

AN ANALYSIS OF THE FULFILMENT OF CHILDREN'S RIGHTS IN SCHOOL DROPOUT CASES IN THE TIN MINING AREA OF SOUTH BANGKA

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Abstract

This research examines the fulfilment of children's educational rights guaranteed in the Indonesian constitution in the case of school dropouts at SMK Negeri 1 Tukak Sadai, South Bangka Regency, which is influenced by tin mining activities. Using a socio legal approach, this research examines the gap between constitutional guarantees and the social realities faced by children in tin mining areas. This study uses in depth interviews, field observations, and an analysis of relevant legal documents. The findings indicate that the combination of economic, social, and cultural factors, along with tin mining activities, plays a significant role in the high dropout rate at SMK Negeri 1 Tukak Sadai. The implementation of educational rights guarantees in the constitution has not been optimal due to weak cross sectoral coordination, lack of specific policies for mining areas, and inadequate supervision. This research recommends strengthening policies to protect children's educational rights in mining areas through an integrative approach involving the government, mining companies, schools, and the community to achieve the fulfilment of constitutionally guaranteed educational rights.

Keywords: Constitutional Educational Rights; School Dropouts; Tin Mining.

INTRODUCTION

Education is a fundamental right of every child guaranteed by the Indonesian Constitution (Afifah & Hadi, 2018). Article 31, paragraph (1) of the 1945 Constitution of the Republic of Indonesia explicitly states that "Every citizen has the right to education." This constitutional guarantee is further strengthened by various legal instruments, such as Law Number 20 of 2003 on the National Education System and Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection. Nevertheless, the implementation of this constitutional guarantee still faces various challenges in practice, particularly in regions with specific geographical and economic characteristics, such as mining areas.

The Bangka Belitung Islands Province is one of the provinces in Indonesia known as the largest tin producer in the country. Based on data from the Ministry of Energy and Mineral Resources (ESDM), in 2023, tin production in the Bangka Belitung Islands reached approximately 70% of total national tin production (Suwardi & Randrikasari, 2024). This mining activity contributed significantly to the Gross Regional Domestic Product (GRDP) of the Bangka Belitung Islands Province, accounting for 13.8% in 2022. Specifically, South Bangka Regency is one of the regions with intensive tin mining, both licensed and illegal (PETI).

Although the tin mining sector provides substantial economic



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* Received: 24 Mai 2024, Received in revised form: 24 December 2025, Accepted: 31 December 2025

Doi: 10.3376/jch.v10i2.1135

contributions, these activities have generated various social and environmental problems in the Bangka Belitung Islands. One significant social impact is the high school dropout rate, particularly at the secondary education level. Data from the Provincial Education Office of the Bangka Belitung Islands show that the dropout rate at the senior high school/vocational school (SMA/SMK) level in 2025 reached 4.3%, higher than the national average of 2.7% (Suryadin et al., 2024). In South Bangka Regency, the upper secondary dropout rate reached 5.9%, the highest among all regencies/cities in the Bangka Belitung Islands Province.

SMK Negeri 1 Tukak Sadai is one of the vocational secondary education institutions in South Bangka Regency affected by tin mining activities. Based on data from the school operator and guidance counselor teachers at SMK Negeri 1 Tukak Sadai, in the 2024/2025 and 2025/2026 academic year, 38 students out of a total of 387 enrolled at SMK Negeri 1 Tukak Sadai dropped out. This figure increased from the previous academic year, which recorded a dropout rate of 6.5%. Of these cases, approximately 78% were directly or indirectly related to tin mining activities (Swastiwi et al., 2017).

The phenomenon of school dropouts resulting from tin mining at SMK Negeri 1 Tukak Sadai demonstrates the complexity of the relationship between extractive economic activities and the fulfilment of children's right to education. Several factors identified as contributing to the high dropout rate include economic, social, and cultural factors. Economically, the high incomes that can be earned from

tin mining attract school age adolescents to work as miners rather than continue their education. Based on data from the academic study by Rohmah and Aziz (2024), the income of artisanal tin miners ranges from IDR 150,000 to IDR 300,000 per day, which is significantly higher than the South Bangka Regency Minimum Wage in 2025 of IDR 3,867,600 per month, or approximately IDR 128,920 per day.

