

Islamic Education in Indonesian Legal Framework: Policy Analysis and Implementation

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ABSTRACT: This study aims to examine the regulation of Islamic education within Indonesian legislation and to analyze its implementation in the context of national policy. Islamic education holds a strategic position in shaping national character and has received legal recognition through various regulations, such as Law Number 20 of 2003 on the National Education System, Law Number 18 of 2019 on Pesantren (Islamic boarding schools), and technical regulations issued by the Ministry of Religious Affairs and the Ministry of Education. This study employs a qualitative approach using a literature review method to analyze legal documents and relevant academic literature. The findings reveal that although Islamic education has been formally acknowledged, several challenges persist in policy implementation, including overlapping authorities, fragmented regulations, and disparities in access and quality of education. Therefore, institutional synergy, regulatory reform, and the strengthening of Islamic educational institutions' capacities are required. This study recommends stronger integration between the Ministry of Religious Affairs and the Ministry of Education, Culture, Research, and Technology, as well as a transformation of the Islamic education system to be more adaptive to contemporary developments, including digitalization and globalization in education.

KEYWORDS: Education, Islam, policy, regulation, legislation.

I. INTRODUCTION

Islamic education has deep historical roots and plays a strategic role in shaping the civilization of the Indonesian nation. Since the pre-independence era, Islamic educational institutions such as pesantren, madrasah, and madrasah diniyah have served as platforms for instilling values of faith, knowledge, and nationalism. In a country where the majority of the population is Muslim, Islamic education functions not only as a means of preserving religious teachings but also as a tool for building national character and morality. As noted by Giantara and Amiliya (2021), Islamic education policy cannot be separated from the dynamics of public policy due to its strategic role in fostering a civilized society. Therefore, examining Islamic education policies is essential to ensure their relevance and sustainability amid ongoing social changes and contemporary challenges.

Within the national education system, Islamic education holds a formal and legal position as stipulated in Law Number 20 of 2003 on the National Education System. Article 30 of the law recognizes religious and religious-based education as integral components of the national education system. Furthermore, madrasahs and pesantrens are acknowledged as formal and non-formal educational institutions with unique characteristics. This recognition is reinforced by policies such as Presidential Regulation Number 87 of 2017 on Strengthening Character Education and Law Number 18 of 2019 on Pesantren. Thus, Islamic education is not merely seen as a supplementary element but as a fundamental part of the national education architecture, contributing significantly to the direction of national development (Masnu'ah, Khodijah, & Suryana, 2022).

Although Islamic education has received formal recognition within Indonesia's legal system, several issues persist in the implementation of relevant policies. One of the main challenges is the gap between regulatory provisions and their practical application, particularly concerning funding, institutional recognition, and quality standardization. As highlighted by Adib (2019), madrasah diniyah takmiliyah (MDT), as non-formal Islamic education institutions, often face legal constraints, limited financial support, and exclusion from national education planning. Similarly, Jailani and Muhammad (2019) pointed out that Islamic education policies are often reactive, inconsistent, and heavily influenced by political contexts and leadership transitions. These factors contribute to the systemic difficulties in integrating Islamic education effectively within broader national education agendas.

Islamic education policy has also experienced contestation across various governmental regimes, from the New Order to the Reformation era. Historically, Alam (2020) noted that during the New Order, Islamic education was tightly controlled, only receiving broader recognition during the Reformation period. The shift in political climate and the rise of democratization encouraged the empowerment of Islamic educational institutions through new policies. However, this transition also brought new

challenges, such as regulatory fragmentation between government agencies (Ministry of Religious Affairs and Ministry of Education), lack of coordination among stakeholders, and misalignment between policy content and the actual needs of Islamic education institutions in the regions (Liyandani & Kolis, 2021).

Given these dynamics, it is important to reassess how Islamic education policies are formulated and implemented within Indonesia's legislative framework. This study aims to explore the existence, consistency, and challenges of Islamic education policies, both from formal regulatory perspectives—such as laws and ministerial regulations—and from practical aspects in the field. This analysis is expected to offer a comprehensive overview of how the state accommodates Islamic education as part of an inclusive, equitable, and sustainable national education system (Rozak, 2021; Pratama, 2019).

