



## Islamic Education in Law No. 28 of 2003 about the National Education System

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### ABSTRACT

*This scientific study aims to analyze in more depth related to Islamic education in Law no. 20/2003. This scientific study uses qualitative research methods with a historical approach. The data used in this study is secondary data, including books and journals that are appropriate to the topic studied. The results of the analysis state that Islamic education is not only a means of transferring knowledge and developing basic human potential but also an actualization of Islamic values so that we can be free from ignorance. This is supported by Law no. 20/2003, which bridges Islamic educational institutions (madrasas) to be able to contribute directly to efforts to educate the nation's life. Madrasas have been given a strategic position as a form of formal educational institution recognized by the Indonesian government, on a par with other formal educational institutions. Even Law No. 20/2003 also gives extraordinary existence to Islamic education as a mandatory subject in primary, secondary, and higher education*

*Keywords: Islamic Education, Law, National Education System*

## INTRODUCTION

Education is the main foundation in the development and progress of a nation. Where the progress of a nation always goes hand in hand with quality education. This is in line with the expression of Zakiyah Darajat in (Jamil et al., 2023), education is likened to a locomotive of life that moves humans towards quality progress, as well as being an effort to develop the human personality. Both physically and spiritually, which lasts from birth until death.

Referring to (Rahman et al., 2022), education is understood as a conscious, planned effort to realize active learning in developing all the potential of students. So that they have religious spiritual abilities, good character, personality, ability to control themselves, as well as skills needed by students and in society. Therefore, education is fundamental not only for individuals, but also for the development of a nation.

One form of education that is closely and inseparably linked to national education, especially in Indonesia, is Islamic education. Islamic education itself is understood as an effort to realize the understanding and practice of Islamic law by Muslims in their daily lives (Silvia & Holis, 2024). Basically, Islamic education existed and developed long before Indonesia's independence, so that it became the oldest educational institution in Indonesia (Hanafi et al., 2018). Therefore, the development of Islamic education in Indonesia is an effort to guide Muslims to implement Islamic law properly and correctly in their daily lives.

In line with developments over time, there have been many national education reforms carried out by the government to continue to adapt to the vision and mission of developing Islamic

education in Indonesia (Hanafi et al., 2018). One of the government policies is the emergence of Law no. 20/2003, related to the National Education System. One of the articles (Article 3) specifically states that Islamic education in Indonesia is one of the main elements in national education activities.

Related to the findings above, it is known that Islamic education is currently central to national education. However, on the other hand, the reforms carried out by the government have given rise to the image that Islamic education was once excluded from national education. This is of course a big question mark about the historical path that Islamic education has gone through since before Indonesia's independence, until now, where it has become the center of national education.

Based on this background, researchers are interested in analyzing in more depth related to Islamic education in Law no. 20/2003. In this scientific study, researchers will analyze in depth the nature of Islamic education, the development of Islamic education policy in Indonesia, up to the position of *masrasah* and its existence in Law no. 20/2003. So that the results of this study can be utilized by various parties and can become an additional reference regarding Islamic education in Law no. 20/2003.

## METHOD

This scientific study uses qualitative research methods. Cresswell in (Sugiyono, 2019) states that qualitative research is a type of research capable of producing various discoveries that cannot be obtained using statistical procedures. Basically, this type of research is used to discover and understand various things that are hidden in a phenomenon, which is sometimes something that is difficult to understand

properly. Researchers use this qualitative research method, because it is in line with the topic to be researched, namely related to Islamic education in Law no. 20/2003.

Meanwhile, the approach used in this scientific study is a historical approach. The historical approach is a study from various sources that contains information about the past, and is carried out systematically (Icha & Prastowo, 2022). Apart from that, (Amane et al., 2023), states that historical research is also known as descriptive research, which is collected from various sources of information and the results of the analysis remain objective without being influenced by personal opinion. In line with the focus of this research, the historical approach of this study refers to Islamic education, which (Ridwan et al., 2024) states that the historical approach to Islamic education is a perspective on the object of study that will be researched scientifically based on its history (Islamic education).

