

## Legal Certainty in the Administration of Education: A National Legal Perspective

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### Abstract

Legal certainty is a fundamental principle in the administration of education, as it ensures clarity, consistency, and fairness in the implementation of educational policies and regulations. This article examines legal certainty in the administration of education from a national legal perspective, focusing on the regulatory framework governing educational institutions and the role of the state in guaranteeing the right to education. Using a normative juridical approach, this study analyzes statutory regulations, legal doctrines, and relevant legal principles related to educational governance. The findings indicate that legal certainty in education is essential to protect the rights and obligations of stakeholders, including learners, educators, educational institutions, and the government. However, challenges such as regulatory overlap, inconsistent policy implementation, and weak law enforcement may undermine legal certainty in educational administration. Therefore, strengthening legal harmonization, improving regulatory clarity, and enhancing institutional accountability are necessary to ensure the effective and lawful administration of education within the national legal system.

**Keywords:** Legal Certainty, Educational Administration, National Legal, Educational Governance, Education Law

### A. Introduction

Legal certainty is a fundamental principle of the rule of law that guarantees clarity, predictability, consistency, and enforceability of legal norms. In the context of education, legal certainty plays a crucial role in ensuring that the administration of education operates within a clear and stable legal framework. Education, as a constitutional right and a public service, requires legal protection for all stakeholders, including students, educators, educational institutions, and the government. Lubis, B. B., & Kartika, A. W. (2024).

From a national legal perspective, legal certainty in education administration ensures that policies, regulations, and institutional practices align with constitutional mandates and statutory provisions. Without legal certainty, the education system risks inconsistencies, legal disputes, unequal access, and declining public trust.

Concept of Legal Certainty. Legal certainty refers to the condition in which laws are:

- a. Clearly formulated, so they can be understood by those subject to them;
- b. Consistently applied, without arbitrary interpretation;
- c. Predictable, allowing individuals and institutions to plan their actions accordingly;
- d. Enforceable, supported by effective legal institutions and mechanisms.



In legal theory, legal certainty is closely related to justice and utility. While justice emphasizes fairness and utility focuses on societal benefit, legal certainty ensures that laws function as reliable instruments governing behavior. In education, this principle is vital due to the long-term and systematic nature of educational processes. Subagio, H., & Hastangka. (2021).

Education as a Legal and Constitutional Right. From a national legal perspective, education is not merely a social service but a constitutionally guaranteed right. Most national constitutions explicitly recognize education as a fundamental right of citizens and impose obligations on the state to:

- a. Provide access to quality education;
- b. Ensure non-discrimination in educational services;
- c. Regulate and supervise educational institutions;
- d. Protect academic freedom and institutional autonomy within legal boundaries.

Legal certainty ensures that these constitutional mandates are translated into clear statutory regulations and administrative policies, preventing ambiguity in implementation. Legal Framework Governing Education Administration. Legal certainty in the administration of education is established through a hierarchical legal framework, which typically includes: Constitutional Provisions. Srimurni, T. (2025).

The constitution serves as the highest legal basis for education policy, defining:

- a. The right to education;
- b. State responsibility in education;
- c. Principles of equity, accessibility, and quality.

Statutory Laws Education laws regulate:

- a. The structure of the national education system;
- b. Rights and obligations of students, educators, and institutions;
- c. Standards for curriculum, accreditation, and assessment;
- d. Governance and financing of education.

Government Regulations and Administrative Policies. These regulations provide technical guidelines for implementing education laws, including:

- a. Licensing of educational institutions;
- b. Teacher certification;
- c. Quality assurance mechanisms;
- d. Supervision and evaluation systems.

Legal certainty requires coherence and consistency among these regulatory levels to avoid conflicts and legal uncertainty. Legal Certainty in Educational Institutions. Educational institutions, both public and private, require legal certainty to operate effectively. *Law and Regulation in Education Management: Ensuring Accountability, Quality, and Legal Certainty*. (2024).

