ISLAMIC EDUCATION UNDER STATE LAW: NEGOTIATING GOVERNANCE, AUTONOMY, AND PEDAGOGICAL IDENTITY

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Abstract. *Islamic education operates within increasingly complex legal and governance frameworks shaped by state regulation, accountability demands, and educational standardization. While state law aims to ensure institutional legitimacy and quality assurance, it simultaneously raises questions regarding autonomy and the preservation of pedagogical identity within Islamic educational institutions. This study examines how Islamic education negotiates governance, autonomy, and pedagogical identity under state law through a qualitative library-based research approach. Drawing on scholarly literature, policy documents, and legal texts related to Islamic education and educational governance, the study employs thematic analysis to explore patterns of regulatory adaptation and institutional response. The findings reveal that governance in Islamic education is best understood as a negotiated process rather than a unilateral exercise of state control. Islamic educational institutions tend to adopt selective administrative compliance to meet legal requirements while maintaining substantive autonomy in pedagogical and moral domains. Autonomy emerges as relational and context-dependent, shaped by ongoing interactions between state regulation, institutional leadership, and religious tradition. Pedagogical identity proves to be the most resilient dimension of autonomy, largely sustained through internal leadership authority and the reinterpretation of regulatory frameworks. The study contributes theoretically by advancing the concept of negotiated governance in the context of Islamic education, challenging binary views of regulation versus autonomy. From a policy perspective, the findings suggest that adaptive and dialogical regulatory approaches are more effective in supporting educational quality and institutional sustainability. Overall, this study positions Islamic education as an active educational actor capable of engaging constructively with state law while safeguarding its pedagogical distinctiveness.*

Keywords: *Islamic Education, State Law, Pedagogical Identity*

1. INTRODUCTION

Islamic education has long occupied a distinctive position within national education systems, particularly in Muslim-majority countries where religious institutions coexist with modern state governance. As a form of community-based education rooted in religious authority, moral formation, and cultural continuity, Islamic educational institutions have historically developed outside the formal structures of the modern nation-state. Their pedagogical practices, leadership models, and curricular orientations have been shaped primarily by religious traditions and local socio-cultural contexts rather than by centralized legal frameworks. However, the expansion of the modern state and its increasing involvement in education has fundamentally transformed the relationship between Islamic education and public authority. Today, Islamic education is no longer situated at the margins of national education systems but has become an integral though often contested part of state-regulated educational governance.

Globally, studies on faith-based education demonstrate that state involvement in religious schooling often operates through regulatory mechanisms aimed at ensuring standardization, accountability, and quality control, while simultaneously raising concerns over institutional autonomy and pedagogical integrity [1,2]. In many contexts, governments justify regulatory intervention in religious education as a means of safeguarding public interests, promoting national cohesion, and aligning educational outcomes with broader development goals. Yet, this regulatory expansion frequently generates tensions, particularly when legal frameworks designed for secular education are applied to institutions whose legitimacy and authority derive from religious traditions. As a result, Islamic educational institutions increasingly find themselves negotiating between compliance with state law and the preservation of their distinctive pedagogical identities.

Within the literature on educational governance, this tension is often conceptualized through the lens of governance rather than government. Governance perspectives emphasize that education policy implementation is not a linear, top-down process but an interactive arena involving multiple actors with unequal power relations [3]. In this framework, schools and educational institutions are not merely passive recipients of regulation but active agents that interpret, adapt, and sometimes resist policy mandates. Applying this perspective to Islamic education reveals that the relationship between state law and religious institutions is inherently dynamic and negotiated, shaped by legal norms, institutional capacities, leadership structures, and socio-cultural legitimacy.

In Southeast Asia, and Indonesia in particular, Islamic education represents one of the most complex arenas of state–religion interaction. Indonesia's pesantren (Islamic boarding schools) constitute one of the oldest and most influential forms of Islamic education, historically operating as autonomous institutions embedded within local communities. Pesantren have traditionally been governed by *kiai* (religious leaders) whose authority is grounded in religious knowledge, moral charisma, and social trust rather than formal bureaucratic credentials. Scholars such as Azra [4] emphasize that pesantren autonomy has been a defining feature of Islamic education in Indonesia, enabling these institutions to adapt flexibly to social change while maintaining strong pedagogical and moral identities.

