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Indonesian School Rules and Discrimination in Education against Pregnant Students: A Challenge for Human Rights Implementation

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Abstract

The study explored the Indonesian school rules for pregnant students. It examined whether, and if so, how pregnancy affected their right to education and future prospects, using a human rights perspective. The data were collected through literature studies. The result demonstrated that most Indonesian schools used a point system to calculate the student's infringement (including pregnancy) before sentencing her/him. Most of the school rules in this study stated that students who were pregnant, impregnated, or got married would be returned to their parents, only a few schools stated explicitly in their rules to allow the pregnant students continuing their studies due to a certain circumstance. Though the Indonesian government has ratified several international covenants on human rights and issued national legislation to guarantee the rights of the child to education, discrimination against pregnant students remained due to gender bias in the Indonesian community and the lack of the Indonesian state to revoke such discriminatory school rules.

Keywords: discrimination, human rights, law, pregnant student, school rules

1. Introduction

This article discusses the issue of school rules in Indonesia that expels students who are married or pregnant from the perspective of the child's rights to education and non-discrimination principle.

The examination is important because the United Nations Human Rights Commission (Article 26), emphasizes that education is everyone's basic human right based on equality between men and women. The Indonesian government granted the rights of the child to education based on the 1945 Constitution (Articles 28H (2)). The government has ratified the Convention on the Rights of the

3 Child (CRC) through Presidential Decree Number 36 of 1990. The right to education for everyone is also recognized by the International Covenant on Economic, Social, and Cultural Rights (Articles 13 paragraph 1) in which the Indonesian government has ratified it through Act Nr.11 of 7 2005. Indonesia even ratified the Convention on the Elimination of All Forms of Discrimination against Women through Act Nr. 7 of 1984; in which under the Article 10 (f) CEDAW “States Parties shall take all appropriate measures for “the reduction of female student drop-out rates and the organization of programs for girls and women who have left school prematurely.” To support the implementation of CEDAW, Indonesian government issued an Instruction of The President of The Republic of Indonesia (*Inpres*) Nr. 9 of 2000 concerning Gender Mainstreaming in National Development which intended to some ministers (including education minister), heads of non-departmental government institutions, heads of secretariats of the high/highest state institutions, commander of the Indonesian National Armed Forces (TNI), chief of the Indonesian National Police (Kapolri), Attorney General of the Republic of Indonesia to governors and regents/mayors. The gender mainstreaming aims to organize planning, preparation, implementation, monitoring, and evaluation of national development policies and programs with a gender perspective in order to realize gender equality and justice in family, community, national, and state life. The objective of these regulation is to ensure that all planning, preparation, implementation, monitoring, and evaluation of all national development policies and programs are gender equality based so that gender equality and justice are expected to be realized in family, community, national, and state life.

The Act Nr.20 of 2003 on the National Education System (See Articles 4 (1)) states that education is carried out democratically and fairly; not discriminatory by upholding human rights, religious values, cultural values, and national pluralism. In 2014, the Indonesian government

through the Minister of Women's Empowerment and Child Protection issued a Regulation Nr.8 of 2014 concerning Child-friendly School Policy. However, none of the Indonesian regulations related to education (as mentioned above) state firmly the right of pregnant students to continue their education or not being expelled from the school.

Student pregnancy is a social issue faced by many countries,¹ and Indonesia is no exception. Pregnancy is the leading cause of dropout among secondary school girls. It impacts their right to education and significantly affects their future opportunities, including their earning potential if they enter the workforce. Pregnancy also leaves these students with a sense of rejection, as both school authorities and peers often view it as a disgraceful situation that tarnishes the school's reputation.² Pregnant students are often seen as disruptions, with school officials fearing that non-pregnant students might be "contaminated" by their presence and may become pregnant as well. School administrators also argue that pregnant students require medical attention and protection that a regular school cannot provide. These concerns create feelings of alienation among pregnant students, often forcing them to abandon their education.³

Indonesian pregnant students typically face responses from multiple sources, including schools, their families, peers, and broader society. Schools almost universally respond in the most

¹ Tamara Ling, 'Lifting Voices: Towards Equal Education for Pregnant and Parenting Students in New York City' (2002) 29 Fordham Urban Law Journal 2387; Amber Hausenfluck, 'A Pregnant Teenager's Right to Education in Texas.' (2022) 9 The Scholar: St. Mary's Law Review on Race and Social Justice 1; Emily Mcnee, 'Pregnancy Discrimination in Higher Education: Accommodating Student Pregnancy' [26 November 20013] SSRN <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2399667>; Anurita Chakravarti, Dr Radhey Shyam Jha and Kumar Ashutosh, 'Right to Education of A Pregnant Student' (2021) 20 Ilkogretim Online - Elementary Education 1718; Isaiah M. Sefoka, 'Critical Analysis of the Right to Education for Pregnant School-Going Teenage Girls in South Africa' (2021) 10 African Journal of Gender, Society and Development (formerly Journal of Gender, Information and Development in Africa) 73.

² Muammar Khadafie, 'The Role of Educational Institutions In Prevention And Handling Violence Against Students' (2020) 4 37; 'Getting Married after Impregnating a Girlfriend, Students in Tangerang Are Prohibited from Participating in the National Examinations' *Detik.com* <<https://news.detik.com/berita/d-2209177/menikah-setelah-menghamili-pacar-siswa-di-tangerang-dilarang-ikut-un>>. Download Apps Detikcom Sekarang <https://apps.detik.com/detik/>>.

³ Hausenfluck (n 1).

severe way, with the disclosure of a pregnancy often leading to the expulsion of the pregnant student. Students who are expelled or who voluntarily “drop out” lose opportunities to study and work; they may become single parents and enter unplanned early marriages. They often find little or no support from their peers or society, and instead face ridicule and ostracism, as “traditional” values and norms remain strong in Indonesia. Premarital sexual activity is condemned, and chastity until marriage is highly valued. With such societal norms prevailing, students experience difficulty obtaining support from their families and communities during pregnancy, leading to stress and conflict. The anticipated or actual familial and social rejection may drive pregnant students to seek illegal abortions, further risking their lives.⁴ The lack of support also presents a significant barrier to maintaining a healthy pregnancy. Moreover, without comprehensive support, students may struggle to fulfill the demanding role of a single parent, especially when caring for an infant.

Most research on pregnant students covers various aspects, such as psychological,⁵ sociological⁶ and health-related issues.⁷ There are also a lot of researches evaluating public policy

⁴ Miswanto, ‘The Importance of Reproductive Health and Sexuality Education in Adolescents’ (2014) 3 Jurnal Studi Pemuda 11.

⁵ Mona A Elnagar and others, ‘Perceived, Psychological Impact of Teenage Pregnancy among Students’ (2018) 6 American Journal of Nursing Research 54; Independent Researcher and others, ‘Higher Education Studies and Pregnancy: Challenges and Balances’ (2021) 7 Research result. Pedagogy and Psychology of Education 78; Valeria Baloyi and others, ‘An Exploration of the Causes of Student Pregnancy and Psychological Stressors Experienced by Pregnant Students at University of Venda, South Africa’ (2020) 7 Cogent Psychology <<https://www.tandfonline.com/doi/full/10.1080/23311908.2020.1863176>> accessed 8 July 2025; John N-yelbi, ‘Exploring Psychosocial Challenges of Pregnant and Parenting Student Mothers at a University in Ghana: A Dilemma between Discontinuity and Moving On’ (2024) 4 International Journal of Studies in Psychology 50; Rebecca G Mirick and Stephanie P Wladkowski, “‘People Will Judge You...So Be Ready’: Advice to Pregnant Doctoral Students’ (2024) 24 Advances in Social Work 156.

⁶ Keri Weed and Jody S Nicholson, ‘Differential Social Evaluation of Pregnant Teens, Teen Mothers and Teen Fathers by University Students’ (2015) 20 International Journal of Adolescence and Youth 1; Elizabeth Humberstone, ‘Social Networks and Educational Attainment among Adolescents Experiencing Pregnancy’ (2018) 4 Socius: Sociological Research for a Dynamic World 1; Belachew Fekede, ‘Assessing Student Awareness towards the Effects of Unintended Pregnancy: The Case of Female Students’ at Mettu College of Teachers Education.’ (2015) 5 Research on Humanities and Social Sciences 119; Mirick and Wladkowski (n 5).