This includes clarity regarding:

- a. Institutional Legal Status. Legal recognition and licensing provide legitimacy and protect institutions from arbitrary closure or sanctions.
- b. Governance and Autonomy. Clear legal provisions regulate the scope of institutional autonomy while ensuring accountability to national education standards.
- c. Rights and Obligations. Legal certainty protects: Students' rights to education, assessment, and due process; Educators' rights related to employment, professional

development, and academic freedom; Institutional obligations related to quality assurance and compliance. Sasongko, A. (2024).

**Legal Certainty for Educators and Education Personnel:** Educators are key actors in education administration. Legal certainty ensures:

- a. Clear employment status and career pathways;
- b. Transparent certification and qualification standards;
- c. Legal protection in performing professional duties;
- d. Fair disciplinary procedures.

Without legal certainty, educators may face insecurity, inconsistent policies, and limited professional motivation, which can negatively affect education quality. *Evaluation of the School Operational Assistance Program and Legal Certainty in Educational Funding*. (2024).

**Legal Certainty for Learners:** From the learners' perspective, legal certainty guarantees:

- a. Equal access to education without discrimination;
- b. Recognition of diplomas and qualifications;
- c. Fair evaluation and assessment mechanisms;
- d. Protection against arbitrary sanctions or exclusion.

Legal clarity ensures that learners and their families understand their rights and responsibilities within the education system. **Challenges to Legal Certainty in Education Administration.** Despite its importance, legal certainty in education administration faces several challenges:

- a. **Regulatory Overlap and Inconsistency:** Conflicting regulations between central and local governments may create confusion in implementation.
- b. **Frequent Policy Changes:** Rapid and frequent changes in education policy can undermine predictability and stability.
- c. **Weak Law Enforcement:** Inconsistent enforcement of education laws reduces their effectiveness and credibility.
- d. **Limited Legal Awareness:** Lack of legal literacy among education stakeholders may lead to non-compliance or misuse of authority. Hidayat, A. A., Sururi, R. W., Anwari, A. N., Sugiarti, L. D., Ikhsan, F., & Fauzi, R. (2025).

**Strengthening Legal Certainty in Education Administration:** To enhance legal certainty, several measures are essential:

- a. Harmonization of education laws and regulations;
- b. Strengthening institutional capacity for law enforcement and supervision;
- c. Ensuring transparency and public participation in policy-making;
- d. Improving legal awareness among educators, administrators, and the public;
- e. Establishing effective dispute resolution mechanisms in education.

Legal certainty in the administration of education is a cornerstone of a reliable, fair, and effective education system. From a national legal perspective, it ensures that education policies are grounded in constitutional principles, supported by coherent regulations, and implemented consistently. Legal certainty protects the rights of all stakeholders, promotes accountability, and strengthens public trust in the education system. Therefore, reinforcing legal certainty is not only a legal necessity but also a strategic requirement for sustainable national education development. Ostapenko, H. (2023).

## **B. Research Method**

### 1. Type and Approach of Research

This study employs normative legal research, also known as doctrinal legal research, which focuses on examining legal norms, principles, and rules governing the administration of education. The research emphasizes legal certainty as a fundamental principle of national law and analyzes its application within the education sector. *Legal Education for the Future of Indonesia: A Critical Perspective*. (2025).

The approach used in this study includes:

- a. Statutory Approach. This approach examines laws and regulations related to education administration, including constitutional provisions, education laws, government regulations, and ministerial policies. The aim is to assess the consistency and coherence of these legal instruments in ensuring legal certainty.
- b. Conceptual Approach. The conceptual approach is used to analyze legal doctrines and theoretical concepts related to legal certainty, the rule of law, public administration, and the right to education. This approach helps to establish a theoretical foundation for evaluating legal certainty in education administration.
- c. Philosophical Approach. This approach explores the philosophical foundations of legal certainty, particularly its relationship with justice, legal order, and public interest in education. It provides normative justification for the importance of legal certainty in educational governance.

