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A Juridical Review of the Legality of Educational Institutions Based on Statutory Regulations

Abstract

The legality of educational institutions constitutes a fundamental aspect of education governance within a statutory framework. Legal compliance ensures that educational institutions operate in accordance with applicable laws and regulations, thereby guaranteeing legal certainty, accountability, and protection of stakeholders' rights. This article provides a juridical review of the legality of educational institutions based on statutory regulations, focusing on the normative requirements governing establishment, licensing, accreditation, and supervision. Using a normative juridical research method, this study analyzes statutory provisions, legal doctrines, and relevant legal principles related to education law and administrative law. The findings indicate that statutory regulations play a crucial role in defining the legal status and operational legitimacy of educational institutions. However, challenges such as regulatory overlap, inconsistent implementation, and limited supervision may undermine institutional legality and legal certainty. Therefore, strengthening regulatory harmonization, improving enforcement mechanisms, and enhancing legal awareness among education providers are essential to ensure the lawful and sustainable administration of educational institutions.

Keywords: Juridical Review, Legality of Educational, Institutions, Statutory Regulations, Education Law

A. Introduction

Education plays a vital role in national development, serving as a means to enhance human resources, promote social justice, and ensure the fulfillment of fundamental rights. Within a legal framework, the administration of education must be conducted in accordance with statutory regulations to guarantee legal certainty, accountability, and protection for all stakeholders. One of the most crucial aspects of education governance is the legality of educational institutions, which determines their authority to operate, provide educational services, and confer academic recognition. Firmanto, F., Sutrisno, H., & Lubis, A. F. (2025).

The legality of educational institutions is established through compliance with statutory requirements governing institutional establishment, licensing, accreditation, and supervision. These legal requirements are designed to ensure that educational institutions meet minimum standards of quality, transparency, and public accountability. In the absence of legal compliance, educational institutions risk operating unlawfully, potentially harming learners, educators, and the broader education system. Dewi, S. A., Uwiyono, A., & Saleh, R. (2025).

From a juridical perspective, statutory regulations serve as the primary legal instruments defining the rights, obligations, and responsibilities of education providers. Education laws, government regulations, and administrative policies collectively form a normative framework that regulates the legal status of educational institutions. This framework reflects the principle of the rule of law, which requires that all educational activities be grounded in valid and enforceable legal norms. Nurfieni, A., Ferricha, D., & Mahardika, A. G. (2025).

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Despite the existence of comprehensive statutory regulations, challenges remain in ensuring the legality of educational institutions. Regulatory overlap, inconsistent interpretation of legal provisions, and weak enforcement mechanisms often create legal uncertainty. These issues may lead to disparities in institutional governance, unequal treatment among education providers, and disputes regarding institutional legitimacy. Such conditions underscore the need for a juridical review that critically examines the effectiveness of statutory regulations in ensuring institutional legality. Simamora, C. P., & Songgirin, A. (2025).

This article aims to conduct a juridical review of the legality of educational institutions based on statutory regulations. The study focuses on analyzing the normative framework governing educational institutions, assessing the coherence and consistency of legal provisions, and identifying legal challenges affecting institutional legality. By employing a normative juridical approach, this research seeks to contribute to the development of education law by providing legal insights and recommendations to strengthen legal certainty and governance in the education sector. Kartiko, A., Arif, M., Rokhman, M., Ma'arif, M. A., & Aprilianto, A. (2025).

B. Research Method

1. Type and Approach of Research

This study employs normative juridical research, also referred to as doctrinal legal research, which focuses on the analysis of legal norms governing the legality of educational institutions. The research examines statutory regulations, legal principles, and legal doctrines related to education law and administrative law to assess the legal basis for the establishment and operation of educational institutions. Lubis, B. B., & Kartika, A. W. (2024).

The approaches used in this research include:

- a. **Statutory Approach.** This approach analyzes statutory regulations governing educational institutions, including education laws, government regulations, and administrative policies related to institutional establishment, licensing, accreditation, and supervision.
- b. **Conceptual Approach.** The conceptual approach is applied to examine legal concepts and doctrines such as legality, legal certainty, institutional legitimacy, and the rule of law within the context of education governance.
- c. **Philosophical Approach.** This approach explores the philosophical foundations of legality and legal compliance in education administration, particularly the role of law in ensuring justice, order, and public interest in education.