⁷ Suci Musvita Ayu, S Lindawati and Thoharoh Halimatusa’diyah, ‘Knowledge and Attitude about Risky Pregnancy among Student’ (2020) 9 International Journal of Evaluation and Research in Education (IJERE) 326; Anja Oechsle and others, ‘Health Knowledge of Lifestyle-Related Risks during Pregnancy: A Cross-Sectional Study of Pregnant Women in Germany’ (2020) 17 International Journal of Environmental Research and Public Health 8626; Kinabo,

and social welfare perspectives to prevent teenage pregnancy and parenting.⁸ Indonesian studies also focused on the impacts of pregnancy on students.⁹ A study conducted by Lestarini¹⁰ pointed out that some schools issued rules which then became a problem for pregnant students dealing with the principle of the best interest of the child; their opportunity to study was limited only to a village in Cilacap region, Central Java. This study addresses educational opportunities of pregnant students according to the Indonesian Education Ministry's policy and its commitment regarding the rights of pregnant students to education which should be seen in broader context of teen pregnancy as a historical, social, economic, and moral issues in Indonesia. To frame these issues, a theoretical framework was developed to analyze the school rules that discriminate against pregnant

Ursula and Eduful, Jaana, 'Discrimination in Education Against Pregnant Girls in Tanzania' (Thesis, Diaconia University of Applied Sciences 2021)

<https://www.theseus.fi/bitstream/handle/10024/508601/Kinabo_Eduful_Master_Thesis.pdf?sequence=2>; Sara Touriño and others, 'Knowledge, Attitudes, and Practices of Spanish Midwives and Midwifery Students toward Oral Healthcare during Pregnancy' (2021) 18 International Journal of Environmental Research and Public Health 6089.

⁸ Prober, Melissa, 'Please Don't Tell My Parents: The Validity of School Policies Mandating Parental Notification of a Student's Pregnancy' (2005) 71 Brooklyn Law Review <<https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1412&context=blr>>; Caroline McGrath, Rebecca A Szabo and Justin L Bilszta, 'Pregnancy and Parental Leave Policies at Australian and New Zealand Medical Schools' (2022) 18 Women's Health 1; Desintha Dwi Asriani, 'Teenage Pregnancy and the Quest for a Place for Pregnant Girls: A Study on the Rule of Pregnant Student Expulsion in Yogyakarta, Indonesia' (2018) 22 Jurnal Ilmu Sosial dan Ilmu Politik 74.

⁹ 'The Government Focuses on Preventing Risky Sexual Behavior Among Youth' (*KEMENKO PMK*, 1 June 2021) <<https://www.kemendiknas.go.id/pemerintah-fokus-cegah-perilaku-seksual-berisiko-di-kalangan-pemuda>>;

Tisnawati, Ni Made and Wulanyani, Ni Made Suasti, 'Perceptions of Balinese Teenagers about Premarital Pregnancy' (2006) 2 Piramida Journal 101; Belina Astyana Amelia, 'Adolescent Permissivism Against Premarital Pregnancy in Computer Vocational School Students Karanganyar – Kebumen' (2013) 2 Developmental and Clinical Psychology 38; Dewi Rahmawati, Nani Yuniar and Cece Suriani Ismail, 'Analysis of Factors Associated with Premarital Sexual Behavior of Boarding House Students in Lalolara Village' (2016) 2 Jurnal Ilmiah Mahasiswa Kesehatan Masyarakat Unsyiah 1; Anisa Putri Alifah, Nurliana Cipta Apsari and Budi Muhammad Taftazani, 'FAKTOR YANG MEMPENGARUHI REMAJA HAMIL DI LUAR NIKAH' (2022) 2 Jurnal Penelitian dan Pengabdian Kepada Masyarakat (JPPM) 529; 'Students Who Married Early in Central Lombok Fined to Pay Money to School, Here's Why' *Kompas.com* (28 October 2020) <<https://regional.kompas.com/read/2020/10/28/05300061/siswa-yang-nikah-dini-di-lombok-tengah-didenda-membayar-sejumlah-uang-ke?page=all..>>.

¹⁰ Ratih Lestarini, 'Should I Drop Out of School? A Study of the Right to Education For Pregnant Students' (2023) 38 Yuridika 565.

students through feminist theories. We have drawn on the arguments of Bennet¹¹ and MacKinnon.¹² Bennet said that gender bias in the patriarchal society's views on virginity tends to degrade women, diminish their social roles; while MacKinnon noted that laws are not gender-neutral. Our research found that these feminist theories support the explanations of the existing school rules that deny the right of pregnant students to continue their education. The following discussion will address the school rules governing the rights of pregnant students, the implementation of these rules, and the Indonesian government's lack of commitment and policy to ensure that pregnant students have the right to continue their education. ensure that pregnant students have the right to continue their education.

2. Material and Method

The data were collected through documentary researches, comprising forty (40) sets of school rules for the academic years 2019-2024 governing treatment to pregnant students. Most of these rules are from public/state senior high schools and there are only two private senior high schools. The schools are located in seven (7) major islands: Java, Sumatra, Kalimantan, Sulawesi, Bali, Maluku, and Papua. The forty school rules were selected by using purposive sampling and were obtained from each school's website. A limitation of this method is that it doesn't represent all schools across the Indonesian archipelago because some schools do not publish their rules online. However, the forty observed school rules effectively describe how schools treat or regulate pregnant students. They include provisions for sanctioning students who become pregnant, those who impregnate others, and the students deemed to violate decency and morality.”

¹¹ Gritt Klinkhammer, 'Women, Islam and Modernity. Single Women, Sexuality and Reproductive Health in Contemporary Indonesia by Linda Rae Bennett. Routledge Curzon, 2007, Pb. 208 Pp., \$35.96, ISBN-13: 9780415448031.' (2010) 4 Comparative Islamic Studies 234.

¹² MacKinnon, Catharine A, *Toward A Feminist Theory of the State* (Harvard University Press 1991).

Additional documents were selected from various research studies, journals, and other materials concerning the rights of pregnant students to continue their education. The researchers conducted an interview with the principal and a counseling teacher of Senior High School Nr. 12 Semarang to complement the data. This school was chosen because it had experience handling two pregnant students in 2017 and 2018. All data obtained were then processed and descriptively analyzed. Therefore, theoretical framework using feminist theories on virginity as a part of patriarchal system that diminished women's access (including access to education) and non-gender neutral law were applied to analyze the existing school rules having the nuance of rejecting pregnant students. This method was chosen to provide a clear and concrete picture of the object of study and to present the research findings qualitatively.

3. Theoretical Framework

Having a baby outside of marriage is considered immoral in Indonesian culture and a girl - specifically a pregnant student - will become the primary target of school rules. This occurs due to gender bias in the patriarchal society's views on virginity. Virginity is part of a patriarchal system and a social construct that fosters inequality, gender differences, and oppression. It tends to degrade women, diminishing their social roles,¹³ and limiting their access to various resources, including education. In Indonesian society, virginity is closely associated with unmarried women. A girl is expected to maintain her virginity until marriage but this expectation does not apply to boys. Consequently, it is shameful for a girl engaging in premarital sex or becomes pregnant outside of wedlock. In general, Indonesian society regards giving birth to a child conceived outside of marriage as a sin, an embarrassing event, and a despicable occurrence. When a woman is involved in such conduct, she often tries to keep her pregnancy a secret for as long as possible,

¹³ Klinkhammer (n 11).

sometimes even until after the baby is born. She may feel compelled to hide herself, and in some cases, her family and the school also participate in concealing the situation.