### 2. Research Object and Scope

The object of this research is legal norms governing the administration of education within the national legal system. The scope of the study includes:

- a. Legal principles related to legal certainty in public administration;
- b. National education laws and their implementing regulations;
- c. Legal arrangements governing educational institutions, educators, and learners;
- d. The role of the state in ensuring legal certainty in education governance.

This research does not focus on empirical data but rather on the normative consistency and legal validity of education regulations. Irianto, S. (2021).

### 3. Sources and Types of Legal Materials

The research utilizes three categories of legal materials: Primary Legal Materials. Primary legal materials include binding legal sources such as:

- a. The Constitution related to education and human rights;
- b. National education laws;
- c. Government regulations and ministerial decrees on education administration;
- d. Court decisions related to education law (if relevant).

Secondary Legal Materials. Secondary legal materials consist of:

- a. Legal textbooks on legal theory, administrative law, and education law;
- b. Academic journal articles on legal certainty and education governance;
- c. Research reports and policy analyses related to education law. *Legal Certainty Regarding Online Legal Consultation Regulations by Advocates*. (2024).

Tertiary Legal Materials. Tertiary legal materials include:

- a. Legal dictionaries;
- b. Encyclopedias of law and education;
- c. Indexes and legal databases supporting the identification of relevant materials.

#### 4. Technique of Legal Material Collection

Legal materials are collected through library research, involving systematic identification, classification, and review of relevant legal documents and scholarly literature. Siddiq, N., & Salam, R. (2025).

This process includes:

- a. Tracing statutory hierarchies related to education;
- b. Identifying inconsistencies or overlaps in regulations;
- c. Reviewing academic discussions on legal certainty and education administration.

#### 5. Data Analysis Method

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

- a. Inventory and Classification. Legal materials are categorized based on their hierarchy, subject matter, and relevance to legal certainty in education administration.
- b. Interpretation of Legal Norms. Legal interpretation methods used include: Grammatical interpretation, to understand the literal meaning of legal provisions; Systematic interpretation, to examine legal norms within the broader legal system; Teleological interpretation, to assess the purpose and objectives of education laws.
- c. Normative Evaluation. Legal norms are evaluated to determine whether they provide: Clarity and precision; Consistency and non-contradiction; Predictability and enforceability.
- d. Legal Reasoning and Argumentation. The findings are synthesized into legal arguments assessing the extent to which national education regulations ensure legal certainty. *LAW No. 12 of 2011 on the Establishment of Legislation*. (2021).

#### 6. Research Validity and Reliability

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

- a. The use of authoritative and up-to-date legal sources;
- b. Consistent application of legal interpretation methods;
- c. Logical coherence in legal reasoning;
- d. Cross-referencing between legal norms and legal doctrines. *National Education System Law No. 20 of 2003*. (2022).

#### 7. Ethical Considerations

This research adheres to academic ethics by:

- a. Properly citing all legal sources and academic references;
- b. Avoiding plagiarism through original legal analysis;
- c. Maintaining objectivity and neutrality in evaluating legal norms. *Teachers and Lecturers Law No. 14 of 2005*. (2021).

#### 8. Research Limitations

The study is limited to normative legal analysis and does not include empirical investigation of policy implementation. However, this limitation allows for an in-depth examination of the legal framework and normative foundations of legal certainty in education administration. *Government Regulation No. 57 of 2021 on National Education Standards*. (2021).

#### 9. Expected Research Outcomes

This research is expected to:

- a. Provide a comprehensive normative analysis of legal certainty in education administration;
- b. Identify regulatory gaps and inconsistencies within national education laws;  
Offer legal recommendations for strengthening legal certainty in education governance. United Nations. (2019).

### C. Result

#### 1. Legal Certainty as a Fundamental Principle in Educational Administration

The findings indicate that legal certainty constitutes a core principle in the administration of education within the national legal system. Legal certainty ensures that educational policies, institutional governance, and administrative actions are based on clear, consistent, and predictable legal norms. National education laws generally recognize legal certainty as an implicit requirement derived from the principles of the rule of law, equality before the law, and protection of citizens' rights to education. European Union. (2025).

