

LAW AND REGULATION IN EDUCATION MANAGEMENT

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ABSTRACT

Laws and regulations play a strategic role in shaping the direction, structure, and effectiveness of education management. Education is understood not only as a pedagogical process but also as an institutional practice within the framework of state administration and public policy. This article aims to analyze the role of laws and regulations in education management and identify challenges that arise in their implementation. This study uses a qualitative approach with a library research design, with data sources consisting of educational legislation, policy documents, academic books, and relevant journal articles. Data are analyzed using a juridical-normative approach and thematic analysis to interpret the function of regulations, implementation patterns, and their implications for education governance. The results of the study indicate that laws and regulations function as instruments of legitimacy, control, and direction in education management, particularly in ensuring accountability, quality standards, and legal certainty. However, this study also identified challenges in the form of gaps between norms and practices, regulatory rigidity, and policy inconsistencies between levels of government that have the potential to hinder innovation and managerial effectiveness. Therefore, a more adaptive, coherent, and evidence-based regulatory approach is needed so that the law does not only function as an administrative control tool, but also as a facilitator for improving the quality and sustainability of education management.

Keywords: education law; education regulation; education management; education policy; education governance.

1. INTRODUCTION

Educational management is a key pillar in the implementation of an effective, accountable, and sustainable education system. In the context of a modern state, educational management cannot be separated from the legal and regulatory framework that governs it, as education is not merely a pedagogical activity but also a social practice within the state administration system. Law serves as a normative instrument that provides boundaries, direction, and legitimacy for every managerial policy and practice in educational institutions. Without a clear legal basis, educational management has the potential to be sporadic, inconsistent, and prone to deviation from national education goals (Bush, 2020; Hoy & Miskel, 2019).

From a public policy perspective, educational regulations serve as a connecting mechanism between the state's vision and operational practices at the educational unit level. Regulations establish standards, procedures, and responsibilities for educational actors, from the central

government and local governments to educational institution managers. The existence of systematic and coherent regulations is a prerequisite for the creation of good educational governance, characterized by transparency, accountability, participation, and legal certainty (Peters, 2018). Thus, laws and regulations are not only binding but also serve as steering instruments in educational management.

However, various studies show that the existence of regulations does not always directly correlate with the effectiveness of educational management implementation in the field. There is a gap between legal norms (*das sollen*) and actual practice (*das sein*) caused by bureaucratic complexity, overlapping policies, and limited managerial capacity at the educational institution level (Fullan, 2021). In many cases, regulations are perceived as administrative burdens that hinder innovation and flexibility in educational management, rather than as instruments supporting quality improvement. This situation necessitates a critical analysis of how laws and regulations are designed, interpreted, and implemented in the context of educational management.

Furthermore, global dynamics such as educational decentralization, school autonomy, and demands for performance-based accountability further emphasize the strategic role of law in educational management. Regulations no longer function solely to regulate administrative compliance but also serve as tools to encourage quality improvement, equitable access, and educational justice. Within this framework, education law must be able to adapt to social changes, technology, and societal needs, without losing sight of the fundamental principles of justice and legal certainty (Ball, 2017; Levin, 2020).

Based on this description, this article aims to conceptually and analytically examine the role of law and regulation in education management, highlighting its normative and implementative functions, as well as the challenges faced in practice. This study is expected to provide a theoretical contribution to the development of legal policy-based education management studies, while also offering a reflective perspective for policymakers and education administrators in formulating regulations that are more responsive, effective, and oriented toward improving the quality of education.

2. RESEARCH METHOD

This research uses a qualitative approach with a library research design, aiming to deeply analyze the construction of law and regulations in educational management practices. A qualitative approach was chosen because it allows researchers to interpret the meaning, rationality, and normative implications of various laws and educational policy documents, rather than simply measuring variables quantitatively. Through this approach, law is understood as both a normative text and a public policy instrument that shapes the behavior and governance of educational institutions (Creswell & Poth, 2018; Bowen, 2009).

The research data sources consist of primary and secondary legal materials. Primary legal materials include educational laws and regulations, government policies, and official documents governing educational management and governance. Meanwhile, secondary legal materials include academic textbooks, reputable journal articles, policy reports, and previous research relevant to the themes of education law, regulation, and management. Data collection was conducted through document analysis, with selection criteria emphasizing the relevance of substance, source authority, and publication recency to ensure the study's academic validity (Bowen, 2009; Silverman, 2020).

Data analysis was conducted using a thematic and juridical-normative analysis approach, with the stages of document organization, coding of key concepts, interpretation of legal norms, and conceptual synthesis of findings. This analysis aimed to identify regulatory functions, implementation patterns, and legal challenges in education management. Data validity was maintained through source triangulation and cross-reference tracing to ensure consistency of argumentation and accuracy of legal interpretation. This method is expected to yield a comprehensive understanding of the role of law and regulation as strategic instruments in effective and equitable education management (Merriam & Tisdell, 2016; Miles, Huberman, & Saldaña, 2019).