Catharine MacKinnon, a feminist thinker, addresses the issue of virginity and the law. She argues that the state's failure to address matters of sexuality has contributed to the subordination of women. MacKinnon¹⁴ discusses the role of the state through a theoretical understanding of female sexuality and how these concepts are applied. She believes that law and politics play a major role in perpetuating these power dynamics. According to her, there is a power imbalance within society because the state is not a separate entity but rather a network of sanctions that structure women's rights in everyday life. She asserts that the state reflects society's perceptions, particularly those shaped by patriarchal norms. MacKinnon argues that "the state is not an autonomous institution, but a system that takes on society's perceptions and mirrors them. Here the idea of 'society' is not a neutral entity but is understood as distinctly male".¹⁵

2 The impact of institutionalizing the male standpoint is that the state creates laws and policies about women's situations from a male perspective.¹⁶ MacKinnon asserts that "gender is a social system... [of inequality] that divides power," and is directly administered through men's subjugation. Therefore, the male perspective on the social dynamics of women's oppression becomes both an implicit and explicit part of the state's thought process when creating laws.¹⁷ This male perspective is not only adopted by the state in the law(s) by "see[ing] and treat[ing] women the way men see and treat women," but it also actively replicates and perpetuates these views.¹⁸

¹⁴ MacKinnon, Catharine A (n 12).

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

This theory offers a clear explanation for the existence of school rules that discriminate against pregnant (female) students.

The existing school rules that deny pregnant students' right to continue their education are also supported by cultural views in Indonesia. In Indonesian culture, a woman who is pregnant outside of marriage often feels ashamed, as it seems that everyone knows about her actions, which violate legal, religious, and social norms. When societal norms are violated sanctions will follow. These sanctions may include ridicule, ostracism from society, and rejection from family and friends. A woman may even be disowned or sent away by her family. The fear of being known to have given birth to an illegitimate child is deeply rooted in society's view of such births as reprehensible. Pregnancy outside of marriage has long been negatively regarded by Indonesian society, and many people find it difficult to accept a pregnant woman who is unmarried.¹⁹ The violation against societal, family, religious, and legal norms, and negative response of the society will create multiple burdens of guilt for the woman involved.

When a woman is involved in such conduct she often tries to keep her pregnancy a secret for as long as possible - sometimes even until after the baby is born or until the pregnancy is terminated.²⁰ If the pregnant woman is a high school student, she will particularly likely conceal her pregnancy as she may face expulsion from school and be forced to discontinue her education. The consequences of pregnancy outside of marriage also extend to legal aspects. Legally, without a marriage bond the woman and her child will experience lack of formal recognition in society.

¹⁹ Puan, Istiana, 'Local Community Social Acceptance of Pregnant Outside Marriage Couples' (Thesis, Andalas University 2020).

²⁰ Uyun, Zahrotul, 'The Role of Parents in Reproductive Health Education', *Parenting Peran Optimalisasi Orangtua dalam Pendidikan Karakter Bangsa* <<https://publikasiilmiah.ums.ac.id/bitstream/handle/11617/3963/B3.pdf?sequence=1&isAllowed=y>>; Firdausita, R.S., 'The Influence of Religious and Environmental Understanding on the Behavior of Pregnant Women Out of Wedlock in Pucuk District, Lamongan Regency' (Thesis, Post graduate Degree of Sunan Ampel State Islamic University 2017) <http://digilib.uinsa.ac.id/23864/4/Rizky%20Sabila%20Firdausita_F02115038.pdf>.

1 The birth of a child out of wedlock brings shame to the mother as the child may be born without an officially acknowledged father and could be listed as illegitimate on the birth certificate.

4 Ling²¹ argued that students who engage in premarital sex and become pregnant are often seen as "pushers of immorality" among other students, leading schools to refuse to tolerate their presence. Teachers interviewed in Semarang City stated that a pregnant student was viewed as a "virus" that could negatively influence others. If a pregnant student was allowed to remain people would probably judge that the school to condone her actions and premarital sex. By expelling the pregnant student, the schools sought to teach "an object lesson in the wages of sin." Unfairly, this problem is blamed only to female students, not to their male counterparts. Male students who engage in premarital sex resulting in pregnancy rarely face expulsion or any other consequences. Differential attitudes and treatment towards male and female adolescent sexuality persist in Indonesian culture and these attitudes are reinforced within the school community through school rules that legalize such gender-based disparities.

6 Researchers worldwide have identified several causes for teenage pregnancies, including poverty, poor access to contraceptives, and inaccurate or inconsistent use of contraceptives. A report by UNFPA and UNICEF in Indonesia²² found that forced sex, unwanted and pressured sex, as well as consensual sex, often lead to unplanned pregnancies. The stigma surrounding unwanted pregnancies, coupled with a lack of support from peers and family, may push students toward unsafe abortion practices. The data from the Guttmacher Institute²³ indicate that between 2015 and 2019 there were 7,910,000 pregnancies in Indonesia. Of these, 2,820,000 were unintended, and 1,770,000 ended in abortion.

²¹ Ling (n 1).

²² UNFPA and UNICEF, 'Understanding Pathways to Adolescent Pregnancy in Southeast Asia, Findings from Indonesia' (2023) report <<https://www.unicef.org/eap/media/14161/file/UNICEF.pdf>>.

²³ Ibid.

Indonesian researchers have highlighted that globalization has contributed to erosions of traditional cultural norms resulting in an increase in unwanted teenage pregnancies. Teenagers in Indonesia are experiencing rapid social changes as the nation shifts from conservative to modern society which will bring changes in norms, values, and lifestyles. This transformation has influenced view and attitude toward premarital sexual intercourse and the age of first sexual experiences.²⁴

Pregnancy may also result from sexual assault or rape, a lack of accurate knowledge about the process of impregnation and contraceptive methods, or inadequate access to contraceptives, including contraceptive failure.²⁵ Other factors contributing to teenage pregnancies include lack of parental supervision, delays in incorporating reproductive health content into school curricula, insufficient moral guidance and religious education, and issues related to alcohol and drug use.²⁶

Discussing sexuality and reproductive health are still considered taboo in many families, schools, and communities in Indonesia;²⁷ many parents, including teachers, feel uncomfortable discussing sexuality.²⁸ Though The Indonesian National Child Protection Commission (Komisi Perlindungan Anak Indonesia: KPAI) has recommended to the government to implement sex education at schools as part of school curriculum, the government has not adequately responded

²⁴ 'The Government Focuses on Preventing Risky Sexual Behavior Among Youth' (n 9); Tisnawati, Ni Made and Wulanyani, Ni Made Suasti (n 9); Amelia (n 9); Rahmawati, Yuniar and Ismail (n 9); Nur Afifah Yulia Mucybbah and Sadewo, Fransis Xaverius Sri, 'The Phenomenon of Out-of-Wedding Pregnancy at an Early Age' (2019) 7 Jurnal Paradigma 425; Anisa Putri Alifah, Nurliana Cipta Apsari and Budi Muhammad Taftazani, 'Factors Affecting Teenagers Pregnant Outside Marriage' (2022) 2 Jurnal Penelitian dan Pengabdian Kepada Masyarakat (JPPM) 529; 'Students Who Married Early in Central Lombok Fined to Pay Money to School, Here's Why' (n 9).

²⁵ Sultan, Sonia, 'The Effects of Education, Poverty, and Resources on Family Planning in Developing Countries' (2018) 15 Clinics in Mother and Child Health 1.

²⁶ Siti Masfiah, Zahroh Shaluhiah and Antono Suryoputro, 'Adolescent Reproductive Health Education (PKRR) in the High School Curriculum and Students' Reproductive Health Knowledge & Attitudes' (2013) 8 Jurnal Promosi Kesehatan Indonesia 131.

²⁷ Cecep Eli Kosasih and others, 'Determinants Factors of High-Risk Sexual Behavior Pregnancy among Adolescent in Indonesia' (2021) 9 Open Access Macedonian Journal of Medical Sciences 69.

²⁸ Desi Santika and Agus Basuki, 'The Importance of Sex Education in Preventing Free Sex in the Modern Era: A Literature Review' (2025) 11 Jurnal Penelitian Pendidikan IPA 23.

to the proposal²⁹ to be national curriculum. The decision to provide sex and reproduction health education finally depends on each school. A study on reproduction health policy at Blora regency, Central Java, in efforts to prevent child marriage was conducted by Purwati³⁰ and a study on students' rights to information on sexuality education and reproduction health in Semarang city, Central Java, was conducted by Hadi.³¹ The studies showed that the learning materials provided still emphasized on biological rather than risky sexual behavior aspects. Besides, the implementation of the policies was not frequent and continuous. This circumstance shows that sex and reproduction health education is not taken seriously by Indonesian government.

