarding the principle of equality. The principle of equality here is manifested in the sense that firstly, equality means that everyone has the same rights to freedom, power, speed, income, and wealth. Secondly, it entails equality in

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<sup>36</sup> Samuel M Davis, *Children's Rights Under the Law* (Oxford University Press 2011).[138-139].

<sup>37</sup> *Convention on Rights of Child*. [Article 3].

distribution. The things that are distributed are primary goods. This means that the granting of fundamental rights and obligations should be distributed fairly. However, not everyone has the same capabilities to acquire their rights as stipulated. For those who lack such capabilities, there should be tolerance for inequality so long as it benefits all parties, especially the disadvantaged groups in society. These primary goods encompass all material and non-material aspects that affect the lives and future of members of society. These values include rights and liberties, economic values such as income and wealth, power and opportunities, and self-respect. In the case above, the judge considered the presence of equality in distribution. Access to education is a fundamental right protected for every child and consequently, every child should be treated equally when exercising their rights.<sup>38</sup>

In the case where a pregnant student during her study period is considered to violate the morality upheld by the school, it becomes a question of whether, because she is pregnant and unmarried, she is then required not to be allowed to exercise her fundamental rights. Can morality be a hindrance to the exercising of a child's basic rights? Isn't morality an assumption of what is considered good or bad as adopted by society or individuals? Therefore, it should be questioned whether being pregnant outside of marriage will affect the morality of other students. Shouldn't the responsibility of educational institutions be to restore the awareness of a child who is considered to violate moral values, so then the child becomes more responsible in upholding those moral values? Isn't expelling a pregnant student from school actually eliminating the function of education itself? The answers to these questions can vary.

In response to the above questions, we can see that the judge answered them by requesting that the school conduct a hearing regarding the presence of the pregnant student and whether it would disrupt or harm the moral values of all students in the school. As it turned out, the students did not feel harmed at all by the behavior of the pregnant student. The judge's order for the school to conduct a hearing is

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<sup>38</sup> John Rawls, *A Theory of Justice* (The Belknap Press of Harvard University Press Cambridge 1999).[54-77].

part of implementing the principle of inequality within the equality of distribution where it allows the student to still exercise her rights even though her pregnancy or unmarried status is considered an immoral act. However, this dispensation (in the context of equality in the right to education for all children) should not disrupt the interests of other students in the school, which also need to be protected. Through the hearing process, the interests of other students in the school are safeguarded. Therefore, the principle of inequality can be applied as long as it does not disrupt or hinder the interests of other students.

Policies regarding children's right to education vary by country. For example, in Australia, the right of children to access education is guaranteed by provisions in the Melbourne Declaration of Educational Goals which states that the declaration is aimed at achieving goals that include all young Australians becoming successful learners, confident and creative individuals, as well as active and informed citizens. To achieve these goals, the government makes all efforts to ensure that all children attending school have access to education that is free from discrimination based on gender, language, sex orientation, pregnancy, culture, ethnicity, religion, health or disability, socioeconomic status, or location. In other words, the country explicitly guarantees equality of opportunity.<sup>39</sup> Therefore, any form of obstacle such as pregnancy does not hinder the right to access education.

In Indonesia itself, there is currently no policy specifically addressing the protection against obstacles related to the children's basic right to access education, particularly for pregnant students and those who impregnate them. However, it is already clear in the Indonesian constitution and the National Education System Law (SISDIKNAS) that the state guarantees the child's basic right to access education until the child completes junior high school (or equivalent) and potentially up to senior high school if the Regional Government is capable. Protection of the right to education is only limited to actual actions (*feitelijke handelingen*), such as the

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<sup>39</sup> Sheryl A Hemphil and Sharon Schneider, 'Excluding Students from School: A Re-Examination from a Children's Rights Perspektif' [2013] 21 *International Journal of Children's Rights*. [91].

previous actions taken by the Minister of Education and Culture, Muhammad Nuh, and Anies Baswedan, explicitly allowing pregnant female students to take exams (without mentioning those who are pregnant while studying in 10th or 11th grade). Unfortunately, this policy was never incorporated into Ministerial Regulations.<sup>40</sup> Therefore, there are no guidelines for schools to implement this constitutional mandate. The policies regarding school violations are left to the formulation of each individual school. As we can see, the decisions regarding pregnant students vary, as mentioned above. Instead of forcibly expelling students from school to create a deterrent effect, it instead violates the child's right to continue their education. The essence of education is often defined as the human effort to develop one's personality in accordance with the values within society. The decisions made by schools should be based on the best interests of the students in the context of their development.