Socially, tin mining activities have altered the social structure of communities, particularly those surrounding SMK Negeri 1 Tukak Sadai (Putri et al., 2023). Many parents of students work as tin miners, with long, irregular working hours, resulting in reduced supervision of their children's education. In addition, environmental damage caused by tin mining activities also affects students' access to schools. Roads damaged by heavy mining vehicles and mining sites that cut across access routes to schools force some students to travel longer distances to attend school.

From a cultural perspective, there has been a shift in values among adolescents in tin mining areas. A phenomenon of "consumerist culture" has emerged as a result of high income from mining activities (Miftah & Supriyadi, 2020). Research conducted by the LIPI Regional Resource Research Centre in 2021 found that adolescents in tin mining areas of Bangka Belitung tend to have short term economic orientations and prioritise consumptive needs over long term educational investment.

These conditions indicate a gap between the constitutional guarantee of children's right to education and its implementation in practice, particularly in

areas with intensive tin mining activities, such as South Bangka Regency. From a legal perspective, this situation raises questions about the effectiveness of constitutional protection of children's educational rights and its implementing regulations in responding to socio economic realities in mining areas (Said, 2018). The constitutional guarantee of children's right to education fundamentally represents state recognition of education as an essential instrument for human resource development and the achievement of social welfare (Failin et al., 2022). Article 31, paragraph (2) of the 1945 Constitution further stipulates that "Every citizen is obliged to attend basic education, and the government is obliged to finance it." This provision underscores the state's significant responsibility to ensure the fulfilment of every child's right to education.

This responsibility is operationalized through various policies such as the compulsory education program, School Operational Assistance (BOS), and the Indonesia Smart Program (PIP). However, implementing these policies poses particular challenges in regions with unique characteristics, such as tin mining areas in South Bangka (Agustari & Muslim, 2024). The complexity of economic, social, and cultural issues arising from tin mining activities requires more specific and integrated policy approaches. Data from the Central Statistics Agency indicate that in 2025, the gross enrollment rate (GER) for secondary education in South Bangka Regency reached only 83.84%, lower than the national average of 89.5%. This figure indicates a continuing gap in the

fulfilment of children's right to education in the region.

In the context of legal protection, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection explicitly states that the state, government, regional governments, society, families, and parents are obligated and responsible for the implementation of child protection, including the protection of the right to education. Article 9, paragraph (1) of the law states that "Every child has the right to obtain education and instruction to develop his or her personality and level of intelligence according to his or her interests and talents" (Sirait, 2017). In addition, Indonesia has ratified the Convention on the Rights of the Child through Presidential Decree Number 36 of 1990, which imposes on the state the obligation to guarantee every child's right to education. Article 28 of the Convention on the Rights of the Child states that States Parties recognise the right of the child to education and shall take measures to achieve the progressive realisation of this right based on equal opportunity.

These legal instruments should serve as a strong foundation for protecting children's right to education, including children in tin mining areas. However, their implementation remains suboptimal in practice. One contributing factor is the lack of integration between education policies and natural resource and environmental management policies. Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 on Mineral and Coal Mining does not explicitly regulate the protection of children's right to education in mining areas.

Challenges in implementing the constitutional guarantee of children's right to education in tin-mining areas are also linked to issues of natural resource governance. Tin mining activities in Bangka Belitung, including in South Bangka Regency, involve not only licensed mining by large companies such as PT Timah Tbk, but also widespread illegal mining (PETI) that is difficult to control. According to data from the Provincial Energy and Mineral Resources Office of the Bangka Belitung Islands, in 2022, there were approximately 1,200 PETI sites across the province, with around 280 in South Bangka Regency. These illegal mining activities further complicate efforts to protect children's right to education because they tend to disregard social and environmental responsibilities.

