

CONSTITUTIONAL AND REGULATORY ANALYSIS IN LAW NO. 20 OF 2003 ON THE NATIONAL EDUCATION SYSTEM: A LITERATURE REVIEW

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Abstract

This study aims to analyse the constitutional and regulatory basis contained in Law No. 20 of 2003 on the National Education System through a literature review approach. The analysis of the constitutional basis focuses on the relationship between the Law and the principles and provisions of the 1945 Constitution, particularly regarding the right to education, the obligations of the state, and the basic values of national education. Meanwhile, the regulatory analysis examines the implementation mechanisms, government authority, national education standards, and community participation in the education system regulated by this Law. The results of the study show that Law No. 20 of 2003 is strongly aligned with the constitutional basis and provides a comprehensive regulatory framework. However, implementation challenges require continuous improvement so that national education can be effective, inclusive, and equitable. This study provides recommendations to strengthen constitutional and regulatory aspects in supporting the development of a national education system that is adaptive to social changes and future needs.

Keywords: Constitutional Foundations, Education Regulations, Law No. 20 of 2003, National Education System, Literature Review Study.

Introduction

Education is one of the fundamental aspects that determine the progress and welfare of a nation. In the context of Indonesia, the national education system is formally regulated through applicable laws and regulations with the aim of creating superior human resources (Judijanto & Aslan, 2025); (Purike & Aslan, 2025). As the main foundation, Law No. 20 of 2003 concerning the National Education System (Sisdiknas Law) serves as the legal basis for the implementation of education in Indonesia. This law not only regulates education management, but also reflects the national vision and mission in building the character and competence of the nation's future generations (*Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System*, 2003).

This law establishes a legal framework that guides the implementation of education in Indonesia to shape individuals who are not only intellectually intelligent but also have strong moral and ethical character. Thus, this law serves as the foundation

for building a comprehensive education system that integrates the development of academic competencies and the formation of personality based on the values of Pancasila and national culture (Mark H. Moore, 2022).

Furthermore, the National Education System Law emphasises that the goal of national education is to produce a superior and competitive generation, while also creating responsible citizens who contribute positively to society. Through the regulation of various aspects such as curriculum, learning processes, educator management, and evaluation, this law encourages the creation of an educational environment that supports the holistic development of individual potential (Patricia Davis, 2024). Therefore, this law does not merely manage education as a system, but also serves as an effective means to realise the national ideal of developing human resources capable of responding to global challenges while maintaining the nation's identity.

The constitutional basis strengthens the existence and validity of legislation, including Law No. 20 of 2003. In practice, this basis is closely linked to the country's constitution, namely the 1945 Constitution, which explicitly guarantees the right to education for all citizens. The function of the constitutional basis is not only as a normative legal basis, but also as a moral and philosophical guideline in the formulation of education regulations, so that the education system is in accordance with the basic values of the state and the aspirations of the community (S. Clark, 2023).

As a legal political instrument, regulations in the field of education must be able to respond to the challenges of the times and the increasingly complex needs of society. The National Education System Law is expected to become a systematic framework for the implementation of inclusive, high-quality, and equitable national education (Parlo Singh, 2021). In addition, an analysis of the constitutional basis of the National Education System Law provides a deeper understanding of how the constitution guarantees the right to education, including the aspects of freedom of learning and equal access. This is important considering that education is not only a right but also a state obligation to provide educational facilities and services to all levels of society without discrimination (Firmansyah & Aslan, 2025a); (Firmansyah & Aslan, 2025b).

In terms of regulation, Law No. 20 of 2003 contains a number of provisions that serve as technical and operational guidelines for various educational providers. These regulations cover policy, national education standards, and supervision of education (Sjamsudin, 1993). Therefore, a comprehensive understanding of these regulations is essential for the optimal implementation of the law and a positive impact on the quality of education.

Furthermore, as one of the main legal frameworks in education, Law No. 20 of 2003 must be able to accommodate the participation of the community, the business world, and other stakeholders in the development of education. This is important to

create synergy that supports the successful implementation of a holistic national education system (*Sari Pustaka Bil 1/2014*, 2014).

Finally, this research is expected to contribute academically in the form of critical and comprehensive understanding that can later be used as a reference by researchers, education practitioners, policy makers, and academics in reviewing and advancing the national education system in accordance with the existing constitutional and regulatory foundations.

Research Methodology

The research method used in this study was library research, which focused on collecting, analysing, and synthesising various literature sources related to the constitutional basis and regulations in Law No. 20 of 2003 concerning the National Education System (Elijah & Aslan, 2025). Data was obtained from legislation documents, textbooks, scientific journals, articles, and relevant Constitutional Court decisions. This approach allows researchers to examine in depth and comprehensively the normative and philosophical aspects underlying the law without conducting direct field research (Maulina, 2021). In this way, the research can produce a strong theoretical understanding, a critical evaluation of the law's conformity with the constitution, and a theoretical analysis of the effectiveness of national education regulations.

