

## OBLIGATION TO DRESS IN THE MUSLIMAH UNIFORM FOR NON-MUSLIM STUDENTS IN THE HUMAN RIGHTS PERSPECTIVE

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### ABSTRACT

*The right to education free from discrimination is a human right and a constitutional right of citizens guaranteed in the 1945 Constitution. In implementing education, there are still non-Muslim students who are asked or ordered, both orally and in writing, to wear Muslimah uniforms as a form of respect for Muslim students. A study is needed regarding the obligation to wear Muslimah uniforms for non-Muslim female students in a human rights perspective. This research is a normative legal research (doctrinal) with a statutory. The research data is secondary data and analyzed qualitatively. The use of uniforms has been regulated in laws and regulations which synchronously stipulate Muslim uniforms only for female Muslim students. Other uniforms are stipulated by taking into account the right to carry out religious teachings and beliefs of students. The existence of an obligation or coercion to wear Muslimah uniform for non-Muslim students on the grounds of respecting Muslim students or according to customs cannot be justified. It is contrary to the principles of the Pancasila state law which provides protection for human rights. Instilling religious values in the cultural diversity of the Indonesian nation needs to be done proportionally. Schools (principals and teachers) are obliged to comply with the laws and regulations in the administration of education. It is necessary to monitor, evaluate and law enforcement in the implementation of regulations or actions that impose or oblige the use of Muslim uniforms for non-Muslim students.*

**Keywords:** Human rights, muslimah uniform, non-muslim students

### 1. PREFACE

The right to obtain education is one of the constitutional rights of citizens (including "Children") which is recognized and guaranteed by the Indonesian constitution through Article 31 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) which states that "Every citizen has the right to education. In addition, the right to obtain education is also a human right (HAM) as emphasized in Article 28C paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that "Everyone has the right to develop himself through fulfilling his basic needs, has the right to education and benefits from knowledge knowledge and technology, art and culture, in order to improve the quality of life and for the welfare of mankind. This is in accordance with one of the objectives of forming the Unitary State of the Republic of Indonesia (NKRI), namely "to educate the life of the nation" as emphasized in the Preamble to the 1945 Constitution of the Republic of Indonesia, Paragraph IV. Regarding the right to education for "Children" is further regulated in Article 60 paragraph (1) of Law Number 30 of 1999 concerning Human Rights (Law on Human Rights) which states that "Every child has the right to receive education and teaching in the context of personal development in accordance with according to their interests, talents and level of intelligence", and further emphasized in Article 9 paragraph (1) of Law Number 23 of 2002 concerning Child Protection (Law on Child Protection) which states

that "Every child has the right to receive education and teaching in the context of personal development and level of intelligence in accordance with their interests and talents.

In accordance with the provisions of Article 28I paragraph (2) of the UUD NRI 1945 which states that "Everyone has the right to be free from discriminatory treatment on any basis and is entitled to protection against such discriminatory treatment", and Article 28B paragraph (2) of the UUD NRI 1945 which stated that "Every child has the right to survival, growth and development and is entitled to protection from violence and discrimination" so all "Children" in undergoing their education must receive equal treatment to obtain a good and proper education. Regulations regarding the use of school uniforms by taking into account the rights of students to carry out their respective religious teachings and beliefs are further elaborations of Article 28E paragraph (1) of the UUD NRI 1945, which states that "Everyone has the right to embrace a religion and worship according to his religion, choose education and teaching, choosing a job, choosing citizenship, choosing a place to live in the territory of the country and leave it, and have the right to return. Therefore, there is no justification for discriminatory treatment of students, including the use of school uniforms, because this is contrary to human rights.

In reality, in a number of schools in Indonesia there are still non-Muslim students who are asked/ordered/forced to wear Muslim uniforms as a form of respect for other female students who are Muslim. In the records of the Federation of Indonesian Teachers' Union (FSGI), this has happened several times throughout 2014-2021. For example, in 2017 at SMPN 3 Genteng Banyuwangi there was a school regulation that required students to wear the headscarf even if they were non-Muslims; in 2018 at SMAN 2 Rambah Hilir, Rokan Hulu, Riau Province there were unwritten regulations or verbal appeals for students to wear the headscarf because it was considered cultural; in 2019, SDN 3 Karang Tengah, Gunung Kidul, Yogyakarta required new grade I students to wear Muslim uniforms; in 2020 at SMAN 1 Gemolong, Sragen, students were forced to wear headscarves by Islamic spiritual administrators (Wahyuni, 2021); and in 2021 there will be two similar events, namely: SMKN 2 Padang, West Sumatra which requires students to wear Muslim clothing according to regulations made by the Mayor of Padang in 2005 (Kamil, 2021), and at SMKN 06 Kota Padang which forces students to wear the headscarf to respect other muslim female students (Ernis & Khagen, 2021).