3. RESULT AND DISCUSSION

The analysis shows that laws and regulations serve as the primary normative framework shaping the direction, structure, and mechanisms of educational management. Regulations not only establish administrative standards but also determine the authority relations between the state, educational institutions, and other educational actors. In this context, law serves as an instrument of legitimacy, ensuring that managerial practices align with national educational goals and the principles of public accountability. This finding confirms the view that modern educational management cannot be separated from regulations as a control mechanism and policy steering (Bush, 2020; Hoy & Miskel, 2019).

However, further discussion reveals a structural tension between centralized regulations and demands for managerial flexibility at the educational unit level. Overly rigid regulations tend to limit the autonomy of educational administrators in responding to the contextual needs of students and their social environment. This situation creates a regulatory paradox, where laws that should support quality improvement actually have the potential to hinder managerial innovation. This phenomenon aligns with Ball's (2017) findings, which state that education policy often operates as "policy technology" that normalizes administrative compliance, rather than as a means of empowering educational institutions.

From an implementation perspective, the study's findings indicate that the effectiveness of regulations is highly dependent on the managerial capacity and legal literacy of education administrators. Regulations formulated normatively without clear support and interpretation mechanisms risk multiple interpretations and inconsistencies in application. This reinforces the argument that education law cannot be understood simply as a formal legal text but must be viewed as a social practice that requires contextual understanding and adequate managerial competence (Peters, 2018; Fullan, 2021).

Furthermore, the analysis also demonstrates that regulations play a strategic role in building accountability and equitable education governance, particularly through evaluation mechanisms, quality standards, and performance reporting. Regulations designed with principles of transparency and public participation can strengthen public trust in educational institutions. However, when regulations emphasize procedural compliance over the achievement of substantive educational outcomes, accountability tends to be purely symbolic and administrative (Levin, 2020; OECD, 2019).

Overall, this discussion confirms that laws and regulations in education management serve a dual function as both control tools and facilitators of quality improvement. The primary challenge lies in designing regulations that are adaptive, coherent, and responsive to the dynamics of education, without sacrificing legal certainty. Thus, a more reflective and evidence-based regulatory approach is needed, so that the law serves not only as a supervisory instrument but also as a catalyst for the development of innovative, inclusive, and sustainable education management (Bush, 2020; Fullan, 2021).

Legal and Regulatory Challenges in Education Management

One of the main challenges in education management law and regulation is the gap between legal norms and implementation practices at the institutional level. Education regulations are often formulated in general and abstract normative language, leaving room for wide interpretation in their implementation. As a result, policy implementation is highly dependent on managerial capacity, legal understanding, and organizational culture within each educational institution. This situation creates inconsistent regulatory application and has the potential to undermine the principle of legal certainty that should be the foundation of education governance (Peters, 2018; Hoy & Miskel, 2019).

Another challenge relates to the rigidity and complexity of regulations, which often do not align with the dynamics and contextual needs of educational units. Regulations that are overly procedural and administrative tend to limit the space for managerial innovation, particularly in the context of decentralization and educational autonomy. Rather than encouraging quality improvement, regulations risk becoming a bureaucratic burden that shifts the focus of education managers from developing learning to fulfilling administrative obligations. This phenomenon

confirms the criticism that education policy often functions as an instrument of state control, emphasizing formal compliance over empowering educational institutions (Ball, 2017; Fullan, 2021).

Furthermore, legal challenges in education management include a lack of synchronization between regulations and rapid policy changes, often without adequate transition mechanisms. Overlapping authority between central and regional governments, as well as reactive regulatory changes, create uncertainty in planning and managerial decision-making. This situation can undermine the accountability and effectiveness of education management, as educational institutions find themselves in a constant state of adaptation without a stable policy direction. Therefore, legal and regulatory challenges in education management are not only technical-administrative but also structural and systemic, demanding a more coherent, adaptive, and evidence-based regulatory approach (Levin, 2020; OECD, 2019).

4. CONCLUSION

This study concludes that laws and regulations are a strategic foundation in education management, functioning not only as normative instruments but also as guiding and controlling mechanisms for education governance. The existence of regulations provides legitimacy, legal certainty, and an accountability framework for education managers in carrying out their managerial functions. However, the effectiveness of laws in supporting education management is largely determined by the quality of regulatory formulation and the ability of education actors to understand and implement them contextually.

Furthermore, the research findings indicate that the main challenges in education management laws and regulations lie in the gap between norms and practices, regulatory rigidity, and policy asymmetry across levels of government. Regulations that are overly administrative and procedural have the potential to limit managerial autonomy and innovation, thereby reducing the adaptive capacity of educational institutions to social dynamics and student needs. Therefore, education law needs to be positioned not solely as a control tool, but as a facilitative instrument that encourages improvements in the quality, equity, and relevance of education.

Based on these conclusions, this study recommends the need for a more reflective, coherent, and evidence-based regulatory approach to education management. Strengthening legal literacy for education administrators, simplifying regulations, and harmonizing policies across sectors and levels of government are strategic steps to improve the effectiveness of education governance. Thus, laws and regulations are expected to serve as catalysts for innovative, accountable, and sustainable transformation of education management.

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