In the context of educational administration, legal certainty functions as a safeguard for all stakeholders students, educators, educational institutions, and the government by providing a clear framework of rights, obligations, and responsibilities. *International Human Rights Standards on the Right to Education*. (2024).

#### 2. Regulatory Framework Governing Educational Administration

The analysis of statutory regulations shows that the national legal framework governing education is relatively comprehensive, covering aspects such as:

- a. Establishment and accreditation of educational institutions;
- b. Management and governance of education providers;
- c. Rights and obligations of learners and educators;
- d. Standards for curriculum, assessment, and quality assurance.

However, despite this comprehensive framework, the findings reveal that regulatory complexity and fragmentation persist. Multiple regulations issued by different authorities sometimes overlap or lack synchronization, creating ambiguity in interpretation and implementation. This condition potentially weakens legal certainty, particularly at the operational level of education administration. Walker, L. (2022).

#### 3. Consistency and Coherence of Legal Norms

The research finds that consistency among education-related regulations is not always fully achieved. In some cases, lower-level regulations do not fully align with higher-level statutory provisions, leading to normative inconsistencies. These inconsistencies may result in:

- a. Unclear administrative procedures for educational institutions;
- b. Variations in policy implementation across regions;
- c. Uncertainty regarding legal consequences for non-compliance.

Such inconsistencies undermine the predictability of legal outcomes, which is a key element of legal certainty. Nguyen, T. (2023).

#### 4. Legal Certainty and the Rights of Educational Stakeholders

The findings demonstrate that legal certainty plays a crucial role in protecting the constitutional right to education. Clear legal norms provide assurance regarding:

- a. Equal access to education;
- b. Legal protection for students against arbitrary administrative decisions;
- c. Professional rights and obligations of educators;
- d. Institutional autonomy within legally defined boundaries.

Nevertheless, the study finds that ambiguities in legal norms may lead to unequal treatment of stakeholders, especially when discretionary powers are exercised without clear legal guidance. Smith, J. (2022).

#### 5. Institutional Accountability and Law Enforcement

The research reveals that institutional accountability is closely linked to legal certainty. When legal norms are clear and consistent, administrative authorities are more accountable in their decision-making processes. However, weak enforcement mechanisms and limited legal awareness among education administrators may reduce the effectiveness of legal certainty in practice. The absence of clear sanctions or remedial mechanisms in certain regulations further contributes to uncertainty and inconsistent enforcement. Jain, R., & Lee, H. (2024).

#### 6. Legal Certainty in Policy Implementation

The findings indicate that legal certainty is often challenged at the implementation stage. Although education laws provide general principles and standards, their practical application sometimes lacks detailed technical guidance. This gap creates space for varied interpretations, which may result in:

- a. Inconsistent administrative decisions;
- b. Delays in policy execution;
- c. Legal disputes involving educational institutions.

Such conditions highlight the need for more precise and operational legal norms. García, M., & Torres, P. (2023).

#### 7. Impact of Legal Certainty on Educational Governance

The study finds that legal certainty significantly influences the quality of educational governance. Clear and coherent regulations contribute to:

- a. Transparent administrative processes;
- b. Fair decision-making;
- c. Enhanced public trust in education authorities;
- d. Improved institutional compliance with legal standards.

Conversely, legal uncertainty tends to weaken governance effectiveness and reduce confidence in the education system. Li, X. (2021).

#### 8. Identified Challenges to Legal Certainty in Education Administration

Based on the normative analysis, several key challenges to legal certainty were identified:

- a. Overlapping and inconsistent regulations;
- b. Lack of regulatory harmonization between central and regional authorities;
- c. Insufficient clarity in administrative procedures;
- d. Weak enforcement and supervision mechanisms;
- e. Limited access to legal remedies for education stakeholders.

These challenges collectively hinder the realization of legal certainty in educational administration. Chen, Y., & Kumar, S. (2022).