In contrast to licensed mining companies that are obligated to implement corporate social responsibility (CSR) programs, including in education, PETI operators generally do not bear such responsibilities. As a result, the negative impacts of mining activities on children's education become increasingly challenging to address. On the other hand, the responsibility of licensed mining companies to support education in their operational areas has also not been optimal. According to data from the South Bangka Regency Education Office, in 2022, only about 15% of the total CSR budget of tin mining companies in South Bangka Regency was allocated to education programs. This allocation remains far from ideal, given the significant impact of mining activities on access to and the quality of education in the region.

Another challenge in fulfilling children's right to education in tin mining areas is the lack of coordination among government institutions in addressing school dropout issues. Social protection and education programs implemented by various ministries and agencies often operate independently without adequate coordination. Consequently, the effectiveness of these programs in addressing school dropout problems in tin mining areas remains limited.

Based on the foregoing discussion, a socio-legal study of school dropout cases caused by tin mining at SMK Negeri 1 Tukak Sadai, South Bangka Regency, is essential to examine the fulfilment of children's right to education within the constitutional framework. A socio legal approach enables a comprehensive analysis of the gap between constitutional guarantees and their implementation in practice, accounting for the social, economic, and cultural contexts of communities in tin mining areas. This study is expected to identify the factors contributing to the gap between constitutional guarantees and their practical implementation, and to formulate policy recommendations to enhance the protection of children's right to education in tin mining regions. The findings of this study may serve as input for policymakers at both central and regional levels in developing education policies that are more responsive to the specific characteristics of mining areas, as well as for mining companies in designing more effective corporate social responsibility programs to support education in their operational areas.

RESEARCH METHODS

This study employs a socio-legal research method that integrates doctrinal legal analysis with social science approaches to understand legal phenomena within their social context (Fuad, 2021). This method was chosen because it can examine the gap between the constitutional guarantee of children's right to education and its implementation in practice, particularly in cases of school dropouts caused by tin mining activities at SMK Negeri 1 Tukak Sadai, South Bangka Regency.

Data collection was conducted through three primary methods. First, library research was carried out to analyse legal instruments related to the protection of children's right to education, including the 1945 Constitution of the Republic of Indonesia, the Child Protection Law, the National Education System Law, as well as regional regulations related to education and mining in the Bangka Belitung Islands Province. Second, in-depth interviews were conducted with key informants, including school dropouts, parents, the principal, teachers at SMK Negeri 1 Tukak Sadai, officials from the South Bangka Regency Education Office and the Energy and Mineral Resources Office (ESDM), and representatives of tin mining companies. Third, field observations were conducted in the school environment and tin mining areas to understand the socio economic context and the physical conditions affecting access to education.

Data analysis was conducted using a descriptive qualitative approach, with source triangulation to ensure data validity (Wiyanda Vera Nurfajriani, 2024). The analysis involved stages of data reduction, data presentation, and

conclusion drawing. Systematic and teleological methods of legal interpretation were applied to analyse the juridical aspects of the protection of the right to education. At the same time, thematic analysis was used to identify social patterns emerging from interview and observation data. This interdisciplinary approach enables a holistic understanding of the gap between legal norms and social realities in the fulfilment of children's right to education in tin mining areas.

RESULTS AND DISCUSSION

Analysis of the Implementation of the Fulfilment of Children's Right to Education in the Indonesian Constitution: Cases of School Dropouts Due to Tin Mining at SMK Negeri 1 Tukak Sadai

The constitutional guarantee of children's right to education in Indonesia is explicitly stipulated in Article 31 of the 1945 Constitution of the Republic of Indonesia, which states that every citizen has the right to education. This provision serves as a fundamental basis for various education policies in Indonesia and should ensure equal access to education for all Indonesian children without exception. However, in practice, implementing this constitutional guarantee faces numerous challenges, particularly in regions with specific geographical and economic characteristics, such as tin mining areas in South Bangka Regency, Bangka Belitung Islands Province.

The analysis of the implementation of children's right to education in the Indonesian Constitution in cases of school dropouts caused by tin mining at SMK Negeri 1 Tukak Sadai can be examined

using Soerjono Soekanto's theory of legal effectiveness. According to this theory, the effectiveness of law is influenced by five factors: the legal substance itself, law enforcement, facilities and infrastructure, society, and culture (Yusuf, 2022). These five factors are interrelated and constitute the essence of law enforcement, serving as indicators of its effectiveness.