4. Indonesian School Rule on Pregnant Student and Its Implementation

Many Indonesian schools implement a point system in their school rules as a mechanism to manage student's behavior. In this system points are awarded as rewards or sanctions depending on the student's conduct. Positive points are granted for compliance, hard work, and positive contributions, while negative points (or demerit points) are assigned for violations. The primary goal of this system is to encourage behavior that aligns with the school's values and to promote a safe and conducive environment.³² Pregnancy is one of the behaviors regulated and targeted by this system and often carries one of the highest point penalties because it is considered as a severe violation. Data of some selected school rules and its sanction are presented below.

²⁹ Shibuya, Fumiko and others, 'The Process of Overcoming Conflicts among Teachers in the Implementation of Comprehensive Sexuality Education at Ordinary Public Senior High Schools in Mataram City, Indonesia: A Qualitative Study' (2023) 51 Tropical Medicine and Health 1.

³⁰ Edo Irawan, 'Fulfillment of the Rights of Pregnant Female Students to Get Education (Case Study at State Senior High School 12, Semarang City)' (2022) 2 Jurnal Hukum, Politik dan Kekuasaan 36.

³¹ AAC Hadi, 'Students' Rights to Information on Sexuality and Reproductive Health Education in View of Article 10 of Law Number 23 of 2002 Concerning Child Protection' (Bachelor Thesis, Soegijapranata Catholic University 2018) <<https://repository.unika.ac.id/17137/1/14.C1.0010%20ANASTASIA%20ANITA%20CAROLINA%20HADI%20%2085.14%29.COVER.pdf>>.

³² Tri, Fajar, 'Implementation of the School Rules Point System That You Need to Know' (*Guru Binar*, 2020) <https://gurubinar.id/blog/implementasi-sistem-poin-tata-tertib-sekolah-yang-perlu-diketahui?blog_id=338>; Vikran Maulana and Nellitawati Nellitawati, 'Student Discipline Development in Vocational High Schools' (2020) 5 *Indonesian Journal of School Counseling* 12.

Table 1. The Sanctions in the School Rules Targeted Pregnant Students

No	The name of public and private senior high school (SMAN/SMA/SMK)	Targeted on student who impregnated, pregnant, and marriage	Using poin(s)	Sanction(s)				
				Returned to parents	Expelled	Resigned	Transferred to other school	Fine
1	SMAN 1 Jakarta	√	-	√		√	√	
2	SMAN 20 Jakarta	√	-	√				
3	SMAN 88 Jakarta	√	-	√				
4	SMAN 104 Jakarta	√	√	√				
5	SMAN 106 Jakarta	√	√	√				
6	SMAN 2 Pandeglang, West Java	√	√	√				
7	SMAN I Ciwaru, Kuningan, West Java	√	-	√				
8	SMAN 4 Tangerang, West Java	√	√	√				
9	SMAN 1 Petanahan, Kebumen, Central Java	√	√	√				
10	SMAN 6 Surakarta, Central Java	√	√	√				
11	SMAN 1 Pegandon, Kendal, Central Java	√	√	√				
12	SMAN Kutowinangun, Kebumen, Central Java	√	√	√				
13	SMA Sedes Bedono, Ambarawa, Central Java	√	√	√				
14	SMAN 2 Surabaya, East Java	√	√	√				
15	SMAN 2 Tanggul, Jember, East Java	√	-	√				
16	SMAN 1 Pasuruan, East Java	√	√	√		√		
17	SMAN 1 Malang, East Java	√	√	√				
18	SMAN 3 Probolinggo, East Java	√	-		√			
19	SMAN 2 Batu, East Java	√	-	√				
20	SMA UII, Yogyakarta	√	√	√	√	√		
21	SMA N 2 Yogyakarta	√	√	√				
22	SMAN I Bukit Tinggi, West Sumatra	√	-				√	
23	SMAN 1 Pariaman, West Sumatra	√	√	√				
24	SMAN 1 Tigo Nagari, Pasaman, West Sumatra	√	-	√				
25	SMAN 4 Pekanbaru, Riau	√	√	√			√	
26	SMAN 2 Tanjung Pandan, Belitung	√	-	√				
27	SMAN 7 Palu, Central	√	√	√			√	

	Sulawesi							
28	SMAN 1 Tinombo Parigi Moutong, Central Sulawesi	√	-	√				
29	SMAN 4 Jeneponto, South Sulawesi	√	-	√				
30	SMA 1 Sukawati, Bali	√	√	√				
31	SMAN 1 Selemadeg, Bali	√	√	√				
32	SMAN 4 Singaraja, Bali	√	-	√				
33	SMAN TanjungSelor, North Kalimantan	√	-	√		√		
34	SMAN 7 Singkawang, West Kalimantan	√	-	√				
35	SMAN 5 Palangkaraya, Central Kalimantan	√	√		√			
36	SMA Dusun Tengah, Central Kalimantan	√	-	√				
37	SMAN Bati-Bati, South Kalimantan	√	√	√				
38	SMAN 10 Pontianak, West Kalimantan	√	-	√				
39	SMAK YAPIS TIK Biak, Papua	√	√	√				
40	SMAN 1 Terara, Lombok, West Nusa Tenggara	√	√	√				√

Source: Analysed Data, 2024

The table shows that all schools give severe punishment to the students who are pregnant, impregnated, and married during the term of their studying. The punishments are various, namely return the students to parents (*dikembalikan ke orangtua*), expelled (*dikeluarkan dari sekolah*), resigned (*mengundurkan diri*) or/and fine (*denda membayar sejumlah uang*). Returning home means that the duties and responsibilities of the school to educate the students are ended. The students are sent back to their parents as the party who take full responsibility for their children's life. Expelled here can be interpreted as a unilateral action taken by school against pregnant students but this term and action are not widely chosen because it they seem rude. Resigned gives the impression that the students (and their parents) voluntarily resign with/without any coercion or intimidation from the schools. Likewise with a transfer to another school. Hence, the words returned to parents (*dikembalikan ke orangtua*), expelled (*dikeluarkan*), and resigned

(*mengundurkan diri*) all bring the same situation for the students – they are not allowed to attend the school anymore. According to a counseling teacher being interviewed there some steps taken before making a decision for the student's sake, namely to summon the parents, to inform their child's pregnancy, to assert the rule that pregnant students are prohibited from attending the school and the consequences must be followed (returned to parents, expelled, resigned or fined) and to give advice for the solution. All the steps (procedure) are taken to prevent accusation of an arbitrarily conduct; it reveals through her statement:

The rules have been given from the beginning and signed and agreed upon... We [the schools] do not expel unilaterally, we go through the process because education is for everyone. If we expel as if the child is very bad. We ask why, and how many months. If we do not follow [the school rules] what has been agreed upon, it will be very bad for others. We provide solutions [to the pregnant student's parents], not just expel. Knowing the student is pregnant I will go to her house, to her grandmother, to her friends...

We convince to the parents that the child's education still exists but not now [during the pregnancy]...but it is not at this school. We also give reference schools that allow [are willing to accept] as an alternative...³³

Thirty-seven out of forty school rules decide that the pregnant students will be returned to parents and only two schools impose to expel the students from the school. Meanwhile, seven schools impose the sanction of returning to parents together with expelled, resigned, transfer to other schools and fined. Only one school imposes fines on pregnant students (see no. 40 on the table) and it is influenced by customary law or *adat* law. The school that imposes fines for pregnant students locates in Lombok, West Nusa Tenggara. This province has a strong customary law applied in daily life, including the implementation of *adat* sanction (*sanksi adat*) for any violation against *adat*/customary law, such as pregnancy out of marriage. Being pregnant out of marriage is taboo and brings shame for the family and community. The norms and values in customary law, as a matter of fact, are adopted into school rules. Though the implementation of fines seems weird, the purpose of imposing the fines is to prevent students involved in such

³³ Irawan (n 30).

practices and to reduce child marriage. There is news in social media reporting that such a practice is applied to some regions, namely Lombok (West Nusa Tenggara), Kupang (East Nusa Tenggara), West Sumatra, Bali and Papua.³⁴

This fact shows that pregnant students are stigmatized as those who have violated the norms of decency, morals, *adat*/customary law, and the school rules (that embody these norms). Galuh Wijayanti as the teacher of the school in this study said that:

