

# Formulation of the Proposed Regional Regulation (Raperda) on Islamic Boarding Schools in Salatiga City after the Ratification of Law No. 18 of 2019 concerning Islamic Boarding Schools in the Era of Regional Autonomy

Ahmadi H. Dardiri and Miftahuddin

Salatiga State Islamic Institute, Indonesia  
acanmusica@gmail.com, miftahuddin@iainsalatiga.ac.id

Received: 13-12-2012	Revised: 21-12-2022	Accepted: 30-12-2021
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## Abstract

This research discusses the formulation of the proposed Raperda in Salatiga City which until now has not published the Raperda Pesantren as a mandate from Law no.18 of 2019 concerning Islamic Boarding Schools. This research is expected to be a guide for the Salatiga city government in making the Raperda Pesantren so that it does not conflict with the spirit of the issuance of the Pesantren Law. This study uses an empirical juridical method by analyzing the attribution of the Islamic boarding school law to the local government in a juridical context and conducting interviews with data sources related to the non-accommodation of the regional regulation on boarding schools in Salatiga City. The results of this study conclude two things. *First*, the Raperda of Islamic Boarding Schools in Salatiga City has not been accommodated because the Salatiga City Government believes that Islamic boarding schools are religious matters that cannot be autonomous, or are not educational matters. *Second*, the formulation of the proposed Raperda in Salatiga City covers 3 main things, namely: 1) the involvement of the Salatiga City Government in the provision of education by facilitating cottages or dormitories and mosques or prayer rooms; 2) the involvement of the Salatiga City Government in the Islamic boarding school's missionary function; and 3) the involvement of the Regional Government in the function of community empowerment.

**Keyword: Regional Autonomy, Education Autonomy, Islamic Boarding School, Raperda Pesantren.**

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## INTRODUCTION

Indonesia's state administration has undergone a significant change with the end of the New Order regime to the Reform Order. Fundamental changes occurred because at this regime change there was an amendment to the 1945 Constitution which was carried out during 1999 to 2002. This change certainly had an impact on the sectors of state administration, not least in the field of administering power. The exercise of power in the New Order era, which tended to be centralized, shifted towards regional decentralization (autonomy) (Waris, 2012).

This shift is marked by the existence of Article 18 of the 1945 Constitution and supported by Law No. 22 of 1999 which was later amended by Law No. 32 of 2004 concerning Regional Government and lastly in 2014 changed to Law No. 23 of 2014. The implication of the change lies in the education area. that fall into the category of an autonomous field. (Rifai, 2017) Decentralization in the field of education is often referred to as education decentralization, which

means that education affairs are government affairs that are handed over by the central government to local governments to be regulated according to each region (Sunarno, 2006).

The development and implementation of education is basically a mandate from the 1945 Constitution. The government's obligation to fulfill the basic rights of citizens in the form of education is even stated in the preamble in the fourth paragraph with the phrase "educate the life of the nation". Therefore, the government has an obligation to seek and organize a national education system that increases faith and devotion to God (Kuswandi, 2011).

National education guarantees in Indonesia are held based on Law No. 20 of 2003 concerning the National Education System (Sisdiknas). This law regulates all education in Indonesia, both formal, informal and non-formal. Article 30 paragraph (4) of the National Education System Law is even explained in detail related to the name of religious education regulated by this law, including Early Education, Islamic Boarding Schools, Pasraman, Pabhaja Samanara and other forms (Rifa'i, 2019). This proves that the National Education System Law is a law that oversees national education in Indonesia.

Educational institution *indigenous* in Indonesia. The position of pesantren in the education law has indeed been accommodated in the National Education System Law, but apparently this is not something that is profitable for pesantren. Badrudin considers that the government's discriminatory treatment appears marked by the implementation of regulations that are less effective and the provision of limited budget allocations (Badrudin et al., 2018). This is measured by the contribution and history of pesantren in the development of education in Indonesia.

