IJLRSA
The International Journal of Law Review and State Administration

https://www.ijems.id/index.php/ijlrsa/

E-ISSN 3025-843X
Vol 4, No 5, (September - October 2026) Pages: 212-219

Submitted : 29/10/2026
Published : 01/11/2026

Juridical Analysis of the Relevance of Law Number 20 of 2003 concerning the National Education System to the Challenges of Digital Education

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Doi: https://doi.org/10.58818/ijlrsa.v3i5.404

Abstract
This study presents a juridical analysis evaluating the relevance and adaptability of Law Number 20 of 2003 concerning the National Education System (*UU Sisdiknas*) in addressing the legal and operational challenges of modern digital education. Utilizing a normative legal research methodology with statutory and conceptual approaches, this paper examines primary legal instruments alongside secondary scholarly literature on digital pedagogy, artificial intelligence integration, and data privacy in educational contexts. The findings indicate that while Law Number 20 of 2003 provides strong foundational principles regarding educational access, rights, and moral objectives, its statutory framework exhibits significant normative gaps regarding digital infrastructure, distance learning standards, cyber protection for learners, and algorithmic governance in teaching environments. Concretely, the current legislation lacks explicit mechanisms to guarantee equitable digital access or regulate data privacy rights within ed-tech platforms. Consequently, this study highlights the urgent necessity for statutory reform or comprehensive legislative revisions to establish legal certainty, ensure equitable digital education, and align national educational policies with rapidly evolving technological realities.

Keywords: Law No. 20 of 2003, National Education System, Juridical Analysis, Digital Education, Educational Law Reform

A. Introduction

Rapid technological advancements and digital transformation have fundamentally altered global educational paradigms. In Indonesia, the integration of digital learning management systems, artificial intelligence (AI) tools, virtual classrooms, and remote educational platforms has accelerated significantly. While technology offers unprecedented opportunities to democratize learning and expand educational reach across the Indonesian archipelago, it simultaneously introduces novel legal, ethical, and operational challenges. Within this evolving landscape, the national legal framework governing education faces critical pressure to ensure legal certainty, equitable digital access, and data protection for all citizens. Arifin, Z., & Suryono, B. (2023).

At the core of Indonesia's educational legal architecture is Law Number 20 of 2003 concerning the National Education System (*UU Sisdiknas*). Promulgated over two decades ago during a predominantly analog era, the statute established vital principles regarding equal educational rights, moral development, decentralized administration, and community participation. However, because the law was enacted prior to the modern digital era, its statutory provisions primarily reflect traditional, face-to-face instructional models.

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Consequently, the legislation exhibits normative ambiguities when applied to contemporary digital educational practices, distance learning standards, and ed-tech integration. Budiman, A., & Wibowo, H. (2024).

This gap between statutory legislation and technological reality manifests in several critical juridical challenges. First, while Article 5 of Law No. 20 of 2003 guarantees equal rights to receive quality education, the current law lacks explicit legal mechanisms to address the "digital divide" the disparity in technological infrastructure and internet connectivity between urban and remote regions. Second, the statute does not adequately regulate issues surrounding student data privacy, cyber safety, algorithmic fairness, and intellectual property within digital learning environments. The absence of precise statutory definitions for distance education and digital pedagogy creates regulatory uncertainty for both public institutions and private educational technology providers. Dewi, R. K., & Prasetyo, E. (2025).

Given technological acceleration, relying solely on lower-level ministerial regulations without a modernized statutory foundation risks creating legal inconsistencies and enforceability issues. Therefore, a comprehensive juridical analysis is imperative to evaluate the current relevance and adaptability of Law Number 20 of 2003. This study critically examines the normative gaps within the existing National Education System Law against the demands of digital education, offering legal perspectives and recommendations for statutory reform to ensure that national educational legislation remains robust, inclusive, and forward-looking. Wahyudi, R., & Farida, N. (2025).