Despite this historical autonomy, the role of the Indonesian state in regulating Islamic education has expanded significantly over the past two decades. This expansion culminated in the enactment of Law No. 18 of 2019 on Pesantren, which formally integrates pesantren into the national education system while simultaneously subjecting them to legal and administrative frameworks governing institutional management, curriculum recognition, funding mechanisms, and accountability. From a policy perspective, this legal recognition is often framed as a progressive step toward strengthening Islamic education by providing legal certainty, state support, and equal status within the national education architecture. Studies highlight that state recognition has indeed facilitated greater access to public funding, infrastructure development, and formal certification for pesantren graduates [5].

However, critical scholarship cautions that legal recognition is rarely neutral. Rather, it often introduces new forms of bureaucratic control that reshape institutional practices and power relations. Research on educational policy borrowing and regulation suggests that standardization and accountability mechanisms tend to privilege administrative rationality over pedagogical diversity, particularly in community-based institutions [6]. In the context of pesantren, several studies indicate that regulatory requirements related to reporting, accreditation, and organizational structure may gradually erode traditional governance models centered on religious authority [7] These concerns resonate with broader critiques of state governance in education, which argue that excessive regulation can generate administrative overload and undermine institutional creativity [8].

Empirical studies on pesantren governance under state regulation present mixed findings. On one hand, research conducted by Mustofa, Syukur, and Muhlisin [5] demonstrates that local implementation of

pesantren-related regulations has contributed to infrastructural improvements and curriculum integration, particularly in regions where local governments actively support Islamic education. Similarly, Kairin and Subekti [9] argue that collaboration between pesantren and public schools under the legal framework of Law No. 18 of 2019 can enhance educational access and institutional legitimacy. These studies suggest that state law may function as an enabling framework rather than a purely coercive instrument.

On the other hand, critical legal and educational analyses highlight persistent tensions between regulatory compliance and pedagogical autonomy. Zahwa et al. [10], in their juridical analysis of the integration of Pancasila education within pesantren curricula, identify potential conflicts between national curriculum mandates and pesantren pedagogical traditions. Their findings underscore that while pesantren may formally adopt state-mandated content, such adoption often involves reinterpretation and selective integration to preserve religious coherence. This pattern aligns with Hefner's observation that Islamic educational institutions tend to engage in pragmatic adaptation rather than outright resistance when confronted with state regulation [11].

Despite the growing body of literature on pesantren and state policy, most existing studies remain focused on normative legal analysis or macro-level policy evaluation. Few studies have examined how regulatory frameworks are negotiated in everyday institutional practices, particularly at the level of management, leadership decision-making, and pedagogical identity formation. As a result, the internal dynamics through which pesantren reconcile legal compliance with religious authority remain underexplored. This gap is significant, as governance is ultimately enacted not through policy texts but through institutional practices and actor interpretations.

Moreover, much of the literature treats autonomy and regulation as opposing forces, framing state law as inherently constraining and institutional autonomy as something that is either preserved or lost. Recent developments in governance theory challenge this dichotomy by conceptualizing autonomy as relational rather than absolute [12]. From this perspective, institutions do not operate outside regulatory frameworks but negotiate their autonomy within them. Applied to Islamic education, this approach suggests that pesantren autonomy may be transformed rather than eliminated under state law, taking the form of selective compliance, administrative adaptation, and strategic reinterpretation of policy mandates.

Pedagogical identity represents another critical yet under-theorized dimension of this negotiation. Pesantren pedagogy is not merely a technical matter of curriculum content but a holistic educational philosophy encompassing moral formation, religious discipline, and communal life. Legal regulation that emphasizes measurable outcomes and standardized curricula risks marginalizing these pedagogical dimensions. While some studies acknowledge curriculum integration as a policy success, fewer examine how such integration affects the internal meaning systems through which pesantren define educational quality and purpose. Understanding pedagogical identity as a site of negotiation is therefore essential for assessing the long-term implications of state regulation on Islamic education.

Against this backdrop, this study seeks to analyze Islamic education under state law by examining how pesantren negotiate governance, autonomy, and pedagogical identity in practice. Focusing on pesantren as institutional actors rather than policy objects, the study adopts a qualitative case study approach to explore how legal regulation is interpreted, adapted, and enacted at the institutional level. By integrating governance theory, institutional autonomy, and education policy analysis, this research aims to move beyond dichotomous understandings of regulation versus autonomy and offer a more nuanced account of negotiated governance in Islamic education.