## **DISCUSSION**

### **1. Understanding the National Education System**

In an effort to develop and advance the quality of Indonesian education, the government has implemented a national education system. Referring to (RI Law No. 20, 2003), the national education system is described as all elements in education that are interconnected in a structured manner to achieve national education goals. In addition, (Lestari & Maunah, 2022) states that the national education system is a series of educational components that interact with each other, relate to each other, or collaborate in a structured and systematic manner, in order to achieve national education goals based on the noble values of Pancasila and statutory policies. This statement is

reinforced by (MH et al., 2022), which states that the National Education System in Indonesia makes Pancasila and the 1945 Constitution its main foundation.

Based on the various statements above, researchers can conclude that the national education system is a series of educational components that are closely related and work together to achieve Indonesia's national education goals, based on Pancasila and the 1945 Constitution. In its implementation, the National Education System becomes the same roof for general education under the auspices Ministry of Education and Culture and religion-based education under the auspices of the Ministry of Religion (Surahman, 2022). Therefore, if there are changes in the National Education System, it will also have implications for religion-based education (Islam) which will also change.

Even though in theory, general education and religion-based education have the same roof, in implementation both have their own problems. Referring to (Surahman, 2022), states that there are still separatist acts and discrimination experienced by Islamic education, especially madrasas. This situation shows us that there is still an imbalance between the Ministry of Education and Culture and the Ministry of Religion, so the role of the state is really needed in finding or making more solution policies.

### **2. History of the emergence of the National Education System Law**

Examining historically, policies or laws related to the National Education System have existed since the Dutch colonial government. In fact, continuously, policies related to the national education system continue to change and develop following

developments in the Indonesian bureaucracy. The following is a summary of the history of the emergence of National Education System policies or laws in the realm of Islamic education which researchers analyzed historically, from books written by (Gultom, 2019) and (Rofi, 2018), including.

a. Islamic Education Policy in the Dutch Colonial Period

During Dutch colonialism, forms of Islamic education (Islamic boarding schools or *diniyah*) were put aside for political and religious reasons. The Dutch government's policies towards Islamic education include the 1905 Teachers' Ordinance, the 1925 Teachers' Ordinance, and the Illegal Schools Ordinance. These various policies were a form of Dutch concern about the existence of Islamic education and the actions of Muslim teachers and intellectuals in expanding the "anti-colonial" sentiment".

b. Islamic Education Policy in the Japanese Colonial Period

During Japanese colonialism, various Islamic educational institutions were allowed to become active again. In fact, there are several special policies for Islamic education, including 1) large Islamic boarding schools often receive assistance and visits from Japanese officials, 2) the Japanese government gave permission to establish an Islamic College in Jakarta, and 3) permitted the establishment of an Islamic teacher organization called Pergaboengan Goeroe Islam Indonesia. Therefore, the Islamic education policy issued by the Japanese government was not as strict as the Islamic education policy in the Dutch era.

c. Islamic Education Policy during the Old Order Government

1) Minister of Religion Regulation No. 1/1946, which contains recognition of madrasas as a form of Islamic educational institution. 2) Republic of Indonesia Law no. 4/1950 Article 10 (2) states that "Studying at a religious school that has received recognition from the Minister of Religion is considered to have fulfilled the obligation to study". Apart from that, this policy is an illustration that madrasas and Islamic boarding schools are outside the system, giving rise to the government's discriminatory attitude towards Islamic educational institutions. 3) PMA No. 7/1952, which divided madrasas into 3 levels, namely MI (6 years), MTs (3 years), and MA (3 years). 4) PMA No. 13/1964, which states that Islamic religious education is part of Islamic religious education. which is divided into 3 levels of education. However, on the other hand, this policy only explains the level of Islamic madrasas, not their position in the national education system.

d. Islamic Education Policy during the New Order Government

1) Presidential Decree no. 34/1972 and followed by Presidential Instruction no. 15/1974, which states that the implementation of education is carried out under 1 auspices, namely the Ministry of Education and Culture. 2) SKB 3 Ministers of 1975, in Chapter I Article 1 shows that there is a shift in the term *madrasah* to become a public school with Islamic characteristics. 3) PMA No. 3/1983 regarding the *Madrasah Diniyah* curriculum, as well as the revocation of PMA No. 13/1964. 4) PMA No. 3/1973 regarding the classification of Islamic boarding schools. 5) Law no. 2/1989 regarding the National Education System, which in essence

"Regulates the implementation of madrasas and religious education directed at convergence and integration of dualistic education systems into one national education system". However, in this law it is still unclear where Islamic education is in the national education system.

e. Islamic Education Policy during the Reform Order Government

The reform order period began after the end of President Soeharto's leadership (1997). At this time, a major policy for Islamic education in Indonesia has been born, namely RI Law no. 20/2003, regarding the National Education System. This policy is the first law to accommodate Islamic education in the national education system. Therefore, Islamic education has the same status and position as general education in the National Education System.