The reality mentioned above shows that the implementation of education that is based on the values of Pancasila and the UUD NRI 1945 which is democratic, fair and non-discriminatory which has not yet been realized has prompted the conduct of this research to find out the obligation to wear the Muslim uniform for non-Muslim students in schools in human rights perspective. Based on the reality mentioned above, this research was conducted based on the main problem "how is the obligation to dress in the Muslimah uniform for non-Muslim students in the human rights perspective?".

## **2. RESEARCH METHOD**

In legal research, generally there are 3 (three) types of research methods as a way to study a legal phenomenon and an effort to find solutions to problems, namely (1) normative (doctrinal) legal research; (2) Legal research (non-doctrinal); and (3) normative-empirical (socio-legal) research (Soekanto & Mamudji, 2019; Benuf & Azhar, 2020). This research is focused on normative legal research to examine legal rules, principles, and legal doctrines to provide answers to the issue of the obligation to wear Muslim uniforms for non-Muslim female students. The approach used in this study is the statutory approach which is analyzed in a comprehensive, inclusive, and systematic manner (Suhaimi, 2018).

Secondary data obtained from library research in the form of legal materials. First, primary legal materials include the UUD NRI 1945, the Law on Human Rights, the Law on Child Protection, Law Number 20 of 2003 concerning the National Education System (Law on National Education System), Government Regulation Number 17 of 2010 concerning Management and Implementation of Education as amended by Regulation Government Number 66 of 2010 concerning Amendments to Government Regulation Number 17 of 2010 concerning Management and Implementation of Education (Government Regulation on Management and Implementation of Education), Regulation of the Minister of Education, Culture, Research and Technology Number 50 of 2022 concerning School Uniforms for Elementary and Secondary Education Students (Minister of Education's Regulation on School Uniforms), and other implementing regulations. Second, secondary legal material in the form of theories, principles, principles especially regarding human rights and legal protection from scientific writings such as books, journals, articles. Third, tertiary legal materials were obtained from language dictionaries, legal dictionaries, and legal encyclopedias. Fourth, non-legal materials that are primary, secondary and tertiary (Tan, 2021; Soekanto & Mamudji, 2019). The entire data was processed and analyzed qualitatively by describing the data in a quality manner, and in the form of regular, coherent, logical and effective sentences with deductive lines of thought (Tan, 2021; Sonata, 2014). The purpose of this research is to produce a prescription in the form of recommendations regarding what should be done to overcome problems related to the obligation to dress in the Muslim uniform for non-Muslim students in the school environment (Marzuki, 2019).

### 3. RESULT AND DISCUSSION

Indonesia is a law country. As a consequence, the Unitary State of the Republic of Indonesia adheres to the principles of the rule of law as emphasized in Article 1 paragraph (3) of the UUD NRI 1945 which states that everything that is done by the government or citizens must be based on law. Therefore, in order to realize the State Goal "to educate the life of the nation" as emphasized in the Preamble to the 1945 Constitution of the Republic of Indonesia, Paragraph IV, and to carry out the state's obligations in the field of Education as ordered by Article 31 paragraph (3) of the UUD NRI 1945 which states that "The government seeks and organize a National Education system, which increases faith and piety as well as noble character in the context of educating the nation's life, which is regulated by law ", the Government has issued the Law on National Education System. In Article 1 number 1 of the Law on National Education System it is stated that "Education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have religious spiritual strength, self-control, personality, intelligence, noble character, and skills what he, society, nation and state need. According to Article 3 of the Law on National Education System, National Education functions to:

- a. Develop capabilities and form dignified national character and civilization in the framework of educating the nation's life; and
- b. Develop the potential of students to become human beings who believe in and fear God Almighty, have noble character, are healthy, knowledgeable, capable creative, independent, and become citizens of a democratic and responsible state.

