



Discrimination Against Girls in Education Within the Family: Perspectives from Islamic Family Law and Indonesian National Law

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Abstract

Discrimination against girls in access to education remains a reality in many communities, particularly within the family. This practice is often rooted in cultural beliefs, local traditions, or misguided religious interpretations that view boys as more deserving of formal education than girls. This study aims to examine the forms of educational discrimination against girls within the family, analyze them from the perspective of Islamic family law and national law in Indonesia, and assess the relevance of the principle of equality of children's rights in education as stipulated in legislation and international conventions. The method used is a normative legal approach by examining legislation such as Law No. 23 of 2002 on Child Protection, Law No. 20 of 2003 on the National Education System, and the Compilation of Islamic Law. The research findings indicate that educational discrimination against girls contradicts the principles of justice and equality in Islamic law and national law. Islam, in principle, does not distinguish between the educational rights of boys and girls, and the state guarantees equal access to education for all children. Therefore, discriminatory practices within families must be addressed through legal measures, social education, and the promotion of legal literacy in the community. This study recommends the importance of the role of the government, educational institutions, and religious leaders in eliminating cultural stigmas that limit girls' access to a proper education, as well as in enforcing the law against violations of children's rights within the family sphere.

INTRODUCTION

Education is one of the most fundamental human rights and is explicitly guaranteed in various legal instruments, both national and international. Within the framework of sustainable human development, education holds a strategic position as a means of empowering individuals and communities toward a just, equitable, and civilized society (Fiqi, 2022; Mantik & Sodik, 2023; Halim, 2024; Akhyar & Zukdi, 2025; Suhendi et al., 2025). Education plays a role not only in an individual's intellectual development but also as a vehicle for character building, the instillation of moral values, and the enhancement of social and economic capabilities.

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Therefore, every child, regardless of gender, social background, or economic status, has an equal right to receive a decent and quality education (Abbas et al., 2021; Levinson et al., 2022; Tuhuteru, 2023; Ginting, 2024; Sukarno & Riyadini, 2024).

This guarantee of the right to education is explicitly enshrined in the 1945 Constitution of the Republic of Indonesia, specifically in Article 31, paragraph (1), which states that “Every citizen has the right to education.” Furthermore, paragraph (2) states that “Every citizen is obligated to attend basic education, and the government is obligated to fund it.” In the context of child protection, Article 28B, paragraph (2) of the 1945 Constitution states that “Every child has the right to survival, growth, and development, as well as the right to protection from violence and discrimination.” These provisions affirm that every child, whether male or female, has the same right to grow and develop, including in terms of access to education (Junaidi et al., 2022; Rad et al., 2022; Saini et al., 2023; Saavedra & Prentice, 2023).

However, in practice, disparities in the fulfillment of the right to education are still frequently found in society, particularly those related to gender. One form of disparity that persists in a latent manner is discrimination against girls within the family. In some communities, especially those still strongly influenced by patriarchal culture and traditional value systems, girls are considered a lower priority for higher education compared to boys. This is reflected in various forms of discriminatory treatment, such as prohibiting girls from continuing their education to higher levels, early marriage that interrupts their educational journey, and restrictions on their educational opportunities due to notions of honor or the perceived role of women within the household (Emirie et al., 2021; Iddy, 2021; Gerbaka et al., 2021; Saleh et al., 2022; Pourtaheri et al., 2024).

This discriminatory reality not only contradicts the country’s constitution but also violates the principles of Law No. 23 of 2002 on Child Protection, as amended by Law No. 35 of 2014. Article 9(1) states that “Every child has the right to education and instruction for the development of their personality and intellectual capacity in accordance with their interests and talents.” Meanwhile, Article 17(1) affirms that “Every child has the right to quality education in accordance with their potential and talents.” This indicates that the state, through existing regulations, provides legal protection for children’s right to education, including protection from discriminatory treatment within the family environment itself (Ferguson, 2021; Moinipour, 2021; Okongwu, 2021; Ilyasa, 2021; Goldberg & Abreu, 2024).

