

**CONSTITUTIONAL REVIEW OF THE RIGHT TO EDUCATION:
AN ANALYSIS OF CONSTITUTIONAL COURT DECISION
NO. 3/PUU-XXII/2024**

***TINJAUAN KONSTITUSIONAL TENTANG HAK ATAS
PENDIDIKAN: ANALISIS KEPUTUSAN MAHKAMAH
KONSTITUSIONAL NOMOR 3/PUU-XXII/2024***

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ABSTRACT

Decision No. 3/PUU-XXII/2024 of the Constitutional Court of the Republic of Indonesia represents a significant development in the trajectory of Indonesian legal politics, particularly in relation to right to education as the constitutional protection enshrined in the 1945 Constitution. Although the ruling carries substantial implications for the interpretation of state obligations in the education sector, scholarly discussion has largely focused on the doctrinal aspects of constitutional adjudication, leaving limited attention to the broader fiscal and political implications of the decision within Indonesia's governance framework. This study therefore seeks to examine the constitutional meaning and policy consequences of the ruling through a descriptive qualitative approach, with particular attention to the normative structure of the Court's reasoning and the social justice values underlying its interpretation. The analysis focuses on how the Constitutional Court articulates the relationship between constitutional mandates, state responsibility, and the protection of individual educational rights within the broader framework of Indonesia's

welfare-oriented constitutionalism. The findings indicate that Decision No. 3/PUU-XXII/2024 strengthens the constitutional status of education as a positive right that requires active state intervention. At the same time, the ruling clarifies the scope of governmental obligations in ensuring equitable access to education while implicitly raising questions regarding fiscal allocation, institutional capacity, and policy prioritisation in the implementation of constitutional guarantees. By situating the decision within the broader discourse on the political theory of education law and the adjudication of socio-economic rights, this article contributes to the development of a normative framework that understands education not purely as a matter of public policy but as a constitutionally mandated instrument for achieving social justice. Ultimately, the study argues that the decision reflects a more responsive orientation in Indonesian legal politics, one that seeks to align constitutional interpretation with the pursuit of substantive equality in the national education system.

Keywords : Constitutional Court, Social Justice, Right to Education, Legal Policy, Constitution.

ABSTRAK

Putusan Mahkamah Konstitusi Nomor 3/PUU-XXII/2024 menandai langkah penting dalam perkembangan politik hukum di Indonesia, terutama terkait dengan perlindungan hak atas pendidikan yang diakui sebagai hak konstitusional menurut Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Meskipun putusan ini memiliki arti strategis, kajian akademik yang ada selama ini cenderung lebih menitikberatkan pada aspek doktrinal dari pengujian konstitusionalitas norma, sementara perhatian terhadap implikasi fiskal dan politik yang lebih luas dari penafsiran Mahkamah mengenai kewajiban negara di bidang pendidikan masih relatif terbatas. Penelitian ini dirancang untuk mengatasi kekosongan tersebut dengan menelaah dasar pertimbangan konstitusional serta dampak normatif dari putusan tersebut menggunakan pendekatan kualitatif deskriptif. Analisis difokuskan pada bagaimana Mahkamah Konstitusi merumuskan relasi antara mandat konstitusi, tanggung jawab negara, dan perlindungan hak individu atas pendidikan dalam kerangka konstitusionalisme kesejahteraan yang dianut oleh Indonesia. Hasil penelitian menunjukkan bahwa Putusan Nomor 3/PUU-XXII/2024 memperkuat pengakuan terhadap pendidikan sebagai hak konstitusional positif yang menuntut keterlibatan aktif negara. Pada saat yang sama, putusan tersebut memperjelas cakupan kewajiban negara dalam menjamin akses pendidikan yang adil dan berkualitas, sekaligus memunculkan implikasi penting terkait alokasi fiskal, kapasitas kelembagaan, serta prioritas kebijakan dalam pemenuhan jaminan konstitusional tersebut. Dengan menempatkan putusan ini dalam diskursus yang lebih luas mengenai

teori politik hukum pendidikan dan perkembangan pengujian hak-hak sosial-ekonomi, artikel ini berkontribusi pada pengembangan kerangka normatif yang memandang pendidikan tidak semata sebagai bidang kebijakan publik, melainkan sebagai instrumen konstitusional yang esensial dalam mewujudkan keadilan sosial. Pada akhirnya, artikel ini berargumen bahwa putusan tersebut mencerminkan arah politik hukum yang semakin responsif dalam pembentukan sistem pendidikan nasional yang lebih adil secara substantif.

Kata Kunci : Mahkamah Konstitusi, Keadilan Sosial, Hak Pendidikan, Politik Hukum, Konstitusi.

I. INTRODUCTION

Education holds a pivotal role within contemporary constitutional frameworks, particularly in jurisdictions that adhere to a welfare state paradigm. In the Indonesian context, the right to education is firmly established as a constitutionally protected right the Constitution of the Republic of Indonesia of 1945. Article 31 paragraph (1) affirms that all citizen is entitled to access education, while paragraph (2) imposes an obligation upon the state to develop and implement a national education system aimed at fostering faith, devotion, and moral integrity as part of the broader objective of educating the nation. This constitutional mandate underscores a fundamental normative principle that education extends beyond a mere policy concern, constituting instead a core pillar of democratic participation and the realization of social justice.

The constitutional recognition of the right to education is in harmony with the wider international human rights regime. The Universal Declaration of Human Rights of 1948, particularly Article 26, affirms education as a fundamental entitlement essential for the full development of the individual and for fostering respect toward human rights and fundamental freedoms. This normative basis is further strengthened by subsequent legal instruments, including the International Covenant on Economic, Social and Cultural Rights, which delineates the obligation of states to progressively realise the right to education through systems that ensure accessibility, equity, and adequate quality. Within this legal framework, the right to education is increasingly conceptualised as a positive constitutional entitlement that necessitates proactive state involvement, rather than merely a passive or regulatory role.

Despite the strength of these constitutional and international commitments, the practical implication of the right to education in Indonesia remains confronted by persistent structural challenges. Disparities in educational access between urban and rural areas, unequal resource