The Law on National Education System also emphasizes that one of the Principles of Implementing Education is that "Education is carried out in a democratic, and fair and non-discriminatory manner by upholding human rights, religious values, cultural values, and national pluralism" (Article 4 paragraph (1)).

To implement the National Education System Law, a Government Regulation on Education Management and Implementation was issued, in which Article 60 of this Government Regulation stipulates that the implementation of formal education includes early childhood education (PAUD), basic education, secondary education, and higher education. Furthermore, in order to instill a sense of nationalism and student discipline, as well as to accommodate the need for regulation of school uniforms, the Minister of Education's Regulation on School Uniforms was issued. The Regulation of Minister of Education and Culture on School Uniforms stipulates, among other things, the following:

- a) "School Uniforms" consist of "National Uniforms" and "Scouting Uniforms". "National Uniform" includes: (Article 3 paragraph (1), and Article 5 paragraph (1))
  - a. SD/SDLB National Uniform (elementary school level): White shirt top and red heart pants or skirt;
  - b. SMP/SMPLB national uniform (middle/junior high school level): White shirt top and dark blue trousers or skirt;
  - c. SMA/SMALB/SMK/SMKLB National Uniform (senior high school level): White shirt top and gray pants or skirt bottoms;The color and model of "Scouting Uniform" must refer to the model and color determined by the National Scout Movement Body or Kwartir Nasional Gerakan Pramuka (Article 3 paragraph (1) and Article 7);
- b) In addition to number 1, schools can determine "School Uniforms" for students. This attire is determined by the school by taking into account the right of students to practice religion and belief in God Almighty according to the beliefs of each student (Article 3 paragraph (2), and Article 8);
- c) In addition to numbers 1 and 2, the Regional Government can regulate the imposition of "Traditional Clothing" for students by taking into account the right of students to practice religion and belief in God Almighty according to their beliefs (Article 4 and Article 9);
- d) In schools organized by the Regional Government or the Community, parents/guardians or schools are allowed to choose one of the "National Uniform" models but must refer to the "National Uniform" model specified in Article 5 (Article 6 paragraph (1) and ( 2));
- e) At schools established by the Government of the Special Region of Aceh or by the Acehnese people, Muslim students wear the "National Uniform" in accordance with the specifics of Aceh, and must still refer to the "National Uniform" model specified in Article 5.

From the description above, it can be seen that the provisions in the Regulation of the Minister of Education and Culture on School Uniforms are in accordance or are vertically synchronous (consistent, coherent and in correspondence) with the State's goal of "educating the life of the nation" as emphasized in Paragraph IV of the Preamble of the UUD NRI 1945, Article 31 paragraph (1) of the UUD NRI 1945, and the Law on National Education System, as well as Article 28C paragraph (1) of the UUD NRI 1945, Article 60 of the Law on Human Rights, and Article 9 paragraph (1) of the Law on Child Protection which substantively regulate and stipulate that "every citizens (including "Children") have the right to education and benefit from science and technology without exception". Thus there are still non-Muslim students who are asked or more precisely required to wear Muslim uniforms which are considered as a form of respect for other Muslim students as happened at SMPN 3 Genteng Banyuwangi in 2017; at SMAN 2 Rambah Hilir, Rokan Hulu, Riau Province in 2018; at SDN 3 Karang Tengah, Gunung Kidul, Yogyakarta in 2019; at SMAN 1 Gemolong, Sragen in 2020 (Wahyuni, 2021); and at SMKN 2 Padang, West Sumatra in 2021 (Kamil, 2021) "It is absolutely unacceptable because it is discriminatory, violates human rights, and contradicts the State's goal of educating the life of the nation" as emphasized in Paragraph IV of the Preamble of the UUD NRI 1945, Article 31 paragraph (1) of the UUD NRI

1945, and the Law on National Education System, Article 28C paragraph (1) of the UUD NRI 1945, Article 60 of the Law on Human Rights, Article 9 paragraph (1) of the Law on Child Protection, and Article 28I paragraph (2) of the UUD NRI 1945. This is in accordance with Padmo Wahjono's opinion that human rights violations as previously stated can be in the form of violating in the sense of eliminating it altogether, and violating in the sense of inadequately providing facilities for the proper implementation of human rights (obstructing the implementation) (Rini, 2018).