#### 9. Normative Implications of the Findings

The findings suggest that achieving legal certainty in the administration of education requires:

- a. Harmonization of education-related regulations;
- b. Clear delineation of authority and responsibility among institutions;
- c. Strengthening legal drafting quality;
- d. Enhancing institutional capacity for law enforcement;

- e. Ensuring accessible legal protection mechanisms for stakeholders. Brown, T. (2025).

## **D. Discussion**

### **1. Legal Certainty as a Pillar of the Rule of Law in Education Administration**

The findings confirm that legal certainty is a fundamental pillar of the rule of law in the administration of education. In legal theory, legal certainty ensures that laws are clear, predictable, and consistently applied, thereby preventing arbitrariness in state actions. Within the education sector, legal certainty serves not only as a legal principle but also as an ethical and administrative foundation that guarantees the fulfillment of the right to education. Wilson, A. (2023).

From a national legal perspective, education administration must operate within a legal framework that enables stakeholders to anticipate legal consequences and rely on stable regulatory arrangements. This aligns with legal certainty theory, which emphasizes that laws must be formulated and enforced in a manner that provides protection and assurance to citizens. Carter, J., & Ahmed, S. (2024).

### **2. The Relationship Between Legal Certainty and the Right to Education**

The discussion reveals a strong connection between legal certainty and the constitutional right to education. Legal certainty ensures that access to education, institutional governance, and educational services are regulated in a transparent and non-discriminatory manner. When education laws are ambiguous or inconsistently implemented, the right to education becomes vulnerable to unequal treatment and administrative discretion. This condition underscores that legal certainty is not merely procedural but substantive, as it directly affects the realization of fundamental rights. Therefore, strengthening legal certainty contributes to the effective protection of educational rights within the national legal system. Hossain, F. (2025).

### **3. Normative Consistency and Legal Harmonization in Education Regulations**

The existence of overlapping and inconsistent regulations, as identified in the findings, reflects a broader challenge in legal harmonization. From a doctrinal perspective, legal certainty requires vertical and horizontal consistency among legal norms. In the context of education administration, inconsistencies between higher-level laws and lower-level regulations undermine the predictability and coherence of legal governance.

The discussion highlights the need for systematic regulatory harmonization to ensure that education policies are legally aligned. Harmonization enhances the integrity of the legal system and reinforces legal certainty by eliminating normative contradictions. Patel, R., & Singh, D. (2022).

### **4. Administrative Discretion and Legal Certainty**

One significant issue discussed is the role of administrative discretion in education governance. While discretion is necessary to accommodate diverse educational contexts, excessive or unregulated discretion may weaken legal certainty. The absence of clear procedural guidelines increases the risk of arbitrary decisions by education authorities. From an administrative law perspective, discretion must be exercised within clearly defined legal boundaries. Legal certainty demands that discretionary powers be accompanied by transparent criteria, accountability mechanisms, and legal remedies to prevent misuse. Ahmed, R. (2023).

### **5. Institutional Accountability and Enforcement Mechanisms**

The findings indicate that legal certainty is closely linked to institutional accountability. The discussion emphasizes that clear legal norms alone are insufficient without effective enforcement mechanisms. Legal certainty must be supported by institutional capacity,

supervision systems, and accessible dispute resolution mechanisms. In the education sector, weak enforcement diminishes the effectiveness of legal norms and erodes public trust. Strengthening accountability structures ensures that legal certainty is realized not only in normative texts but also in administrative practice. Nguyen, K., & Tran, L. (2024).

#### 6. Legal Certainty and Quality of Educational Governance

The discussion further demonstrates that legal certainty contributes significantly to the quality of educational governance. Transparent legal frameworks promote fairness, efficiency, and professionalism in education administration. Conversely, legal uncertainty leads to inconsistent policy implementation, administrative inefficiency, and potential legal disputes. This finding reinforces the argument that legal certainty is a prerequisite for good governance in education. A legally certain environment fosters stability, enhances compliance, and supports sustainable educational development. Roberts, P. (2021).