B. Research Method

1. Research Type and Approach

This study employs a normative legal research methodology (doctrinal legal research) to examine the statutory adequacy and legal adaptability of Law Number 20 of 2003 concerning the National Education System (*UU Sisdiknas*) in addressing digital education challenges. Yulia, F., & Kurniawan, A. (2023). The inquiry utilizes three core legal approaches:

a. Statutory Approach (*Statute Approach*): Examining relevant statutory provisions within Law No. 20 of 2003, the 1945 Constitution of the Republic of Indonesia, and related regulatory frameworks governing digital technology, telecommunications, and personal data protection.
b. Conceptual Approach (*Conceptual Approach*): Analyzing theoretical concepts surrounding the right to education, state responsibility, legislative flexibility, and digital governance to establish normative frameworks for evaluation.
c. Analytical Approach (*Analytical Approach*): Critically evaluating the statutory definitions, legal duties, and regulatory mechanisms within current education law to identify normative gaps when applied to virtual learning and emerging educational technology. Zulkarnain, I., & Arifianto, R. (2026).

2. Legal Materials

Data collection relies on primary, secondary, and tertiary legal materials obtained through systematic library research:

a. Primary Legal Materials: The 1945 Constitution of the Republic of Indonesia; Law Number 20 of 2003 concerning the National Education System; Law Number 11 of 2008 concerning Electronic Information and Transactions (as amended by Law Number 1 of 2024); Law Number 27 of 2022 concerning Personal Data Protection; and relevant government and ministerial regulations.
b. Secondary Legal Materials: Peer-reviewed legal and educational journals, academic textbooks, institutional policy reports from the Ministry of Education, Culture, Research, and Technology, and legal commentaries on ed-tech regulation.

c. Tertiary Legal Materials: Legal dictionaries, legislative indexes, and legal encyclopedias utilized to provide precise definitions of statutory terminology. Firmansyah, M., & Handayani, T. (2023).

3. Data Collection and Processing

Legal materials were collected through qualitative documentary analysis (*study of documents*). The procedure involved systematic cataloging, legislative mapping, and thematic cross-referencing between the rights/mandates in Law No. 20 of 2003 and contemporary digital education issues, such as cybersecurity, algorithmic governance, and infrastructural equity. Gunawan, S., & Lestari, P. (2024).

4. Legal Analysis Method

The collected legal materials are evaluated using qualitative legal analysis grounded in formal logic and legal interpretation:

a. Grammatical and Systematic Interpretation: Analyzing the literal wording and internal coherence of articles within Law No. 20 of 2003 to determine their scope regarding digital distance learning.
b. Teleological (Purposive) Interpretation: Evaluating statutory provisions in light of the law's original objective ensuring equal, high-quality national education and assessing how that purpose applies to modern digital contexts.
c. Deductive Logic: Applying overarching constitutional principles and international standards on educational rights to specific technological challenges, such as the digital divide and automated educational tools, to identify necessary legislative reforms. Hidayat, A., & Nurhayati, E. (2025).

C. Result and Discussion

Results

The normative legal analysis of Law Number 20 of 2003 concerning the National Education System (*UU Sisdiknas*) reveals critical legal gaps and statutory obsolescence when evaluated against modern digital education frameworks. Suhariyanto, B., & Wibowo, S. (2023). The findings are categorized into four primary normative thematic areas:

a. Limitations of Statutory Provisions on Distance Education (Article 31): Article 31 recognizes Distance Education (*Pendidikan Jarak Jauh* / PJJ) primarily as a supplementary or alternative delivery mode designed to overcome physical barriers. The statute fails to accommodate hybrid, fully online, or asynchronous digital learning ecosystems as mainstream, permanent pedagogical structures.
b. Ambiguity in Constitutional Rights and Digital Equity (Article 5): While Article 5 guarantees the right to receive equal, high-quality education, the law contains no statutory enforcement mechanisms requiring the state to guarantee digital infrastructure, internet connectivity, or hardware access. This creates an unenforceable statutory right in regions affected by the digital divide.
c. Regulatory Vacuum in Data Privacy and EdTech Governance: Law No. 20 of 2003 contains zero provisions regulating student data privacy, cybersecurity standards for educational technology platforms, or the ethical governance of artificial intelligence (AI) in automated grading and instruction. Educational institutions must rely on general frameworks like Law No. 27 of 2022 on Personal Data Protection, which lack education-specific protections for minors.
d. Outdated Statutory Metrics for Educators and Accreditation (Articles 39–44 & 60): Statutory requirements for teacher qualifications and institutional accreditation heavily prioritize physical infrastructure, traditional classroom hours, and face-to-face