As stated in the Convention on the Rights of the Child, the best interests of the child must be a primary consideration. Quoting from Jean Zermatt's writing, there are at least three elements that need to be fulfilled when implementing policies based on the best interests of the child. These elements are:<sup>41</sup>

1. First, a rule of procedure: when a decision will specifically affect a child, the decision-making process must consider the potential impact of that decision on the child (both negative and positive).
2. Second, the best interests of the child should serve as the foundation for a substantive right: ensuring that this principle can be applied when a decision is made regarding a child or their rights. Regulations should emphasize the legal obligation for decision-makers to consider the best interests of the child in the decision-making process.
3. The best interests of the child are a fundamental and interpretive legal principle that is developed to limit the disregard of adult power towards children (such

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<sup>40</sup> [naikpangkat.com](http://naikpangkat.com), 'The Policy of the Ministry of Education and Culture Regarding Regulations on Pregnant Students' (*naikpangkat.com*, 2022).

<sup>41</sup> Jean Zermatten, 'The Best Interests of the Child Principle: Literal Analysis and Function' [2010] 11 *International Journal of Children's Rights*. [485].

as that of adult workers, teachers, or others). This principle forms the basis of recognizing that adults, in their positions, are making decisions for and on behalf of children because children lack experience and judgment.

Based on the principle of the best interests of the child mentioned above, it is time for us to reconsider the practice of expelling pregnant students and prioritize the protection of children in the learning process at school. This principle should be accompanied by the principle of equality of distribution where everyone is equal in obtaining their primary rights, including equality of opportunity when accessing education. Within this framework of equal rights, there should also be a tolerance for inequality as long as it does not hinder or, conversely, provide advantages to all parties, especially marginalized groups. In this context, before making a decision, schools should base their considerations on the best interests of the child. The child has the right to a decent education guaranteed by the state and the school must also consider the function of education for the child. Immoral behavior is influenced by various factors. Pregnant students should be given the opportunity to continue their learning process but it should also be considered whether the condition of a student being pregnant outside of marriage will affect the moral values of other students.

Based on the above considerations, we can adopt the hearing mechanism practiced in the United States to ensure that allowing pregnant students to continue studying at school does not disrupt the moral values of other students. However, this process does not guarantee acceptance from all parties. Legal and cultural factors will greatly influence the process because pregnancy resulting from unmarried sexual relations is considered by almost everyone to be a morally inappropriate act and may result in severe social sanctions such as bullying, gossip, and stigmatization as a “troubled child”, leading to the need for isolation or avoidance. As a result, the pregnancy must be concealed from the view of others, both by the individual themselves and by the concerned family.

The strong influence of the legal culture on the process of enforcing school rules and regulations will impact the success of the aforementioned hearing process. It is necessary to find a fair mechanism that can protect the right to education of

the child while also ensuring the protection of the interests of other children. In this regard, taking a leave of absence may be an acceptable way to accommodate the two different interests mentioned above. Leave of absence refers to not attending and participating in learning activities for a certain period of time. This leave is necessary considering how pregnant students are vulnerable to heavier mental burdens in addition to the biological and social disruptions they face. It becomes an obligation for schools to show an understanding of the students' situation by granting them the right to leave until they give birth, while their condition allows them to resume their studies.

In Indonesia, the right to a school leave of absence for students is not clearly regulated in the legislation, including the "Student Rights" section of Law Number 20 of 2003 concerning the National Education System (UU SISDIKNAS). The right to a leave of absence generally falls under the internal policies of each school. However, this policy is still rarely implemented. The majority of schools only apply rules for sick leave and leave with other justifications, with a limit of 3 (three) to 7 (seven) days. This shows us that the provisions regarding leave of absence are not clearly regulated in terms of when and for how long leave is permitted, as well as the requirements to obtain leave. Schools need guidelines for granting leave as an alternative for use when resolving issues related to pregnant female students.