The first factor, namely the legal substance itself, in the context of fulfilling children's right to education in tin mining areas, can be assessed through the completeness and clarity of legal instruments regulating this right. The Indonesian Constitution, through Article 31 of the 1945 Constitution, provides a strong guarantee of the right to education. This guarantee is further operationalised through various laws, such as Law Number 20 of 2003 on the National Education System and Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection.

However, upon closer examination, gaps remain in these legal instruments, particularly regarding the protection of children's right to education in areas with special characteristics, such as mining regions. Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 on Mineral and Coal Mining, for example, does not explicitly regulate the protection of children's right to education in mining areas (Al Farisi, 2021), even though mining activities significantly affect access to and the quality of education.

At the regional level, the provincial regulations of the Bangka Belitung Islands and the local rules of South Bangka Regency have not fully integrated natural resource management policies

with education policies. As a result, potential conflicts between mining activities and the fulfilment of children's right to education cannot be effectively anticipated or resolved. This situation is further exacerbated by weak harmonisation among laws and regulations related to education and mining.

The second factor, law enforcement, refers to authorities and institutions responsible for implementing education policies and managing mining activities. At the national level, the Ministry of Education, Culture, Research, and Technology and the Ministry of Energy and Mineral Resources hold different yet interconnected authorities in fulfilling children's right to education in mining areas. However, coordination between these institutions often remains suboptimal.

At the regional level, the Education Office and the Energy and Mineral Resources Office of South Bangka Regency face similar coordination challenges due to the absence of a structured coordination mechanism to address school dropout issues in tin mining areas. Consequently, efforts to protect children's right to education become fragmented and unintegrated.

In addition, the capacity and commitment of policy implementers are crucial in realising constitutional guarantees. In the case of SMK Negeri 1 Tukak Sadai, limited human resources and budget constraints at both the school and institutional levels have hindered the optimal implementation of dropout prevention and intervention programs. The number of education supervisors responsible for monitoring student

attendance and dropout risks is also minimal, preventing effective early detection of at-risk students.

The third factor, facilities and infrastructure, includes educational infrastructure and access to educational facilities. At SMK Negeri 1 Tukak Sadai, the school infrastructure is relatively adequate, with proper buildings and sufficient learning facilities. However, access to the school presents challenges due to limited public transportation in South Bangka Regency. Transportation assistance programs, such as school buses, have not reached all areas, particularly remote regions affected by damaged roads caused by tin mining activities. As a result, some students must bear high transportation costs or walk long distances to school, which ultimately reduces their motivation to attend.

The fourth factor, society, encompasses public awareness and participation in supporting the fulfilment of children's right to education. In tin mining areas such as South Bangka Regency, societal views on education are heavily influenced by economic realities. The substantial income generated from tin mining often shifts priorities from education toward short-term financial gains.

Interviews with parents of students around SMK Negeri 1 Tukak Sadai indicate that many parents support their children working in tin mines for economic reasons. Some parents even actively encourage their children to work in mining from a young age. The belief that "higher education does not guarantee a better future" remains strong, particularly among tin mining families.

At the same time, community involvement in supervising children's activities outside school is also limited. Communities around tin mining areas tend to be permissive toward school-age children working in mines. The absence of strong social control mechanisms normalises child labour in mining and diminishes perceptions of its problematic nature.

The fifth factor, culture, concerns values and norms related to education and work. In South Bangka's tin mining areas, there has been a shift in values regarding education. Traditionally, Bangka Belitung communities highly valued education as a means of social mobility. However, lucrative economic opportunities from tin mining have shifted priorities toward short term economic success rather than long term educational investment.

The emergence of a "consumerist culture" among adolescents in tin mining areas further contributes to high dropout rates. With relatively high incomes from mining work, adolescents possess greater purchasing power and tend to spend on lifestyle related consumption. This consumptive orientation strengthens motivation to work rather than pursue education.

Based on Soerjono Soekanto's theory of legal effectiveness, it can be concluded that the implementation of the constitutional guarantee of children's right to education in cases of school dropouts due to tin mining at SMK Negeri 1 Tukak Sadai has not been optimal. Gaps exist across all factors influencing legal effectiveness, including legal substance, law enforcement, infrastructure, society, and culture.