Pregnancy is a gift, but of course, it must be at the right time. In Indonesia, it must go through marriage according to religious and government laws... If not, it is a disaster. Pregnancy out of wedlock is an extraordinary norm violation...³⁵

Expulsion policies (whether returned to home, expelled, resigned, or transferred to another school) are frequently justified on the basis that pregnant students require medical care and emotional protection in school settings; it is also argued that their presence would be harmful to other students.³⁶

Most of twenty-three out of forty school rules in this study using point(s) to discipline their student who infringed the rules. A study in 2018 conducted by Asriani³⁷ demonstrated several public high schools in Yogyakarta have written rules that assign 101 demerit points for pregnant students and schoolboys who have impregnated them. If a student accumulates more than 100 demerit points, he/she will face the consequences of resignation or expulsion from the school. However, it is more difficult to identify the male student who has impregnated his girlfriend than to identify a pregnant schoolgirl. The schoolboy is sometimes 'untouchable' by the rules. This

³⁴ 'Fines for Men Who Impregnate Teenagers' *Liputan6.com* (23 March 2017) <<https://www.liputan6.com/regional/read/2896395/sanksi-denda-untuk-laki-laki-yang-menghamili-remaja>>; Tim Jawa Pos, 'Pregnant Child Out of Wedlock, Parents Ordered to Pay Fine' *Liputan6.com* (13 February 2018); Rahmawati, Yuniar and Ismail (n 9); Sulistyowati Irianto, *Perempun Di Antara Berbagai Pilihan Hukum [Women between Various Legal Options]* (Yayasan OBOR Indonesia 2003).

³⁵ Irawan (n 30).

³⁶ Ling (n 1).

³⁷ Asriani (n 8).

finding aligns a study which interviewed two pregnant students at a senior high school in Semarang City. The interviewed pregnant students felt guilty, ashamed, anxious, and discriminated because their boyfriends (from another school) who impregnated them were not expelled and their violation against social norms was ignored. They were targeted as a troubled or troublesome person while their boyfriends were untouched by the school rules. Though their school allowed them to attend classes during their pregnancy, they declined the offer because they could not face bullying from other students. This situation has been observed in other studies.³⁸ In the view of the school, a pregnant student is considered as an indication of a failure to educate and to provide moral guidance. This situation will harm the reputation of the school and affects other students.

Most of the school rules observed in this study regulate the process before making a decision to expel a pregnant student (see appendix). However, only one of the forty schools explicitly and exceptionally addresses that the students of 12th grade (see Table 1, No. 25 at SMAN 4 Pekanbaru) are allowed to continue their studies and take the national examination provided by the Indonesian Ministry of Education. The similar practice found at SMAN 12 in Semarang City, where the policy toward pregnant students differs if they are in their second semester of 12th grade. In such cases the school grants a dispensation to the pregnant students, regardless of the cause of the pregnancy, allowing them to attend school and take the national final exam. This option is provided because the remaining time for a 12th grade student in their second semester is only a few

³⁸ Rahmi Fauziah, 'Community Response to Women who are Pregnant Before Marriage (Married by Accident) in Nagari Sungayang, Sungayang District, Tanah Datar Regency' (2019) 2 Jurnal Perspektif: Jurnal Kajian Sosiologi dan Pendidikan 300; Dosom, A.M.A.S., Dion, J, and Nahak, Maria Paula Marla, 'Exploration of Calista Roy's Adaptation Response to Adolescents Who Are Pregnant Out of Wedlock at the Oesapa Community Health Center, Kupang City' (2021) 4 CHMK Midwifery Scientific Journal 259; Malik, Devisolita, Astuti, Athanasia Budi and Yulianti, Natalia R., 'Life Experiences of Teenagers Who Get Pregnant Out of Wedlock (Phenomenological Study In Baru Village, Ibu District, West Halmahera' (2016) 4 Cakrawala, Journal of Social Research 259; Murni Yuningsih, 'The Process of Self-Acceptance in Pregnant Teenagers Who Give Birth Out of Wedlock in Bandar Klippa Village' (Thesis, Medan Area University 2022) <<https://repositori.uma.ac.id/jspui/bitstream/123456789/18405/1/188600011%20-%20Murni%20Yuningsih%20-%20Fulltext.pdf>>.

months. It shows that the school still considers the conditions of the pregnant students before making a decision although the written rules seem severe. Other studies demonstrate some schools allowing pregnant students to continue their education, especially when they need to take national exams,³⁹ such as in Banten,⁴⁰ Depok⁴¹ and Subang,⁴² West Java province, in Kupang,⁴³ East Nusa Tenggara province, in Bengkulu, West Sumatra province and in Bojonegoro, East Java province.⁴⁴

However, not all schools provide such opportunities to pregnant students. The punishment or sanction are often applied by schools for student pregnancy is expulsion.⁴⁵ A study conducted by Parkasi and Kartikawati in eight cities across Indonesia (Jakarta, Lampung, Pontianak, Bandung, Semarang, Yogyakarta, Jombang, and Banyuwangi) found that unwanted pregnancy occurred in all the schools studied and all the pregnant students were expelled. The sanction was

³⁹ 'Prisoners' Children and Pregnant Students Can Still Participate in the National Examination' (CNN Indonesia, 9 April 2015) <<https://www.cnnindonesia.com/nasional/20150409145302-20-45434/anak-tahanan-dan-siswi-hamil-tetap-bisa-ikut-un>>. Download Apps CNN Indonesia sekarang <https://app.cnnindonesia.com/>.

⁴⁰ Sindonews, Team, 'Pregnant Female Students Are Allowed to Take "Ujian Negara"' *SindoNews* (Jakarta, 11 April 2012) <<https://daerah.sindonews.com/berita/609622/31/siswi-hamil-diizinkan-ikut-un>>.

⁴¹ Hetifah, 'Media Analysis: National Exams That Deprive Constitutional Rights' (*Kalyanamitra*, April 2013) <<https://hetifah.id/artikel/ujian-nasional-yang-merampas-hak-konstitusional.html>>.

⁴² 'Sangkuriang Elementary School Student Allegedly Pregnant Until Giving Birth Can Still Take Exam' *Peraknew.com/Media Peduli Rakyat* (13 May 2024) <<https://peraknew.com/siswi-sdn-sangkuriang-diduga-hamil-hingga-melahirkan-tetap-bisa-ikuti-ujian/siswi-sdn-sangkuriang-diduga-hamil-hingga-melahirkan-tetap-bisa-ikuti-ujian/>>.

⁴³ 'Kupang Allows Pregnant Students to Take the National Exam' *Antaranews* (11 April 2012) <<https://daerah.sindonews.com/berita/609622/31/siswi-hamil-diizinkan-ikut-un>>.

⁴⁴ Hetifah (n 41).

⁴⁵ Diana Teresa Pakasi and Reni Kartikawati, 'Between Necessity and Taboo: Sexuality and Reproductive Health Education for Adolescents in High School' (2013) 17 *Makara Seri Kesehatan* 79; Asriani (n 8); Yuningsih (n 38); Bima M Sakti and Syofiati Lubis, 'The Role of The Education Department In Overcoming Student Pregnancy Cases Regarding Students From The Siyasah Fiqh Perspective' (2023) 9 *Jurnal EDUCATIO (Jurnal Pendidikan Indonesia)* 329; SMA Cahaya, 'Decree of the Head of SMA Cahaya Medan Number: 97/A.2/SMAC/VII/2018 Concerning Student Rules of Conduct' (2018) <<https://smaswastacahayamedan.sch.id/index.php?id=info&kode=4>>; SMA Negeri 1 Tinombo, 'Student Rules SMA No. 1 Tinombo' (27 July 20020) <<http://sman1tinombo.sch.id/2020/07/27/tata-tertib-sma-negeri-1-tinombo/>>; SMA Negeri 2 Surabaya, *School Rules SMA No.2, Surabaya* (SMA Negeri 2 Surabaya) <<https://sman2-sby.sch.id/wp-content/uploads/2020/06/TATA-TERTIB-PESERTA-DIDIK-SMA-NEGERI-2-SURABAYA.pdf>>; SMK Negeri 1 Nabire, 'School Rules: Rules for Intra-Curricular Activities (Learning Activities) SMA No.1 Nabire' (*SMK N 1 Nabire Papua*, 2025) 2019 <<https://smkn1nabire.sch.id/pages/tata-tertib>>; SMAN 49 Jakarta, 'Rules of Conduct for Students of SMA Negeri 49 Jakarta for the 2018/2019 Academic Year' (*SMAN 49 Jakarta*, 2023) <<https://sma49jkt.sch.id/page/kesiswaan/tata-tertib/>>.

