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***The Transformation of Islamic Education in the Digital Era: A Harmonization of Islamic Law and Indonesian Positive Law***

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| Info Articles                                                                                                                                                                                                                                                                              | Abstract                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p><b>Article History</b></p> <p>Received : 20-09-2026</p> <p>Revised : 28-09-2026</p> <p>Published: 09-10-2026</p> <p><b>Keywords:</b></p> <p><i>Islamic Education; Digital Transformation; Legal Harmonization; Madrasah; Pesantren; National Education Law; Maqasid al-Shari'ah</i></p> | <p><i>Islamic education in Indonesia is governed by a dual architecture in which general education law and religious education regulation meet imperfectly, and that architecture is now absorbing digital delivery. Learning management systems, recorded instruction, and online certification have entered madrasah, pesantren, and religious higher education faster than the rules that govern recognition, quality, and the protection of learners. This study examines how digitalisation alters the legal conditions of Islamic education in Indonesia, identifies the resulting disharmony between Islamic legal principles and positive law, and formulates an agenda for harmonization. The research is normative juridical and doctrinal, using statutory, conceptual, and comparative approaches, supported by classical doctrine on the transmission of knowledge and by maqasid reasoning as an internal normative standard. Digitalisation acts on three layers: administration, delivery, and certification of learning. Indonesian law has regulated administration substantially, delivery only through general standards, and certification in a manner that does not distinguish between mediated and unmediated instruction. The classical apparatus of transmission, resting on the connected chain and on the teacher's authorisation, supplies criteria for that distinction that positive law has not used. The codification of education legislation now before the legislature is the appropriate vehicle for correcting this. Harmonization requires standards for digital religious instruction, an explicit rule on the recognition of digitally acquired qualifications, and the extension of learner protection and data obligations to religious education institutions.</i></p> |

## **I. INTRODUCTION**

Islamic education occupies a distinctive position in the Indonesian legal system. It is simultaneously part of the national education system, governed by the statute that establishes that system and by the standards issued under it, and a domain of religious institutions whose forms madrasah, pesantren, majelis taklim, and religious higher education carry their own traditions of transmission and their own regulatory lineage under the Ministry of Religious Affairs.<sup>1</sup> The national education statute recognises religious education as a type of education and guarantees every learner the right to religious instruction consistent with the learner's own religion, while a government regulation elaborates religious education and religious instruction as distinct categories, and a dedicated statute has since given pesantren

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<sup>1</sup> Republic of Indonesia, Law No. 20 of 2003 concerning the National Education System, Articles 15, 17, and 30; Government Regulation No. 55 of 2007 concerning Religious Education and Religious Instruction, Articles 1–3.

statutory recognition in the functions of education, preaching, and community empowerment.<sup>2</sup>

Digitalisation has entered this architecture rapidly and unevenly. Administrative systems now handle enrolment, teacher data, and institutional reporting. Instruction is delivered through learning management systems, recorded lectures, messaging groups, and video platforms. Study circles that once required physical attendance are streamed; classical texts once read with a teacher are available in searchable form; certificates of completion are issued by platforms whose relationship to any recognised institution is unclear. The period of emergency remote learning accelerated all of this, and the practices it normalised did not disappear when classrooms reopened.

The legal framework has not kept pace in a specific and identifiable way. Indonesian law provides for distance education in higher education and permits flexible modes of delivery under the national education standards, and it regulates electronic systems and personal data in general terms.<sup>3</sup> What it does not provide is a set of rules addressed to the particular features of religious instruction delivered digitally: the conditions under which a course of religious study conducted online may be recognised, the standards that apply to institutions offering it, the protection owed to learners who are predominantly minors, and the treatment of qualifications issued outside any accredited institution.

The absence matters for reasons internal to Islamic law as well. The classical tradition of transmission was built around a relation between teacher and student that was documented rather than assumed: the connected chain of transmission and the teacher's written authorisation certified not merely that a text had been read but that it had been read under supervision, with the student's comprehension verified.<sup>4</sup> That apparatus was a quality assurance system, and it addressed precisely the risk that digital transmission reintroduces that text may circulate without the verification of understanding that the tradition regarded as constitutive of knowledge rather than incidental to it.

