

**EQUAL RIGHTS TO EDUCATION: AN ANALYSIS ON THE EXCLUSION OF PREGNANT STUDENTS FROM CONTINUING EDUCATION IN PRIMARY AND SECONDARY EDUCATIONAL INSTITUTIONS THROUGH THE PERSPECTIVE OF INTERNATIONAL HUMAN RIGHTS LAW**

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**ABSTRACT**

It is commonly agreed that everyone possesses the right to education. But pregnant students in primary and secondary schools in Indonesia still find difficulties in continuing their education due to either direct expulsion or self-resigning. This research aims at discovering how international human rights law see this phenomenon.

The research conducted is qualitative legal research using normative-legal approach. The materials that are used are from primary, secondary, and tertiary legal materials collected through a thorough literature study. The data gathered are then analysed using qualitative method.

The result of the research is that *first* socio-cultural conditions exist as barriers for pregnant students, such as negative stigma, inadequate facilities at school as well as inadequate support for young mothers to take care of their babies while going to school. *Second*, The Convention on the Rights of the Child mandates that the right to education is for every child. Therefore, it is a violation of right to education when the state fails to provide education for pregnant students and/or young mothers. It is then only a question of how education should be given considering the existence of socio-cultural conditions. *Third*, the alternative taken by other countries on this issue is by adopting continuation policy, return to school policy and/or strengthening non-formal education. The Indonesian government can formulate policies by taking notes from these practices. The highlight, however, is it is in no way promoting unprepared teenage pregnancy. But pregnant students still need education to redress their responsibility and contribute back to the society.

**Keyword:** Pregnant students, right to education, Indonesian's policy, integration policy, human rights, international law.

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**ABSTRAK**

Prinsip bahwa setiap orang mempunyai hak atas pendidikan sudah menjadi prinsip umum. Namun siswa hamil di sekolah dasar dan menengah di Indonesia masih mengalami kesulitan dalam melanjutkan pendidikan baik karena dikeluarkan secara langsung atau mengundurkan diri. Penelitian ini bertujuan untuk mengetahui bagaimana hukum hak asasi manusia internasional melihatnya.

Penelitian yang dilakukan adalah penelitian hukum kualitatif dengan pendekatan hukum normatif. Bahan yang digunakan berasal dari bahan hukum primer, sekunder, dan tersier yang data-datanya dikumpulkan melalui studi literatur secara menyeluruh. Data yang dikumpulkan kemudian dianalisis dengan menggunakan metode kualitatif.

Hasil penelitian adalah *pertama* kondisi sosial budaya yang menjadi hambatan bagi siswa hamil, seperti stigma negatif, fasilitas di sekolah yang belum memadai, serta belum adanya dukungan bagi ibu muda untuk merawat bayinya selama bersekolah. *Kedua*, *The Convention on the Right of the Child* mengamanatkan bahwa hak atas pendidikan adalah untuk setiap anak. Oleh karena itu, merupakan pelanggaran terhadap hak atas pendidikan apabila negara gagal memberikan pendidikan bagi pelajar hamil dan/atau ibu muda. Tinggal bagaimana pendidikan seharusnya diberikan mengingat adanya kondisi sosial budaya. *Ketiga*, alternatif yang diambil negara lain dalam permasalahan ini adalah dengan mengadopsi kebijakan kelanjutan, kebijakan kembali bersekolah setelah melahirkan, dan/atau menguatkan pendidikan non-formal. Namun ini sama sekali tidak mempromosikan kehamilan remaja. Namun siswa yang hamil masih memerlukan pendidikan untuk memenuhi tanggung jawab mereka dan berkontribusi kembali kepada masyarakat.

**Kata Kunci:** Siswi hamil, hak atas pendidikan, kebijakan di Indonesia, kebijakan integrasi Pendidikan, hak asasi manusia, hukum internasional.

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