From an educational law perspective, Law No. 20 of 2003 on the National Education System states in Article 5, paragraph (1), that “Every citizen has the same right to quality education.” This provision embodies the principle of equality, encompassing aspects of gender, social status, and background. In the context of girls, this means there must be no reduction of rights or systemic barriers in the process of accessing quality education solely due to gender. In addition to national regulations, Indonesia has also ratified several international instruments guaranteeing girls’ rights in education, such as the Convention on the Rights of the Child (CRC), which was ratified through Presidential Decree No. 36 of 1990. Article 28 of the convention states that states must recognize the right of the child to education and progressively realize the implementation of this right on the basis of equal opportunity for all children. This means that any form of discriminatory treatment against girls in education constitutes a violation of agreed-upon international commitments (Mafa & Simango, 2022; Rumiarta & Jayantiari, 2023; Angeleri & Murphy, 2023).

From the perspective of Islamic law, education is a moral and spiritual obligation that is not limited by gender. Islamic teachings derived from the Qur'an and Hadith place great emphasis on the importance of knowledge (Aisyah & Junaedi, 2024; Begum et al., 2024; Zahara et al., 2024; Yuliharti et al., 2025). A Hadith of the Prophet Muhammad (peace be upon him) states that "Seeking knowledge is obligatory for every Muslim man and woman." (HR. Ibn Majah). This Hadith affirms that women have an equal standing with men in the obligation to seek knowledge. Classical Islamic history also records many prominent female figures in the field of knowledge, such as Aisha bint Abu Bakr, who became a primary reference in the transmission of hadith and fiqh. Therefore, there is no sharia basis justifying educational discrimination against girls. On the contrary, such practices actually contradict the values of justice and mercy for all creation, which are the core principles of Islamic teachings.

Unfortunately, an imbalance in religious understanding within society, a lack of legal education, and the weak implementation of child protection policies have reinforced the existence of this discrimination. The lack of state oversight in domestic spheres such as the family, as well as limited access to justice for children experiencing injustice, makes this issue increasingly complex and multi-layered. Therefore, serious efforts are needed to re-examine these discriminatory practices from a family law perspective, both within the national legal system and within the framework of Islamic law (Karimullah, 2023; Khaleel et al., 2023; Husain et al., 2024; Wardi et al., 2024; Aniroh et al., 2024).

Based on the background described above, this study aims to identify forms of educational discrimination against girls occurring within the family environment, analyze this phenomenon from the perspectives of Islamic family law and Indonesian national law and formulate legal strategies and recommendations to comprehensively prevent and eliminate such discriminatory practices. The results of this study are expected to contribute scientifically to strengthening the legal protection system for children, raising public awareness of the importance of gender justice in education, and encouraging the development of public policies that are responsive to the rights of girls.

METHODS

This study employs a qualitative approach combining juridical-normative and sociological empirical methodologies (Suganda & Siregar, 2020; Purnani et al., 2023). The juridical-normative approach is used to analyze positive law and Islamic law norms regarding the protection of girls' right to education within the family. Meanwhile, the sociological-empirical approach is utilized to examine educational discrimination against girls that occurs in the social reality of society but is often not documented in the formal legal system. This study is descriptive-analytical in nature, aiming to systematically describe the forms of discrimination experienced by girls within the family and analyze them from the perspectives of Islamic family law and Indonesian national law. This study also aims to formulate normative recommendations as a contribution to the development of gender-responsive policies.

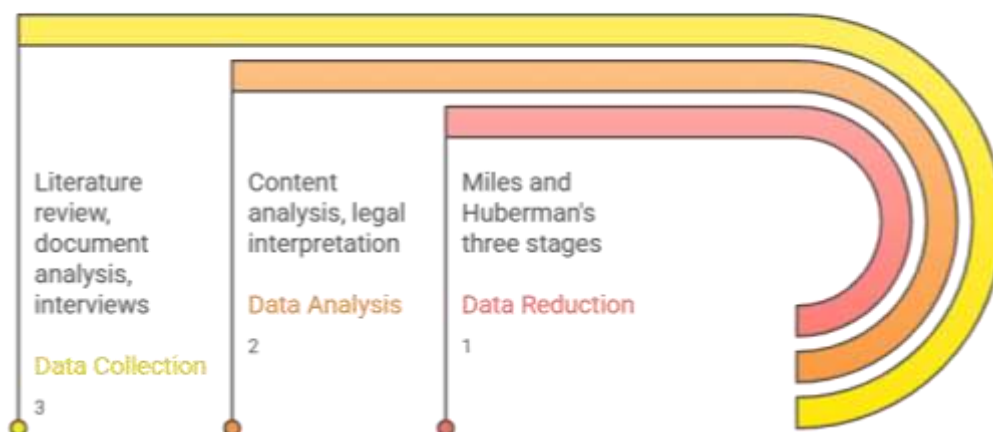
The data used includes primary and secondary data. Primary data was obtained through in-depth interviews with key informants, such as community leaders, religious scholars, legal practitioners, child protection activists, and families who have experienced or witnessed educational discrimination against girls. A purposive sampling technique was used to select informants based on their relevance and expertise regarding the research issue. Secondary data includes legislation, books on Islamic jurisprudence, religious edicts (fatwas), academic journals, reports from relevant institutions, and previous research findings.

