

Reconstructing Islamic Education Policy in Indonesia: Integrating Maqāṣid al-Sharīʿah, Digitalization, and National Education Law

Maria Maspita Hasibuan

Universitas Islam Sumatera Utara Medan, Indonesia

Email: mariamaspitahasibuan@gmail.com

Info Articles	Abstract
Article History Received : 20-09-2026 Revised : 28-09-2026 Published: 09-10-2026 Keywords: <i>Islamic Education Policy; Maqasid al-Shari'ah; Digitalization; National Education Law; Madrasah; Pesantren; Education Financing</i>	<i>Islamic education in Indonesia is administered under two ministries, financed through channels that do not reach all institutions equally, and regulated by statutes drafted at different times for different purposes. The codification of education legislation now before the legislature, together with rapid digitalization, makes this the moment at which the resulting fragmentation can be corrected or entrenched. This study reconstructs Indonesian Islamic education policy by deriving evaluative criteria from maqasid al-shari'ah, applying them to the present architecture and to digitalization, and testing the codification against them. The research is normative juridical and doctrinal, using statutory, conceptual, and comparative approaches, with maqasid reasoning and classical educational doctrine as internal normative standards and constitutional analysis as the external one. The architecture is fragmented along four axes: administering authority, financing channel, recognition pathway, and standards apparatus. Measured against the essential interests, the framework performs adequately on access and weakly on equality of provision, on the quality of religious learning, and on the protection of learners in digital environments. Digitalization amplifies rather than relieves these weaknesses, because capacity to exploit it is distributed along the same lines as existing inequality. Reconstruction should equalize financing by function, unify quality assurance while preserving institutional distinctiveness, provide a national digital infrastructure entitlement for religious education institutions, and state learner protection obligations that apply across the whole system.</i>

I. INTRODUCTION

Indonesian Islamic education is large, old, and legally divided. Madrasah at every level, pesantren in their many forms, religious higher education, and religious instruction within general schooling together account for a substantial share of national provision, and they carry a tradition of learning that predates the republic. Their legal position, however, is assembled from instruments enacted at different times for different purposes: the national education statute of 2003, which establishes the system and recognises religious education within it; the statute on teachers and lecturers of 2005; the higher education statute of 2012; the pesantren statute of 2019; and a body of government and ministerial regulation distributed between two ministries.¹

¹ Republic of Indonesia, Law No. 20 of 2003 concerning the National Education System, Articles 15, 17, and 30; 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.

Two developments make the present moment decisive. The first is legislative. The legislature is considering a codification that would consolidate the principal education statutes into a single instrument; the draft has reached the harmonisation stage, and public commentary has focused on the preservation of teachers' rights and on the scope of compulsory education.² Until enactment the existing statutes remain in force. A codification either corrects structural asymmetries or fixes them in place for a generation.

The second is technological. Digitalisation has entered Islamic education rapidly, in administration, in delivery, and in the certification of learning. Its distributive effect is not neutral. Institutions with infrastructure, trained teachers, and stable funding convert digital tools into improved provision; institutions without them experience digitalisation as an additional reporting burden. Where the underlying inequality tracks administering authority and funding channel, digitalisation widens rather than narrows the gap.

The policy discussion has largely proceeded in two separate registers. One is administrative, concerned with budget shares, the status of madrasah within the national system, and the recognition of pesantren. The other is philosophical, concerned with the integration of religious and general knowledge and with the purposes of Islamic education. Neither register supplies what policy design requires: criteria by which a proposed arrangement can be assessed, derived from the tradition the system claims to serve and usable by a legislature.

That is the gap this article addresses. *Maqāṣid al-sharī'a* is well suited to the task because it is, in substance, a framework for evaluating arrangements by their contribution to identified interests, graded by urgency. Its use in Indonesian educational writing has tended to be expository, establishing that education serves the protection of intellect and religion without deriving criteria that could discriminate between policy options.³ Used more demandingly, it yields a small set of questions that can be put to any proposed arrangement and answered with evidence.

