

## RECONSTRUCTION OF LEGAL PROTECTION FOR SCHOOL-DROPOUT CHILDREN REGARDING THEIR RIGHT TO RECEIVE EDUCATION

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### Abstract

*This research aims to reconstruct the legal protection framework for children who are disconnected from the education system and examine efforts that can be made to ensure their right to education is well-protected. The research results indicate that despite the existence of legal instruments guaranteeing children's right to education, implementation still faces various challenges, especially in the case of school dropout children. Factors such as unequal access, poverty, and psychosocial challenges can be significant barriers for these children to obtain proper education. Therefore, this research recommends the expansion and improvement of existing regulations, increased accessibility to education for school dropout children, and strengthening legal protection mechanisms to ensure that children's right to education can be effectively realized. Thus, the reconstruction of legal protection is expected to contribute positively to fulfilling the right to education for children marginalized from the formal education system.*

**Keywords:** *Legal Protection, Education, School-Dropout Children*

### 1. INTRODUCTION

Indonesia is a lawful state according to Article 1 paragraph (3) of the Constitution of the Republic of Indonesia, also known as UUD 1945, which states that Indonesia is a lawful state. The state has the responsibility to provide respect, fulfillment, and protection of Human Rights (HAM), especially the right to education for all citizens (Ridwan, 2022). Therefore, the government is obligated to fulfill the rights of the people to obtain proper education, as stated in the preamble of UUD 1945, where one of the goals of the Indonesian state is to enlighten the nation

The state is the organizer or executor of national education, where education is one of the ways to produce high-quality human resources. Education is fundamental to achieving various sectors of national development, including the economic, legal, political, socio-cultural, and others related to national development (Sirait, 2017) This includes education for children in Indonesia.

In the Indonesian Dictionary, a child is defined as a small human or a person who has not yet reached maturity (Poerwadarminta, 2014). According to R. A. Kosnan, a child is a young human based on age and the journey of life, influenced by the ease of exposure to their surroundings (Koesnan, 2015). According to Article 1 paragraph (2) of Law Number 4 of 1979 concerning Child Welfare, a child is someone who has not reached the age of 21 and has not been married. In the Consideration of Law Number 32 of 2014 concerning Child Protection, a child is both a trust and a gift from God Almighty, with inherent dignity and humanity.

In Indonesia, there is a problem in education for children, particularly the lack of legal protection for school dropout children due to their status as abandoned children. According to Article 1 paragraph (6) of the Child Protection Law, abandoned children are those whose status is not adequately fulfilled in terms of physical, mental, spiritual, and social aspects. (Zulfahmi, 2014) However, there are still deviations in Article 5 paragraph (1) of Law Number 20 of 2003 concerning the National Education System, stating that every citizen has an equal right to receive quality education. Also, Article 9 paragraph (1) of the Child Protection Law states that every child has the right to receive education and teaching for personal development and intelligence according to their interests and talents.

The right to education for children is a constitutional right, but often there is a lack of specific regulations to fulfill the right to education for children, especially when affirmative actions are taken and specific protection is needed for vulnerable children, such as school dropouts. Although there is a legal basis for regulating the fulfillment of the right to education, the implementation is not yet optimal, resulting in suboptimal and uneven fulfillment of the right to education. Therefore, a legal reconstruction is needed

with clear legal protection and programs to address the issues of school dropout children whose education needs have not been met.

## **2. RESEARCH METHOD**

The research method employed in this study is a normative method with a legal approach. The normative method involves the analysis of laws and applicable norms, while the legal approach emphasizes the understanding and interpretation of relevant legal regulations. In this context, the research will identify, analyze, and evaluate the legal provisions to understand the legal framework governing a specific issue or problem. This approach will provide a strong theoretical foundation to address research questions and generate conclusions contributing to the development and improvement of the relevant legal aspects.

## **3. RESULTS AND DISCUSSION**

### **The Right to Education for School-Dropout Children**

School dropout children are in a situation where they experience neglect due to the attitudes and actions of parents who do not provide proper attention to the child's growth without ensuring the child's right to receive adequate education. Factors influencing the occurrence of school-dropout children include: (Kleden, 2014)

#### **1. Internal Factors**

- a. Laziness within the school dropout child due to feelings of inferiority, inability to socialize, frequent ridicule due to the inability to pay school fees, and economic challenges in the family causing various problems.
- b. Peer influence leads to imitation of games, resulting in skipping classes and not advancing to the next grade, causing embarrassment to return to school.
- c. Influence of sanctions leading to the child's absence in an attempt to establish order and disciplinary learning in an educational institution.
- d. Imposition of sanctions that may oppress the child and become a reason for not attending school.