the schools returned the students to their parents.⁴⁶ Imposing fine and returning the students to their parents in Lombok region as mentioned above have shown different sanctions implemented by different schools in Indonesia. Additionally, other researches conducted in different regions, namely in Blitar, Central Java and in Waingapu, East Sumba,⁴⁷ and the findings of Kalyanamitra in 2013⁴⁸ demonstrated that there were 33 cases of high school students from various regions in Indonesia (namely: Batam, Mentawai archipelago, Cirebon, Garut, Subang, Magetan, Jambi, and East Nusa Tenggara) who were unable to complete their education because they were unable to take the national final exam or were expelled from their schools. The real data on which regions have imposed greater or lesser restrictions on pregnant students cannot be identified because the policy undertaken by the (head) of education office or the principal of the school was varied – every school applied its own rules based on its own interpretation and the influence of the local wisdom such as *adat*/customary law. This uncertainty situation occurs because there is no definite regulations issued by the Ministry of Education and Culture regarding this matter. Usually when a case goes viral on social media and becomes a topic of conversation by wide community, it will attract attention and concern the Ministry of Education or Head of Education Office of the Regent, City, or Province. This situation creates legal uncertainty in protecting the pregnant students' rights and it will bring various implications due to their gender, socio-economic, and cultural status. Moreover, being both a student and pregnant create a double burdens as they have to face the problems of not being able to continue their education and reproduction health matters.

The school rules that mandate the expulsion of students who are married or pregnant during their schooling are a form of direct discrimination because pregnant students have the rights to continue their education and the right to build a family life (marriage). These rules are

⁴⁶ Pakasi and Kartikawati (n 45); Yuningsih (n 38).

⁴⁷ Sakti and Lubis (n 45).

⁴⁸ Masfiah, Shaluhayah and Suryoputro (n 26).

made by the school as an institution under the legitimate authority granted by National Education Standards which actually ensure the rights of all children to education. However, the rules ironically failed to protect the pregnant students' rights to get education. The situation worsens when the broader Indonesian community, including the parents of the pregnant student, do not protest these matters due to shame feeling and the belief that the school's policy regarding pregnant students is appropriate and does not violate the students' rights. These thoughts have factually reinforced the way how schools treat pregnant students through such rules.

5. The Challenge of Pregnant Student to Continue Study through Alternative School

From the school's perspective, transferring students to other schools or alternative institutions may not be seen as a violation of students' rights in accomplishing their education, as the location of their education is simply shifted. This opinion was obviously stated the interviewed principal:

...the pregnant student's rights to continue her study is actually not violated in this school. It is only about the place of educating that is diverted (when the student has been transferred to another school or has joined in package C). So what the school has done is adjust to the law [Child Protection Act]...what the school do is to aim providing mental and psychological protection for the pregnant students. This school never refuses the will of pregnant students to continue their study and will never expel the pregnant students unilaterally... if the parents resist we then summoned their pregnant daughter to give her opinion. But when we [the school] ask her about her readiness ... she [the pregnant student] usually feels not ready because she is afraid of being mocked or bullied by other students. I also convinced the parents (and the student) that being pregnant at a young age does not mean that the student has lost her future...it is not an end...⁴⁹

Therefore, schools often make rules that transfer responsibility for children's education to their parents; whether through expulsion (or requiring the student to resign) or transferring the student to an alternative program (such as Package C). When a transfer occurs the policies factually fail to remove the social, financial, and psychological burdens faced by the pregnant student (and her parents). However, not all schools are willing to provide a place for the students due to various reasons, such as about the student's psychological condition or grade level. Even if a

⁴⁹ Irawan (n 30).

pregnant student attempts to continue her education she will often face additional challenges, such as bullying.⁵⁰ Because of these challenges, many Indonesian students opt to continue their education by enrolling in a government-provided alternative program, *Kejar Paket C* (Pursuit Package C), which offers senior high school equivalency.

Package C is one of the basic education programs conducted out-of-school education system and implemented throughout Indonesia. This program serves Indonesian citizens by providing mastery of functional knowledge, skills, professional attitudes, and personality development. This program is part of the government's efforts to provide opportunities for individuals who, for various reasons, have not continued their education, regardless of age.⁵¹ Article 26 (6) of Act Nr. 20 of 2003 on National Education System states: “The results of non-formal education can be considered equivalent to the results of formal education programs after going through an equalization assessment process by an institution appointed by the government or local government in accordance with national education standards.”

When transferring to a Package C program, pregnant students face new challenges beside some benefits. The program gives them more time to care for their pregnancy as Package C generally has fewer face-to-face hours. This program is typically attended by people who are already working but have not yet completed their secondary education and expect to earn a high school diploma. Pregnant students who participate in the program not only have adequate rest but are also less likely to face bullying because the other students are generally mature and able to understand the situation of the pregnant students.

After completing the program a pregnant student will receive a certificate which is equivalent to a high school diploma. It can be used to apply for jobs in companies and even to pursue further

⁵⁰ ‘Students Who Married Early in Central Lombok Fined to Pay Money to School, Here’s Why’ (n 9); Asriani (n 8).

⁵¹ Sulasmi, Emilda, *Textbook of Education Policies and Issues* (1st edn, Muhammadiyah University, 2021) <<https://publication.umsu.ac.id/index.php/bk/article/view/1322>>.

studies at both domestic and abroad universities. However, not every pregnant student immediately opts for this package due to the physical, psychological, and financial burdens of pregnancy. Though there is no any rule prohibiting her from joining any institution that provides the package program it may take time and energy for her to make a decision of having the package because not all cities have institutions providing the service. If available it may be costly, especially if the institution is far away from home. Financial burden may increase because a pregnant student has to provide a sum of money for the education. Psychologically, a pregnant student will be increasingly burdened because she has to prepare herself for childbearing and to be a mother.

6. The Challenge for the Government to Eliminate Discriminatory School Regulations

Discrimination and violations against pregnant students will remain because the content of school rules is formulated from an adult perspective and mindset and is influenced by their sense of morality, religion, decency norms, and gender-biased values. From their perspective, a pregnant student is seen as having committed a disgraceful or taboo act that violate religious, social, and decency norms, as well as school rules. The adults' (particularly male) perspective on morality and sexuality, as MacKinnon stated, remains deeply ingrained. This can be seen in the opinions of teachers interviewed in Semarang city who argued that moral education at school was considered fail if a pregnant student was allowed to attend the school.

The lack of rules protecting the rights of pregnant students has a significant cultural and socio-economic impact affecting the students and their parents as well. Wealthy parents will have more options for their daughter, such as accessing alternative schooling (e.g., homeschooling, studying abroad) or even choosing to undergo a safe abortion. However, low-income or poor parents will have limited options and access. They may let the pregnancy continue at the cost of their child's education or they may resort to unsafe abortions without caring that it is very

dangerous and even fatalistic for their child. Therefore, current rules that mandate an expulsion or ‘voluntary’ withdrawal for students cannot be justified as they violate the students’ rights (both female and male) to get continuous education.

The protection of children's rights, as regulated by international conventions (Article 28 CRC) and Indonesian legislation (Articles 9(1) and 9(1a) of Act Nr. 35 of 2014, amendments to Act Nr. 23 of 2002 on Child Protection, Articles 4(1) and 5 of Act Nr. 20 of 2003 on National Education System) must be prioritized in educational institutions. One of the recognized children’s rights is the right to get proper education and being pregnant should not be a factor that causes the loss of that right. Schools must create a supportive and non-judgmental environment where pregnant students are no longer bullied or mocked by their friends or staff.⁵² The protection of pregnant students from bullying, violence, and discrimination can be achieved through a humane school rule and ensuring that the rule is really implemented at the school.