Data sources range from direct experience to established knowledge.



Data collection was conducted through literature review, document analysis, and semi-structured interviews. The data was analyzed qualitatively using content analysis and legal interpretation. The analysis process was conducted in three stages according to Miles and Huberman: data reduction, systematic data presentation, and drawing conclusions that integrate empirical findings with a normative framework.

Qualitative Data Analysis Process



Data validity was ensured through source and method triangulation, while research ethics were upheld by maintaining the confidentiality of respondents' identities and obtaining consent prior to conducting interviews.

RESULT AND DISCUSSION

Building on the conceptual framework and methodology outlined earlier, this section presents the research findings obtained through a literature review, legal analysis, and in-depth interviews with informants who have direct relevance to the issue of educational discrimination against girls within the family context. The data is presented thematically based on the focus of the issues, then analyzed descriptively and qualitatively using normative legal and sociological approaches. The results of this study reveal various forms of discriminatory practices that still persist in society, while highlighting the discrepancy between existing legal norms and social realities.

In this context, family law is understood not merely as a collection of normative rules, but as a living system shaped by social structures, cultural values, and religious interpretations within society. Therefore, the discussion in this section is aimed at examining the dialectical relationship between legal norms and social practices regarding girls' access to education, while also evaluating the extent to which family law mechanisms are effective in addressing the issue of discrimination.

Systematically, this discussion will be divided into several main subsections, including: (1) forms of discrimination experienced by girls within the family; (2) a normative review of these discriminatory practices under Islamic family law and Indonesian national law; and (3) contributing factors and legal strategies to prevent and eliminate gender-based educational discrimination. Each subsection will be elaborated using data-driven scientific language and legal arguments to provide a comprehensive and in-depth understanding.

Forms of Educational Discrimination Against Girls Within the Family

The results of this study indicate that discrimination against girls in access to education still occurs systematically in a number of family settings, particularly in rural areas and communities with strong patriarchal structures. The forms of discrimination identified include: (a) limiting girls' education to only the primary or secondary level on the grounds of readiness for marriage; (b) prioritizing educational expenses for boys over girls within a family; (c) prohibiting or restricting non-formal educational activities such as courses, training, or extracurricular activities deemed inconsistent with traditional female roles; and (d) imposing excessive domestic chores on girls that interfere with their learning process.

The practice of limiting girls' access to higher levels of education on the grounds of their readiness for marriage is a form of discrimination that is common in rural communities. In many cases, girls who have completed primary or secondary school are not encouraged to pursue higher education. This stems from a social perspective that views women's education as unimportant, as they are expected to serve only as homemakers after marriage. As expressed by a community leader, Mr. MZ, in an interview:

Table. 1. Interview

No	Name	Result Interview
1	MZ	One of the most well-known dating apps, allowing users to "swipe" right/left based on interest. Users can log in using their Facebook or Google accounts. There are still many families here who prefer to send their sons to school. Girls are expected to stay at home after they get married, so what's the point of them getting a high level of education.