The urgency of this study is further underscored by globalization, technological disruption, and the Fourth Industrial Revolution, all of which demand that Islamic education not only preserve traditional values but also adapt to changing times. Asmawi (2018) emphasized that Islamic education must respond to the challenges of free markets and digitalization through curriculum reform, improved governance, and learning models that are contextual and adaptive. On the other hand, a policy analysis by Kusuma et al. (2024) revealed that national education policies often remain unsynchronized with the specific needs of Islamic education. Therefore, this study seeks to fill a gap in academic discourse while offering practical input for policymakers to strengthen the synergy between Islamic education and the broader national education system.

II. RESEARCH METHODS

This study employs a descriptive qualitative approach using the library research method. This approach was chosen because the focus of the study is on analyzing legal documents and relevant academic literature concerning Islamic education in Indonesia. The primary data sources consist of legal documents such as Law Number 20 of 2003 on the National Education System, Law Number 18 of 2019 on Pesantren, and Law Number 12 of 2012 on Higher Education, as well as various Ministerial Regulations issued by the Ministry of Religious Affairs and the Ministry of Education, Culture, Research, and Technology regulating Islamic education, madrasahs, and pesantren. In addition, secondary data were collected from scholarly journals, academic books, policy articles, and previous research that examined the implementation of Islamic education policies in Indonesia. The data sources were selected purposively, meaning only documents substantially related to the theme of Islamic education policy were analyzed.

The data were analyzed using content analysis techniques, focusing on the identification of key themes, the depth of regulatory substance, and the relevance between regulations. The analysis process began with reading and classifying the contents of legal documents based on categories such as the forms of Islamic education, state recognition, institutional governance, and funding models. This was followed by interpretation of the regulatory content to determine the extent to which the regulations are consistent, coherent, and responsive to the needs of Islamic education. The validity of the data was strengthened through source triangulation, which involved comparing official government documents with academic analyses published in scholarly literature. The results of the analysis are presented in a descriptive-critical manner to provide a comprehensive picture of Islamic education policy within the framework of national law and its practical implementation.

III. RESEARCH RESULTS AND DISCUSSION

Islamic education in Indonesia has gained strong legitimacy through a series of laws and regulations that serve as its legal foundation. One of the main regulatory frameworks is Law Number 20 of 2003 on the National Education System (Sisdiknas), which positions religious education as an integral part of the national education system. Article 30 of the law states that religious education can be conducted through formal, non-formal, and informal pathways, and may be organized by the government and/or the community. Furthermore, Law Number 18 of 2019 on Pesantren specifically regulates pesantren as Islamic religious education institutions with distinctive characteristics, including recognition of curricula based on classical Islamic texts (kitab kuning). Law Number 12 of 2012 on Higher Education also provides space for Islamic Religious Higher Education Institutions to be part of the national higher education system. At the technical implementation level, Ministerial Regulation of Religious Affairs Number 31 of 2020 on Pesantren Education elaborates on the types and governance of education within pesantren, including recognition of muadalah, formal diniyah education, and Ma'had Aly.

Within the framework of the national education system, Islamic education has received formal recognition as a legitimate educational provider equivalent to general education. This is reflected in the acknowledgment of madrasahs as formal educational institutions under the supervision of the Ministry of Religious Affairs, while still adhering to national education standards set by the government. Pesantren, on the other hand, have evolved into educational entities that are not only traditional but also modern and adaptive to social change. The state recognizes the role of pesantren as centers of religious propagation (dakwah), education, and community empowerment. This recognition is crucial to ensuring fairness and equality in access to faith-based education and facilitating the active participation of religious communities in national education. However, in practice, despite legal recognition, Islamic education often remains marginalized in national policy planning, especially concerning funding and access to educational resources.

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According to existing regulations, Islamic education in Indonesia is delivered through three forms: formal, non-formal, and informal. Formal Islamic education includes madrasah ibtidaiyah, tsanawiyah, and aliyah, as well as other Islamic religious institutions such as Ma'had Aly. Non-formal education consists of madrasah diniyah takmiliyah, Qur'anic memorization institutions (tahfidzul Qur'an), and community-based religious education programs. Meanwhile, informal education takes place within families or communities, such as regular religious study groups (pengajian), study circles (halaqah), or home-based Islamic learning. These three forms have been accommodated within the national education system under the Sisdiknas Law and further supported by ministerial policies. However, in practice, disparities remain between Islamic and general education, particularly in terms of accreditation, teacher certification, and quality assurance mechanisms.