This article accordingly asks four questions. First, what is the present architecture of Islamic education policy in Indonesia, and along which axes is it fragmented? Second, what evaluative criteria can be derived from *maqāṣid al-sharī'a* for the design of education policy, stated in a form a legislature can apply? Third, how does the present framework, including its digital dimension, perform against those criteria? Fourth, what reconstruction follows, and what should the codification provide?

II. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

The theory of purposes supplies the primary framework, and the way it is used here requires explanation. Al-Ghazālī's enumeration of the essential interests and al-Shāṭibī's demonstration that the purposes of the law are ascertainable by

² "Revisi UU Sisdiknas Menggunakan Kodifikasi," Hukumonline, accessed 2026, <https://www.hukumonline.com/berita/a/revisi-uu-sisdiknas-menggunakan-kodifikasi-lt6840183d8527c/>.

³ Azyumardi Azra, *Pendidikan Islam: Tradisi dan Modernisasi di Tengah Tantangan Milenium III* (Jakarta: Kencana, 2012), 55–72.

induction established that legal and policy arrangements are evaluated by their contribution to identified ends.⁴ Al-Shāṭibī's gradation of interests into necessities, needs, and improvements supplies a priority rule, and the classical requirement that a measure not produce greater harm than it prevents supplies a proportionality test.⁵ Ibn 'Āshūr's reconstruction of purposes for modern legislation and Auda's systemic criteria openness, purposefulness, multidimensionality extend the framework to the evaluation of institutions rather than of individual rules.⁶

The second framework is the Islamic theory of education itself. Al-Ghazālī's treatment of knowledge as transformative, al-Zarnūjī's and Ibn Jamā'ah's accounts of the duties of teacher and student, and Ibn Khaldūn's analysis of instruction as a craft acquired through habituation all converge on a conception in which formation, not information transfer, is the object.⁷ Al-Attas developed this into a philosophy of education centred on the instilling of right conduct, and Fazlur Rahman argued that the central defect of modern Muslim education was the institutional separation of religious from general knowledge, a separation that Indonesian administrative division reproduces.⁸

The third framework is the Indonesian literature on Islamic education policy. Studies of the incorporation of madrasah into the national system, of the modernisation of pesantren, and of the politics of religious schooling in Southeast Asia have documented both the achievement of formal equivalence and the persistence of material disparity.⁹ Work on the legal status of religious education has examined the constitutional guarantee of religious instruction and the statutory recognition of religious education as a type within the system.¹⁰

The fourth framework is constitutional. The 1945 Constitution obliges the state to establish a national education system, guarantees every citizen the right to education and compulsory basic education financed by the state, and requires that

⁴ Abū Hāmid al-Ghazālī, *al-Mustasfā min 'Ilm al-Uṣūl* (Beirut: Dār al-Kutub al-'Ilmiyya, 1993), 1:174–75; Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī'a* (Cairo: Dār Ibn 'Affān, 1997), 2:17–25.

⁵ al-Shāṭibī, *al-Muwāfaqāt*, 2:25–33.

⁶ Muhammad al-Ṭāhir Ibn 'Āshūr, *Treatise on Maqāsid 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.

⁷ Abū Hāmid al-Ghazālī, *Ihyā' 'Ulūm al-Dīn* (Beirut: Dār al-Ma'rifa, n.d.), 1:15–30; 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; Ibn Khaldūn, *The Muqaddimah: An Introduction to History*, trans. Franz Rosenthal (Princeton: Princeton University Press, 1967), 3:300–309.

⁸ 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.

⁹ Robert W. Hefner, ed., *Making Modern Muslims: The Politics of Islamic Education in Southeast Asia* (Honolulu: University of Hawai'i Press, 2009), 1–28; Martin van Bruinessen, *Kitab Kuning, Pesantren dan Tarekat: Tradisi-Tradisi Islam di Indonesia* (Bandung: Mizan, 1995), 17–35.