2. Research Object and Scope

The object of this research is the legal framework regulating the legality of educational institutions within the national legal system. The scope of the study includes:

- a. Legal requirements for the establishment of educational institutions;
- b. Licensing and accreditation mechanisms;
- c. Legal responsibilities and obligations of education providers;
- d. Government authority in supervising and enforcing education regulations.

The research is limited to a normative analysis and does not include empirical examination of institutional practices. Smith, J. (2022).

3. Sources and Types of Legal Materials

This study utilizes three categories of legal materials: Primary Legal Materials Primary legal materials consist of binding legal sources, including:

- a. Constitutional provisions related to education;
- b. National education laws;

- c. Government regulations and ministerial decrees on education administration;
- d. Relevant judicial decisions concerning education law (if applicable).

Secondary Legal Materials. Secondary legal materials include:

- a. Legal textbooks on education law and administrative law;
- b. Scholarly journal articles related to the legality of educational institutions;
- c. Research reports and policy analyses on education governance.

Tertiary Legal Materials Tertiary legal materials consist of:

- a. Legal dictionaries;
- b. Legal encyclopedias;
- c. Indexes and legal databases supporting the research. Walker, L. (2022).

4. Technique of Legal Material Collection

Legal materials are collected through library research, involving systematic identification and review of relevant legal documents and academic literature. This process includes:

- a. Tracing the hierarchy of statutory regulations governing educational institutions;
- b. Identifying normative overlaps or inconsistencies;
- c. Reviewing doctrinal and theoretical discussions on legality and education law. García, M., & Torres, P. (2023).

5. Method of Legal Material Analysis

The analysis is conducted using qualitative normative legal analysis, consisting of the following stages:

- a. Inventory and Classification. Legal materials are classified based on their legal hierarchy, relevance, and subject matter.
- b. Interpretation of Legal Norms. Legal interpretation methods applied include: Grammatical interpretation to understand the textual meaning of legal provisions; Systematic interpretation to analyze legal norms within the broader legal system; Teleological interpretation to assess the objectives and purposes of statutory regulations.
- c. Normative Evaluation. Legal norms are evaluated to determine whether they provide: Clear criteria for institutional legality; Consistent regulatory standards; Effective enforcement mechanisms.
- d. Legal Reasoning and Argumentation. Findings are synthesized into legal arguments assessing the adequacy of statutory regulations in ensuring the legality of educational institutions. Patel, R., & Singh, D. (2022).

6. Validity and Reliability of Research

In normative legal research, validity and reliability are ensured through:

- a. The use of authoritative legal sources;
- b. Consistent application of legal interpretation methods;
- c. Logical coherence and systematic legal reasoning;
- d. Cross-referencing between legal norms and legal doctrines. Chen, Y., & Kumar, S. (2022).

7. Ethical Considerations

This research adheres to academic ethics by:

- a. Properly citing all legal sources and references;
- b. Ensuring originality in legal analysis;

- c. Maintaining objectivity and neutrality in evaluating statutory regulations. Nguyen, T. (2023).

8. Research Limitations

This study is limited to normative legal analysis and does not examine empirical implementation or field practices of educational institutions. However, this limitation allows for a focused and in-depth examination of statutory legality.

Expected Outcomes The research is expected to:

- a. Clarify the legal requirements governing the legality of educational institutions;
- b. Identify regulatory gaps or inconsistencies affecting institutional legitimacy;
- c. Provide juridical recommendations to strengthen legal compliance and education governance. Carter, J., & Ahmed, S. (2024).

C. Results

1. Normative Foundations of the Legality of Educational Institutions

The findings indicate that the legality of educational institutions is normatively grounded in statutory regulations that establish education as a public function regulated by law. Statutory provisions clearly define education as a sector that must operate within a legal framework to ensure quality, accountability, and protection of public interests. The legality of educational institutions is therefore not merely administrative in nature but constitutes a fundamental legal requirement that legitimizes their existence and operations. Brown, T. (2025).