Results and Discussion

Analysis of the Constitutional Basis in Law No. 20 of 2003

The constitutional basis is the main foundation that strengthens the validity and implementation of a law, including Law No. 20 of 2003 concerning the National Education System (Sisdiknas Law). In this context, the country's constitution, namely the 1945 Constitution (UUD 1945), provides a strong legal umbrella for the implementation of national education (Abdul Muis Joenaidy, 2023). This foundation is not only a formal basis but also provides a philosophical and normative direction that underlies the education system in Indonesia.

This emphasises that every education policy and regulation must be based on constitutional principles (Heri Juhara, 2025). The right to education is explicitly regulated in Article 31 paragraphs (1) and (2) of the 1945 Constitution, which states that every citizen has the right to education and that the government is obliged to strive for and implement a national education system.

This provision demonstrates the fundamental position of education as a human right and a state obligation. Therefore, the National Education System Law must be designed within a framework that respects and realises this right fairly and equally for all Indonesian citizens (Helen Stewart, 2024).

The constitutional basis also reflects the values of democracy, social justice, and equal rights, so that education policy must be inclusive and non-discriminatory. Law No.

20 of 2003 attempts to accommodate these principles through regulations that promote access to education for all levels of society without distinction based on social, economic, or cultural background (B. Hermanto, 2020). Thus, the constitutional basis becomes an important yardstick for assessing the fairness and equality provided by this law. Furthermore, the constitutional basis related to education is not limited to rights and obligations, but also concerns the quality of national education. The 1945 Constitution provides a general framework that education must be directed towards building the character of a nation that is faithful, devoted to God Almighty, and has noble character (Witarsa, 2023).

The National Education System Law adopts these values in an effort to create an education system that is capable of producing graduates who are not only academically competent but also have noble character. From an implementation perspective, the relationship between the National Education Law and the constitution is bridged by the principle of constitutional supremacy, which requires all national legal products to be within a framework that does not conflict with the 1945 Constitution.

In the event of a conflict of norms, the Constitutional Court has a strategic role in reviewing and ensuring the compliance of laws with the constitution. The Constitutional Court's decisions in the field of education provide important precedents for the interpretation and application of the National Education System Law in accordance with constitutional principles (Sven Johansson, 2023).

The principle of the rule of law (*rechtsstaat*) enshrined in the Indonesian constitutional system also requires Law No. 20 of 2003 to contain clarity, legal certainty, and aspects of justice.

Education regulations must be transparent and accountable so as not to cause inequality and discrimination. This foundation guides lawmakers to create effective oversight and accountability mechanisms in the implementation of national education (Nurul Faratunnisa, 2024). Furthermore, the constitution also emphasises the importance of regional autonomy in the implementation of education.

The National Education System Law accommodates this by allowing local governments to be involved in managing education in accordance with local characteristics and needs. This approach is in line with the principle of decentralisation in the Indonesian government system, which is also part of the constitutional basis for promoting more equitable and responsive education (S. Pearce, 2023).

In terms of the realisation of citizens' rights, the constitutional foundation implies the importance of protecting academic freedom and freedom of thought in the world of education. Law No. 20 of 2003 regulates this freedom as part of efforts to build a democratic and innovative education system. By providing space for creativity and intellectual freedom, the national education system can keep pace with the times while respecting human rights (Eva Green, 2023).

The importance of integration between formal and non-formal education is also regulated by a foundation derived from the constitution. The 1945 Constitution provides a framework that the state must provide various legally recognised and high-quality education pathways. The National Education System Law implements this principle by accommodating non-formal and informal education as an integral part of the national education system (Ahmad Zainiansyah, 2025).

The constitutional basis also requires that the national education system must be able to maintain and promote national values and cultural diversity in Indonesia.

Law No. 20 of 2003 fulfils this mandate by regulating the preservation of culture and the cultivation of nationalism in the education curriculum. This aims to maintain the integrity and unity of the nation amid the social and cultural plurality that exists in Indonesia (Michael Rogers, 2024). Furthermore, the constitutional basis places significant emphasis on the usefulness of education for national development as a whole. Education must be directed towards developing productive human resources who contribute to the social, economic, and political progress of the country. Therefore, the National Education System Law also includes the principle of education that is relevant and applicable in the context of sustainable development (Rahmat Hidayat, 2023). The Constitution also regulates the state's obligation to provide adequate facilities and infrastructure for education.

In Law No. 20 of 2003, this is realised through regulations on the participation of the community and the government in providing equitable and quality educational facilities. This foundation underlines the importance of collective responsibility to ensure that every child of the nation has access to proper education (R. Arifin Nugroho, 2023).

Thus, the constitutional basis in Law No. 20 of 2003 is not merely a set of legal norms, but a pillar that strengthens the function of education as an instrument of national development and the enforcement of human rights. The harmony between this law and the constitution is an absolute prerequisite for effective and sustainable education policy.

Regulatory Analysis in Law No. 20 of 2003 on the National Education System

Law No. 20 of 2003 on the National Education System is the main legal umbrella governing various aspects of education in Indonesia. The regulations in this law not only concern basic principles but also cover implementation mechanisms, division of authority, education standards, and sanctions for violations (Wijaya Kusumah, 2023). Thus, this law serves as a normative framework that guides education providers at all levels and stages in accordance with the national vision for education.