Scholarship on Indonesian Islamic education is extensive, and the literature on its modernisation is well developed.<sup>5</sup> Studies of digital religious learning have concentrated on pedagogy, on access, and on the sociology of online religious authority. The legal dimension has been examined mainly in relation to the status of madrasah within the national system and to the recognition of pesantren. Comparatively little work asks how digital delivery interacts with the legal

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<sup>2</sup> Law No. 20 of 2003, Articles 12(1)(a) and 30; Government Regulation No. 55 of 2007, Articles 1–2 and 8–14; Law No. 18 of 2019 concerning Pesantren, Articles 1, 4–5, and 26.

<sup>3</sup> Law No. 12 of 2012 concerning Higher Education, Articles 31–32; Government Regulation No. 57 of 2021 concerning National Education Standards, as amended by Government Regulation No. 4 of 2022, Articles 11–14; Law No. 11 of 2008 as amended, Articles 5 and 15; Law No. 27 of 2022 concerning Personal Data Protection, Articles 16 and 20–26.

<sup>4</sup> George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981), 140–52.

<sup>5</sup> Azyumardi Azra, *Pendidikan Islam: Tradisi dan Modernisasi di Tengah Tantangan Milenium III* (Jakarta: Kencana, 2012), 55–72; Robert W. Hefner, ed., *Making Modern Muslims: The Politics of Islamic Education in Southeast Asia* (Honolulu: University of Hawai'i Press, 2009), 1–28.

conditions of educational validity, or what the classical apparatus of transmission contributes to answering that question.

The timing is significant. The legislature is currently considering a codification that would consolidate the national education statute, the statute on teachers and lecturers, and the higher education statute into a single instrument, with the draft having reached the harmonisation stage; until that process concludes, the existing statutes remain in force.<sup>6</sup> A codification is the natural occasion for resolving structural questions of this kind, and the questions raised by digital Islamic education are structural rather than technical.

This article therefore asks four questions. First, what is the legal architecture of Islamic education in Indonesia, and where are its joints weakest? Second, on what layers does digitalisation act, and how is each layer regulated? Third, what does the classical doctrine of transmission contribute to determining when digitally delivered religious instruction should be recognised? Fourth, what agenda of harmonization follows, and how should it be reflected in the codification now under consideration?

## II. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

The classical theory of knowledge and its transmission supplies the first framework. Al-Ghazālī treated the acquisition of knowledge as an obligation whose value lay in its transformation of the learner, and made the relation with the teacher central to that transformation rather than instrumental to it.<sup>7</sup> Al-Zarnūjī's manual for students and Ibn Jamā'ah's treatise on the etiquette of teacher and student elaborated this relation into a set of reciprocal duties, and in doing so described what would now be called the conditions of effective learning: continuity, supervision, correction, and the cultivation of character alongside information.<sup>8</sup> Ibn Khaldūn's analysis of instruction as a craft acquired through habituation under a master reinforces the point from a different direction.<sup>9</sup>

The institutional counterpart of this theory is the apparatus of transmission studied by historians of Islamic education. The connected chain of transmission and the teacher's authorisation functioned as a decentralised system of certification in which the credential attached to a person and a text rather than to an institution, and in which the verification of comprehension was the condition of the credential.<sup>10</sup> Two features of that system are directly relevant here: it was medium-independent, since authorisation could follow reading, dictation, or correspondence under

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<sup>6</sup> "Revisi UU Sisdiknas Menggunakan Kodifikasi," Hukumonline, accessed 2026, <https://www.hukumonline.com/berita/a/revisi-uu-sisdiknas-menggunakan-kodifikasi-lt6840183d8527c/>.

<sup>7</sup> Abū Ḥamid al-Ghazālī, *Iḥyā' 'Ulūm al-Dīn* (Beirut: Dār al-Ma'rifa, n.d.), 1:15–30.