2. Legal Requirements for the Establishment of Educational Institutions

The analysis reveals that statutory regulations impose specific legal requirements for the establishment of educational institutions, including institutional identity, governance structure, legal entity status, and compliance with minimum standards. These requirements aim to ensure that educational institutions possess a clear legal status and organizational capacity to deliver educational services lawfully. Wilson, A. (2023).

However, the findings also show that differences in regulatory interpretation may arise due to variations in implementing regulations, potentially creating legal uncertainty regarding institutional establishment. Hossain, F. (2025).

3. Licensing and Accreditation as Instruments of Institutional Legality

Licensing and accreditation are identified as central instruments in determining the legality of educational institutions. Licensing serves as formal government authorization, while accreditation functions as a quality assurance mechanism recognized by law. Statutory regulations link institutional legality directly to compliance with licensing and accreditation standards. Silva, M. (2024).

The findings indicate that unclear procedures or overlapping authority in licensing and accreditation processes may affect institutional legality, particularly when administrative requirements are inconsistently applied. Rodríguez, E. (2025).

4. Regulatory Consistency and Legal Certainty

The study finds that regulatory consistency plays a crucial role in ensuring legal certainty for educational institutions. Although statutory regulations provide a comprehensive framework, inconsistencies between higher-level laws and lower-level implementing regulations may undermine legal clarity. Such inconsistencies can lead to differing interpretations of legality requirements, potentially exposing institutions to administrative sanctions or legal disputes. Narayan, S., & Mishra, A. (2024).

5. Government Authority and Supervision

The findings highlight the role of government authorities in supervising and enforcing the legality of educational institutions. Statutory regulations grant supervisory powers to ensure compliance with legal standards. However, the effectiveness of supervision depends on clear legal mandates and coordination among relevant institutions. Weak supervision or ambiguous authority structures may result in uneven enforcement, thereby affecting the consistency of institutional legality. Li, X. (2021).

6. Legal Consequences of Non-Compliance

The analysis shows that statutory regulations provide legal consequences for educational institutions that fail to comply with legality requirements. These consequences may include administrative sanctions, revocation of licenses, or restrictions on institutional operations. Such legal consequences are designed to enforce compliance and protect the integrity of the education system. Nevertheless, the findings indicate that unclear sanction mechanisms may weaken deterrence and legal certainty. García, R. (2023).

7. Protection of Stakeholders' Rights

The findings demonstrate that institutional legality is closely linked to the protection of stakeholders' rights, particularly students and educators. Legally recognized institutions provide assurance regarding the validity of educational services, certificates, and academic qualifications. Conversely, uncertainty in institutional legality may jeopardize stakeholders' legal rights and trust in the education system. Ahmed, R. (2023).

8. Challenges in Ensuring Institutional Legality

Several challenges affecting the legality of educational institutions are identified, including:

- a. Regulatory overlap and fragmentation;
- b. Ambiguity in licensing and accreditation procedures;
- c. Limited coordination among supervisory authorities;
- d. Insufficient legal awareness among education providers;
- e. Inconsistent enforcement of statutory regulations.

These challenges collectively undermine the effectiveness of the legal framework governing educational institutions. Nguyen, K., & Tran, L. (2024).

9. Normative Implications of the Findings

The findings suggest that ensuring the legality of educational institutions requires not only comprehensive statutory regulations but also regulatory coherence, effective supervision, and legal awareness. Institutional legality must be understood as an ongoing legal obligation rather than a one-time administrative requirement. Law No. 20 of 2003 on the National Education System. (2022).

D. Discussion

1. Legality of Educational Institutions as a Principle of the Rule of Law

The findings confirm that the legality of educational institutions constitutes a fundamental manifestation of the rule of law in the education sector. From a juridical standpoint, the principle of legality requires that all educational institutions operate based on valid statutory authorization. This principle ensures that educational activities are not conducted arbitrarily and that public authority in education administration is exercised within legally defined boundaries. Government Regulation No. 57 of 2021 on National Education Standards. (2021).

Within the national legal system, the legality of educational institutions serves as the legal foundation for institutional recognition, public trust, and accountability. Without legal status grounded in statutory regulations, educational institutions lack legitimate authority to deliver educational services and confer academic recognition. Constitutional Court Regulation No. 2 of 2021 on Judicial Review Procedures. (2021).