The right to education and the right not to be treated discriminatively are human rights that must be respected and upheld by everyone. Therefore the implementation of education, especially with regard to the use of school uniforms, must pay attention to the principles of equality and non-discrimination which are very important in human rights (Fadhli, 2014). Especially Article 4 of the Law on National Education System clearly states that National Education must be organized: (a) in a democratic manner (democratic in a Pancasila legal state containing religious characters, having tolerance, having solidarity and solidarity, respecting pluralism, and being able to harmonize differences through deliberations), and in a fair manner; and (b) non-discriminatory, upholding human rights, religious values, cultural values, and national pluralism, as one of the "National Education Principles" (Cholisin, 2007). Of course, all educators (in this case the principal and teachers) must really understand this.

As it is known that human rights are rights that are owned by humans that have been obtained and brought along with their birth and presence in social life. This right exists in humans regardless of nation, race, religion, class, and gender, therefore it is basic and universal. The basis of all human rights is that all people must have the opportunity to develop according to their talents and aspirations (Budiardjo, 1985: 120). CST. Kansil argues that human rights are absolute rights that give authority to a person or individual to carry out an action, which rights can be defended by anyone, therefore everyone must respect these rights (Supriyanto, 2014). With regard to human rights, a state that is a "obligation holder" must respect, fulfill, and protect the human rights of its citizens in its jurisdiction (Manfred Novak, as quoted by Matompo, et.al, 2018). Regarding this matter, the UUD NRI 1945 in Article 28I paragraph (4) emphasizes that the protection, promotion, enforcement and fulfillment of human rights is the responsibility of the state or government. In addition, in Article 28I paragraph 2 of the UUD NRI 1945 it is also emphasized that "Every person has the right to be free from discriminatory treatment on any basis and is entitled to protection against such discriminatory treatment". This is in accordance with the State Goals contained in the Preamble of the UUD NRI 1945, Paragraph IV, which states "to form an Indonesian state government that protects the entire Indonesian nation and all of Indonesia's bloodshed and ..., educates the life of the nation, ...". The protection, promotion and fulfillment of human rights by the state or government aims to ensure that everyone enjoys all the rights granted by law, and provides protection for human rights that are harmed (Rahardjo (a), 2014).

Indonesia is a constitutional state that adheres to constitutional supremacy because the constitution (in this case the UUD NRI 1945) is the highest law. As it is known that the Unitary State of the Republic of Indonesia is a country that is diverse in many ways because it consists of various ethnic groups or ethnicities, each of which has a different religion or belief, customs, culture, language, level of education and so on. Faced with this diverse reality, the Founding Fathers had big ideas and aspirations so that the country to be formed is a country that can embrace and unite this diversity. Therefore the form of state chosen is the form of a unitary state, and the system of government chosen is a system of government that is sovereign by the people or a system of democratic government in which the supreme power is in the hands of the people as stated in

Article 1 paragraph (1) and (2) of the UUD NRI 1945. In line with this, Satjipto Rahardjo said that "in the constitution of a country there are big ideas, ideals of a country, social views, cosmology, legal ideals, and other basic things" (Rahardjo (b), 2007).

In addition, Indonesia's legal state is a Pancasila legal state which, among other things, has the characteristics of a "family state" and a religious nation state. As a family country, the Unitary State of the Republic of Indonesia recognizes human rights (individual rights) but still prioritizes national interests (common interests). As a Religious Nation State, the Pancasila Law State is a country that believes in God, therefore citizens have the freedom to embrace religion and beliefs according to their respective beliefs (Mahfud MD, 2006). The substance contained in Pancasila is an ideal and comprehensive character for the life of the nation and state which is based on the noble values of Pancasila (Simamora, 2014). Therefore the recognition of the right of citizens to obtain education as a human right brings with it an obligation on the part of the School (Educator or Teacher) to provide equal treatment to Students (students), and not be discriminatory, including in determining school uniforms. The practice of "forcing" non-Muslim female students to dress in the Muslim uniform at school is not in accordance with the principle of the rule of law which prioritizes the protection of human rights. The practice of religious and cultural values that is to be realized needs to pay attention to proportional justice which gives everyone what is their right, instead of equating what should be treated so as to cause discrimination against certain groups. This was clearly stated by the Constitutional Court as the sole interpreter and guardian of the constitution in many decisions, particularly Decision Number 70/PUU-II/2004, and Decision Number 22/PUU-V/2007. The Constitutional Court has consistently stated:

*"Justice does not mean that all legal subjects are treated equally regardless of the conditions of each party, justice must instead apply the principle of proportionality, which means treating the same things the same and treating different things differently. Equal treatment in reality will be interpreted as justice, if it is implemented in a formula that those who are equal will be treated equally, while those who are unequal are treated unequally. Treating those who are not the same will give birth to injustice, which is clearly against the constitution."*

Muslimah clothing is clothing that conforms to the teachings of Islam and is therefore worn by women who embrace Islam. Thus the Muslimah dress uniforms that are required to be worn by female Muslim students may not be forced to be worn by non-Muslim female students. The incident in Padang which forced non-Muslim female students to wear Muslimah clothing on the grounds that Muslimah clothing was in accordance with West Sumatran customs also cannot be justified because women in West Sumatra usually wear 'baju kurung' without or with head coverings in form of a shawl, and not the headscarf (jilbab/hijab). Zubaidah explained that the clothes of Minangkabau women (in general in West Sumatra) that have been accepted since ancient times are those that cover the genitals from hair to toe, the dress model is in the form of a baju kurung, a codek cloth (kain sarong), and a scarf as a head covering called "Tikuluak". which is often used in traditional events (Utama, 2019). But outside of traditional events, Minangkabau women wear loose and flat clothes (baju kurung) using a head covering or "tuduang" in the form of a plain cloth that is used to cover their hair and is simply placed over the head with the left and right sides hanging down shoulders (Lukman, 2014).

Several areas in Indonesia that are thick with local cultural values with religious nuances also have their own terms for women's head coverings. For example, in Lampung there is

a head covering called “Tuguk Maduaro Mantor” in the form of a shawl (Sabandar, 2022), in Jambi there is “Tekuluk/Kuluk” which is matched with a ‘baju kurung’ (Anonymous, 2021), and in Malay culture (Riau and Riau Islands) there is a “Tudung or Tudung Manto” made of cloth with a distinctive pattern such as a shawl which is paired with a kebaya or baju kurung (Disbudpar, 2020). Apart from that, wearing traditional clothes has also been regulated in Article 4 and Article 9 of the Minister of Education’s Regulation on School Uniforms which stipulate that the wearing of traditional clothes is permitted but must still pay attention to the right of students to practice religion and belief in God Almighty according to their beliefs. Likewise, if the school makes or determines "School Uniforms" as allowed by Article 3 paragraph (2), and Article 8 of the Minister of Education Regulation on School Uniforms, they must still pay attention to the rights of students to practice religion and belief in God Almighty in accordance with their each student beliefs. Even for school uniforms that are in accordance with the specifics of Aceh for students who are Muslim in schools established by the Government of the Special Region of Aceh or by the Acehnese people, they must still refer to the "National Uniform" model specified in Article 5 of the Minister of Education Regulation on School Uniforms. The condition of ethnic, cultural and religious diversity by adhering to different beliefs demands wisdom and maturity to always maintain balance and interests in various social groups. The implementation of religious or cultural values in each region must be based on tolerance, mutual understanding, mutual respect, respect for equality in the practice of their religious teachings, and cooperation in the life of society, nation and state within the State of Indonesia which is based on Pancasila and the UUD NRI 1945 (Handayani, 2009). Thus, the implementation of human rights and the implementation of religious values can be harmonious and mutually reinforcing and not cause conflict or deviation in living together as a nation.

Laws and regulations in the field of education (in relation to the use of school uniforms) have stipulated 2 (two) forms of protection and law enforcement, namely through administrative sanctions and/or criminal sanctions.

- a) Administrative Sanctions are regulated in Article 215 Government Regulation on Management and Implementation of Education, which confirms that:

*“Educational units that violate the provisions regarding education management as referred to in Article 50, Article 52, Article 53, Article 54, Article 55 paragraph (1), Article 57 paragraph (1), and Article 58 are subject to administrative sanctions in the form of a written warning, merger, suspension, and/or closure of education units by the Government or regional governments in accordance with their authority”.*

- b) Criminal sanctions are regulated in a number of articles in the Law on Child Protection, namely:

- 1) Article 54 of the Law on Child Protection states:

*“Children within and within the education unit are required to receive protection from acts of physical violence, sexual violence, and other crimes committed by educators, education staff, fellow students, and/or other parties.”*