In doing so, the study contributes to the broader field of education studies by highlighting how religious educational institutions engage with state law in context-sensitive and strategic ways. It also offers empirical insights relevant to policymakers, suggesting that effective regulation of Islamic education requires not only legal compliance but also sensitivity to institutional culture, leadership structures, and pedagogical identity. Ultimately, this research positions Islamic education not as a passive recipient of state control but as an active site of governance negotiation within contemporary legal frameworks.

2. RESEARCH METHODS

This study employs a qualitative research approach using a library-based research design (literature study). A qualitative approach is appropriate for exploring complex social and educational phenomena that require interpretive and contextual understanding rather than numerical measurement [13]. Library-based research is particularly suitable for studies that aim to analyze concepts, discourses, and theoretical debates within education and policy studies (Zed, 2014). Accordingly, this study focuses on examining how state law

shapes governance, institutional autonomy, and pedagogical identity in Islamic education through an in-depth analysis of existing literature.

The data sources consist of secondary data derived from scholarly books, peer-reviewed journal articles, policy reports, and legal documents related to Islamic education and educational governance. Secondary data are widely used in qualitative educational research to construct conceptual frameworks and critically assess policy developments [14]. In this study, particular attention is given to literature addressing pesantren, state regulation of religious education, governance theory, institutional autonomy, and education policy. Key legal sources include national education laws and regulations governing Islamic education, which function as authoritative texts shaping institutional practices [15].

The literature collection process follows a systematic search strategy. Relevant sources are identified through academic databases such as Google Scholar and Scopus-indexed journals using keywords including Islamic education, state law, educational governance, institutional autonomy, and pesantren. The selection of literature is guided by relevance, academic credibility, and contribution to the research focus, consistent with recommended procedures for qualitative literature studies [16]. Only sources that explicitly engage with the intersection of education, law, and governance are included to ensure analytical coherence.

Data analysis is conducted using qualitative thematic analysis, which allows for the identification of recurring patterns, themes, and conceptual relationships across texts [17]. The selected literature is read iteratively, coded, and categorized to capture key themes related to regulatory mechanisms, governance arrangements, and strategies of autonomy negotiation in Islamic education. Governance theory, relational institutional autonomy, and education policy analysis are employed as analytical lenses to interpret the findings [18]. Through this approach, state law is not treated as a fixed determinant, but as a discursive and institutional framework that is continuously interpreted and negotiated within educational contexts.

To enhance analytical rigor, this study adopts a conceptual synthesis approach, which integrates and compares arguments across multiple sources to identify convergences, tensions, and gaps in the literature [19]. This method enables the study to move beyond descriptive review toward analytical contribution by generating new insights into the governance of Islamic education under state law. The credibility of the analysis is strengthened through source triangulation across theoretical, empirical, and legal literature, a strategy commonly recommended in qualitative research to enhance trustworthiness [20].

By employing a qualitative literature-based methodology, this study aims to contribute theoretically to the field of Islamic education studies. This approach allows for a critical and systematic examination of how governance, autonomy, and pedagogical identity are conceptualized and negotiated within academic and policy discourses, offering a nuanced understanding of Islamic education under state law without relying on single-institution case studies.

3. RESULTS AND DISCUSSION

State Law and the Governance of Islamic Education

The findings of this study indicate that state law plays a central role in shaping the governance of Islamic education, particularly through regulatory frameworks that define institutional legitimacy, administrative accountability, and curriculum alignment. Across the literature reviewed, governance is consistently portrayed not merely as a hierarchical system of control, but as a negotiated arena in which Islamic educational institutions engage with state authorities to maintain their operational continuity while preserving their educational mission. This reflects a broader shift in educational governance from command-and-control models toward more complex, multi-actor arrangements [21].

Legal recognition emerges as a foundational dimension of governance. Islamic educational institutions are often required to comply with state regulations related to accreditation, institutional registration, and reporting mechanisms. While such legal frameworks are commonly justified as instruments for quality assurance and standardization, the literature reveals that they also function as mechanisms through which the state extends its influence over educational practices. However, rather than resulting in uniform compliance, these regulations generate varied institutional responses shaped by historical traditions, organizational capacity, and pedagogical priorities.