The struggle of pesantren to be accommodated in formal legal regulations in Indonesia only got its results when the government passed Law No. 18 of 2019 concerning Islamic Boarding Schools. The emergence of this law is proof of the government's seriousness that Islamic boarding school education, which has a tough task, namely forming individuals who have a good understanding of religious values and morals, requires the presence of a government with strong rules, namely in the form of laws in carrying out their duties (Wiranata, 2019). The presence of the Law on Islamic Boarding Schools certainly has implications for the position of pesantren in the National Education System Law which regulates the entirety of education in Indonesia. Pesantren which was originally a sub-section of national education, now has a special position with the emergence of this rule because the Islamic boarding school law is a *lex specialist* from the National Education System Law which is a general rule.

The Law on Islamic Boarding Schools provides sufficient space for regions to be involved in taking a role in the development and empowerment of Islamic boarding schools. This decentralization space can be seen in Article 11 paragraph (3), Article 32, Article 42, Article 46,

Article 48 and Article 51. This article contains the role of the region in assisting Islamic boarding schools to carry out the functions of Islamic boarding schools in the regions so that they can develop properly.

The regulatory basis for decentralization in the Pesantren Law is the basis for the author to formulate the Draft Regional Regulation on Islamic Boarding Schools, which has yet to materialize. This problem is interesting because the mandate of the Law relating to regional regulations that must be implemented has not been published after the ratification of Law N0.18 of 2019 concerning Islamic Boarding Schools. So that in this study the author raised the title of the Proposed Formulation of the Draft Regional Regulation (Raperda) on Islamic Boarding Schools in Salatiga City after the Ratification of Law No. 18 of 2019 concerning Islamic Boarding Schools in the Era of Regional Autonomy.

## **RESEARCH METHOD**

This study uses a Juridical Empirical approach with a case study type. This Juridical Empirical Research is a research conducted to explore written regulations or primary legal materials as a basis for research. At the empirical level related to the non-accommodation of the Raperda for Pesantren, the authors conducted interviews with primary data sources or several people who knew firsthand why the Raperda for Pesantren in Salatiga City had not been published. While in the formulation, the author analyzes the source of law, namely the Islamic Boarding School Law which gives attribution authority to local governments. The results of these interviews and data were then analyzed using the perspective of regional autonomy which was then described to draw a conclusion.

## **DISCUSSION AND RESEARCH RESULTS**

### **A. Education Autonomy in Indonesia**

The education sector is a field that is included in the autonomous categorization of concurrent areas related to the basic rights of the community. This education autonomy is not only supported by the Law on Regional Government as a guarantee of its implementation, it is also legitimized by Law No. 20 of 2003 concerning the National Education System (UU Sisdiknas). This law is a manifestation of the mandate of one of the demands for reform in the field of education. This law consists of 22 chapters and 77 articles that regulate the national education system in Indonesia (Armansyah, 2016a).

The emergence of regional autonomy in the government system is the background for the improvement of the National Education System Law Number 2 of 1989. The fundamental changes in this regulation change, among others, lie in democratization and decentralization in the field of

education, community participation in education and adjustment to global challenges (Armansyah, 2016b).

In the Manuscript of the National Education System Law No. 20 of 2003, it has been stated that in education there are several rights and obligations in its implementation, namely the rights and obligations of citizens, parents, society, and the government. Article 8 of this law states that the community has the right to participate in the planning, implementation, supervision, and evaluation of education programs. Meanwhile, the community has an obligation to provide resource support in the provision of education in Article 9 and the central and regional governments have an obligation to ensure the availability of resources for the implementation of education for citizens as stated in Article 11 paragraph (2).

The regional obligation to participate in ensuring education in its territory certainly makes the regions have the authority to regulate and issue policies that are in accordance with the central government's policy on the education system, but on the other hand, the responsibility of local governments in the field of education is also getting bigger in terms of developing education in Indonesia. area (Hasbullah, 2007a). At one point this opportunity can enable regions to develop regional potential in their regions and local governments will have a vision and mission related to regional development.