<sup>8</sup> Burhān al-Dīn al-Zarnūjī, *Ta'lim al-Muta'allim Ṭarīq al-Ta'allum* (Beirut: al-Maktab al-Islāmī, 1981), 13–28; Badr al-Dīn Ibn Jamā'ah, *Tadhkirat al-Sāmi' wa al-Mutakallim fī Adab al-Ālim wa al-Muta'allim* (Beirut: Dār al-Kutub al-'Ilmiyya, 2005), 45–63.

<sup>9</sup> Ibn Khaldūn, *The Muqaddimah: An Introduction to History*, trans. Franz Rosenthal (Princeton: Princeton University Press, 1967), 3:300–309.

<sup>10</sup> Makdisi, *The Rise of Colleges*, 140–52; Jonathan P. Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* (Princeton: Princeton University Press, 1992), 21–43.

defined conditions, and it was person-dependent, since the authorising teacher assumed responsibility for the attestation.

Modern Islamic educational thought forms the second framework. Al-Attas's account of education as the instilling of right conduct and right knowledge places formation at the centre and resists the reduction of education to information transfer; Fazlur Rahman's analysis of Islamic educational reform identified the separation of religious from general knowledge as the central defect of modern Muslim educational systems.<sup>11</sup> Indonesian scholarship has developed these arguments in relation to the madrasah and the pesantren, examining the incorporation of religious schooling into the national system and the persistence of distinctive pedagogical forms within it.<sup>12</sup>

The theory of purposes supplies the third framework. The protection of intellect is one of the essential interests, and education is the principal means by which it is protected; the protection of religion is served by the transmission of religious knowledge; and the protection of lineage, understood as the continuity of the community across generations, has an educational dimension.<sup>13</sup> Because these interests are protected by means that vary with circumstances, the forms of education are open to adaptation provided the functions are preserved, a proposition that Ibn 'Āshūr's reconstruction of purposes for modern legislation and Auda's systemic criteria both support.<sup>14</sup>

The fourth framework is general legal theory on regulation and technology. Fuller's requirements of clarity and congruence are engaged where the standards governing a learner's qualification are not stated for the mode in which the learner actually studies.<sup>15</sup> Lessig's proposition that architecture regulates conduct explains why the design of a learning platform may determine educational outcomes more effectively than the standards nominally applicable to the institution using it.<sup>16</sup>

The theoretical gap is now identifiable. The classical literature tells us what the transmission of religious knowledge requires; the modern literature tells us how Indonesian institutions have been incorporated into the national system; the regulatory literature tells us how digital services are governed in general. What is missing is the connection: an analysis that uses the classical conditions of transmission as criteria for the legal recognition of digitally delivered religious education, and that identifies where Indonesian positive law would need to change to give effect to them.

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<sup>11</sup> Syed Muhammad Naquib al-Attas, *The Concept of Education in Islam: A Framework for an Islamic Philosophy of Education* (Kuala Lumpur: ISTAC, 1991), 13–28; Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982), 130–40.

<sup>12</sup> Martin van Bruinessen, *Kitab Kuning, Pesantren dan Tarekat: Tradisi-Tradisi Islam di Indonesia* (Bandung: Mizan, 1995), 17–35; Azra, *Pendidikan Islam*, 89–104.

<sup>13</sup> Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī'a* (Cairo: Dār Ibn 'Affān, 1997), 2:17–25.

<sup>14</sup> Muhammad al-Ṭāhir Ibn 'Āshūr, *Treatise on Maqāṣid al-Sharī'ah*, trans. Mohamed El-Tahir El-Mesawi (London: International Institute of Islamic Thought, 2006), 87–92; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), 45–55.

<sup>15</sup> Lon L. Fuller, *The Morality of Law*, rev. ed. (New Haven: Yale University Press, 1969), 39–62.

<sup>16</sup> Lawrence Lessig, *Code: Version 2.0* (New York: Basic Books, 2006), 121–37.

