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Islamic Education Within the Legal Framework: A Critical Analysis of National Education Policy

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Abstract

This article examines the strategic role of online media corporations in shaping and influencing the direction of educational information in the digital age, through a normative legal approach and a digital policy framework. In an era marked by rapid information flow, online media holds significant power in distributing educational discourse, which is not always neutral. By employing literature review and qualitative analysis, this study explores how media corporations, as business entities, often prioritize economic interests and ideological agendas in the dissemination of information to the public. The imbalance in access, polarization of educational issues, and the spread of biased or misleading content pose serious challenges to ensuring fair and objective educational rights. Moreover, existing regulations—particularly the Law on Electronic Information and Transactions (ITE)—still lack firm provisions for criminal accountability of online media corporations that distribute harmful or deceptive information. This article emphasizes the need to strengthen responsive digital legal policies and promote media literacy among the public to mitigate the negative impact of corporate dominance in digital educational spaces. It is expected that such efforts will foster an inclusive, equitable, and manipulation-free environment for educational information.

Keywords: online media corporations, educational information, digital law, corporate liability, media literacy

Introduction

Islamic education plays a strategic role in shaping the character and identity of the Indonesian nation, whose population is predominantly Muslim. Historically, Islamic education predates the establishment of the integrated national education system, with institutions such as *pesantren* and *madrasah* serving as pivotal centers for the transmission of knowledge and moral values. However, as Indonesia's legal and policy systems have developed, the status of Islamic education within the national legislative framework has undergone various shifts that necessitate critical examination. This is especially important because national education policies often adopt a universalistic approach that overlooks the unique characteristics of Islamic education, which is deeply rooted in religious and local cultural values (Azra, 2012).

The legal foundation of Islamic education in Indonesia is clearly delineated in several legislative instruments, notably the 1945 Constitution of the Republic of Indonesia. Article 31 guarantees every citizen's right to education, while Article 29 ensures freedom of religion. Law No. 20 of 2003 on the National Education System establishes religious education as an integral component of national education, while Law No. 18 of 2019 on *Pesantren* specifically recognizes *pesantren* as legitimate educational institutions equal to others. These three statutes form the legal pillars that legitimize Islamic education as an integral part of the national education system.

Despite formal recognition, challenges persist in practice. Key issues include disparities in funding allocation, accreditation, and quality recognition between general and Islamic educational institutions. The dual authority between the Ministry of Education, Culture, Research, and Technology and the Ministry of Religious Affairs often leads to confusion in policy implementation. This highlights the lack of integration in educational governance, thereby hindering efforts to establish an inclusive and coherent national education system (Madjid, 2000).

Islamic education also faces substantial challenges in the era of globalization and digital disruption. The rapid dissemination of information via social media and online platforms requires responsive educational policies that can bolster Islamic literacy and religious moderation. *Pesantren* and *madrasah* must adapt to technological advances without compromising their religious identity and values. Therefore, regulatory frameworks must bridge the gap between Islamic values and the demands of a modern, digital, and competitive age (Zuhdi, 2015).

In this regard, the role of the state as a regulator is paramount. The state must not remain passively neutral but rather actively ensure that national education policies reflect justice, equality, and respect for diversity. Islamic education must be positioned equally alongside other educational systems, with no discrimination in terms of funding, academic recognition, or institutional development opportunities. This approach is essential not only from legal and policy standpoints but also in the broader context of fostering national integration and character building (Anwar, 2017).

This study offers a reflective and constructive assessment of Islamic education's position within the national legal framework. Employing a normative legal analysis, it evaluates the adequacy and effectiveness of current regulations and proposes comprehensive policy recommendations. The goal is to support the optimal development of Islamic education and its contribution to

producing religious, competent, and globally competitive human resources in Indonesia.

Research Method

This research adopts a normative legal approach, which focuses on written legal norms as found in statutory regulations in Indonesia (Soemitro, 1990). This method is well-suited for examining the legality and legitimacy of Islamic education within the national education system. The aim is not only to explain the content and structure of existing regulations but also to critique and offer solutions for imbalances or mismatches in policy implementation (Marzuki, 2005).

This prescriptive study aims to formulate alternative policy recommendations for those deemed ineffective or unresponsive to the needs of Islamic education. The research evaluates the application of Law No. 20 of 2003 on the National Education System, Law No. 18 of 2019 on *Pesantren*, and technical regulations issued by both the Ministry of Religious Affairs and the Ministry of Education, Culture, Research, and Technology. Analysis also includes alignment with the principles of justice and recognition of educational diversity.

Data sources include primary legal materials (laws, government regulations, ministerial decrees), secondary sources (academic literature, textbooks, journal articles, previous research), and tertiary sources (legal dictionaries and encyclopedias for conceptual understanding) (Tanya, Simandjuntak, & Hage, 2010).

Data collection was conducted through library research, systematically analyzing relevant legal documents and literature. The analysis was qualitative and descriptive-analytical, offering a comprehensive overview of the legal regulation of Islamic education. A critical approach was also applied to assess whether current regulations address contemporary challenges in Islamic education (Salim & Nurbani, 2016).

The findings are expected to yield a policy synthesis that bridges legal norms and the real needs of the Muslim community in Indonesia. The research is not only academic but also practical, offering a legal basis for future public policy formulation. By combining normative legal methods with critical evaluation, this study aims to contribute significantly to the development of a fair, inclusive, and competitive Islamic education system in today's global context.