2. Statutory Regulations as the Normative Basis of Institutional Legality

Statutory regulations function as the primary normative instruments that define the legal status of educational institutions. Education laws, government regulations, and administrative policies collectively establish legal criteria for institutional establishment, licensing, accreditation, and supervision. These regulations embody the state's obligation to regulate education as a public good. Firmansyah, D. (2021).

The discussion highlights that statutory regulations not only determine institutional legality but also set standards for institutional governance, quality assurance, and public accountability. Consequently, compliance with statutory regulations becomes a legal obligation rather than a discretionary administrative matter. Hartono, B. (2022).

3. Legal Certainty and Institutional Legitimacy

The discussion reveals that legal certainty is a key element in ensuring institutional legitimacy. Clear and consistent statutory provisions enable educational institutions to understand their legal obligations and operational boundaries. Legal certainty provides predictability, which is essential for long-term institutional planning and governance. Conversely, ambiguity or inconsistency in statutory regulations undermines institutional legitimacy by creating uncertainty regarding legal compliance. This condition may expose educational institutions to administrative risks and legal disputes, weakening the stability of the education system. Sunarto, S., & Wibowo, T. (2023).

4. Licensing and Accreditation in the Context of Administrative Law

From an administrative law perspective, licensing and accreditation represent formal legal mechanisms through which the state exercises regulatory control over educational institutions. Licensing grants legal permission to operate, while accreditation assesses compliance with quality standards recognized by law. The discussion emphasizes that licensing and accreditation must be conducted through transparent, consistent, and legally sound procedures. Any deficiencies in these processes may compromise institutional legality and erode trust in regulatory authorities. Ansari, M. (2025).

5. Supervision and Enforcement of Institutional Legality

Effective supervision and enforcement are essential to ensuring institutional legality. Statutory regulations assign supervisory authority to government institutions to monitor compliance and impose sanctions when necessary. The discussion indicates that weak enforcement or unclear supervisory mandates may result in uneven application of legality standards. This condition highlights the need for clear delineation of authority and coordination among supervisory bodies to strengthen enforcement mechanisms and uphold the legality of educational institutions. Hidayat, N. (2023).

6. Legal Consequences and Sanctions for Non-Compliance

The discussion underscores the importance of legal consequences in reinforcing compliance with statutory regulations. Sanctions for non-compliance serve as deterrent mechanisms and uphold the integrity of the education system. However, sanctions must be clearly regulated and proportionate to ensure fairness and legal certainty. Unclear or

inconsistently applied sanctions may weaken enforcement and undermine the legitimacy of the regulatory framework. Khalid, R., & Yusuf, M. (2024).

7. Protection of Stakeholders' Rights through Institutional Legality

Institutional legality plays a critical role in protecting the rights of education stakeholders, particularly students and educators. Legally recognized institutions provide assurance regarding the validity of educational services, academic qualifications, and institutional accountability. The discussion emphasizes that uncertainty in institutional legality may jeopardize stakeholders' legal rights and undermine confidence in the education system. Therefore, institutional legality functions as a legal safeguard for public interest in education. Khalid, R., & Yusuf, M. (2024).

8. Theoretical Implications of the Findings

The discussion aligns with legal theories emphasizing legality and legal certainty as essential components of law. Institutional legality reflects the integration of normative legal frameworks and administrative practice. The findings support the view that legality must be continuously maintained through compliance, supervision, and legal awareness. Law No. 12 of 2011 on the Establishment of Legislation. (2021).

E. Conclusions

The discussion highlights several practical implications, including:

- a. The necessity of harmonizing statutory regulations governing educational institutions;
- b. The importance of improving legal drafting and regulatory clarity;
- c. The need for strengthening institutional supervision and enforcement;
- d. The enhancement of legal awareness among education providers.

These measures are crucial for strengthening the legality and governance of educational institutions. Law No. 12 of 2011 on the Establishment of Legislation. (2021).

Contribution to Legal and Educational Governance Discourse: This discussion contributes to the discourse on education law by emphasizing that the legality of educational institutions is a cornerstone of lawful and accountable education governance. It bridges legal theory and practice by demonstrating that effective education administration depends on a robust statutory framework and consistent enforcement. United Nations. (2024).

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