¹⁰ Law No. 20 of 2003, Articles 12(1)(a) and 30; Government Regulation No. 55 of 2007, Articles 1–3.

a defined proportion of the national and regional budgets be allocated to education; the Constitutional Court has held that allocations failing to meet the constitutional threshold are invalid.¹¹ These provisions are the external standard against which policy must be assessed, and they matter here because the question of which institutions the allocation reaches is a constitutional question and not merely an administrative one.

The gap is now identifiable. The purposes literature supplies evaluative concepts without operational criteria; the Indonesian policy literature supplies description without an evaluative standard; the constitutional literature supplies an external standard without connecting it to the distinctive features of religious education. This article joins them by deriving four operational criteria and applying them.

III. RESEARCH METHOD

This study is normative juridical research, doctrinal in technique and prescriptive in orientation.¹² Its distinctive step is the derivation of evaluative criteria from Islamic legal theory in a form applicable to policy instruments.

The statutory approach examines the constitutional provisions on education and its financing, the national education statute, the statutes on teachers and lecturers, higher education, and pesantren, the government regulation on religious education and religious instruction, the national education standards, and the regulation of pesantren funding. The conceptual approach clarifies the relations among access, quality, equality, recognition, and financing. The comparative approach is used at the level of technique, examining how education systems reconcile institutional distinctiveness with common quality assurance.¹³ Islamic legal methodology is applied internally and constitutes the analytical core: the essential interests and their gradation are converted into criteria, which are then applied to the existing framework and to the draft codification.

Primary legal materials comprise the 1945 Constitution, particularly Article 31; Constitutional Court Decision No. 13/PUU-VI/2008 on the education budget; 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; Law No. 27 of 2022 concerning Personal Data Protection; 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; and Presidential Regulation No. 82 of 2021 concerning Funding for the Implementation of Pesantren. The draft codification is treated as policy material. Secondary materials are peer-reviewed articles, monographs, and classical works.

¹¹ The 1945 Constitution of the Republic of Indonesia, Article 31(1)–(4); Constitutional Court Decision No. 13/PUU-VI/2008.

¹² Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2017), 55–60.

¹³ Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law*, 3rd ed., trans. Tony Weir (Oxford: Clarendon Press, 1998), 34–47.

The analysis maps the architecture, derives the criteria, applies them to the framework and to digitalisation, tests the codification, and formulates a reconstruction. The study does not generate empirical data; claims about disparity rely on the structure of the financing and recognition arrangements rather than on measurement, and are framed accordingly.

IV. RESULTS AND DISCUSSION

A. Four Axes of Fragmentation

The first finding is that Indonesian Islamic education policy is fragmented along four axes that do not coincide, which is why reforms addressed to one axis rarely produce the expected effect.

Administering authority. Madrasah and religious education institutions are administered by the Ministry of Religious Affairs, while general schools fall under the education ministry and regional governments. Equivalence is established in law, but the instruments that deliver resources and supervision run along separate lines.¹⁴

Financing channel. Education financing reaches institutions through several channels operational assistance, regional allocations, special allocation funds, and the funding arrangements for pesantren each with its own eligibility conditions. Institutions that satisfy the conditions of several channels accumulate advantages; those that satisfy few remain dependent on community contributions.¹⁵

Recognition pathway. Formal institutions are recognised through accreditation; pesantren education is recognised under its own statutory framework; non-formal religious learning is largely unrecognised. Learners moving between these pathways encounter friction that the equivalence provisions address only partially.¹⁶

Standards apparatus. The national education standards were designed for the general system and apply to madrasah as schools, while the distinctive content of religious education is governed by ministry regulation. The result is an institution measured principally by criteria that do not capture what distinguishes it.¹⁷

Axis	Effect	Who bears the cost
Administering authority	Parallel supervision and reporting	Institutions with weak administration
Financing channel	Cumulative advantage and disadvantage	Small and rural institutions
Recognition pathway	Friction in transfer and progression	Learners in non-formal settings
Standards apparatus	Distinctive content unmeasured	Religious education institutions

Table 1. Axes of fragmentation in Indonesian Islamic education policy

¹⁴ Law No. 20 of 2003, Articles 17–18 and 30; Government Regulation No. 55 of 2007, Articles 8–14.