- 2) Article 76A letter a, and 77 of the Law on Child Protection, states:

*“Everyone is prohibited from treating children in a discriminatory manner which results in the child experiencing losses, both material and moral, thus*

*hindering their social functions and anyone who violates the provisions referred to in Article 76A shall be punished with imprisonment for a maximum of 5 (five) years and/or a maximum fine 100,000,000.00 (one hundred million rupiah) ”.*

- 3) Article 76G and Article 82 of the Law on Child Protection, state:

*"Every person is prohibited from hindering children from enjoying their own culture, recognizing and carrying out their religious teachings and/or using their own language without neglecting access to community and cultural development. Anyone who violates the provisions referred to in Article 76E shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah).*

Attention to the right to education that is free from discriminatory treatment, including in this case the use of uniforms, is not only recognized in the Indonesian Constitution and National Law alone, but also recognized in a number of international legal instruments, especially in the field of human rights. Some of these rules are described as follows:

- a. Universal Declaration of Human Rights, Article 26 Paragraph (2), states:  
*“Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace”.*
- b. International Covenant on Economic, Social, and Cultural Rights, Article 13 Paragraph (1), states:  
*“The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace”.*
- c. International Covenant Civil and Political Rights (ICCPR), Article 26, states:  
*All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

Thus, efforts to respect, protect and fulfill human rights in obtaining education that is free from religious, cultural and class discrimination is the collective responsibility and obligation of education stakeholders in educating the nation's life in accordance with the goals of establishing the Unitary State of the Republic of Indonesia. Schools (principals and teachers) are the main obligation holders who directly interact with students in the educational process. Schools must



obey and adhere to various provisions in the UUD NRI 1945 and various statutory regulations previously stipulated by the Government in the implementation of National Education. On the other hand, the responsibility of the state (especially the government) to protect, promote, uphold and fulfill human rights has been fulfilled through the formulation of the aforementioned laws and regulations. This is in line with Yuliarta's opinion (2009) which states that to defend and protect human rights is to make human rights part of national law. What still needs to be done by the Government is supervision and law enforcement in the event of contradictory or deviant practices in the implementation of the various laws and regulations in the field of Education mentioned earlier. This is also a corrective note as stated by Bayu Dwi Anggono (2020) that the regulatory management system pays less attention to the "evaluation" aspect which aims to ensure a statutory regulation fulfills the intended purpose effectively and efficiently in a social environment. complex. Supervision and law enforcement in the implementation of laws and regulations are intended to: (1) Evaluate the success and achievement of the set targets; (2) Take clarification and corrective actions for deviations found; and (3) Carry out various alternative solutions to various related problems (in this case governance in the education sector) (Saputra, 2021).

#### **4. CONCLUSIONS AND RECOMMENDATIONS**

Laws and regulations in the field of education (national and international laws), especially those governing the use of uniforms, clearly and firmly stipulate that the use of Muslim/Muslimah uniforms is only intended for Muslim students. Setting the use of school uniforms must pay attention to the right of students to practice their religion and belief in God Almighty according to their respective beliefs. Thus the existence of "coercion" or "obligation" to wear Muslim uniforms for non-Muslim students cannot be justified and is contrary to the UUD NRI 1945 and the positive law that guarantees the implementation of democratic, fair and non-discriminatory education. The obligation to wear Muslim uniforms for non-Muslim female students as part of the characteristics of a region's customs cannot be justified because it is not in accordance with regional attire, which generally uses brackets and head coverings made of cloth or shawls, instead of using the headscarf or similar terms. Practices like this are also contrary to the principle of a rule of law to realize proportional justice which prioritizes the protection of human rights. The state or government (including school principals and teachers) have the responsibility as duty bearers to provide respect, protection and fulfillment of human rights in education and the right to carry out religious teachings and beliefs of their respective students in accordance with the principles of the Pancasila Law State and valid statutory regulations.

The corrective thing that needs to be sought by the government is evaluating and supervising the implementation of policies, regulations, or actions that conflict or deviate from the provisions of laws and regulations, especially with regard to "forcing" the use of Muslim uniforms for non-Muslim students. Opening facilities for public reports and complaints as well as strict law enforcement against discriminatory practices in the form of "forcing" non-Muslim female students to dress in Muslim uniforms which can disrupt the mental, moral and spiritual development of female students in obtaining a good and proper education.

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