**3. Position of Madrasas in Law no. 20 of 2003**

Ratification of Law no. 20/2003 regarding the National Education System which the researcher explained in the previous point, has certainly made Muslims grateful. Because since colonialism until the New Order, Islamic education received little attention from the authorities, especially recognition in the national education system (Gultom, 2019). Therefore, with the existence of Law no. 20/2003, Islamic education, especially the position of madrasas, has become better because it has been included in the national education system.

The following are several articles from (RI Law No. 20, 2003) which contain the position of Islamic education, especially madrasas, including.

Article 30 concerning Religious Education states that

“(1) Religious education is organized by the Government and/or community groups of religious adherents, in accordance with statutory regulations.

(3) Religious education can be carried out in formal, non-formal and informal education channels.

(4) Religious education takes the form of diniyah education, Islamic boarding school, pasraman, pabhaja samanera, and other similar forms.”

a. Article 17 states that.

“(1) Basic education is the level of education that underlies the level of secondary education.

(2) Basic education takes the form of SD (Primary School), MI (Madrasah Ibtidaiyah), or other equivalent forms as well as SMP (Junior Middle School) and MTs (Madrasah Tsanawiyah), or other equivalent forms.”

b. Article 18 states that.

“(1) Secondary education is a continuation of basic education.

(3) Secondary education takes the form of SMA (High School), MA (Madrasah Aliyah), SMK (Vocational High School), MAK (Vocational Madrasah Aliyah), or other equivalent forms.”

c. Article 28 states that.

“(1) Early childhood education is held before the basic education level.

(3) Early childhood education in the form of formal education in the form of Kindergarten (TK), Raudatul Athfal (RA), or other equivalent forms.”

From the four articles above, it can be seen that the Indonesian government has clearly recognized the existence of Islamic educational institutions and equalized the position of Islamic educational institutions (madrasas) with other formal educational institutions. The researcher's statement is in line with and strengthens the research results of (Rubini, 2016), which stated that Law no. 20/2003 has positioned madrasas and other educational institutions as the same, namely an inseparable part of the national education system. As recognized educational institutions, madrasas or schools have the main function as a means of achieving national education goals.

Based on several examples of the articles above, it can also be seen that the form and level of madrasa education is constitutionally equivalent to the form and level of other general education institutions (schools). Starting from basic education, Islamic educational institutions are Madrasah Ibtida'iyah (MI) which is equivalent to Elementary School (SD) and Madrasah Tsanawiyah (MTs) which is equivalent to Junior High School (SMP). Then at the secondary education level, Islamic educational institutions are Madrasah Aliyah (MA) and Vocational Madrasah Aliyah (MAK), equivalent to Senior High Schools (SMA) or Vocational High Schools (SMK). Apart from that, the happiest thing in Law no. 20/2003 is that there is clear recognition of Islamic education and Islamic boarding schools, in Article 30 (4).

The recognition and equalization of Islamic educational institutions (madrasas) with other public schools without any discrimination from the government, both in terms of funding, treatment and opportunities, is clearly stated in Law no. 20/2003. National

Education System Policy Law no. 20/2003 is very different from various previous National Education System policies, if we look at the historical review. For example, in Law no. 2/1989 regarding the National Education System, which does not explicitly mention madrasas as educational institutions that are equal to other general educational institutions. So it has a big impact on the emergence of educational discrimination, both in terms of treatment, attention and funding.