From an institutional standpoint, Islamic education is specifically regulated under two ministries: the Ministry of Religious Affairs and the Ministry of Education, Culture, Research, and Technology. Ministry of Religious Affairs is responsible for organizing Islamic religious education such as madrasahs, pesantren, and Islamic religious universities, while Ministry of Education, Culture, Research, and Technology manages general education, including education of other religions. In terms of curriculum, Islamic education has distinctive features, such as the use of kitab kuning and dirasah Islamiyah as primary teaching materials. This is accommodated in Ministerial Regulation of Religious Affairs Number 31 of 2020, which affirms the autonomy of pesantren in developing curricula based on classical Islamic scholarship. Meanwhile, madrasahs follow the national curriculum but include more extensive religious education content. This uniqueness makes Islamic education a flexible system, although it often faces challenges related to national standardization and quality assurance.

Overall, this regulatory review indicates that the legal foundation for Islamic education in Indonesia is relatively strong and comprehensive. However, its implementation still requires the reinforcement of operational policies. Resource disparities, lack of synergy between ministries, and insufficient quality monitoring of religious education remain major issues. Therefore, affirmative policies and cross-sectoral support are needed for Islamic education to develop optimally and achieve parity with general education. In the current era of globalization and digitalization, educational challenges go beyond academic content and involve innovation, collaboration, and relevance to contemporary demands. Islamic education must be positioned not merely as a cultural heritage, but as a strategic pillar in building a religious, moderate, and competitive Indonesian society.

The regulation of Islamic education within Indonesia's national legal framework has normatively shown significant progress, particularly since the reform era. The enactment of Law No. 20 of 2003 on the National Education System and Law No. 18 of 2019 on Pesantren indicates that the state has granted substantial legal recognition to the existence of Islamic education. As explained by Giantara and Amiliya (2021), the legitimacy of Islamic education is not only grounded in the cultural needs of the Muslim community but also in the reconstruction of an inclusive national education system. However, in a critical review, Masnu'ah et al. (2022) observed that while legal recognition is clearly stipulated, the normative substance of the regulations remains largely administrative in nature, failing to address the comprehensive and sustainable development of Islamic education. This reveals that the current regulatory paradigm requires renewal, moving beyond legal-formal recognition to a more substantive and developmental approach.

At the implementation level, there exists a notable gap between legal norms and the practical reality of Islamic education. For instance, madrasahs and pesantrens that have been legally acknowledged still face discrimination in budget allocation, access to teacher training, and educational infrastructure. Jailani and Muhammad (2019) emphasized that many madrasah diniyah takmiliyah (MDT) institutions have yet to receive administrative recognition due to weak legalization systems and complicated bureaucratic procedures. This directly affects their access to state assistance and quality improvement programs, even though the law guarantees equal treatment for all officially recognized educational units. This disparity highlights a disconnect between legal norms and their implementation, and it reflects the lack of political will to realize the principle of educational justice.

Another major challenge is the regulatory fragmentation and overlapping authority among government institutions. In practice, Islamic education is administered by two main ministries: the Ministry of Religious Affairs (MoRA) and the Ministry of Education, Culture, Research, and Technology (MoECRT). Kusuma et al. (2024) noted that the lack of coordination between these ministries results in unsynchronized policies, particularly in terms of curriculum, funding, and accreditation. For example, madrasahs, which follow the national curriculum but fall under the MoRA's jurisdiction, often face confusion when dealing with policies from MoECRT, such as the implementation of the National Assessment or the development of the Merdeka Curriculum. Additionally, technical regulations such as PMA No. 31 of 2020 on Pesantren Education have yet to be supported by sufficient monitoring and evaluation systems. This fragmentation leads to layered bureaucracy that slows down the integrated development of Islamic education.