### III. RESEARCH METHOD

This study is normative juridical research, doctrinal in technique and prescriptive in orientation.<sup>17</sup> It reconstructs the applicable norms, evaluates their coherence, and proposes reform.

The statutory approach examines the national education statute and its implementing regulations, the government regulation on religious education and religious instruction, the statute on pesantren and its funding regulation, the statute on higher education so far as it concerns distance education, the national education standards, and the general legislation on electronic systems and personal data. The conceptual approach clarifies the relations among delivery, recognition, certification, and quality assurance, terms that are frequently conflated in discussion of digital learning. The comparative approach is functional rather than jurisdictional: the classical apparatus of transmission and the modern apparatus of accreditation are compared as solutions to the same problem, namely how a community assures itself that a claimed qualification corresponds to actual competence.<sup>18</sup> Islamic legal methodology is applied internally, with *maqāṣid al-sharī'a* supplying the criterion of evaluation and the classical doctrine of authorisation supplying the doctrinal reference point.

Primary legal materials comprise the 1945 Constitution, particularly Article 31; Law No. 20 of 2003 concerning the National Education System; Law No. 14 of 2005 concerning Teachers and Lecturers; Law No. 12 of 2012 concerning Higher Education; Law No. 18 of 2019 concerning Pesantren; Government Regulation No. 55 of 2007 concerning Religious Education and Religious Instruction; Government Regulation No. 57 of 2021 concerning National Education Standards as amended by Government Regulation No. 4 of 2022; Presidential Regulation No. 82 of 2021 concerning Funding for the Implementation of Pesantren; Law No. 11 of 2008 concerning Electronic Information and Transactions as amended by Law No. 19 of 2016 and Law No. 1 of 2024; and Law No. 27 of 2022 concerning Personal Data Protection. The draft codification of education legislation currently under deliberation is treated as material for policy analysis rather than as a source of law. Secondary materials are peer-reviewed articles, monographs, and classical works; tertiary materials are reference works.

The analysis maps the architecture, distinguishes the layers on which digitalisation acts, tests each layer against Islamic legal criteria and against the requirements of legal certainty, and formulates an agenda for harmonization. The study does not generate empirical data on learning outcomes; its claims about effects rest on published sources and are framed as grounds for regulatory attention.

### IV. RESULTS AND DISCUSSION

#### A. The Dual Architecture of Islamic Education and Its Weak Joins

The first finding concerns the structure into which digitalisation has entered. Indonesian Islamic education is organised along two axes that intersect imperfectly.

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<sup>17</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2017), 55–60.

<sup>18</sup> Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law*, 3rd ed., trans. Tony Weir (Oxford: Clarendon Press, 1998), 34–47.

The first axis distinguishes general education with religious content from religious education proper. The national education statute guarantees every learner religious instruction taught by a teacher of the same religion, and separately recognises religious education as a type of education; the implementing government regulation distinguishes religious education, which prepares learners to master religious knowledge, from religious instruction, which is a subject within general schooling.<sup>19</sup> Madrasah occupy an intermediate position: they are general schools with religious characteristics, equivalent to their counterparts in the general system, while being administered by the Ministry of Religious Affairs.

The second axis distinguishes formal from non-formal and informal provision. Pesantren, recognised by statute since 2019, may deliver education within or outside the formal system, and their distinctive programmes are recognised in their own right; majelis taklim and similar assemblies sit in the non-formal and informal categories with correspondingly light regulation.<sup>20</sup>

| Category                                 | Governing instrument                               | Administering body         | Recognition basis                |
|------------------------------------------|----------------------------------------------------|----------------------------|----------------------------------|
| Religious instruction in general schools | National education statute and standards           | Education ministry         | Curriculum standard              |
| Madrasah                                 | National education statute and ministry regulation | Religious affairs ministry | Equivalence with general schools |
| Pesantren education                      | Pesantren statute and implementing rules           | Religious affairs ministry | Statutory recognition            |
| Religious higher education               | Higher education statute and ministry regulation   | Religious affairs ministry | Accreditation                    |
| Non-formal religious assemblies          | General provisions only                            | Light or no supervision    | None                             |

**Table 1. The architecture of Islamic education in Indonesian law**

The joins are weakest at the transitions. Equivalence between madrasah and general schools is established, but the standards that operationalise it were designed for the general system and translate imperfectly to institutions whose distinctive content lies outside those standards. Recognition of pesantren programmes has been achieved in principle, but the criteria by which a programme is assessed must accommodate pedagogies that predate and differ from the standards apparatus. And the non-formal sector, which is where most digital religious instruction actually occurs, is governed by almost nothing.