This high commitment in realizing better educational autonomy, according to Hasbullah, is determined by 3 things, namely (1) the existence of *political will* and *political commitment* from the central government to empower the regions; (2) the existence of goodwill from the government in assisting regional finances; (3) there is a change in the behavior of local elites to be able to develop the region (Hasbullah, 2007b). If these three things can be implemented properly, then the implementation of regional education autonomy will run as expected.

This field of educational autonomy will certainly unravel the different educational problems in each region. Each region will have different advantages and disadvantages. Efrizal Nasution revealed that the educational gap is the main problem that must be resolved first in solving educational problems. This educational gap consists of two things, namely infrastructure and the quality of educators (Nasution, 2008).

The gap in education according to the author is not only about the need for facilities and infrastructure or teaching staff, but also in terms of dualism between national education and Islamic education. The position of Islamic education as an institution is important to be considered by the government so that there is a balance of rules related to the dualism of educational institutions.

The dualism of this educational institution lies under the auspices of two ministries, namely the Ministry of Religion and the Ministry of Education and Culture. This dualism has implications

in the realm of whether religious education is included in the area of education or in the area of religion. Because if we talk about regional autonomy, then the education area is included in the autonomous category, while religion is not an autonomous area.

### **B. Education Autonomy in Law No. 18 of 2019 concerning Islamic Boarding Schools**

The existence of Law No. 18 of 2019 concerning Islamic Boarding Schools is the result of the struggle for Islamic education in the education arena in Indonesia. The legitimacy of this pesantren was originally started from the emergence of the National Education System Law No. 20 of 2003 in article 30 which stipulates that religious education can be held formally, non-formally and informally. A more specific explanation is contained in paragraph (4) of the article which states that religious education is in the form of diniyah education, pesantren, pasraman, pahbaja and other similar forms (Musa, 2017).

Pesantren as part of an educational institution originating from *local genius* of the Indonesian population is indeed in its development able to exert a strong influence on the development of this nation (Setyawan, 2019a). Pesantren accommodation in the National Education System Law, which is only part of a form of religious education, is certainly not comparable to the work of Islamic boarding schools which have provided many benefits to this nation. In legal politics and education politics, the national education system has changed regulations for three times since the country's independence, Islamic boarding school education even only has a juridical place in the 2003 National Education System Law (Ali Anwar, 2011). Maulana Arif Setiawan even argued that the 2003 National Education System Law was deemed unable to fully and in detail regulate the relation to pesantren so that the government, through community pressure, drafted a law on pesantren and religious education (Setyawan, 2019b).

One of the fundamental problems in the urgency of the community related to the formation of the Law on Islamic Boarding Schools is the demand for government appreciation and the unfulfilled right of financing provided by the government for pesantren education. So that the struggle to form a pesantren law is a rational choice for pesantren to maintain the continuity of the pesantren education tradition (Mustofa, 2020). On the right to finance education, Erfandi explained that Islamic boarding schools cannot enjoy the 20% education budget of APBN funds because there is no strong legal umbrella in the National Education System Law (Erfandi, 2020).

According to Abdul Ghofarrozin & Tutik Nurul Janah, the emergence of the Pesantren Law is a form of the state's alignment with Islamic boarding schools in the context of realizing the constitutional mandate at the level of concrete and applicable regulations. This partisanship is manifested in at least five ways, namely, First, the granting of access to pesantren and state recognition of pesantren; Second, improving the quality of santri in the sense of recognizing the

academic tradition of the pesantren; Third, safeguarding the uniqueness of pesantren that pesantren is not a uniform national education system; Fourth, State safeguards against the independence of Islamic boarding schools; Fifth, safeguarding national commitment (Ghofarrozin & Janah, 2021). Another implication related to the emergence of the Law on Islamic Boarding Schools is that the development of pesantren management will be able to be better with recognition from the state (Zayyini Rusyda, 2021).