¹⁵ Law No. 20 of 2003, Articles 46–49; Law No. 18 of 2019, Articles 48–49; Presidential Regulation No. 82 of 2021 concerning Funding for the Implementation of Pesantren, Articles 2–5.

¹⁶ Law No. 20 of 2003, Articles 26 and 61; Law No. 18 of 2019, Articles 17–21 and 26.

¹⁷ Government Regulation No. 57 of 2021 concerning National Education Standards, as amended by Government Regulation No. 4 of 2022, Articles 3–14.

These axes interact, and the interaction is what makes piecemeal reform ineffective. An institution administered by one ministry, eligible for two financing channels rather than four, recognised through a pathway that requires documentation it struggles to produce, and assessed by standards addressed to a different kind of school, accumulates disadvantage at every axis simultaneously. Conversely, a well-resourced institution accumulates advantage at each. This compounding explains a pattern familiar to anyone who works in the sector: policies that appear neutral on their face produce widening divergence in practice, because they are applied to institutions whose starting positions differ along several dimensions at once.

B. Four Criteria Derived from the Purposes of the Law

The second finding is the derivation. Stated operationally, the essential interests yield four questions that can be put to any policy arrangement.

Does the arrangement secure access to learning for everyone whose intellect the system is obliged to protect? The protection of intellect is a necessity, and necessities are protected for all rather than for those who happen to be well placed. The criterion is therefore universality of access, including for learners in institutions with limited resources, and it aligns with the constitutional guarantee of compulsory basic education financed by the state.¹⁸

Does the arrangement secure the quality of what is transmitted, including religious learning? The protection of religion is served by accurate transmission, and the classical apparatus treated verification of comprehension as constitutive of transmission. The criterion is therefore effective quality assurance, applied to religious content as well as to general subjects, which the present standards apparatus does not fully achieve.

Does the arrangement protect learners from harm in the environments it creates? The protection of life, honour, and lineage is engaged by violence, sexual harm, and the exploitation of children's data, all of which arise in educational settings and increasingly in digital ones. The criterion is that protective obligations apply wherever learning is organised, not only in institutions of a particular type.

Is the distribution of resources justifiable to those who receive least? The protection of property has a distributive dimension, and the gradation of interests requires that necessities be secured for all before improvements are financed for some. The criterion is that disparities between institutions performing the same function must be justified by something other than administrative history.

These four criteria are deliberately modest. They do not determine curriculum, they do not resolve the debate about the integration of religious and general knowledge, and they do not prescribe institutional forms. They discriminate between policy options, which is what a legislature needs.

C. Applying the Criteria to the Present Framework

The third finding is the assessment, and it is mixed.

¹⁸ The 1945 Constitution, Article 31(1)–(2); al-Shāṭibī, *al-Muwāfaqāt*, 2:17–25.

On access, the framework performs adequately in formal terms. Compulsory basic education is guaranteed, madrasah are equivalent to general schools, and operational assistance reaches institutions across the system. The weakness is at the margins: institutions in remote areas and small private madrasah depend on channels whose conditions they struggle to satisfy, and the constitutional financing guarantee is expressed as a budget share rather than as an entitlement of the institution or the learner.¹⁹

On quality, performance is weaker. The standards apparatus measures religious education institutions principally by criteria designed for general schooling, while the distinctive content the reading of classical texts, the formation of character, the transmission of religious knowledge is assessed by ministry regulation without the machinery of independent assurance. The consequence is that an institution may be well rated on criteria that do not capture its purpose and unassessed on those that do.

On protection, the framework has improved substantially through child protection legislation, the statute on sexual violence, and the ministerial regulation on violence in education units, but its coverage follows institutional type: obligations attach to education units, while non-formal religious instruction, which is where much digital provision now occurs, lies largely outside them.²⁰ The processing of learners' personal data is governed by the data statute, which has not been elaborated for education.²¹

On distribution, the framework performs least well. Disparities between institutions performing the same function are substantial and track administering authority and eligibility for particular financing channels rather than need or performance. Measured against the criterion that necessities be secured for all before improvements are financed for some, this is the clearest failure.