## B. Three Layers of Digitalisation

The second finding is that digitalisation acts on three separable layers, regulated with very different degrees of completeness.

The first layer is administration. Enrolment, teacher records, institutional reporting, and assistance disbursement are handled through national information systems, and the general legislation on electronic systems and personal data applies

<sup>19</sup> Law No. 20 of 2003, Articles 12(1)(a), 15, 17, and 30; Government Regulation No. 55 of 2007, Articles 1–3.

<sup>20</sup> Law No. 18 of 2019, Articles 4–5, 17–21, and 26; Presidential Regulation No. 82 of 2021 concerning Funding for the Implementation of Pesantren, Articles 2–5.

to them. This layer is comparatively well ordered, though the application of data protection obligations to religious education institutions has received little attention despite the sensitivity of the data involved.<sup>21</sup>

A note on the non-formal sector is necessary here, because it is both the largest site of digital religious instruction and the least visible in legal analysis. Study circles, recitation classes, and text-reading sessions conducted through video and messaging platforms reach very large audiences, are frequently conducted by teachers whose qualifications are unverified, and generate no record that any authority holds. They are education in every substantive sense and in almost no legal sense. Any framework that addresses only formal institutions will therefore leave the fastest-growing part of digital Islamic education untouched, which is an argument for regulating the organisation of learning rather than the status of the organiser.

The second layer is delivery. Instruction occurs through learning platforms, recorded material, and messaging applications. Indonesian law provides for distance education in higher education and permits variation in learning processes under the national education standards, but it supplies no standards addressed to the delivery of religious education specifically, and no rule distinguishes synchronous supervised instruction from the consumption of recorded content.<sup>22</sup> For religious education this distinction is not a technicality: the classical tradition treated supervision and correction as constitutive of transmission, and a framework that treats all modes as equivalent abandons a criterion the tradition considered essential.

The third layer is certification. Qualifications issued by accredited institutions are governed by the standards apparatus. Outside it, platforms and individual teachers issue certificates of completion, some framed in the language of traditional authorisation, whose legal status is undefined. Indonesian law neither recognises nor prohibits them; they circulate as social facts with legal consequences only when an institution or employer chooses to credit them.

| Layer          | What is digitalised       | Present regulation                       | Gap                                         |
|----------------|---------------------------|------------------------------------------|---------------------------------------------|
| Administration | Records and reporting     | National systems and general law         | Data obligations for religious institutions |
| Delivery       | Instruction itself        | Distance education and general standards | No standards for religious instruction      |
| Certification  | Attestation of attainment | Accreditation only                       | Status of non-institutional certificates    |

**Table 2. Layers of digitalisation in Islamic education**

### **C. Transmission, Supervision, and the Criteria the Tradition Supplies**

The third finding is doctrinal, and it is the analytical core of this article. The classical apparatus of transmission is often invoked in contemporary debate as an argument against online religious learning, on the ground that knowledge must be received from a teacher in person. That reading is historically inaccurate and

<sup>21</sup> Law No. 27 of 2022, Articles 16, 20–26, and 25 on the processing of children's data.