This statement reflects the view that education for women is unnecessary, as women's primary role in society is considered to be limited to the household. This indicates the existence of gender inequality embedded in local culture, which can limit women's rights to access higher education. Additionally, discrimination manifests in the prioritization of educational expenses for boys over girls. Most families are more likely to allocate a larger portion of their education budget to boys, as they are viewed as the family's future breadwinners who will work outside the home. Conversely, girls are considered to have received sufficient primary or secondary education and do not need to pursue higher education. In an interview with Mrs. AN, a junior high school (SMP) teacher, she stated:

Table. 2. Interview

No	Name	Result Interview
1	AN	I often find that female students do not go on to high school because their parents won't allow it. Some are even deliberately married off after graduating from junior high school

This statement reveals that in some families, marrying off girls after they complete primary or secondary education is prioritized over continuing their education to higher levels. This practice not only deprives girls of their right to education but also affects their future prospects in securing equal opportunities in the workforce or participating in public life. Furthermore, prohibiting or restricting girls from participating in non-formal educational activities, such as courses, training, or extracurricular activities, also constitutes a form of discrimination. These activities are often viewed as incompatible with the traditional role of women, which is supposed to focus on domestic work and household duties. Such restrictions hinder the full development of girls' potential, both in terms of knowledge and practical skills.

Imposing an excessive domestic workload on girls also hinders their learning process. In many cases, girls are required to perform heavy household chores, such as cooking, cleaning the house, caring for younger siblings, and other tasks. This burden reduces the time that could otherwise be used for studying and participating in both formal and non-formal educational activities. As a result, girls are often forced to sacrifice their education to meet the demands of domestic duties, which further exacerbates disparities in access to education. Overall, the findings of this study indicate that educational discrimination against girls within the family is not an isolated phenomenon, but rather a practice that has become ingrained in the culture and social norms of society. These discriminatory practices are generally driven by patriarchal cultural values that view women as beings who do not require higher education, as well as by a limited understanding of religion that tends to overlook the principles of gender equality taught in Islam. In this context, an incomplete understanding of religion further exacerbates the situation, as teachings that actually recognize women's right to education are often ignored.

Therefore, a fundamental shift is needed in society's cultural understanding and practices one that not only advocates for boys' right to education but also respects girls' right to an equal education. This is a crucial step toward ensuring that every child, regardless of gender, can access quality education and has equal opportunities to fully realize their potential.

A Review of Islamic Family Law and National Law Regarding Educational Discrimination Against Girls

From a national legal perspective, discrimination against girls in education constitutes a violation of constitutional rights. Article 28C(1) of the 1945 Constitution of the Republic of Indonesia states "Everyone has the right to develop themselves through the fulfillment of their basic needs, the right to education, and the right to benefit from science and technology, art, and culture, in order to improve their quality of life and for the well-being of humanity."

Furthermore, Article 31(1) of the Constitution also affirms that every citizen has the right to education. This is reinforced in Law No. 23 of 2002 on Child Protection, as amended by Law No. 35 of 2014, which explicitly states in Article 9(1) that every child has the right to receive education and instruction for the purpose of their personal development. From the perspective of Islamic family law, the principles of justice and the obligation of parents to educate their children both boys and girls are also emphasized. There is not a single text that suggests it is permissible to neglect the education of girls. In a hadith of the Prophet Muhammad (peace be upon him), it is stated "Seeking knowledge is an obligation upon every Muslim man and woman." (Narrated by Ibn Majah)

This reaffirms that within the framework of Islamic family jurisprudence, there is no legal justification for educational discrimination based on gender. In fact, in classical Islamic history, female figures such as Aisha RA were renowned as scholars and distinguished teachers who served as authorities on Islamic law and hadith. Furthermore, Article 26(1) of the Child Protection Law stipulates that parents have the obligation and responsibility to educate and protect their children to ensure their optimal growth and development. Therefore, parental discrimination against girls' education can be considered a form of neglect of legal obligations.

Causes and Strategies for Addressing Educational Discrimination Against Girls

Educational discrimination against girls within the family is a structural problem rooted in various intersectional factors. This issue is not triggered by a single cause but is the result of an accumulation of cultural, economic, and ideological factors, as well as weak enforcement of the law. An incomplete understanding of religious values and social structural inequalities exacerbate this situation, often leaving girls as victims of injustice in their right to an equal education.

One of the primary factors is the deeply entrenched patriarchal culture within society, particularly in rural areas and traditional communities. This culture places women in a subordinate position, viewing them as confined solely to the domestic sphere. Within this system, men are positioned as the holders of authority and the focal point for the allocation of family resources, including those related to education. Consequently, when economic constraints arise, boys are prioritized to continue their education, while girls are directed to prepare themselves to become wives and homemakers. The assumption that higher education is irrelevant to women's futures serves as a social justification that is rarely questioned—even by women themselves.