Despite these challenges, Islamic education holds significant potential to be further integrated into national education policy. With the formal recognition of pesantren through Law No. 18 of 2019, the state has a strong momentum to position pesantren as an equal part of the national education system—not merely as a complement or alternative. Liyandani and Kolis (2021) stress that the integration of Islamic education must be carried out through a collaborative rather than dominant approach, to preserve the uniqueness of its curriculum and learning system. Integration should not only be administrative but must also involve alignment in quality standards, teacher certification, and access to educational technology and innovation. If done wisely, Islamic education can

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serve as a transformational force in realizing a national education system rooted in spiritual and local values while remaining globally competitive.

In terms of policy and institutional structure, the roles of the Ministry of Religious Affairs and the Ministry of Education are crucial in fostering synergy. Asmawi (2018) emphasized that Islamic education must become an integral part of national education planning, not merely a separate sub-sector. To this end, the Ministry of Religious Affairs must strengthen its coordinating functions, while the Ministry of Education should open broader avenues for dialogue and collaboration. The success of integrating Islamic education into the national system largely depends on political will and the ability of both ministries to formulate harmonized, data-driven policies. Furthermore, Islamic educational institutions must be given a voice in strategic policymaking forums such as curriculum development, educational quality indicators, and teacher capacity building. This multi-sectoral collaboration is essential to creating a just and inclusive educational ecosystem.

To respond to the demands of the era, Islamic education must be capable of undergoing digital transformation and adapting to global developments. The digitalization of pesantren, integration of technology into madrasah learning, and development of academic information systems are essential in the Fourth Industrial Revolution era. As explained by Rozak (2021), pesantren must not be left behind in the wave of digital transformation, which has become a foundational element of modern education governance. This requires affirmative government policies, including support for ICT infrastructure, teacher training, and the development of moderate and contextually relevant Islamic digital content. Thus, Islamic education will remain relevant and responsive to contemporary needs without losing its identity and spiritual mission. This transformation also affirms that Islamic education is not merely a legacy of the past but a driving force for the nation's future development

IV. CONCLUSION

The review of Islamic education regulations in Indonesia reveals that the legal foundation for the existence and development of Islamic education is relatively comprehensive and formalized. Various laws, such as Law No. 20 of 2003 on the National Education System, Law No. 18 of 2019 on Pesantren, and Law No. 12 of 2012 on Higher Education, have provided legitimacy to Islamic education at the primary, secondary, and tertiary levels. In addition, technical regulations issued through Ministerial Regulations from the Ministry of Religious Affairs and policies from the Ministry of Education, Culture, Research, and Technology have further strengthened the position of madrasahs and pesantren within the national education system. However, in practice, significant gaps remain, including regulatory fragmentation, overlapping authorities, and unequal treatment compared to general education. Therefore, Islamic education requires a more integrative and responsive policy approach that addresses social dynamics and contemporary needs.

As a policy recommendation, it is essential to strengthen the institutional position of pesantren and madrasahs within the national education system, including more concrete recognition of their distinctive curricula, internal evaluation systems, and graduate status. The government, through the Ministry of Religious Affairs, should expand programs for human resource development, digitalization of learning, and sustainable accreditation of Islamic educational institutions. On the other hand, synergy between the Ministry of Religious Affairs and the Ministry of Education should be reinforced through joint policy formulation, cross-sectoral coordination, and clear task delineation to avoid overlapping responsibilities. Furthermore, regulatory reforms are needed to anticipate contemporary challenges such as digital transformation, the demand for religious moderation, and the globalization of education. In this way, Islamic education will not only be legally recognized but also strategically empowered within the framework of national development.

The implications of improving these policies are highly significant for the future of Islamic education in Indonesia. If policy synergy can be achieved, Islamic education will be better positioned to serve as an agent of social transformation, not merely as a custodian of religious tradition. Pesantren and madrasahs will evolve into centers of Islamic learning that are moderate, inclusive, and innovative. Islamic education will also become a strategic platform for strengthening national character, fostering social ethics, and encouraging the active participation of Muslims in national development. Therefore, efforts to enhance the regulation and implementation of Islamic education must be continuously supported through academic research, civil society participation, and sustained political commitment. With these efforts, Islamic education can continue to play its vital role as a beacon of civilization, addressing contemporary challenges and shaping a future nation that is more just, religious, and competitive.

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