The arrangement of pesantren in Indonesian laws and regulations, which was initially only placed as a sub-section of national education and part of Islamic education, is now placed in the same position in the regulations governing education as the parent of education in Indonesia. Equality of the position of this regulation, in the constitutional principle, makes the *lex specialist derogate legi generalis enacted* in the National Education System Law and the Islamic Boarding School Law. Previously, pesantren had to rely on the National Education System regulations, now pesantren can formulate different formulas from the general national education system.

The above concept will later make the pesantren more independent in determining the implementation of its education in accordance with the uniqueness of the pesantren. In the context of making education areas that were originally centered in the national education system, the pattern has changed. There is a submission of special educational formulations to Islamic boarding schools to be carried out as part of the state's duty to educate the nation's life.

If the above autonomy lies in the educational formulation that is handed over to the pesantren, then the pesantren law also actually contains the principle of regional autonomy which provides opportunities and tasks for the regions to participate in the development of pesantren. The autonomy granted by this law lies in 4 things. First, in the implementation of Islamic boarding schools, the Regional Government can facilitate Islamic boarding schools/dorms and mosques or Islamic prayer rooms. Second, in the Islamic boarding school's da'wah function, the local government can provide support in the form of program collaboration, policy facilitation and funding. Third, in the community empowerment function, local governments can provide support and facilitation for all programs listed in Article 45 of the Islamic Boarding School Law, but at least 4 things are financial assistance, facilities and infrastructure, technology and skills training; Fourth, the local government can provide financial assistance to the community assembly.

The involvement of the region in participating to be able to contribute to the development of this pesantren can only be implemented if *political will* of local policy makers also supports this policy. The Regional Government can certainly make rules to support the policies of the Islamic

Boarding School Law with the materials that have been provided by the Islamic Boarding School Law.

### **C. Islamic Boarding Schools in Salatiga City**

One of the uniqueness of Salatiga City is the condition of its multi-religious (multi-religious) society. Based on data from the National Statistics Agency for the City of Salatiga, it is inhabited by approximately 194,000 people with 6 different religious adherents. Adherents of Islam ranks first in terms of quantity with a number of adherents of about 78 percent or about 154 thousand people. Adherents of religion in Salatiga City consist of Islam, Christianity, Catholicism, Buddhism and Hinduism. Based on a report from the Central Statistics Agency for the city of Salatiga in 2019, Muslims in Salatiga City were 78%, Christians were 16.30%, Catholics were 5.10% and the rest were Buddhists 0.40% and Hindus 0.10% . Adherents of Islam in Salatiga get their religious education either through national education or through religious education in the form of pesantren.

Religious life in Salatiga City is very harmonious, as evidenced by the tolerance index that has been in the top position in Indonesia as a tolerant city for the past few years. This harmony in religious life needs to be maintained and preserved by giving more attention to religious education institutions in Salatiga, especially to Islamic boarding schools which are institutions that play an active role in increasing and building awareness of harmony between religious communities in Salatiga City.

The existence of Islamic boarding schools in Salatiga City is one of the pillars of Islamic religious education that teaches the value of tolerance so that it can build Salatiga into a tolerant city with a high diversity of people. The existence of this pesantren needs to be supported by the government's alignment so that the pesantren can be better in the future in shaping the personality of the residents of Salatiga City.

The collaboration between the local government and Islamic boarding schools is expected to be able to build Islamic education in Salatiga for the better. Several things that can be done by local governments are to provide policies that support the development of Islamic boarding schools and their empowerment, both in terms of facilities and managerial boarding schools. Local governments can allocate some education budgets that can be accessed by pesantren in fostering and empowering pesantren.