<sup>22</sup> Law No. 12 of 2012, Articles 31–32; Government Regulation No. 57 of 2021 as amended, Articles 11–14.

analytically unhelpful. The tradition permitted authorisation on the basis of reading before the teacher, of dictation, of the teacher's reading to the student, and in defined circumstances of correspondence; what it insisted upon was not physical proximity but a set of conditions, and those conditions can be stated with precision.<sup>23</sup>

Three conditions emerge. The first is identification: the teacher must know who the student is, and the attestation must attach to an identified person. The second is verification: the teacher must have grounds for attesting the student's comprehension, which requires interaction rather than transmission alone. The third is responsibility: the authorisation is an act of the teacher, who is answerable for it, and it is therefore traceable to a person rather than to a system.

Stated in this form, the conditions are medium-independent and immediately applicable to digital instruction. Synchronous instruction with interaction and assessment satisfies all three; recorded lectures consumed without interaction satisfy none; automatically issued certificates of completion satisfy none and, where framed in the language of traditional authorisation, misrepresent what has occurred. A regulatory rule can be built directly on this analysis, and it would be more precise than the general standards currently applied.

The same criteria bear on institutional accreditation. Where an institution delivers religious education digitally, the question for the accrediting body is whether its arrangements secure identification, verification, and responsibility that is, whether learners are known, whether attainment is assessed by interaction, and whether an identified educator is answerable for the attestation. These are administrable criteria, and they connect the standards apparatus to the tradition it currently ignores.

#### **D. Recognition, Equivalence, and the Protection of Learners**

The fourth finding concerns consequences for learners. Three problems recur.

The first is recognition. A learner who completes a course of religious study digitally may hold a certificate whose value is untested. In the absence of a rule, its acceptance depends on the discretion of the institution or employer approached, which places the cost of legal uncertainty on the learner. The appropriate response is not to prohibit such certificates but to require them to disclose their basis: whether instruction was synchronous, whether attainment was assessed, and whether the issuer is an accredited institution.

The second is equivalence. Where digital study is undertaken to supplement or substitute for formal schooling, the rules on equivalence and on the recognition of prior learning determine whether it counts. These rules exist in general form but have not been elaborated for religious education, with the result that the substantial learning acquired in non-formal religious settings, now increasingly digital, remains outside the equivalence system.

The third is protection. Learners in Islamic education are predominantly minors, and digital delivery exposes them to risks that the education statutes did not anticipate: the processing of personal data by platforms, contact with unvetted

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<sup>23</sup> Makdisi, *The Rise of Colleges*, 140–52; Berkey, *The Transmission of Knowledge in Medieval Cairo*, 21–43.

instructors, and exposure to content selected by recommendation systems rather than by an educator. The personal data statute applies and imposes specific requirements where the data of children is processed, but religious education institutions have received little guidance on their obligations, and non-formal providers are largely outside any supervisory relationship.<sup>24</sup>

### **E. Comparative Reference: Recognising Traditional Religious Learning**

Indonesia is not alone in having to decide how a modern accreditation system should treat learning acquired in traditional religious settings, and comparison at the level of technique clarifies the options.

Three broad approaches can be distinguished. The first maintains a parallel system in which religious institutions operate their own ladder of qualifications, recognised for entry into religious institutions and for religious employment but not automatically equivalent for other purposes. This preserves the integrity of the tradition at the cost of restricting the mobility of its graduates. The second grants equivalence subject to the addition of general subjects, which is broadly the Indonesian madrasah model and which secures mobility at the cost of measuring the institution principally by criteria external to its purpose. The third assesses attainment rather than institutions, recognising learning wherever acquired through examination or portfolio, which preserves both mobility and distinctiveness but requires an assessment apparatus capable of evaluating classical religious competence.

For digital learning the third approach is the most promising, precisely because the institution is the element that digital delivery destabilises. Where instruction occurs partly in a pesantren, partly through an online circle, and partly through recorded material, no institutional criterion captures what the learner knows; an attainment-based pathway does. Indonesian law already contains the elements of such a pathway in its provisions on the equivalence of non-formal education and the recognition of prior learning, but they have not been elaborated for religious learning.

The comparative lesson is therefore specific rather than general. Indonesia need not choose between preserving the tradition and integrating it; it needs an assessment instrument for religious competence that is independent of the mode in which competence was acquired. Developing that instrument with the institutions whose tradition it assesses is the condition of its legitimacy, and it is the single most useful thing the codification could authorise.