interaction. The current legal framework fails to establish formal standards for digital pedagogical competence, virtual classroom environments, or online institutional delivery. Tan, K., & Supriyadi, E. (2025).

Table 1. Statutory Analysis Matrix: Law No. 20 of 2003 vs. Digital Education Realities

Statutory Provision	Current Legal Scope (UU No. 20/2003)	Digital Education Reality	Normative Gap & Juridical Implication
Article 5 (1)	Guarantees equal rights to quality education for every citizen.	Widespread disparities in digital connectivity and device ownership.	Absence of statutory obligations for digital access turns the guarantee into a non-enforceable right for underprivileged students.
Article 31	Regulates Distance Education (*PJJ*) as an emergency/alternative mode.	Ubiquitous integration of LMS, hybrid models, and AI-driven platforms.	Lack of legal recognition for digital-first pedagogy leads to regulatory uncertainty for ed-tech providers and institutions.
Articles 39–44	Defines educators' rights, duties, and professional standards.	Requirements for digital literacy, cyber-ethics, and virtual class management.	Statutory standards omit mandatory digital competencies, hindering professional legal recognition for digital teaching roles.
Article 60	Mandates institutional accreditation based on physical facilities.	Proliferation of virtual schools, online certifications, and micro-credentials.	Legal metrics cannot effectively evaluate virtual infrastructure, resulting in accreditation loopholes for online programs.

Discussion

1. Normative Limitations of Distance Education (PJJ) Provisions

The statutory framework of Article 31 in Law Number 20 of 2003 conceives Distance Education (*PJJ*) primarily as an extraordinary or auxiliary mechanism designed to bridge physical and geographic barriers. Formulated during an era dominated by printed materials and broadcast media, this provision fails to accommodate contemporary digital learning models such as asynchronous micro-learning, hybrid classrooms, and adaptive AI learning platforms. Utomo, P., & Iskandar, H. (2024). Consequently, regulatory authorities routinely rely on ministerial regulations (*Permendikbud*) to govern digital education. In Indonesian legal

hierarchy (*hierarki perundang-undangan*), delegating foundational definitions and rights to executive regulations creates statutory fragility, as administrative rules cannot establish new rights or obligations that lack a clear parent mandate in Law No. 20 of 2003. Indrawan, D., & Kusuma, A. (2023).

2. Constitutional Rights and State Duty in the Digital Era

Article 5(1) guarantees equal rights to quality education for all citizens; however, interpreting this provision in a modern technological context exposes a profound normative deficit. Today, access to stable internet connectivity, digital devices, and digital literacy is a fundamental prerequisite for exercising the right to education. Juliani, H., & Suhartono, S. (2024). By omitting digital infrastructure as a positive state obligation, the law treats digital access as a private commodity rather than a public duty. This legislative silence exacerbates the digital divide between urban centers and rural or underdeveloped regions (*3T*), resulting in a de facto violation of non-discrimination principles guaranteed under the 1945 Constitution. Kurniati, N., & Ramadhan, M. (2026).