The existence of Islamic boarding schools in the world of education has become an empirical reality that is integrated in the lives of the people of Salatiga City who have a religious life. Various Islamic boarding schools in Salatiga are very easy to find in a small town that has 4 sub-districts, namely Argomulyo, Sidorejo, Sidomukti and Tingkir sub-districts. At least until now the data on

Islamic boarding schools in Salatiga, based on data obtained from the Ministry of Religion of the City of Salatiga, there are 19 Islamic boarding schools in the city of Salatiga with a total capacity of around 2,678 students. This data is slightly different from that found by RMI PCNU Salatiga City which has more data, namely 35 Islamic boarding schools with a capacity of 3-4 thousand students (Ubadah, 2021). This does not include residents of Salatiga City who have formally attended a pesantren education in Salatiga or commonly referred to as Alumni.

This Islamic boarding school in Salatiga City has several peculiarities in the focus of studies in the field of religion and the formalities of its educational institutions. Some Islamic boarding schools have formal education in them, some are classified as non-formal education and informal education as categorized in the Pesantren Law No. 18 of 2019.

The amount of data above is of course only an initial description of the existence of Islamic boarding schools in Salatiga City. further data collection will increase in number. This proves that Islamic boarding schools are an empirical necessity that lives and develops in the people of Salatiga City. The existence of this pesantren is certainly something very important in Islamic religious education in Salatiga City which must be given attention by the Salatiga City government by participating in providing facilities and cooperation in various religious programs as a manifestation of regional autonomy in the field of education.

The enactment of Law Number 22 of 1999 which was renewed by Law Number 32 of 2004 concerning Regional Autonomy and subsequently revoked by Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government as amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, the operational technical management of basic education in Indonesia is the responsibility and authority of district/city governments. The responsibility of the central government in the provision of education is to set standards for basic education, including curriculum content standards, graduate competency standards, management standards, standards for educators and education personnel, standards for infrastructure, financing standards, and standards for assessing learning processes and outcomes. students (Arifin, 2018).

If previously education management was a central authority (centralization), then with the enactment of the law, that authority was transferred to city and district governments or known as decentralization (Mulyasa, 2005). Decentralization is the handing over of government affairs to the regions, including the determination of policies, planning, implementation, as well as those relating to the financing aspect of the apparatus. This decentralization pattern is called devolution,



namely the transfer of power by the central government to decision makers at the regional level (Supriadi, 2001).

According to the Regional Government Law Number 23 of 2014 concerning Regional Government as amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to the Regional Government Law Number 23 of 2014 concerning Regional Government article 10 paragraph (1) letter f concerning the division of government affairs, religious affairs are one of the government affairs which are not decentralized or autonomous to the regions. This gives rise to multiple interpretations of the position of the Islamic Boarding School. In the field, responsibilities often occur between the Central Government and Regional Governments. The regional government argues that pesantren are not part of their duties because they are not yet autonomous, while the central government thinks that if the needs of pesantren have also been met by the regions as well as taking care of education in the region in general, eventually the fate of pesantren, madrasas and taklim councils is getting worse, not supported by both of them, both central and regional.

The position of community-based Islamic boarding schools has so far been treated unfairly, on the one hand, it is required to produce graduates equal to public schools but lack adequate financial support, even more so for private madrasahs, which in general are the financial support for madrasa life, are guardians of students. . This problem is a past problem which is then expected to be resolved through the Pesantren Law which gives a mandate to the center/region that can contribute to the development of Islamic boarding schools in Indonesia.

The government's participation in the development of pesantren can include three main functions of pesantren, namely the education function, the missionary function and the community empowerment function as stated in the pesantren law. The central and regional governments contribute to the development of this pesantren, apart from being able to assist government tasks in the field of decentralized education, the government can also use it to build religious harmony in a multi-religious life.

The Salatiga City Government certainly has its own views in responding to the existence of the Pesantren Law, but we hope that the City government can provide a positive response to the development of Islamic boarding schools in Salatiga City with responsive adaptation. One form of responsive adaptation is the formation of a draft regional regulation which is a derivative of the Islamic boarding school law so that the law can be applied in Salatiga City for the creation of the Salatiga City slogan, namely "Heart of Faith" which is a combination of the concept of divine transcendence and humanity which is applied in everyday life. - Salatiga city community day.

