

**NADIAH IMANI. NIM 2110412015. LAÏCITÉ DAN IDENTITAS DIRI
DALAM REZIM HAM EROPA: ANALISIS KEBIJAKAN PELARANGAN
ABAYA DI PRANCIS (2023–2025)**

ABSTRAK

Penelitian ini menganalisis strategi Prancis mempertahankan *laïcité* sebagai identitas diri Republik dalam kebijakan pelarangan *abaya* di sekolah negeri pada periode 2023–2025 dalam konteks Rezim Hak Asasi Manusia (HAM) Eropa. Penelitian ini menggunakan pendekatan kualitatif dengan desain studi kasus tunggal dan analisis dokumen terhadap European Convention on Human Rights (ECHR), Protocol No. 15, Loi 1905, Loi 2004-228, note de service Kementerian Pendidikan Prancis tanggal 31 Agustus 2023, putusan Conseil d'État, putusan European Court of Human Rights (ECtHR) yang relevan, serta literatur akademik. Analisis menggunakan konsep Rezim HAM Eropa melalui prinsip, norma, peraturan, dan proses pengambilan keputusan, yang dipadukan dengan konstruktivisme, *Norm Localization*, dan *Norm Contestation*. Hasil penelitian menunjukkan bahwa Prancis mempertahankan *laïcité* melalui konstruksi sekolah negeri sebagai ruang netral, pengategorian *abaya* secara kontekstual sebagai pakaian yang menunjukkan afiliasi keagamaan secara mencolok, pengaitan kebijakan dengan Loi 2004, penerapan prosedur dialog, serta pengujian melalui Conseil d'État. Norma kebebasan beragama dan non-diskriminasi dalam ECHR tidak ditolak, tetapi dilokalisasi melalui *laïcité*, netralitas sekolah, dan universalisme republik. Kontestasi tetap berlangsung karena terdapat perbedaan pemaknaan mengenai kebebasan, kesetaraan, netralitas, dan *abaya*. Putusan Conseil d'État 27 September 2024 memperkuat validasi domestik terhadap kebijakan, sementara hingga akhir periode penelitian belum ditemukan putusan ECtHR yang secara langsung menilai kebijakan *abaya*. Dengan demikian, identitas Prancis sebagai Republik *laïque* tetap dipertahankan dalam batas norma dan prosedur ECHR, dengan validasi domestik yang kuat tetapi status regional yang belum ditentukan.

Kata Kunci: Rezim HAM Eropa, *Norm Localization*, *Norm Contestation*, *Laïcité*, Konstruktivisme,

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ABSTRACT

This study analyzes France's strategy for sustaining laïcité as the Republic's self-identity through the ban on abaya-style clothing in state schools during 2023–2025 within the European human rights regime. This study employs a qualitative approach with a single-case study design and document analysis of the European Convention on Human Rights (ECHR), Protocol No. 15, the 1905 Law, Law No. 2004-228, the French Ministry of Education's note de service dated 31 August 2023, Conseil d'État decisions, relevant European Court of Human Rights (ECtHR) judgments, and academic literature. The analysis applies the European human rights regime through its principles, norms, rules, and decision-making procedures, combined with constructivism, norm localization, and norm contestation. The findings show that France sustains laïcité by constructing state schools as neutral spaces, contextually categorizing the abaya as clothing that conspicuously manifests religious affiliation, linking the policy to the 2004 Law, implementing dialogue procedures, and subjecting the policy to review by the Conseil d'État. The ECHR norms of freedom of religion and non-discrimination are not rejected but localized through laïcité, school neutrality, and republican universalism. Contestation persists due to different interpretations of freedom, equality, neutrality, and the meaning of the abaya. The Conseil d'État judgment of 27 September 2024 strengthened the policy's domestic validation, while no ECtHR judgment directly assessing the abaya policy was identified by the end of the research period. Thus, France continues to sustain its identity as a laïque Republic within the norms and procedures of the ECHR, with strong domestic validation but undetermined regional status.

Keywords: *Laïcité, European Human Rights Regime, Constructivism, Norm Localization, Norm Contestation.*