An unfriendly school environment will strengthen MacKinnon’s theory that the state lacks intervention to protect pregnant students’ rights. The state has neglected and handed over the problem to civil society and the existing cultural systems to cope with even though they are distinctly partial entities. As a result, the state is implicitly approving the biases in the cultural and civil society contexts. MacKinnon argues that the depth of this implicit approval “has meant that civil society, the domain in which women are distinctly subordinated and deprived of power, has been replaced beyond the reach of legal guarantees.” Since “women are oppressed socially, prior

⁵² Mahisa Cempaka, ‘The Punishment of Expulsion from School Remains Popular Despite Previous Criticism by Ministers’ (*Vice.Com*, 13 January 2020) <<https://www.vice.com/id/article/hukuman-mengeluarkan-siswa-dari-sekolah-masih-populer-meski-pernah-dikritik-menteri/>>.

to law,” the state’s failure to intervene relegates the issue to an already unequal, women-subordinating society.⁵³

Considering that school rules on pregnant students have discriminated against students' right to accomplish their education here are some recommendations to the Indonesian government: First, this issue is important and the Indonesian government, c.q. the Ministry of Education, should issue a regulation that prohibits all forms of discrimination against pregnant students. The government must forbid every school rule that (potentially) expel pregnant students. There should be an opportunity for the students and their parents to exercise their withdrawal choice without pressure from the school or other parties. Second, to change the existing school rules by providing temporary study leave until the birth of the baby through a multi-exit-entry system for the pregnant students so they will have an opportunity to come back to their (old) school to continue their education. Third, the government should develop school-based and school friendly programs at a national level for teenagers and younger persons to acquire the knowledge and skills needed to postpone sex. However, if they choose to become sexually active they should have safer sex practices and avoid (or reduce the possibility of) unintended pregnancy but if pregnancy still occurs, there must be a guarantee that the student can accomplish her high school education. Administrative sanctions should be given to any school that fails to develop a school-based program or fails to take any action to prevent the students from leaving education entirely. Fourth, to make a societal perspective change about women who are pregnant outside of marriage. This must be an important and strategic policy since changing mindsets is not an easy thing to do. Therefore, the Indonesian government has to provide gender equality, reproduction health, and sex education curricula in schools at all levels (from kindergarten until high school) at the national

⁵³ MacKinnon, Catharine A (n 12).

level to prevent and minimize pregnancy of the students and discriminatory treatment against pregnant students. The implementation of the curricula needs coordination and collaboration among the Ministry of Education, the Ministry of Health and the Ministry of Women's Empowerment and Child Protection.

Based on the description above, it is clear that there are still many challenges for the Indonesian government in eliminating the discrimination against pregnant students, ensuring that they are not expelled from school and that their rights to education are upheld. The Indonesian government has ratified numerous International Covenants on Human Rights and enacted national legislation to protect students' right to education. Therefore, these laws need to be fully implemented to secure the future of Indonesian children, especially the pregnant students. The universal rights of freedom and self-determination in Indonesia have not been fully fulfilled, particularly dealing with pregnant student issues. Women's rights to control their bodies - such as the right to choose when and whether to become pregnant - are sometimes suspended by law or custom. This situation raises an important question about woman's right to decide if she is to carry the pregnancy into the term. It is a global challenge, including for the Indonesian government, to implement human rights values and norms without any discrimination, particularly against women, in order to support full realization of all international human rights conventions, including those protecting the rights of pregnant students.

7. Conclusion

This study highlights that most of the existing school rules insist that being pregnant, impregnating and married during school are serious violations against the rules; the transgressors are to be returned to their parents or the school may expel them. The rules involving expulsion and 'voluntary' withdrawal of students and its implementation cannot be justified because the students'

rights (both female and male) to get continuous education are violated. Protection of children's rights as regulated by international convention (article 28 CRC) and Indonesian legislation (articles 9(1) and (1a) of Act Nr. 35 of 2014 Amendments to Act Nr. 23 of 2002 concerning Child Protection, article 4(1) and article 5 Act Nr. 20 of 2003 concerning the National Education System) should be prioritized in educational institutions because one of the recognized children's rights is getting proper education. Pregnancy experienced by students should not be a factor in determining the loss of their right to education. Discrimination against pregnant students remains due to gender bias in Indonesian community and lack of the state to revoke discriminatory school rules.

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Conflict of Interest

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Appendix.

No	The name of Public and Private Senior High School (SMAN/SMK/SMA)	Articles	Poin(s)	Sanction (s)
1	SMAN 1 Jakarta https://sman1jakarta.sch.id/tata	Chapter V. Very serious violations	-	Very serious violations are carried out through

	-tertib/	1. Have a wedding; 6. Having sexual relations inside or outside the school environment		the following mechanisms: a. returned to parents; b. then resign and move to another school
2	SMAN 20 Jakarta https://sman20-jkt.sch.id/assets/Kesiswaan/TA%20TERTIB%20SMA%2020%20TP%202023-2024%20-%20Edit.pdf	Articles 15 No. 18 Proven to be pregnant or impregnated 19. Proven to be married	-	1. Call parents 2. Guidance outside of school on Faith/Nationalism/Literacy/arts and culture ethics for 3 - 5 days undertaken by competent people or institutions in the fields. 3. Returned to the parents
3	SMAN 88 Jakarta https://www.sman88jakarta.sch.id/assets/files/TATA_TERTIB_20222023_BUKU_TATA_TERTIB_PESERTA_DIDIK_FIX.pdf	Chapter IV. Prohibition No. 28. Pregnant or impregnated or married.	-	The student makes a letter agreement signed by the student on stamp Rp. 10,000 and known parents and Principal. Notes : If the student does not change her/his behaviour, the education is handed over to the parents / returned to parents
4	SMAN 104 Jakarta https://sman104jakarta.sch.id/wp-content/uploads/2023/07/TATA-TERTIB-SMAN-104-JAKARTA-2023-2024.pdf	Chapter V. Violation Points: pregnant or married while a student at SMAN 104 Jakarta	100	Returned to parents
5	SMAN 106 Jakarta https://www.smanegeri106jakarta.sch.id/kesiswaan/tata-tertib.html	Article 13. no. 47 Conduct a marriage either officially registered at the KUA (Office of Religious Affairs) or at the Civil Registry Office or married <i>sirri</i> (unregistered)	100	Returned to parents
6	SMAN 2 Pandeglang, West Java https://sman2pandeglang.sch.id/tata-tertib/	Articles 13 Carrying out a marriage/marriage either officially registered at the KUA or at the Civil Registry Office or a <i>sirri</i> marriage	100	If the violation score reaches 100, it will be returned to the parents

7	SMAN I Ciwaru, Kuningan, West Java https://www.smanciwaru.sch.id/e1z-5-tata-tertib-sekolah.html	Articles 25 Students are prohibited from marrying while they are students at SMA Negeri 1 Ciwar	-	Articles 41 (3) Prohibited from participating in learning activities for a certain time by the Principal (4) Expelled from school with a prior notification letter.
8	SMAN 4 Tangerang, West Java https://sman4kabupatentangerang.sch.id/public/download/force_download/6	Article 7 No. 11 During school education, students are prohibited from getting married/pregnant.	100	Returned to parents
9	SMAN 1 Petanahan, Kebumen, Central Java https://www.sman1petanahan.com/14_tata_tertib.html	Pregnant (female student)/Impregnate (male student)	100	Students are returned to their parents/guardians
10	SMAN 6 Surakarta, Central Java https://sman6surakarta.sch.id/halaman/tata-tertib	Articles 13 F-26 Pregnant or impregnating another person F-27 Married	50	The guidance of students is handed back to their parents
11	SMAN 1 Pegandon, Kendal, Central Java https://sma1pegandon.sch.id/media_library/files/eadfe2da8a68dbbbfb5bdc0c9332a61.pdf	Point H Marriage, sexual relations outside of marriage (immoral act), pregnancy, engaged, unregistered marriage.	100	If the violation is worth 100, the student will be immediately returned to the parents/guardians without any prior guidance.
12	SMAN Kutowinangun, Kebumen, Central Java https://smansakuto.sch.id/profil/tata-tertib-siswa	Get married, become pregnant or impregnate while still having the status of a student.	100	Expelled from school/returned to parents.
13	SMA SedesBedono, Ambarawa, Central Java https://www.sedesbedono.sch.id/f113/Tata%20tertib%20siswa%2022-23.pdf	The student is pregnant or impregnated.	-100	If the violation point weight reaches -100, the student is returned to parents
14	SMAN 2 Surabaya, East Java https://sman2-sby.sch.id/peraturan-akademik-2/	Chapter V. Positively pregnant while a student	50	Expelled
15	SMAN 2 Tanggul, Jember, East Java https://smanegeri2tanggul.sch.id/wp-content/uploads/2024/03/Tata-tertib-siswa-2023-2024-OK.pdf	Chapter V Prohibition 26.c. Pregnant and impregnated, while still a student at SMAN 2 Tanggul. 27. Married legally by the state or married religiously, while be a	-	Violations of points 21, 25, 26b, 26c, and 27 are returned to the parents through the process and available evidence.