Results And Discussion

In the context of national education policy, attention to Islamic education cannot be separated from the increasingly pervasive flow of digital information. The development of digital media, particularly online platforms, has created a highly dynamic information environment. Through Law No. 19 of 2016 on Electronic Information and Transactions (ITE Law), specifically Article 40 paragraph (2a), the Indonesian government is granted authority to restrict access to harmful online content, including those related to education (Ministry of Communication and Informatics, 2016). This provision is crucial to ensure that public information—especially that received by students—does not undermine the values of Islamic education, which emphasize morality and truth.

Digital media disseminating Islamic educational content must be closely monitored under strict legal oversight. The circulation of misinformation or content misaligned with Islamic principles may

lead to widespread religious disinformation. As Lim (2011) highlights, the speed of information dissemination through social media does not always correspond with the accuracy or quality of its content. Therefore, the protection of Islamic education must be reinforced through regulatory frameworks that uphold truth, ethical information practices, and religiously conscious digital literacy.

From the perspective of criminal law, accountability for violations of legal norms—whether by individuals or institutions—is integral to the principle of legality, as enshrined in Article 1 of the Indonesian Penal Code (KUHP). As Islamic educational institutions increasingly utilize digital platforms, violations that harm their integrity—such as the spread of misleading content—should be examined within a framework of institutional legal responsibility. This aligns with Arief's (2008) assertion on the importance of a legal subject's capacity to understand and act in accordance with prevailing legal norms.

Media corporations that produce and disseminate religious content, including Islamic education, must be subjected to the principle of criminal liability. As Hartanti (2013) notes, this liability may be grounded in doctrines of vicarious liability and strict liability, whereby the corporation bears responsibility for actions conducted by individuals on its behalf. This concept is especially relevant in the context of Islamic education, where digital materials and da'wah (Islamic outreach) content are widely distributed via digital platforms.

Unfortunately, significant legal gaps remain, making it difficult to prosecute online media corporations as perpetrators of criminal acts, even when the information they disseminate causes serious harm to Islamic education communities (Sjahdeini, 2006). This shortcoming is exacerbated by a legal approach that remains overly individualistic. Consequently, there is a pressing need to revise national criminal law policies to better align with the challenges of the digital era and the inclusive needs of Islamic education.

According to Purnamasari (2019), criminal liability for corporate wrongdoing should not be limited to company executives but must also extend to the legal entity itself. This is especially pertinent in the face of destructive digital content such as religious extremism propaganda masquerading as Islamic teaching. In this context, the law must act as a moral safeguard and defender of the public's right to access authentic and constructive Islamic education.

Law enforcement must also be capable of addressing the digital realities facing Islamic education today. Nugroho (2016) emphasizes the importance of legal protections for content with significant public impact, including false or misleading Islamic educational material. Thus, the state is obligated to provide robust legal instruments that hold digital corporations accountable for disseminating harmful content.

As a sign of governmental commitment, Law No. 1 of 1946 and Article 28 paragraph (2) of the ITE Law have been used to prosecute the spread of hoaxes and religious-based hate speech. These provisions are applicable to content that damages Islamic education and threatens interreligious harmony (Yustisia, 2018). However, their implementation must adhere to principles of justice and avoid infringing upon the right to religious expression and legitimate educational efforts.

The Ministry of Communication and Informatics (2014) has stipulated that digital content violating social, religious, and legal norms may be blocked. This is particularly important in the context

of Islamic education to prevent the spread of interpretations inconsistent with moderate Islamic teachings. However, content monitoring must be carried out transparently, accountably, and with the involvement of experts in Islamic education to avoid misuse of authority.

Article 52 paragraph (4) of the ITE Law specifies that corporations may be held liable if they violate Articles 27 through 37. In the context of Islamic education, this provides a legal foundation to prosecute corporations that produce false, discriminatory, or divisive educational content (Ministry of Law and Human Rights, 2008). This helps ensure that Islamic education, as a legitimate part of the national education system, receives equal legal protection.

According to Moeljatno (1985), a criminal act is any behavior that violates legal norms and harms society. Hence, the dissemination of misleading Islamic educational content may be prosecuted under relevant criminal provisions if the legal elements of the offense are fulfilled. However, legal processes must be executed fairly, without discrimination, and in accordance with due process to maintain public trust in law enforcement institutions.

As Simons (2017) argues, while criminal law has traditionally centered on individual responsibility, modern developments require recognition of collective wrongdoing. In the realm of Islamic education, recognizing corporate criminal liability is essential to curb the systematic spread of harmful religious content.

Taviv (2015) observes that corporate crime often spans national borders, with developing countries bearing the brunt due to weak regulation. To safeguard Islamic education in Indonesia, there must be synergy between national regulations and international cooperation in monitoring digital religious content. This also aligns with efforts to strengthen good corporate governance within the media and education sectors.

Accordingly, the criminal justice system must evolve to recognize corporations as active perpetrators of crimes, including those affecting Islamic education. Legal reform must address not only regulatory substance but also implementation and enforcement mechanisms, in order to provide comprehensive protection for society—especially for the Islamic education community—in navigating today's complex and rapidly changing information landscape.

Conclusion

In the context of modern criminal law and the advancement of information technology, Islamic education emerges as a sector requiring special legal protection. The dissemination of misleading or harmful content that undermines Islamic values through digital media presents a tangible threat that must be addressed with robust and adaptive legal mechanisms. Recognizing corporations as legal subjects of criminal law is a progressive step toward ensuring that all actors—including legal entities—can be held accountable for actions that jeopardize Islamic education.

Legal voids, weak enforcement, and conventional legal approaches remain significant obstacles in shielding Islamic education from harmful digital content. Therefore, regulatory reform is essential to establish clear corporate responsibilities and legal mechanisms that ensure justice for affected communities. Only through a responsive and humanistic legal framework can Islamic education flourish within a healthy, dignified, and secure digital ecosystem.

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