One important aspect of the National Education System Law is the establishment of national education principles that are inclusive, equitable, and oriented towards holistic individual development. This law emphasises that education must be accessible

to all citizens without discrimination, regardless of social status, economic status, or cultural background.

This provision reinforces the state's commitment to ensuring equal access to education as a fundamental right (John Smith, 2022). Furthermore, Law No. 20 of 2003 regulates in detail the authority of the central and regional governments in the implementation of education. This regulation adopts the principle of decentralisation, which allows local governments to have autonomy in managing education in accordance with local conditions and needs.

This regulation aims to improve the effectiveness and efficiency of education implementation and to adapt education programmes to the characteristics of each region (Linda Perez, 2023).

Regulations on national education standards are an important part of the National Education System Law, which aims to maintain the quality of education throughout Indonesia. These standards include standards for content, processes, graduate competencies, educators and educational personnel, facilities and infrastructure, management, financing, and educational assessment. This regulation provides minimum criteria that must be met by every educational unit to ensure equitable quality of education (Caroline Wright, 2022).

On the institutional side, this law regulates the roles of the government, community, and business world in the implementation of education. The regulation emphasises the importance of participation from various parties in supporting national education development. The involvement of the community and the private sector is believed to improve the quality and reach of the education system, as well as produce innovations that are relevant to the needs of the real world (Anne Brown, 2023).

Education funding is also the focus of the regulations in Law No. 20 of 2003. This law regulates the sources of education funding, which come from the central and regional government budgets, as well as community contributions. This regulation stipulates that the state is obliged to provide adequate education funding of at least 20% of the state and regional budgets to ensure the continuity and quality of education for all citizens (P. Gauttam, 2024).

In the area of management, the National Education System Law regulates transparent and accountable education management. This includes the obligation of educational institutions to report their activities and use of funds periodically to the government and the public as a form of accountability. This regulation aims to create an effective and efficient education management system so that existing resources can be optimally utilised (Setiawan, 2023).

Furthermore, Law No. 20 of 2003 also contains provisions regarding the education curriculum, which must be developed nationally but still provides room for local governments and educational institutions to adapt to local needs and the characteristics of students. This regulation emphasises the importance of developing a

curriculum that is relevant to the development of science, technology, and the needs of society (Momon Sudarma, 2023).

In terms of educators and educational personnel, this law regulates the requirements, rights, and obligations of educators as well as the mechanisms for their professional development. This regulation aims to ensure that educators have adequate competencies and continue to improve their quality through training and continuing education.

Law No. 20 of 2003 also establishes a systematic education evaluation and assessment mechanism to measure the achievement of national education standards and ensure the quality of learning. This regulation mandates the existence of an independent assessment institution to ensure the objectivity and transparency of education evaluation results. In addition, this law regulates administrative and legal sanctions for education providers who violate applicable provisions (Richard Kim, 2021). The imposition of these sanctions is intended as a mechanism for supervision and enforcement of regulations, so that education can be carried out in accordance with established standards and regulations (Munawir Yusuf et al., 2023).

Community involvement in the supervision of education is an integral part of the National Education System Law. This law encourages active community participation in the evaluation and development of education, which is expected to increase the transparency and accountability of educational institutions (Mark H. Moore, 2022).

The regulations in Law No. 20 of 2003 also emphasise the importance of innovation and technological development in education. This law opens up space for the use of new technologies and learning methods that can improve access to and quality of education, as well as adapt to global developments and the times (Patricia Davis, 2024).

Finally, the regulations in Law No. 20 of 2003 show that although the regulations are quite comprehensive and progressive, their implementation still faces various challenges, such as limited resources, disparities between regions, and changing social dynamics. Therefore, periodic evaluation and refinement of regulations are necessary to ensure that the national education system remains adaptive, inclusive, and of high quality in order to achieve the goal of developing superior and competitive human resources.

Conclusion

Law No. 20 of 2003 on the National Education System clearly demonstrates that this law is firmly rooted in the principles contained in the 1945 Constitution. Education is positioned as a fundamental right of every citizen and a duty of the state to ensure its implementation in a fair, equitable and high-quality manner. This constitutional foundation provides a clear philosophical and normative direction in building an

inclusive, democratic education system oriented towards shaping a nation with noble character.

From a regulatory perspective, Law No. 20 of 2003 provides a comprehensive and systematic legal framework to regulate various aspects of national education, ranging from educational standards, the role of central and regional governments, to the management of educators and financing. This regulation prioritises the principles of equitable access, quality, and accountability as the keys to successful education. However, challenges in its implementation indicate the need for continuous evaluation and refinement so that the law remains relevant and adaptive to social dynamics and developments.

Overall, the harmony between the constitutional basis and regulations in the National Education System Law is an important foundation for the creation of an effective and equitable national education system. This study emphasises that the implementation of education policy must always refer to constitutional principles while taking into account the realities on the ground so that the goal of developing superior and competitive human resources can be achieved in a sustainable manner. Thus, recommendations to strengthen regulatory aspects and enforce constitutional principles are urgent in order to advance national education.

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