		student at SMAN 2 Tanggul.		
16	SMAN 1 Pasuruan, East Java https://sman1-pasuruan.sch.id/tata-tertib/tata-tertib/	sexually perverted	75	If a student has reached 100 points, the student will be returned to his parents (expelled from school) Note: if there is a violation in which the sanctions (weight of points) are not yet listed in these rules, then sanctions will be determined by the teacher council.
17	SMAN 1 Malang, East Java https://sman1-mlg.sch.id/peraturan-tata-tertib/	Immoral acts (pregnant or impregnated)	100	The morality is rated very poor (or get a grade of E) and returned to parents.
18	SMAN 3 Probolinggo, East Java https://smagapro-pbl.sch.id/kesiswaan/tata-tertib	Proven married, proven pregnant and impregnated	-	Expelled from school
19	SMAN 2 Batu, East Java https://sman2batu.sch.id/tata-tertib/	Violation for point A: 32. Proven to be pregnant or impregnated. 33. Proven to be married. 34. Having free sex.	-	Students who violate point A receive guidance from the school counselor to make an agreement.
20	SMA UII, Yogyakarta https://smauiiyk.sch.id/tata-tertib/	Articleless 24 No.7. It is forbidden to marry while a student; No. 8 Pregnant or impregnate is prohibited	101	Returned to parents/expelled/ resigned
21	SMA N 2 Yogyakarta https://www.sman2jogja.sch.id/media_library/files/de94ca07913ff51b52971c6e5e4bc5df.pdf	Articles 35 No.42.Students who date until they become pregnant	101	Independent coaching by parents
		No.43.The male student dated until his girlfriend became pregnant	101	Independent coaching by parents
22	SMAN I Bukit Tinggi, Sumatra Barat https://sman1bukittinggi.sch.id/download/get_file/13	Articles 2 f. Married during their status as students g. Getting pregnant	-	Students are Recommended to continue education another school.
23	SMAN 1 Pariaman, West Sumatra https://sman1pariaman.sch.id/akademik/tata-tertib-siswa/	Immoral acts and the like	150	Returned to parents (Expelled from SMAN 1 Pariaman)
24	SMAN 1 Tigo Nagari, Pasaman, West Sumatra	Articles 7 No. 21. Married and/or	-	Articles 13 Returned to

	https://www.sman1tigonagari.sch.id/peraturan--tatib	pregnant		Parents/Guardians. It is applicable to students who violate student regulations in the serious category: married or pregnant
25	SMAN 4 Pekanbaru, Riau https://www.sman4pku.sch.id/dist/file/Peraturan%20dan%20Tata%20Tertib%20SMA%20Negeri%204%20Pekanbaru.pdf	Chapter 4 Articles 1 concerning Prohibitions No. 25 Married and/or pregnant	30	8. Returned to parents. Especially for class XII whose sanctions have reached highest point (30) and if they get a Number of National Standard School Final Examination (UASBN), They will be given the opportunity to take the examination. 9. If the student wants to change schools or the parents want to move, the student can be given a transfer letter.
26	SMAN 2 Tanjung Pandan, Belitung https://www.sman2-tp.sch.id/read/profil/004/tata-tertib-sekolah	It is proven and true to have sexual relations or become pregnant. It is proven and true that he is married.	-	Violating Chapter II points 1,2,3,4,5, and 6 will be returned to parents after going through a meeting of the teacher council and the school principal.
27	SMAN 7 Palu, Central Celebes https://www.sman7palu.sch.id/upload/file/46968246TATATE RTIBSISWA-EDITBARURONI.pdf	Chapter IV. 1.9. Impregnate or pregnant	100	1.2. Students are transferred to other schools that can accept them. 1.3. Students are returned to their parents without being given a transfer certificate
28	SMAN 1 Tinombo Parigi Moutong, Central Celebes http://sman1tinombo.sch.id/2020/07/27/tata-tertib-sma-negeri-1-tinombo/	Article 12 No. 5 Students who marry or commit moral violations can be subject to sanctions under Articles 11f	-	Articles 11 no.f Returned to parents
29	SMAN 4 Jeneponto, South Sulawesi https://sman4jeneponto.sch.id/wp-content/uploads/2020/06/TATA-TERTIB-SISWA.pdf	Students who are found to be pregnant/pregnant, or married.	-	Returned to the student's parents
30	SMA 1 Sukawati, Bali	Articles 13.	100	Returned to their

	https://www.sma1-sukawati.sch.id/tata-tertib-peserta-didik.html	Proven to be pregnant or impregnated and get married while student		parents
31	SMAN 1 Selemadeg, Bali https://sman1selemadeg.sch.id/tata-tertib/peraturan-tata-tertib-peserta-didik-sma-negeri-1-selemadeg	Pregnant due to promiscuity or marriage	100	Returned to their parents
32	SMAN 4 Singaraja, Bali https://sman4singaraja.sch.id/ata-tertib-siswa/	5.12. Get married during school education	-	Adjusted to the classification of student violations
33	SMAN TanjungSelor, North Kalimantan https://smandataase.sch.id/tata-krama-dan-tata-tertib	Articles 13. Married and impregnate while in education	-	Returned to their parents and asked to submit a request for resignation or leaving school
34	SMAN 7 Singkawang, West Kalimantan https://www.sman7singkawang.sch.id/sekolah/read/40/tata-tertib-sekolah	Articles 29 It is prohibited to commit/be involved in immoral acts both inside and outside the school environment	-	They were immediately returned to their parents and declared no longer registered as students at SMA Negeri 7 Singkawang.
35	SMAN 5 Palangkaraya, Central Kalimantan https://sman5palangkaraya.sch.id/tata-tertib-peserta-didik/	Article 15 No. 32. Dating, pregnant or impregnated.	100	Immediately expelled from school
36	SMA Dusun Tengah, Central Kalimantan https://sman1dusuntengah.sch.id/wp-content/uploads/2020/05/LAMPIRAN-TATA-TERTIB-SEKOLAH-PESERTA-DIDK-BARU-TAHUN-2020.docx	No. 61 Not married and/or pregnant	-	Returned to parents/guardians or Dishonorably expelled from school
37	SMAN Bati-Bati, South Kalimantan https://www.sman1batibati.sch.id/?id=profil&kode=127&profil=Tata%20Tertib%20Sekolah	Married and/or pregnant/impregnated	50	Returned to Parent/Guardian
38	SMAN 10 Pontianak, West Kalimantan https://sman10ptk.gosch.id/wp-content/uploads/sites/1479/2022/08/V1-TATA-TERTIB-SISWA-SMAN-10-PTK-22-23.pdf	Articles 8. C.31. Pregnancy and impregnation C.32 committing adultery inside or outside school	-	Returned to parents with coded violations (C-12, C-22, C-30, C-31 and C-32).
39	SMAK YAPIS TIK Biak,	Dating exceeds the limits	50	Students are returned to

	Papua https://smkyapisbiak.net/pages/tata-tertib	of religious norms at school		their parents after going through a certain process
40	SMAN 1 Terara, Lombok, West Nusa Tenggara https://sman1terara.sch.id/tata-tertib-siswa-sma-negeri-1-terara/tata-tertib-siswa-sma-negeri-1-terara	Get married	100	Points worth 91 > returned in full to the student's parents or guardians; For students who get married before graduating will be fined Rp.2,000,000.00 (two million rupiah) in accordance with school committee provisions..

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⁵⁴ N Farida, 'Strategi Penanganan Anak Berhadapan Dengan Hukum Melalui Undang-Unndang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak Sebagai Bagian Dari Politik Hukum Indonesia' (2021) 15 Jurnal Maksigama.