#### **D. The proposal for the Raperda for Islamic Boarding Schools in Salatiga City**

The ratification of the Islamic Boarding School Law on October 15, 2019 is an important momentum for the world of Islamic boarding school education. This momentum was taken perhaps because in that month the pesantren community was preparing to welcome the santri day which is commemorated every 22 October. This beautiful gift for Islamic boarding schools and santri certainly has implications for various cities in Indonesia, including Salatiga City, which contains dozens of Islamic boarding schools.

The euphoria of the ratification of the Law on Islamic Boarding Schools in Salatiga City was celebrated by Islamic boarding schools by opening up discussions about Islamic boarding schools after the enactment of Law No. 18 of 2019. Pesantrens, who usually have a tendency not to pay attention to government regulations, are now starting to talk about the Islamic Boarding School Law. The issue surrounding the Islamic Boarding School Law began to be discussed in a discussion forum for the first time in early 2020 which was initiated by Kyai Nashif Ubadah who is the caretaker of the Al-Muntaha Islamic Boarding School in the city of Salatiga.

He who serves as chairman of the Rabitul Ma'ahid Islam (RMI) Branch Manager of the Nahdlatul Ulama (PCNU) Salatiga City invited several representatives of Islamic boarding schools in Salatiga City to review the Pesantren Law. According to him, this activity is important so that Islamic boarding schools can understand the rules and things that need to be addressed in welcoming a better pesantren education (Ubadah, 2021). At this meeting he invited speakers from the head of the PCNU Legal Aid Institute (LBH) Salatiga City and representatives from the Center for the Study of Legislation (PSPP) Sharia Faculty IAIN Salatiga.

This meeting turned out to be continued with discussions with members of the National Awakening Party (PKB) faction who occupy positions in the Salatiga City DPRD. Saiful Mashud, Chairman of the Salatiga City PKB, welcomed the discussion and discussion regarding the boarding school law which will be discussed by holding an event at the Salatiga City DPRD office. This discussion about the Law on Islamic Boarding Schools in Salatiga City brought KH Abd Ghoffar Rozin as the general chairman of RMI NU with a national seminar on the discussion of the Islamic Boarding School Law to provide enlightenment about the Islamic Boarding School Law. This event also invited kyai and administrators of Islamic boarding schools in Salatiga.

At this meeting an idea emerged to propose a regional regulation on pesantren in Salatiga City. The synergy between RMI PCNU and PKB in Salatiga City continued in small meetings to discuss the Raperda for Pesantren by cooperating with kyai, NU figures in Salatiga City and academics through PSPP IAIN Salatiga. Several meetings were held at the residence of Kyai Sumyani Aziz, who is one of the oldest kyai in Salatiga (Ubadah, 2021).

Saiful Mashud, chairman of the PKB Salatiga City, stated that the aspirations of the community regarding the progress of this pesantren are in line with the breath of the nation's revival party. He continued that the development of Islamic boarding schools in Salatiga city needs to be a concern for the Salatiga city government because pesantren education teaches religious tolerance which needs to be maintained in the life of religious diversity in Salatiga City (Mashud, 2021).

He continued that the PKB faction in the city of Salatiga is ready to fight for the aspirations of the pesantren community to facilitate the development of pesantren even though the political will of the Salatiga city government has not yet led to the need to accommodate the Pesantren Law (Mashud, 2021). The above statement may be due to the fact that there is no further regulation of the Islamic Boarding School Law in the form of a Government Regulation (PP) as the implementing regulation of the Islamic Boarding School Law.

At the end of January, the synergy carried out by the PCNU RMI and the Salatiga City PKB Faction related to the proposed Raperda for Pesantren was surprised by the issuance of a letter from the Salatiga City Government addressed to the Salatiga City PCNU. This letter was issued on January 28, 2021 and states that the Raperda of Islamic Boarding Schools is not a regional concurrent business because it is included in the religious area which is the authority of the central government. This letter is based on the governor's letter No. 180/0016965 related to central and local government affairs.