From the various explanations above, researchers can conclude that Law no. 20/2003 becomes a bridge that provides a golden opportunity for Islamic educational institutions (madrasas) to be able to contribute directly to efforts to educate the nation's life. Madrasas or Islamic educational institutions have been given a strategic position as a form of formal educational institution recognized by the Indonesian government, and are equal to other formal educational institutions. Therefore, madrasas or Islamic education must continue to improve so that they have the same or even better quality of education than formal education in general. This is done so that Islamic education is not complacent with its current position and can survive amidst the progress of the times.

#### **4. Existence of Religious Subjects in Law no. 20 of 2003**

The emergence of Law no. 20/2003 has changed the position and characteristics of Islamic education in Indonesia. We can pay attention to Articles 17 and 18 which the researcher has explained in the previous point, it can be seen that madrasas clearly state their identity as formal educational institutions with the characteristics of the Islamic religion. Therefore, madrasas contain various subjects taught in other

formal schools and are complemented by Islamic subjects.

Apart from that, (Masnu'ah et al., 2022) revealed that Law no. 20/2003 states the existence of Islamic education as a whole, not only as an educational institution, but also as a subject and value of Islamic religious teachings. This is clarified by Law no. 20/2003 Article 1 (2), which states that.

*“National education is education that is based on Pancasila and the 1945 Constitution of the Republic of Indonesia, which is rooted in religious values, Indonesian national culture, and is responsive to the demands of changing times”.*

The contents of article 1 (2) are in line with the statement (Ristanti et al., 2020), namely that Islamic education as a subject can be understood as a process that must be implemented at every level and educational unit level, in order to realize national education goals which lead to improving students' faith and piety. This statement is also strengthened by Law no. 20/2003 Article 37 Paragraphs 1 and 2, namely.

*“(1) The basic and secondary education curriculum must contain religious education, citizenship education, language, mathematics, natural sciences, social sciences, arts and culture, physical education and sports, skills/vocational, and local content.*

*(2) The higher education curriculum must contain religious education, citizenship education and language”.*

Apart from that, it is also strengthened by Law no. 20/2003 Article 12 Paragraph 1 letter a, namely.

*“(1) Every student in every educational unit has the right to:*

*a. receive religious education in accordance with the religion they adhere to and taught by educators of the same religion.”*

Even in Law no. 20/2003 Article 65 Paragraph 2, states that.

*“(2) Foreign educational institutions at primary and secondary education levels are obliged to provide religious and civic education for Indonesian citizen students.”*

Based on the several articles above, it can be seen that religious education has an extraordinary existence as a subject that must be given to every student at the elementary to higher education levels in Indonesia. This is done in order to achieve the national education goals stated in Law no. 20/2003 Article 1 (1). Apart from that, (Masnu'ah et al., 2022) stated that Islamic education is the value of Islamic religious teachings (values) in Law no. 20/2003 can only be implemented and realized through Islamic education institutions or as a subject.

From Law no. 20/2003 Article 37 Paragraphs 1 and 2 above, it can be seen that religious subjects, especially Islamic religion, have an extraordinary existence as mandatory material or curriculum in primary, secondary and higher education. In fact, in its explanation, religious education is the most important priority compared to other mandatory content. This also proves that Islamic education does not only exist as a mandatory subject in formal, non-formal and informal Islamic education institutions, but is evenly distributed at all levels of national education units. Starting from SD/MI or equivalent, SMP/MTs or equivalent, SMA/MA/SMK/SMK or equivalent, to Universities in Indonesia.

## CLOSING

From the scientific studies that the researcher has described in the discussion section, it can be concluded that Islamic education is not only a means of transferring knowledge and developing basic human potential, but also as an actualization of Islamic values so that we can be free from ignorance. This is supported by Law no. 20/2003, which bridges Islamic educational institutions (madrasas) to be able to contribute directly to efforts to educate the nation's life. Madrasas have been given a strategic position as a form of formal educational institution recognized by the Indonesian government, on a par with other formal educational institutions. Even Law no. 20/2003 also gives extraordinary existence to Islamic education as a mandatory subject in primary, secondary and higher education.

With the various benefits provided by Law no. 20/2003 to Islamic education in Indonesia, of course development and self-improvement is needed in every aspect of Islamic education. This is done so that Islamic education has educational quality that is equal to or better than formal, informal and non-formal education in general. Apart from that, Islamic education is not complacent with its current position and can continue to develop amidst the progress of the times.

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