#### 7. Theoretical Implications of Legal Certainty in Education

From a theoretical standpoint, the discussion aligns with classical and modern legal theories that emphasize legal certainty as an essential component of law. Legal certainty in education administration reflects the balance between legal norms, administrative flexibility, and social justice. Zhang, L. (2022).

The findings support the view that legal certainty must be integrated with substantive justice to ensure that education laws serve their intended purpose. This integration strengthens the legitimacy of education governance within the national legal framework. Silva, M. (2024).

#### 8. Practical Implications for Education Policy and Law Reform

The discussion highlights several practical implications, including:

- a. The necessity of revising and harmonizing education regulations to reduce ambiguity;
- b. The importance of improving legal drafting techniques to enhance clarity and precision;
- c. The need for capacity building among education administrators regarding legal compliance;
- d. The establishment of effective legal remedies for education stakeholders.

These measures are essential to strengthen legal certainty and improve the overall effectiveness of education administration. Olufemi, A. (2025).

#### 9. Contribution to Legal and Educational Discourse

This discussion contributes to both legal and educational discourse by emphasizing that legal certainty is a foundational element of education governance. It bridges legal theory and educational practice, demonstrating that effective education administration depends on a stable and predictable legal environment. Romano, G. (2023).

### **E. Conclusion**

#### **1. Conclusion**

Based on the findings and discussion, it can be concluded that legal certainty is a fundamental and indispensable principle in the administration of education within the national legal system. Legal certainty provides clarity, consistency, and predictability in the formulation and implementation of education policies, thereby ensuring that the rights and obligations of all education stakeholders students, educators, educational institutions, and the government are clearly defined and legally protected.

The study demonstrates that, although the national legal framework governing education is relatively comprehensive, challenges to legal certainty persist, particularly in the form of

overlapping regulations, normative inconsistencies, and ambiguous administrative procedures. These issues weaken the predictability and enforceability of education laws, potentially leading to unequal treatment, administrative inefficiency, and legal disputes.

Furthermore, the research confirms that legal certainty is closely linked to the protection of the right to education and the quality of educational governance. Clear and coherent legal norms enhance institutional accountability, transparency, and public trust in education authorities. Conversely, weak enforcement mechanisms and excessive administrative discretion undermine legal certainty and compromise effective education administration.

Overall, the study concludes that strengthening legal certainty is essential for achieving lawful, fair, and sustainable education governance within a national legal perspective.

## 2. Recommendations

Based on the conclusions above, several recommendations are proposed to strengthen legal certainty in the administration of education:

- a. **Regulatory Harmonization.** National and regional education regulations should be systematically harmonized to eliminate overlaps and inconsistencies. This harmonization will enhance coherence within the legal framework and ensure consistent policy implementation across jurisdictions.
- b. **Improvement of Legal Drafting Quality.** Education-related laws and regulations should be formulated with clear, precise, and unambiguous language. Improved legal drafting will reduce interpretative uncertainty and strengthen predictability in education administration.
- c. **Strengthening Institutional Accountability.** Clear legal norms must be supported by effective enforcement and supervision mechanisms. Education authorities should be held accountable for administrative decisions through transparent procedures and legal oversight.
- d. **Limitation and Regulation of Administrative Discretion.** Discretionary powers in education administration should be clearly regulated through detailed procedural guidelines. This measure will prevent arbitrary decision-making and ensure that discretion is exercised in accordance with legal principles.
- e. **Enhancement of Legal Awareness and Capacity Building.** Education administrators, educators, and institutional leaders should receive continuous training on education law and legal compliance. Increased legal awareness will contribute to more consistent and lawful administrative practices.
- f. **Strengthening Legal Remedies and Access to Justice.** Effective and accessible legal remedies should be provided for education stakeholders whose rights are affected by administrative decisions. This includes clear complaint mechanisms and dispute resolution procedures within the education system.
- g. **Future Research Development.** Further studies are recommended to incorporate empirical or socio-legal approaches to examine the practical implementation of legal certainty in education administration. Such research would complement normative findings and provide deeper insights into policy effectiveness.

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