In addition to legal effectiveness theory, the implementation of children's right to education can also be analysed through John Rawls' theory of social justice. Rawls' concept of justice as fairness demands equal access to fundamental liberties, including education. Social and economic inequalities are justifiable only if they benefit all members of society, particularly the least advantaged (Sari et al., n.d.).

In the context of tin mining areas, mining activities should not undermine children's access to education. The state has an obligation to ensure that economic benefits from mining are not enjoyed only by a few but also contribute positively to the fulfilment of fundamental rights, including education.

However, empirical conditions in South Bangka Regency reveal that tin mining activities instead create inequalities in access to education. Children from mining families, especially those involved in illegal mining (PETI), are often excluded from formal education due to economic, social, and cultural factors. This condition clearly contradicts Rawls' principle of justice as fairness.

To address gaps in the implementation of children's constitutional right to education in tin mining areas, a comprehensive, integrated approach is required. This approach must include regulatory reform that integrates education policy with natural resource management, strengthens inter-institutional coordination, increases public awareness of the importance of education, and develops alternative education programs tailored to mining regions.

From a regulatory perspective, integrating child education protection into mining regulations at both national and regional levels is essential. Mining permits should include clauses obligating companies to ensure that their operations do not negatively impact children's access to education. Mining companies should also be required to allocate a portion of their Corporate Social Responsibility (CSR) funds to education programs in affected areas.

Strengthening inter agency coordination through cross-sectoral coordination forums involving education, energy and mineral resources, social services, and other stakeholders is also necessary. These forums can align programs, monitor implementation, and ensure adequate protection of children's educational rights.

Public awareness campaigns involving community leaders, religious figures, and local media should emphasise the long term benefits of educational investment and the risks associated with short term income from unsustainable mining activities.

The development of alternative education programs tailored to mining areas is also crucial, including open schooling, distance education, and locally relevant vocational programs. These initiatives can increase learning motivation and accessibility for children facing geographical and socio economic barriers.

Through comprehensive and integrated efforts, the gap between constitutional guarantees and practical implementation can be reduced, ensuring that every child in tin mining areas, including those at SMK Negeri 1 Tukak

Sadai, can fully enjoy their right to education as guaranteed by the Indonesian Constitution.

Analysis of Factors Causing School Dropouts and Legal Protection Efforts

The phenomenon of school dropouts among students at SMK Negeri 1 Tukak Sadai, resulting from tin mining activities, constitutes a complex problem influenced by multiple interrelated factors. To analyse these factors, a comprehensive theoretical approach is required to understand the root causes holistically. The ecological systems theory developed by Urie Bronfenbrenner offers a relevant analytical framework for understanding this phenomenon (Baitur Rohmah & Thorik Aziz, 2024). This theory explains that individual development is influenced by interactions among multiple environmental systems, ranging from the microsystem (the closest environments, such as family and school), the mesosystem (interactions among microsystems), the exosystem (environments that indirectly affect individuals), to the macrosystem (broader cultural and social contexts).

Within the microsystem context, family factors play a crucial role in the school dropout phenomenon at SMK Negeri 1 Tukak Sadai. As the smallest social unit, the family should serve as the primary supporter of children's education. However, the economic conditions of families living in areas with tin mining often encourage parents to involve their children in family economic activities, including working in tin mines (Baitur Rohmah & Thorik Aziz, 2024). According to data from the South Bangka Regency Social Affairs Office, approximately 65% of families in the

Tukak Sadai area have at least one family member working in the tin mining sector. This involvement often begins at an early age, including school age children who work part time after school hours or even leave school to work full-time.

Unstable family economic conditions, driven by fluctuations in tin prices, also contribute in school dropouts. When tin prices are high, children are attracted to working in mines because of the higher immediate economic returns compared to the long term benefits of education. Conversely, when tin prices decline, families experience financial hardship and are unable to finance their children's education. Data from the Central Statistics Agency (BPS) of South Bangka Regency indicate that tin price fluctuations over the past five years have reached 40%, significantly affecting household economic stability in mining areas.