A note on measurement is necessary. Each of the four criteria is expressed so that it can be assessed with evidence rather than asserted: access can be measured by enrolment and completion across institution types; quality by attainment in both general and religious competence; protection by the presence of functioning procedures and by reported incidents; distribution by per-learner resources across institutions performing the same function. Framing the criteria this way is deliberate. The classical requirement that a claim of benefit be a claim about consequences means that policy justified by reference to the purposes of the law is falsifiable, and a framework that cannot be tested cannot claim the authority of those purposes.

D. Digitalization as an Amplifier

The fourth finding concerns the digital dimension, and the central point is that digitalisation is not an independent variable.

¹⁹ The 1945 Constitution, Article 31(4); Constitutional Court Decision No. 13/PUU-VI/2008; Law No. 20 of 2003, Articles 46–49.

²⁰ Law No. 20 of 2003, Article 12; Government Regulation No. 57 of 2021 as amended, Articles 11–14.

²¹ Law No. 27 of 2022 concerning Personal Data Protection, Articles 16, 20–26, and 25.

Digital administration increases the reporting burden and rewards institutions with administrative capacity; institutions without it experience compliance failure and consequent loss of eligibility for financing, which compounds their disadvantage. Digital delivery improves provision where teachers are trained and connectivity is reliable, and degrades it where instruction is replaced by the distribution of material without supervision. Digital certification circulates qualifications whose basis is untested, which disadvantages learners without access to recognised institutions most of all, since they are the likeliest to rely on such qualifications.

The policy implication is that digitalisation should be treated as a distributive question rather than as a modernisation project. Where the capacity to exploit a technology follows existing inequality, the introduction of that technology widens the gap unless the policy addresses capacity directly. For Islamic education this means that infrastructure, teacher training, and administrative support for institutions with weak capacity are not accompaniments to digital policy but its substance.

A second implication concerns protection. The environments in which digital learning occurs are selected by institutions but operated by third parties, and the obligations of the institution that selects them are not stated. Since the protective criterion requires that obligations apply wherever learning is organised, the policy response is to attach duties to the act of organising learning rather than to the legal form of the organiser.

A third implication concerns recognition. Digital provision multiplies the forms in which learning occurs, and a recognition system organised around institutions cannot keep pace with them. The criterion of quality assurance therefore points toward assessing attainment rather than provenance: a learner who has acquired competence in classical texts through a combination of residential study, online circles, and independent reading should be assessable on that competence. Building such an instrument is demanding, but the alternative is a growing population of learners whose substantial attainment has no legal existence.

A fourth implication concerns data. Digitalised administration concentrates information about learners, teachers, and institutions in national systems, and digital delivery generates behavioural records held by third parties. The protection of honour and the limits of delegated authority both bear on this, and the policy consequence is that data governance belongs in education policy rather than being left to general data protection law applied after the fact.

E. Testing the Codification

The fifth finding applies the criteria to the codification now in harmonisation, on the basis of its publicly reported content. Three features are relevant.

The consolidation of the education statutes into a single instrument serves the criteria in principle, because fragmentation along the axis of instrument is one source of the disparities identified above. Whether it serves them in practice depends on whether the codified instrument treats institutions by function or continues to distinguish by administering authority.

The reported extension of compulsory education serves the access criterion, provided the extension is accompanied by financing that reaches the institutions

that will absorb the additional learners, many of which are madrasah and private schools with limited resources.²²

The integration of provisions on teachers into the general instrument raises the concern, voiced in public commentary, that professional rights presently guaranteed by a dedicated statute may be diluted.²³ Measured against the distributive criterion, the relevant question is not only whether existing rights are preserved but whether the codification equalises entitlements between teachers performing the same function under different employers.

Two matters appear to be absent from public discussion of the draft and should be added. The first is quality assurance for religious education content, which requires either an assurance mechanism suited to it or an express allocation of that function to the religious affairs ministry with defined standards. The second is the digital dimension: an entitlement to basic digital infrastructure and support for institutions below a defined capacity threshold, and an express statement that learner protection and data obligations apply to all providers of organised learning.