Looking at the previous case in America, we can take it as an example of how to ideally resolve the case of a pregnant student based on the principle of the best interests of the child. This can be done by involving the school community in decision-making and giving the student the opportunity to express their opinions. The principle of the best interests of the child is also reflected in the decision-making process in terms of resolving cases of pregnant students.

## **Conclusion**

Expelling pregnant students from school is not a solution to the problem. The troubled child should be guided and supported to return to a social environment that aligns with the norms embraced by society. Providing an opportunity to continue

the learning process at school after giving birth, even if it means repeating a grade, is a legal action based on the principle of the best interests of the child. This is in accordance with the spirit of the State policy on compulsory 12-year education as in article 6 of the National Education System (UU SISDIKNAS).

The absence of guidelines in the mechanism for resolving the issues of pregnant students, as outlined in regulations, is one of the causes of the diverse sanctions imposed on children that are detrimental to the students themselves.

There is a need for a program to enhance the socialization by the Ministry of Education and Culture for stakeholders in schools regarding the principle of the Best Interest of the Child in the process of school management and law enforcement. The Ministry of Education and Culture needs to create regulations regarding the Standard Operational Guidelines (POB) that underpin school actions when addressing behaviors or actions considered to be school violations. Additionally, it is necessary to revise the provisions regarding leave, including specifying when and for how long leaves are permitted, as well as the required conditions for student leave applications, who is responsible for approving them, and to whom they should be submitted.

### **Bibliography**

Amaliah N, 'Perlindungan Hak Pendidikan Anak Menurut Hukum Dan Perundang-Undangan (Case Study of Underage Marriage of Girls in Pekkabata Subdistrict, Duampanua District, Pinrang Regency, 2015-2016)' (Alauddin State Islamic University Makassar 2017).

Budi YS, 'Siswi SMK Di Depok Dikeluarkan Dari Sekolah Karena Menikah' (*kesatu.co*) <<https://www.kesatu.co/news/pr-2471567017/siswi-smk-di-depok-dikeluarkan-dari-sekolah-karena-menikah>> accessed 6 January 2023.

Cempaka M, 'Hukuman Mengeluarkan Siswa Dari Sekolah Masih Populer Meski Pernah Dikritik Menteri' (*vice.com*) <<https://www.vice.com/id/article/pkeb89/hukuman-mengeluarkan-siswa-dari-sekolah-masih-populer-meski-pernah-dikritik-menteri>> accessed 6 January 2023.

Dariyo A, *Psikologi Perkembangan Remaja* (Graha Indonesia).



- Davis SM, *Children's Rights Under the Law* (Oxford University Press 2011).
- Emanuel Sujatmoko, 'Hak Warga Negara Dalam Memperoleh Pendidikan' (2010) 7 *Jurnal Konstitusi*.
- 'Government Regulation on Compulsory Education, Government Regulation No. 47 of 2008, Article 3 Paragraph (2)'.
- Harruma I, 'Kasus Pernikahan Dini Di Indonesia' (*kompas.com*) <[https://nasional.kompas.com/read/2022/10/02/00000061/kasus-pernikahan-dini-di-indonesia#:~:text=Komnas Perempuan mencatat sepanjang tahun,yang berjumlah 23.126 pernikahan anak](https://nasional.kompas.com/read/2022/10/02/00000061/kasus-pernikahan-dini-di-indonesia#:~:text=Komnas%20Perempuan%20mencatat%20sepanjang%20tahun,yang%20berjumlah%2023.126%20pernikahan%20anak)> accessed 6 January 2023.
- Hemphil SA, 'Excluding Students from School: A Re – Examination from a Children's Rights Perspektif' (2013) 21 *International Journal of Children's Rights*.
- Jakarta Post, 'Siswa Di Aceh Dikeluarkan Dari Sekolah Karena Menikah' (*acdpindonesia*, 2015) <<https://acdpindonesia.wordpress.com/2015/01/23/siswa-di-aceh-dikeluarkan-dari-sekolah-karena-menikah/>> accessed 6 January 2023.
- Johannis F, 'Seorang Siswa SMP Di ROTE NDAO Dikeluarkan Dari Sekolah Karena Diketahui Hamil' (*rotendao.victorynews.id*) <<https://rotendao.victorynews.id/rote-ndao/pr-3425210758/seorang-siswa-smp-di-rote-ndao-dikeluarkan-dari-sekolah-karena-diketahui-hamil>> accessed 6 January 2023.
- Kusnandar VB, 'Hanya 0,02% Penduduk Indonesia Berpendidikan Hingga S3 Pada Juni 2021' (*databoks*, 2021) <<https://databoks.katadata.co.id/datapublish/2021/11/20/hanya-002-penduduk-indonesia-berpendidikan-hingga-s3-pada-juni-2021>> accessed 6 January 2023.
- Mirna, 'Remaja Putus Sekolah Akibat Hamil Pranikah' (2019) 2 *Phinisi Integration*.
- Mulyana K, 'Hukum Dan Hak-Hak Anak', Yayasan LBH Indonesia (1986) Quoted by Silvia Fatmah Nurushobah, 'Konvensi Hak Anak Dan Implementasinya Di Indonesia' (2019) 1 *Jurnal Kebijakan Ilmiah dan Pelayanan Pekerjaan Sosial*.
- naikpangkat.com*, 'The Policy of the Ministry of Education and Culture Regarding Regulations on Pregnant Students' (*naikpangkat.com*, 2022).
- 'National Education System Law, Law No. 20 of 2003, State Gazette Year 2003 No. 78 Supplement No. 4301, Article 4'.