From a governance perspective, Islamic education operates within a hybrid system that combines formal legal authority with informal normative legitimacy rooted in religious and cultural traditions. This hybridity challenges conventional governance theories that assume a clear separation between state authority and institutional autonomy. Instead, governance in Islamic education is best understood as a dynamic process in

which legal norms, organizational interests, and pedagogical values intersect and are continuously renegotiated.

Negotiated Autonomy within Legal Frameworks

A key result of this study is the identification of relational autonomy as the dominant form of autonomy exercised by Islamic educational institutions under state law. Autonomy is not conceptualized as absolute independence from regulation, but as the capacity to maneuver within regulatory constraints to preserve core educational values. This finding aligns with contemporary institutional theories that view autonomy as context-dependent and relational rather than fixed or binary [22].

The literature suggests that Islamic education institutions selectively adapt to state regulations, particularly in administrative and organizational domains, while maintaining stronger autonomy in pedagogical and moral dimensions. Administrative compliance such as reporting, documentation, and formal organizational structures is often treated as a pragmatic necessity rather than an ideological commitment to state governance models. This selective adaptation enables institutions to secure legal recognition and access to public resources without fundamentally altering their educational philosophy.

However, the negotiation of autonomy is not without tension. Several studies highlight the growing administrative burden associated with regulatory compliance, which can divert institutional resources away from pedagogical development [23]. This phenomenon is conceptualized as bureaucratic overload, where increasing regulatory demands strain institutional capacity and potentially undermine educational quality. Nevertheless, Islamic education institutions often respond by developing internal strategies to mediate these pressures, such as delegating administrative tasks while shielding pedagogical processes from excessive external interference.

Pedagogical Identity under Regulatory Pressure

One of the most significant findings concerns the resilience of pedagogical identity in Islamic education despite increasing legal and administrative regulation. Pedagogical identity understood as the constellation of educational values, teaching practices, and moral orientations emerges as a core domain of institutional self-definition that institutions actively protect [24]. The literature consistently emphasizes that while governance structures may change, pedagogical identity remains deeply embedded in religious tradition and community expectations. State intervention in curriculum is generally described as limited and indirect. Rather than imposing rigid curricular control, regulatory frameworks often establish broad competency standards or learning outcomes. Islamic education institutions respond by reinterpreting these standards through their own pedagogical frameworks, integrating religious content and moral education within state-mandated curricular structures. This process of reinterpretation demonstrates institutional agency and reinforces the argument that pedagogy functions as a key site of negotiation between state law and educational practice.

Importantly, pedagogical identity is closely linked to leadership structures within Islamic education. Leadership figures often religious scholars or educators play a crucial role in mediating external regulations and internal educational values. The literature indicates that leadership authority frequently outweighs regulatory influence in shaping day-to-day pedagogical decisions. This finding challenges assumptions that legal regulation inevitably leads to pedagogical homogenization and instead highlights the role of leadership in sustaining educational diversity within regulated systems.

Governance as a Negotiated Process

Synthesizing the findings across the reviewed literature, governance in Islamic education can be characterized as a negotiated process rather than a unilateral exercise of state power. Negotiation occurs at multiple levels, including policy interpretation, administrative implementation, and pedagogical practice. This negotiation is facilitated by ambiguities within legal frameworks that allow for interpretive flexibility, as well as by the state's pragmatic interest in maintaining cooperative relationships with religious education providers. The concept of negotiated governance helps explain why regulatory expansion does not necessarily lead to institutional homogenization. Instead, it produces differentiated outcomes shaped by institutional history, leadership capacity, and community engagement. Islamic education institutions leverage their social legitimacy and moral authority to assert their educational identity within legal boundaries, while the state tolerates a degree of diversity to ensure policy effectiveness and social stability.

This finding resonates with broader governance literature emphasizing the importance of informal practices, trust, and negotiation in policy implementation. In the context of Islamic education, negotiated governance serves as a mechanism for balancing state objectives of standardization and accountability with institutional demands for autonomy and pedagogical integrity [25].