Parenting patterns within mining families also contribute to the dropout phenomenon (Fajar, 2024). Long and irregular working hours in tin mining result in many parents having insufficient time to supervise their children's education. This lack of supervision leads to low motivation to learn and high absenteeism, ultimately resulting in school dropout. Interviews with guidance counsellors at SMK Negeri 1 Tukak Sadai revealed that students from mining families have absenteeism rates 45% higher than those from families engaged in other occupations.

In the mesosystem context, interactions between family and school also represent a critical factor. Weak communication and cooperation between schools and parents leads in ineffective early detection and prevention systems for

school dropouts. The school committee at SMK Negeri 1 Tukak Sadai has not functioned optimally as a bridge between the school and the community. Only about 40% of parents attend regular meetings between teachers and parents, according to school data. Consequently, children's educational development is not adequately monitored, and dropout risks cannot be anticipated at an early stage.

At the exosystem level, school policies and the education system that are insufficiently adaptive to the characteristics of mining areas also contribute to high dropout rates. The curriculum implemented at SMK Negeri 1 Tukak Sadai is not fully aligned with local needs and potential. Despite being located in a tin mining area, the school does not yet offer vocational programs in mining or in sustainable, environmentally friendly mineral processing. As a result, many students and parents perceive formal education as irrelevant to local labour market demands.

Rigid assessment systems that focus solely on academic achievement also pose barriers for some students, particularly those with interests and talents in non-academic fields. Students who struggle to meet educational standards tend to feel frustrated and eventually choose to leave school. Data from the Guidance and Counseling Teacher at SMK Negeri 1 Tukak Sadai indicate that approximately 40% of students who drop out have academic performance below the class average.

From a macrosystem perspective, cultural values and societal perceptions of education in tin mining areas also play significant roles. There is a widespread perception that working in tin mines

provides faster and higher income than jobs that require higher educational qualifications. The phenomenon of "success without schooling" among economically successful tin miners further reinforces this perception and reduces motivation to continue education.

Moreover, shifts in societal values, driven by the economic influence of tin mining, contribute to rising dropout rates. Consumptive orientations and hedonistic lifestyles arising from the ease of earning money through mining activities create an "instant culture" that contradicts the values of education, which require process and patience. This short-term mindset leads many adolescents to prefer working in mines rather than pursuing continuing education, whose benefits are realised only in the long term.

In addition to ecological systems theory, the analysis of dropout causes can also be understood through Robert K. Merton's theory of relative deprivation. This theory explains that deviant behaviour or frustration can arise when individuals compare their circumstances with those of others and perceive themselves as disadvantaged or mistreated. In the context of school dropouts at SMK Negeri 1 Tukak Sadai, relative deprivation occurs when school age adolescents compare their minimal or nonexistent income as students with the income of their peers working in tin mines.

Data from the academic study by Rohmah and Aziz (2024), the income of artisanal tin miners ranges from IDR 150,000 to IDR 300,000 per day, which is significantly higher than the South Bangka Regency Minimum Wage in 2025 of IDR 3,867,600 per month, or

approximately IDR 128,920 per day. This significant income disparity creates the perception that schooling is not a viable path to economic success, prompting many adolescents to drop out of school and work in tin mining.

Regarding legal protection efforts to address school dropout issues caused by tin mining, a relevant theoretical approach is the legal protection theory proposed by Philipus M. Hadjon. According to this theory, legal protection consists of two forms: preventive and repressive. In the context of protecting children's right to education, both forms must be implemented simultaneously and in an integrated manner.

Preventive legal protection can be achieved by strengthening regulatory frameworks that specifically govern the protection of children's educational rights in mining areas (Nugraha, n.d.). Currently, there are no regional regulations in South Bangka Regency that specifically address this issue. Therefore, initiatives are needed to formulate regional regulations that integrate education with tin mining management. These regulations must include obligations for mining companies to contribute to the fulfilment of children's right to education in their operational areas, as well as strict sanctions for companies whose activities disrupt children's access to education.