### **F. Harmonization and the Codification Opportunity**

The fifth finding concerns the vehicle for reform. The legislature is considering a codification consolidating the principal education statutes, with the draft in harmonisation and the existing statutes remaining in force meanwhile.<sup>25</sup> Three measures should be reflected in it.

*Standards for digitally delivered religious education.* The codification should authorise standards that distinguish modes of delivery by their capacity to secure

<sup>24</sup> Law No. 27 of 2022, Article 25; Law No. 20 of 2003, Article 12.

<sup>25</sup> "Revisi UU Sisdiknas Menggunakan Kodifikasi," Hukumonline.

identification, verification, and responsibility, and should require accrediting bodies to apply them to religious education institutions.

*A rule on the recognition of digitally acquired qualifications.* The codification should provide that certificates issued in respect of religious study disclose their basis, and should establish a pathway by which non-formal religious learning, including digital learning, may be assessed for equivalence.

*Extension of learner protection and data obligations.* The codification should state expressly that obligations regarding the protection of learners and the processing of their personal data apply to all providers of education, including religious education institutions and non-formal providers operating at scale.

A fourth measure lies outside the codification. The distinctive content of Islamic education the reading of classical texts with a teacher, the formation of character, the cultivation of adab is not fully captured by any standards apparatus, and an attempt to capture it exhaustively would damage it. The harmonization proposed here is therefore deliberately partial: it regulates the conditions under which attainment may be attested and learners protected, and leaves the substance of formation to the institutions whose tradition it is.

| Measure                                      | Instrument                                   | Function protected         |
|----------------------------------------------|----------------------------------------------|----------------------------|
| Standards for digital religious instruction  | Codified statute and ministerial regulation  | Verification of attainment |
| Disclosure and equivalence of qualifications | Codified statute and ministerial regulation  | Learner's legal certainty  |
| Learner protection and data obligations      | Codified statute and implementing regulation | Protection of minors       |
| Institutional autonomy in formation          | Deliberate restraint                         | Integrity of the tradition |

**Table 3. Harmonization agenda for Islamic education in the digital era**

## V. CONCLUSION

Islamic education in Indonesia is governed by a dual architecture whose weakest joints are precisely the points at which digital delivery has concentrated: the equivalence of institutions administered under different ministries, the recognition of learning acquired outside the formal system, and the supervision of non-formal provision. Digitalisation acts on three layers, and Indonesian law addresses them unevenly, regulating administration substantially, delivery only through general standards that do not distinguish supervised from unsupervised instruction, and certification only within the accreditation system, leaving the growing body of non-institutional attestation without legal status.

The classical apparatus of transmission supplies what positive law currently lacks. Properly read, it did not require physical presence but identification of the student, verification of comprehension, and personal responsibility for the attestation. These three conditions are medium-independent, administrable, and directly translatable into regulatory criteria: synchronous interactive instruction with assessment satisfies them; the consumption of recorded material and automatic certification do not. Using them would allow Indonesian law to distinguish among modes of digital delivery on a principled basis rather than treating them as equivalent.

The learners bear the cost of the present ambiguity. They hold qualifications of untested value, they have no reliable pathway for the recognition of substantial non-formal learning, and they receive, as minors, weaker protection in digital religious settings than in formal schooling.

The codification of education legislation now before the legislature is the appropriate vehicle for correction. It should authorise standards for digitally delivered religious education built on the three conditions, require disclosure of the basis of qualifications and provide a pathway for equivalence, and state expressly that learner protection and data obligations apply to religious education providers. It should also exercise restraint: the formation of character that distinguishes Islamic education is not amenable to standardisation, and the harmonization proposed here is confined to the conditions of attestation and protection.

Further research should examine empirically how digital instruction is actually conducted in madrasah and pesantren, study the circulation and social acceptance of non-institutional certificates of religious study, and compare approaches in other jurisdictions where traditional religious education and modern accreditation coexist.

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