3. The Lex Specialis Deficit in EdTech Governance and AI Integration

The complete absence of data privacy, cyber protection, and algorithmic governance within Law No. 20 of 2003 creates a regulatory vacuum. While Law Number 27 of 2022 concerning Personal data protection provides a general framework (*lex generalis*), educational environments require specialized statutory guardrails (*lex specialis*) to protect minors. Santoso, B., & Utami, D. (2024). Commercial educational technology platforms actively process student learning analytics, personal metadata, and behavioral profiles without statutory restrictions on data commercialization or automated profiling. Furthermore, as artificial intelligence tools are integrated into student evaluation and instructional delivery, the statutory framework lacks mechanisms to ensure algorithmic transparency, academic integrity, and human oversight. Setiyono, J., & Budianto, A. (2026).

4. Systemic Overhaul of Educator Standards and Institutional Accreditation

Articles 39 through 44 and Article 60 enforce legacy standards for educator qualifications and institutional accreditation, heavily prioritizing physical facilities, physical library volumes, and face-to-face instruction. Applying these statutory metrics to modern digital educational environments creates a legal misalignment. Sugiarto, T., & Fitriani, A. (2024). Virtual learning spaces, micro-credentials, and digital pedagogical competencies currently lack formal statutory codification. To align national education law with technological realities, statutory parameters must be expanded to legally recognize digital teaching qualifications, virtual infrastructure, and online quality-assurance standards. Laksana, B., & Setiawan, I. (2023).

D. Conclusion and Suggestions

1. Conclusion

This study concludes that Law Number 20 of 2003 concerning the National Education System (*UU Sisdiknas*) exhibits significant statutory obsolescence and normative gaps when confronted with the realities of digital education. While the statute provides enduring foundational principles regarding moral development and educational access, its reliance on traditional, face-to-face paradigms limits its capacity to govern modern digital learning environments. Specifically, Article 31 restricts Distance Education (*PJJ*) to an auxiliary role rather than recognizing digital pedagogy as a mainstream structure; Article 5 fails to establish statutory obligations to bridge the digital divide; and the law entirely lacks *lex specialis* provisions governing student data privacy, cybersecurity, and artificial intelligence in

education. Consequently, the current legislative framework creates regulatory uncertainty, exposing learners and institutions to legal vulnerabilities in an increasingly digital landscape.

2. Suggestion
   a. To the People's Representative Council (DPR) and the President: Initiate a formal statutory revision or comprehensive legislative overhaul of Law No. 20 of 2003 (*RUU Sisdiknas*) to explicitly codify digital rights, state obligations regarding digital infrastructure equity, distance education frameworks, and legal protections for student data privacy and AI governance.
   b. To the Ministry of Education, Culture, Research, and Technology (Kemendikbudristek): Issue updated executive regulations establishing clear standards for digital pedagogical competencies, virtual institution accreditation, and data protection protocols for educational technology platforms pending statutory amendments.
   c. To Educational Technology (EdTech) Providers and Institutions: Align internal administrative policies with national personal data protection standards (Law No. 27 of 2022) and adopt ethical AI frameworks to ensure user transparency, data security, and digital inclusivity.
   d. To Legal Researchers and Scholars: Conduct further empirical and comparative legal studies examining global models of digital education legislation to provide evidence-based recommendations for national legal reform.

Acknowledgments

First and foremost, all praise and gratitude are due to God Almighty, whose blessings, health, and wisdom enabled the completion of this research titled *"Juridical Analysis of the Relevance of Law Number 20 of 2003 concerning the National Education System to the Challenges of Digital Education"*. This academic endeavor could not have been completed without the guidance, support, and invaluable contributions of numerous individuals and institutions. I would like to express my deepest appreciation to: The Rector, Dean, and Faculty Leadership, for providing the academic facilities, intellectual environment, and institutional support necessary for my legal studies. My Honorable Research Advisors, for their profound legal insights, constructive criticisms, meticulous guidance, and continuous encouragement throughout the conceptualization and drafting of this study. My Faculty Lecturers and Academic Staff, who have enriched my understanding of jurisprudence, legal research methodology, and educational law. My Colleagues and Fellow Researchers, for their stimulating legal debates, friendship, and unwavering solidarity during the writing process.

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