Furthermore, the integration of educational rights protection clauses into the mining licensing process is essential. Every mining permit issued should require an assessment of its impact on educational access in the operational area, along with mitigation plans if potential disruptions are identified. Continuous

monitoring mechanisms should also be developed to ensure effective implementation.

At the school level, strengthening early detection and dropout prevention systems is crucial. SMK Negeri 1 Tukak Sadai needs to develop a comprehensive student database containing information on family background, economic conditions, and other dropout risk factors. This data can serve as a basis for targeted preventive interventions such as scholarships, counselling, or special assistance for high risk students.

Cross sector coordination must also be strengthened in dropout prevention efforts. The Education Office, Social Affairs Office, Manpower Office, and Energy and Mineral Resources Office need to establish effective coordination mechanisms to address dropout cases caused by tin mining. Cross sector coordination forums can serve as platforms to align programs and policies and to monitor their implementation in the field.

In terms of repressive legal protection, law enforcement against practices that violate children's right to education must be enhanced. One critical area is the enforcement of prohibitions against employing underage children in the mining sector. Although Law Number 13 of 2003 on Manpower and Law Number 35 of 2014 on Child Protection prohibit such practices, enforcement remains weak. Strengthening labour inspectors' capacity and increasing inspection frequency at mining sites can serve as initial steps to address this issue.

Additionally, accessible complaint mechanisms for communities, especially children and parents, must be developed.

Complaint hotlines for violations of children's educational rights can provide channels for reporting practices that disrupt access to education, such as recruiting school age children for mining work or damaging educational infrastructure due to mining activities.

Restorative approaches should also be applied in address school dropouts caused by tin mining (Sulistyawati et al., n.d.). For children who have already dropped out, alternative education programs such as open schools, equivalency education programs, or community based vocational education can ensure continued access to education outside conventional formal pathways.

In line with legal protection theory, a human rights based approach is also relevant in addressing school dropout issues caused by tin mining. This approach emphasises principles of non-discrimination, participation, transparency, and accountability in fulfilling children's right to education. Through this approach, children in tin mining areas are viewed not as policy objects but as rights holders with legitimate claims to quality education.

A human rights based approach can be implemented through the development of participatory mechanisms that involve students and parents in educational decision making at SMK Negeri 1 Tukak Sadai. These forums can serve as platforms for expressing needs and aspirations, as well as for active involvement in planning and evaluating education programs.

By integrating preventive and repressive legal protection measures and applying a human rights based approach, it is expected that school dropout issues

caused by tin mining at SMK Negeri 1 Tukak Sadai can be addressed comprehensively and sustainably. This effort requires commitment and cooperation among various stakeholders, including government authorities, schools, mining companies, communities, students, and parents. Consequently, the constitutional guarantee of children's right to education can be effectively implemented, even in regions with specific characteristics, such as tin-mining areas.

Based on the foregoing discussion, several key analyses can be outlined as follows:

1. Ineffective Implementation of the Constitutional Guarantee of Children's Right to Education

The analysis shows that although Article 31 of the 1945 Constitution provides a strong guarantee of children's right to education, its implementation in tin mining areas of South Bangka Regency, particularly at SMK Negeri 1 Tukak Sadai, has not been optimal. There is a clear gap between legal norms and social realities, as evidenced by the persistently high school dropout rate resulting from children's involvement in tin mining.

2. Disharmony Between Education and Mining Regulations

Existing legal instruments have not comprehensively integrated the protection of children's right to education into mining management policies. Laws and regional regulations related to mining do not include specific provisions to prevent school dropouts in mining areas, thereby allowing mining activities to potentially

neglect their impact on children's access to and continuity of education.

3. Weak Inter Institutional Coordination as an Inhibiting Factor

Coordination among relevant institutions, particularly between the Education Office and the Energy and Mineral Resources Office at both the central and regional levels, has not been effective. The absence of structured cross-sectoral coordination mechanisms has led in fragmented, unintegrated efforts to prevent and address school dropout.

4. Socio Economic Conditions of Mining Communities as the Dominant Cause

The socio economic conditions of communities in tin mining areas constitute the dominant factor contributing to school dropouts. High short-term income from mining activities creates strong economic incentives for children and families to prioritise short term income over education. This situation is further exacerbated by fluctuations in tin prices and the economic instability of mining households.