Implications for Educational Quality and Sustainability

The interaction between state law and Islamic education governance has important implications for educational quality and institutional sustainability. On one hand, regulatory frameworks can enhance transparency, accountability, and access to public resources, potentially contributing to institutional development. On the other hand, excessive administrative demands risk undermining pedagogical innovation and teacher autonomy. The literature suggests that sustainability in Islamic education is increasingly defined not by regulatory compliance alone, but by the institution's ability to integrate legal requirements with its pedagogical mission. Sustainability is thus redefined as a relational achievement, dependent on effective leadership, adaptive governance strategies, and ongoing negotiation with regulatory authorities. This reconceptualization moves beyond static notions of sustainability toward a dynamic understanding grounded in institutional resilience and adaptability.

When situated within existing research, the findings of this study both confirm and extend prior scholarship on Islamic education and educational governance. Previous studies have highlighted tensions between state regulation and religious autonomy; however, this study demonstrates that these tensions are mediated through everyday practices of negotiation rather than resolved through compliance or resistance alone. By foregrounding governance and pedagogical identity, this study contributes a more nuanced understanding of how Islamic education operates under state law. Moreover, while much of the existing literature focuses on institutional legality or political control, this study emphasizes education as the primary analytical lens. The focus on pedagogy and educational identity reveals dimensions of Islamic education that are often overlooked in legalistic or political analyses. This shift underscores the importance of treating Islamic education not merely as an object of regulation, but as an active educational actor capable of shaping governance outcomes.

Theoretically, this study contributes to educational governance literature by introducing Islamic education as a site of negotiated governance where autonomy is relational and pedagogical identity is actively constructed. It challenges deterministic views of state regulation and supports interpretive approaches that recognize institutional agency within legal frameworks. By integrating governance theory, institutional autonomy, and pedagogy, this study offers a holistic framework for analyzing education under law. From a policy perspective, the findings suggest that regulatory approaches to Islamic education should prioritize flexibility, dialogue, and respect for pedagogical diversity. Policies that recognize the negotiated nature of governance are more likely to support educational quality and institutional sustainability. Excessive standardization risks eroding the distinctive educational contributions of Islamic education, while adaptive governance can foster mutual trust between state and educational institutions.

4. CONCLUSIONS

This study concludes that Islamic education under state law is best understood not as a passive object of regulation, but as an active educational actor engaged in continuous negotiation with legal and governance frameworks. State law significantly shapes the governance of Islamic education through mechanisms of legal recognition, administrative accountability, and policy standardization. However, these regulatory instruments do not operate in a linear or deterministic manner. Instead, they interact with institutional traditions, leadership structures, and pedagogical values, producing diverse and context-sensitive governance outcomes. The findings demonstrate that institutional autonomy in Islamic education is predominantly relational rather than absolute. Islamic educational institutions tend to adopt selective administrative compliance as a pragmatic strategy to secure legal legitimacy and institutional sustainability, while simultaneously preserving core pedagogical and moral identities. This selective adaptation reflects a negotiated form of autonomy that allows institutions to operate within state legal frameworks without relinquishing their educational distinctiveness.

Moreover, the study highlights that pedagogical identity constitutes the most resilient domain of autonomy in Islamic education. Despite increasing regulatory pressures, pedagogical practices and moral orientations remain largely shaped by internal leadership and religious traditions rather than external legal mandates. Leadership authority, in particular, plays a crucial mediating role, often exerting greater influence

on educational practice than formal regulation. This underscores the centrality of educational leadership in sustaining pedagogical integrity within regulated environments. Theoretically, this study contributes to the literature on educational governance by advancing the concept of negotiated governance in the context of Islamic education. It challenges binary interpretations of state control versus institutional autonomy and instead offers a relational framework that recognizes law as both a regulatory structure and a negotiated space. By integrating perspectives from governance theory, institutional autonomy, and educational policy, this study enriches the analytical understanding of how education systems operate under legal constraint.

From a policy perspective, the study suggests that regulatory approaches to Islamic education should move beyond rigid standardization toward more dialogical and adaptive governance models. Policies that acknowledge the negotiated nature of governance are more likely to support educational quality, institutional sustainability, and pedagogical diversity. Excessive bureaucratic demands, by contrast, risk diverting institutional resources away from core educational functions and undermining long-term sustainability. In conclusion, Islamic education under state law is characterized by dynamic interaction rather than domination or resistance. Its sustainability lies not in full compliance or complete autonomy, but in its capacity to negotiate governance arrangements while safeguarding pedagogical identity. This insight offers important implications for policymakers, educators, and scholars seeking to understand and strengthen the role of Islamic education within contemporary legal and educational systems

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