## 2. External Factors

- a. Economic family situation involving the child in economic activities, hindering learning activities.
- b. Lack of parental attention resulting in a lack of supervision for the child.
- c. Disharmonious parental relationships.

Education is a fundamental right for all children, whether they are not yet in school, currently attending school, or have dropped out of school. This right must be fulfilled through cooperation, at least involving parents, educational institutions, and the government. Education can be realized only when all components, including parents, community institutions, education, and the government, are willing to support the educational process.

Regarding child protection, the government is mandated to care for abandoned children, those whose needs are not adequately met, including physical, mental, spiritual, and social aspects, as stipulated in Article 34 Paragraph 1 of the 1945 Constitution, which states, "The state shall care for the poor and abandoned children." This provision broadly outlines that the state is obligated to care for and protect children whose rights are not fulfilled (abandoned) to ensure their protection and fulfillment of their rights as children.

### **Government Efforts as Legal Protection for School-Dropout Children**

Government efforts in addressing school-dropout children include (Suyanto, 2020):

#### 1. Pre-school education institutions

Students are now required to go through the preschool phase, entering kindergarten as the initial step to adapt to the learning environment and achieve good learning performance.

#### 2. Handling techniques for students facing problems

Individualized approaches are implemented specifically for students with relatively poor academic performance. School dropout students will feel comfortable at school through this approach.

### 3. School Operational Assistance Program (BOS)

The BOS program funds school operational activities, providing financial support to students at the elementary, junior high, and senior high school levels. BOS is granted to students every three months in each school, aiming to ease the financial burden on parents who would otherwise have to pay regular monthly school fees.

### 4. Providing Education Scholarships for Low-Income Families

Addressing poverty as a primary factor leading to children not attending or dropping out of school, optimizing scholarship provision becomes a policy alternative pursued by the government.

### 5. Poor Student Assistance Program (Program BSM)

Due to economic and distance factors, the Poor Student Assistance Program becomes another alternative besides optimizing scholarships. BSM is a national program by the Ministry of Education and Culture implemented in each region to ensure long-term efforts to break the poverty cycle by enabling poor communities to access education.

## **Reconstruction of Legal Protection for the Right to Education for School-Dropout Children**

The reconstruction of legal protection for the right to education for school dropout children is a crucial effort in creating an inclusive and fair environment for all children. Children who are disconnected from school often face high risks related to educational inequality and limited future opportunities. Therefore, comprehensive reconstruction within the legal protection framework is needed to ensure the rights of school dropout children are respected and safeguarded.

The first step in this reconstruction involves reviewing and improving laws related to children's education. This includes developing stronger and more comprehensive regulations that provide a clear legal basis for protecting the educational rights of children, including those who have dropped out of school. Additionally, provisions supporting access to education for children from diverse backgrounds, such as those from poor families, remote areas, or minority groups, need to be established.

Reconstruction should also encompass efforts to ensure the availability and accessibility of education for school dropout children. The government needs to invest in adequate educational infrastructure and provide financial support to families facing economic difficulties in sending their children to school. Furthermore, education rehabilitation programs and skills training should be integrated to offer appropriate educational opportunities for these children.

Another crucial aspect of this reconstruction is empowering communities and relevant stakeholders. Collaboration between the government, educational institutions, non-governmental organizations, and local communities is essential to create an environment that supports the development of education for school dropout children. Through this collaboration, innovative programs and solutions can be designed to meet the needs of each community.

In implementing this reconstruction, continuous monitoring and evaluation are also key. By monitoring progress and evaluating the impact of policies and programs, necessary adjustments can be made to enhance the effectiveness of legal protection for the right to education for school dropout children. With this holistic approach, it is hoped that an inclusive and equitable educational environment can be created, providing equal opportunities for all children, including those who have experienced school dropouts.

#### **4. CONCLUSION**

By reconstructing legal protection for the right to education for school dropout children through improvements in legislation, community empowerment, and investments in educational accessibility, an inclusive and fair educational environment can be created. This effort encompasses not only legal aspects but also involves collaboration between the government, educational institutions, and the community to provide holistic support to children who have dropped out of school. Continuous monitoring and evaluation are crucial to ensure the success of implementation and provide a basis for necessary adjustments to enhance the effectiveness of legal protection, creating equal educational opportunities for all children by their fundamental rights.

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