F. A Reconstruction Agenda

The findings support five measures.

Equalise financing by function. Core financing should follow the learner and the function performed, with eligibility conditions designed so that institutions with weak administrative capacity are not excluded by the conditions themselves. Conditions that require capacity in order to obtain the resources needed to build capacity are self-defeating.

Unify quality assurance while preserving distinctiveness. A single assurance framework should apply to all institutions in the system, with a component addressed to religious education content developed with the institutions concerned. Distinctiveness is preserved by the content of the standards, not by exemption from assurance.

Provide a digital infrastructure entitlement. Institutions below a defined capacity threshold should have an entitlement to connectivity, devices, and teacher training, funded centrally, on the ground that digitalisation otherwise widens existing disparities.

State learner protection obligations system-wide. Protection and data obligations should attach to any person or body organising learning for minors, including non-formal and online providers, with duties of selection, supervision, and response stated expressly.

Equalise teachers' core entitlements by function. Entitlements should attach to the teaching function and qualification rather than to employment status, with a non-regression clause preserving rights currently guaranteed.

Measure	Criterion served	Instrument
Financing by function	Access and distribution	Codified statute and budget regulation

²² "Revisi UU Sisdiknas Menggunakan Kodifikasi," Hukumonline.

²³ "Revisi UU Sisdiknas Menggunakan Kodifikasi," Hukumonline; Law No. 14 of 2005, Articles 14 and 39.

Measure	Criterion served	Instrument
Unified assurance with religious component	Quality of transmission	Codified statute and ministerial regulation
Digital infrastructure entitlement	Access and distribution	Codified statute and budget regulation
System-wide learner protection	Protection from harm	Codified statute and implementing rules
Teachers' entitlements by function	Distribution	Codified statute

Table 2. Reconstruction agenda for Islamic education policy

G. Objections and Limits

Three objections to this reconstruction deserve an answer.

The first is that unifying quality assurance threatens the autonomy of religious institutions, which have historically resisted the imposition of external criteria on the transmission of classical learning. The concern is legitimate and the proposal accommodates it: what is unified is the existence of assurance, not its content, and the component addressed to religious education is to be developed with the institutions concerned. An institution that declines all external assessment while issuing qualifications on which others rely is asking for a trust it does not allow to be verified, which no reading of the tradition supports.

The second is that financing by function will be captured by institutions with the administrative capacity to claim it, reproducing the disparity it is meant to correct. This is the most serious objection, and it is why the proposal includes the design constraint that eligibility conditions must not presuppose the capacity they are meant to build. Concretely, this means default eligibility with verification afterwards rather than documentary pre-qualification, and assistance with compliance provided by the supervising office rather than demanded of the institution.

The third is that a digital infrastructure entitlement is expensive and may be overtaken by technological change. The answer is that the entitlement should be specified by function sufficient connectivity and devices for the institution's enrolment, plus teacher training rather than by technology, and that the alternative is to continue introducing digital requirements into a sector where a substantial share of institutions cannot meet them, which imposes costs without producing benefits.

A limitation must be stated plainly. This study derives criteria and applies them to the structure of the framework; it does not measure outcomes. The criteria are framed to be testable precisely because the argument they support is only as strong as the evidence that can be brought to them, and the evidence base for Indonesian Islamic education particularly comparative data on resources and attainment across institution types remains thinner than policy of this consequence requires.

V. CONCLUSION

Indonesian Islamic education policy is fragmented along four axes administering authority, financing channel, recognition pathway, and standards apparatus which do not coincide and which together produce disparities between institutions performing the same function. The fragmentation is historical rather

than principled, and it is now being carried into a digital environment that amplifies it, because the capacity to convert digital tools into improved provision is distributed along the same lines as the existing inequality.