5. Shifts in Cultural Values and Perceptions of Education

A shift in cultural values has occurred within mining communities, where education is no longer viewed as the primary means of social mobility. An "instant culture," consumptive orientation, and examples of "success without schooling" in the mining sector weaken children's motivation to complete secondary education.

6. An Education System Not Yet Adaptive to Local Characteristics

The curriculum and education system at SMK Negeri 1 Tukak Sadai are not

fully aligned with the local context and potential of mining areas. This mismatch fosters the perception that formal education offers limited direct benefits for students' future economic prospects, thereby increasing the risk of school dropout.

7. Suboptimal Preventive and Repressive Legal Protection

Legal protection efforts for children's right to education, both preventive and repressive, remain weak. Supervision of the prohibition of child labour in the mining sector has been ineffective. At the same time, early detection and dropout-prevention mechanisms at the school and regional levels have not been fully implemented.

8. Inequality in Access to Education from a Social Justice Perspective

From the perspective of John Rawls' theory of social justice, the situation of school dropouts in tin mining areas reflects structural injustice. The economic benefits of mining are not distributed fairly and instead exacerbate unequal access to education for the most vulnerable children, contradicting the principle of justice as fairness.

9. The Need for an Integrated Human Rights-Based Approach

The analysis underscores the necessity of a comprehensive and integrated approach that combines regulatory reform, strengthened cross-sectoral coordination, community empowerment, and the development of alternative education models. A human rights-based approach is crucial to ensure that children are recognised as rights holders who must be protected, rather than merely as objects of policy.

CONCLUSION

1. The implementation of the constitutional guarantee of children's right to education in tin mining areas of South Bangka Regency, particularly at SMK Negeri 1 Tukak Sadai, has not been optimal, based on an analysis using Soerjono Soekanto's theory of legal effectiveness. The implementation gap is evident across five main factors : (1) the legal framework, which has not yet integrated education policy with mining governance; (2) law enforcement factors, characterized by fragmented inter agency coordination; (3) facilities and infrastructure, particularly limitations in public transportation access; (4) societal factors, where communities tend to prioritize short term economic gains from mining over education; and (5) cultural factors, reflecting shifts in values regarding education and economic success. These misalignments create a gap between constitutional guarantees and realities on the ground, contradicting John Rawls' principle of social justice, which emphasises equal access to the fundamental right to education.
2. The phenomenon of school dropouts at SMK Negeri 1 Tukak Sadai represents a complex issue influenced by the interaction of various environmental systems, as explained by Bronfenbrenner's ecological systems theory. These factors include microsystem conditions (mining families with limited parenting supervision), mesosystem dynamics (weak school family communication),

exosystem influences (a curriculum that lacks relevance), and macrosystem factors (shifts in societal values and perceptions). Reinforced by relative deprivation theory, the income disparity between students and tin mining workers (ranging from IDR 150,000 to 300,000 per day) is a crucial driver of school dropouts. Addressing this issue requires comprehensive legal protection that integrates preventive measures (strengthening regulations and early detection systems) and repressive measures (enforcement of prohibitions on child labour), supported by a human rights based approach that emphasises the active participation of all stakeholders.

ACKNOWLEDGMENTS

The author would like to express the deepest gratitude to Universitas Pertiba Pangkalpinang for providing the opportunity and support throughout the research process and the preparation of this manuscript. Appreciation is also extended to:

1. The Dean of the Faculty of Universitas Pertiba Pangkalpinang for granting permission and providing administrative support during the implementation of the research.
2. Dr Yandi, SH, MH, as the academic supervisor, for dedicating time, effort, and thought in providing guidance, direction, and invaluable advice throughout the research process and until the completion of this manuscript.
3. All lecturers and staff of Universitas Pertiba Pangkalpinang for the knowledge and assistance provided during the period of study.

4. Fellow students who offered moral support and engaged in intellectual discussions during the research process.

The author realises that this manuscript could not have been completed without the assistance and support of the aforementioned parties. It is hoped that this research will contribute beneficially to the development of knowledge and to society in general.

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