The second factor is a partial and literal understanding of religion, which leads some members of society to interpret Islamic teachings in a narrow-minded way. Religion is used as a justification to restrict women's freedom of movement, including in the pursuit of knowledge. Yet in Islam, both in the Qur'an and the hadith, there is no discrimination regarding the obligations and rights to seek knowledge. The Prophet Muhammad (peace be upon him) himself taught the importance of education for all believers without distinction of gender, as he said: "Seeking knowledge is an obligation for every Muslim man and woman." (HR. Ibn Majah). Unfortunately, these texts are often not contextualized fairly and are interpreted solely in terms of women's role as mothers, rather than as individuals possessing equal rights and intellectual capacity.

The next factor is the family's economic situation, which is often the primary consideration in decisions regarding children's education. In poor or economically vulnerable families, the cost of education is viewed as a burden, leading parents to make strategic choices: determining which child is considered more "beneficial" to continue in school. In patriarchal structures, boys are perceived as future heads of the household and economic providers, while girls are assumed to be "taken by others" (married off) and will not make direct economic contributions to their family of origin. This short-term economic perspective serves as a significant barrier to girls' access to sustained education.

The final factor is the lack of law enforcement and legal awareness campaigns, which leads to discrimination against girls not being treated as a violation. In fact, normatively, both Indonesian national law and Islamic law guarantee girls' right to education. However, weak oversight by state institutions and a lack of legal literacy at the grassroots level result in these discriminatory practices being tolerated or even considered normal. Consequently, the values of gender equality and justice as

mandated by the 1945 Constitution and the Child Protection Law cannot be effectively implemented. To address this issue, a holistic and multi-level approach is needed. Strategies to combat educational discrimination against girls must encompass various aspects, ranging from legal, social, and religious dimensions to affirmative action policies.

First, strengthening regulations based on a gender perspective is crucial, particularly within the context of family law and child protection. Existing regulations must be aligned with the principles of gender justice, and their implementation must be strictly monitored. For example, sanctions against parents who intentionally neglect their children's right to education—whether boys or girls—must be clearly defined and enforced fairly. Second, empowering religious and community leaders is a strategic element in dismantling discriminatory paradigms. In the context of Indonesia's religious society, religious leaders wield significant influence in shaping public opinion. Therefore, through sermons, religious study sessions, Friday sermons, and other religious forums, the narrative of an inclusive and gender-just Islam must be intensified. A comprehensive understanding of women's rights in Islam will help eliminate justifications for discriminatory practices that have long been cloaked in the guise of religion.

Third, strengthening oversight and legal sanctions against discriminatory practices is also crucial. Local governments, in collaboration with education and child protection agencies, must actively monitor dropout rates among girls and address these findings through both legal and social interventions. Institutions such as the National Family Planning Board (BKKBN), the Indonesian Child Protection Commission (KPAI), and local NGOs can also be engaged to provide advocacy services and interventions for families at risk of discrimination. Fourth, education for parents and the broader community through family law counseling and parenting programs grounded in the Islamic principle of “rahmatan lil ‘alamin” (a mercy to all creation) is essential. This education is crucial to broaden parents' understanding that education is not merely a child's right but also a parental obligation for which they will be held accountable before the law and religion. Outreach materials may include the importance of education for girls' futures, the negative impacts of early marriage, and legal explanations regarding the obligation to educate children fairly.

CONCLUSION

Affirmative action policies such as providing special scholarships for girls from low-income families are concrete steps toward expanding access to education. Programs like the Indonesia Pintar Program (PIP), the Indonesia Pintar Card (KIP), and regional scholarships can be leveraged to support girls' education. The government also needs to promote child-friendly and gender-sensitive schools as the ideal model for inclusive education. With this integrated strategic approach, it is hoped that educational discrimination against girls can be minimized, and that the rights of girls as citizens and members of the Muslim community can be fulfilled fairly and with dignity.

DECLARATIONS

Author Contribution

Nurlaila, Nadia Putri, Afrikal Candra, Lili Suarni: Writing-Preparation of original manuscript, Conceptualization, **Ayu Mita Trizalmi, Wina Aulia Safitri:** Visualization, Methodology, Improve Language, Investigation.

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The authors declare that this research was conducted without any conflict of interest in the research.

Ethical Clearance

The place or location studied has agreed to conduct research and is willing if the results of this study are published.

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