Read demandingly rather than expositorily, *maqāṣid al-sharīʿa* yields four criteria that a legislature can apply: universality of access for all whose intellect the system is obliged to protect; effective quality assurance extending to religious content; protective obligations wherever learning is organised; and a distribution of resources justifiable to those who receive least, with necessities secured for all before improvements are financed for some. These criteria do not determine curriculum or resolve the debate about integrating religious and general knowledge; they discriminate between policy options, which is what policy design requires.

Measured against them, the present framework performs adequately on formal access, weakly on quality assurance for religious content, unevenly on protection because obligations follow institutional type rather than the organisation of learning, and least well on distribution.

The codification now in harmonisation is the appropriate vehicle for reconstruction and the point of greatest risk. Five measures follow: financing that follows the learner and the function, with eligibility conditions that do not exclude the institutions they are meant to help; a single quality assurance framework with a component addressed to religious education content; an entitlement to digital infrastructure and training for institutions below a capacity threshold; learner protection and data obligations attaching to anyone organising learning for minors; and teachers' core entitlements defined by function with a non-regression clause.

Further research should measure disparity in realised provision between madrasah and general schools controlling for locality, evaluate whether financing conditions systematically exclude low-capacity institutions, and develop quality assurance instruments for religious education content in cooperation with the institutions whose tradition is being assessed.

REFERENCES

- al-Attas, Syed Muhammad Naquib. *The Concept of Education in Islam: A Framework for an Islamic Philosophy of Education*. Kuala Lumpur: ISTAC, 1991.
- Auda, Jasser. *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought, 2008.
- Azra, Azyumardi. *Pendidikan Islam: Tradisi dan Modernisasi di Tengah Tantangan Milenium III*. Jakarta: Kencana, 2012.
- Berkey, Jonathan P. *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education*. Princeton: Princeton University Press, 1992.
- al-Ghazālī, Abū Ḥāmid Muḥammad. *al-Mustasfā min ʿIlm al-Uṣūl*. Beirut: Dār al-Kutub al-ʿIlmiyya, 1993.
- . *Iḥyāʾ ʿUlūm al-Dīn*. Beirut: Dār al-Maʿrifā, n.d.
- Hefner, Robert W., ed. *Making Modern Muslims: The Politics of Islamic Education in Southeast Asia*. Honolulu: University of Hawaiʻi Press, 2009.
- Ibn Jamāʿah, Badr al-Dīn. *Tadhkirat al-Sāmiʿ wa al-Mutakallim fī Adab al-ʿĀlim wa al-Mutaʿallim*. Beirut: Dār al-Kutub al-ʿIlmiyya, 2005.

- Ibn Khaldūn. *The Muqaddimah: An Introduction to History*. Translated by Franz Rosenthal. Princeton: Princeton University Press, 1967.
- Ibn ‘Āshūr, Muhammad al-Ṭāhir. *Treatise on Maqāṣid al-Sharī‘ah*. Translated by Mohamed El-Tahir El-Mesawi. London: International Institute of Islamic Thought, 2006.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Rev. ed. Jakarta: Kencana, 2017.
- Rahman, Fazlur. *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago: University of Chicago Press, 1982.
- al-Shāṭibī, Abū Ishāq. *al-Muwāfaqāt fī Uṣūl al-Sharī‘a*. Cairo: Dār Ibn ‘Affān, 1997.
- van Bruinessen, Martin. *Kitab Kuning, Pesantren dan Tarekat: Tradisi-Tradisi Islam di Indonesia*. Bandung: Mizan, 1995.
- al-Zarnūjī, Burhān al-Dīn. *Ta‘līm al-Muta‘allim Ṭarīq al-Ta‘allum*. Beirut: al-Maktab al-Islāmī, 1981.
- Zweigert, Konrad, and Hein Kötz. *An Introduction to Comparative Law*. 3rd ed. Translated by Tony Weir. Oxford: Clarendon Press, 1998.

Legislation, Regulations, and Court Decisions

- Indonesia. The 1945 Constitution of the Republic of Indonesia, Article 31.
- . Constitutional Court Decision No. 13/PUU-VI/2008 concerning the education budget.
- . 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.
- . Law No. 27 of 2022 concerning Personal Data Protection.
- . 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.