Prinst D, *Hukum Anak Indonesia* (PT Citra Aditya Bakti 2003).

Putri AM, 'Lapor Pak Jokowi, Angka Anak Putus Sekolah Naik Lagi' (*cncindonesia.com*) <[https://www.cncindonesia.com/news/20221128122021-4-391770/lapor-pak-jokowi-angka-anak-putus-sekolah-naik-lagi#:~:text=Angka putus sekolah di jenjang SMP tercatat sebesar 1%2C06,yang sebesar 0%2C12%25](https://www.cncindonesia.com/news/20221128122021-4-391770/lapor-pak-jokowi-angka-anak-putus-sekolah-naik-lagi#:~:text=Angka%20putus%20sekolah%20di%20jenjang%20SMP%20tercatat%20sebesar%201%2C06,yang%20sebesar%200%2C12%25)> accessed 6 January 2023.

Rawls J, *A Theory of Justice* (The Belknap Press of Harvard University Press Cambridge 1999).

Sinulingga W, 'Analisis Tata Tertib Sekolah Tentang Sanksi Pengembalian Siswa Hamil Kepada Orang Tua Dalam Perspektif Hukum Administrasi Negara' (Universitas Islam Indonesia 2012).

Sujatmoko E, 'Hak Warga Negara Dalam Memperoleh Pendidikan' (2010) 7 *Jurnal Konstitusi*.

Susilowati I, *Pengertian Konvensi Hak Anak* (UNICEF 2003).

'The Constitution of the Republic of Indonesia of 1945, Article 28C Paragraph (1)'  
'The Law on National Education System, Law No. 20 of 2003, State Gazette of 2003 No.78, Additional State Gazette No.4301, Article 8 Number 18'.

'The Law on National Education System, Law No. 20 of 2003, State Gazette of 2003 No.78, Additional State Gazette No.4301, General Explanation'.

'United Nations, Convention on the Rights of the Child (1989), Preamble'.

Yanuaratikah, 'Alasan Anak Putus Sekolah Menurut KPAI' (*republika.co.id*) <<https://www.republika.co.id/berita/qpj4396/ini-alasan-anak-putus-sekolah-menurut-kpai>> accessed 6 January 2023.

Yunelia I, '94 Persen Anak Menikah Dini Alami Putus Sekolah' (*medcom.id*) <<https://www.medcom.id/pendidikan/news-pendidikan/9K54gZyk-94-persen-anak-menikah-dini-alami-putus-sekolah>> accessed 6 January 2023.

Zermatten J, 'The Best Interests of the Child Principle: Literal Analysis and Function' (2010) 11 *International Journal of Children's Rights*.

*Convention on rights of Child.*

Constitution of the Republic of Indonesia 1945.

History of Convention on the Rights of the Child.

Human Rights Law, Law No. 39 of 1999, State Gazette No. 165 of 1999, Supplement to State Gazette No. 3886.

National Education System Law, Law No. 20 of 2003, State Gazette No. 78 of 2003, Supplement No. 4301. Article 1.

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