According to Kyai Nashif Ubadah, the issuance of the letter addressed to the PCNU of Salatiga City is something that the Salatiga City government should not do. The reason is that the Salatiga City PCNU has never officially submitted a proposal related to the Raperda of Pesantren to the Salatiga City Government (Ubadah, 2021). Aspirations surrounding the Raperda for Islamic boarding schools in Salatiga City did not stop at this stage, although politically the rejection of the Raperda was reflected in the rejection of the letter.

The struggle of the RMI and the PKB faction continued at the gathering of scholars from all over Central Java, which was held by the PKB Party. This event was held at the Edimancoro Islamic Boarding School, Semarang Regency. Even though it is located in Semarang Regency geographically, Pondok Edimancoro is very close to Salatiga City. This event was attended by representatives of scholars throughout Central Java with the agenda of discussing the Islamic Boarding School Law.

In this activity, the RMI of Salatiga City and the PKB Faction would like to confirm an effort made by several regions that have succeeded in submitting the proposal for the Raperda of Pesantren in their area. The proposed Raperda Pesantren is actually not purely a religious matter

which is a matter of the central government because it contains educational affairs which are actually autonomous. This can be seen clearly with the inclusion of the proposed Raperda for Islamic Boarding Schools in the Kendal Regency area. The proposal for the Raperda for Pesantren in Kendal Regency was entered earlier this year and was successfully ratified in June 2021.

Geographically, Kendal Regency is in the same province as Salatiga City, which is under the province of Central Java, but what is interesting is the difference in the proposals accommodated by the regional government. just. The basis for rejecting the proposed Raperda for the Salatiga Islamic boarding school was a letter from the governor of Central Java which should also apply to the Kendal district. So it can be concluded that the unaccommodated Raperda of Islamic Boarding Schools in Salatiga City is not a factor in concurrent affairs, but rather towards *political will* of the Salatiga City government which has not focused on discussions about pesantren.

The struggle to enjoy the success of the accommodation of the Law on Islamic Boarding Schools in Salatiga City, at the beginning of this December, met a slightly brighter path. The reason is that on December 2, 2021, the RMI PCNU of Salatiga City together with the PKB faction could provide a proposal for the Raperda to facilitate the development of Islamic boarding schools to the chairman of the Salatiga City DPRD. This proposal was symbolically accepted by Dance Ishak Palit as the chairman of the DPRD and Agus Pramono as the chairman of the Bapemperda of the Salatiga DPRD. The Salatiga City PKB faction, through Saiful Mashud, hopes that later this Raperda will become a legal umbrella for the Salatiga City government to participate in developing Islamic boarding schools in Salatiga City (Mashud, 2021).

#### **E. The formulation of the proposed Regional Regulation Draft in Salatiga City based on Law No. 18 of 2019 concerning Islamic Boarding Schools**

The acceptance of the Islamic Boarding School Law in Salatiga City was indeed greeted with enthusiasm among Islamic boarding schools, but *political will* which had not yet led to prioritizing the drafting of this Raperda was evident throughout 2020. This acceptance began to appear at the end of 2021 as previously explained. This positive sentiment should be balanced by the existence of a concept or at least a formula that leads to the content in the regulation of the Raperda in Salatiga City.

The struggle for the Pesantren Law is the struggle for Islamic boarding school education as part of Islamic education in Indonesia, but this regulation is not the same as Islamic education regulations as a whole, let alone involving religious education in general. The weakness of Salatiga residents' support may also be because this regulation cannot reach the social conditions of the Salatiga community, which consists of various religions.

In several discussions conducted by the RMI PCNU of Salatiga City with the PKB Faction of Salatiga City which presented the leaders of Islamic boarding schools in Salatiga City, there were a lot of understandings of pesantren leaders who wanted to include regulations relating to religious education in the form of diniyah and other Islamic education to be facilitated by the local government so that it could be facilitated by the local government. Islamic religious education can develop well in Salatiga City. Instead of hoping to help other Islamic education, this kind of thing will eventually lead to rejection because the regional authority given in the Pesantren Law does not cover this matter, so it is necessary to study the formulation of the proposed Raperda so that later the Raperda of Salatiga City is in accordance with the authority assigned to it. given the Law on Islamic Boarding Schools to the Regional Government.

The pesantren law mandates the local government to be able to contribute to this pesantren in 4 ways as described above. First, in the education function of Islamic boarding schools, local governments can facilitate Islamic boarding schools and mosques or Islamic prayer rooms. Second, in the missionary function of Islamic boarding schools, local governments can provide support in the form of program collaboration, policy facilitation and funding. Third, in the community empowerment function, local governments can provide support and facilitation of all programs listed in Article 45 of the Islamic Boarding School Law, but at least 4 things are financial assistance, facilities and infrastructure, technology and skills training. And fourth, the regional government can provide funding source assistance to the Masyayikh Assembly.

In the first three points, arrangements relating to facilitation of pesantren development in the function of pesantren certainly require a concept of how the region can implement it in a formulation of Regional Regulations. If this is not done, there will be a possibility that the implementation will run incorrectly or will lead to inaccurate targets from the original objectives mandated by the Pesantren Law.

On the fourth point related to the government's financing of the masyayikh assembly institution, the author asked the chairman of RMI NU, KH. Abd Ghoffar Rozin, that the position of the Masyayikh Council in this pesantren is not divided between the center and the regions, but only one assembly in Indonesia. This raises the question of whether the region can provide funding to the Masyayikh Assembly because it is not within the scope of the Regional Government.

This Masyayikh Council, in Article 1 number 11 of the Pesantren Law, is defined as an independent and independent institution as the Representative of the Masyayikh Council in formulating and establishing a quality assurance system for Islamic Boarding Schools. Article 28 states that the masyayikh assembly is a representative of the masyayikh council and the procedure for its formation is regulated by the minister.

The existence of the Masyayikh Assembly, which is only one institution and is not located in the region, but can be assisted financially by the regional government, makes the authors neglect to include the concept of Masyayikh's financing in the formulation of the proposed temporary Raperda, maybe if later there is a ministerial regulation relating to the Masyayikh Assembly. and the concept is clear, then the format for funding from the local government to the Masyayikh Council can be formulated. So the formulation of the Salatiga City Raperda formulated in this paper is only limited to three main points as described above.

The fundamental thing that is important in setting the Raperda in Salatiga City, before we will enter into the area of how the concept of this Regional Government assistance can be implemented in Salatiga City, is the registration of pesantren as an institution that provides education. The Pesantren Law does regulate the establishment of pesantren which is relatively easy, but the establishment of this pesantren does not have any implications for the registration of pesantren in the government, both central and regional.

Registration of Islamic boarding schools becomes crucial when the Salatiga City Government does not have valid data and will instead become a *blunder* for the City Government if providing assistance to unregistered pesantren. This pattern of funding or providing assistance from the Salatiga City Government must be formally accountable. Islamic boarding schools have the right to register or not register their pesantren with the government, but facilitation from the Salatiga City Government can only be done to registered pesantren.

This pattern of registration of pesantren as "registered Islamic boarding schools", the Salatiga City government must coordinate with the Salatiga city ministry of religion to validate registered pesantren. The author is of the opinion that this pesantren data problem is the area of the Ministry of Religion which oversees pesantren in general. The coordination of the City government and the Ministry of Religion in this region is considered important because the position of the regional government is a political position, so there needs to be a balance from the bureaucracy regarding the determination of registered pesantren in Salatiga City, so that politics does not affect local government assistance to pesantren. The other three points will be explained below.

### **1. Functions of Education**

Pesantren is an institution that organizes Islamic education. This educational function is the main function of the existence of Islamic boarding schools in the internal realm. The implementation of this education is an activity carried out for students with kyai for the transfer of knowledge and character. The regional authority granted by the Law on Islamic Boarding Schools

is to contribute to the local government in facilitating Islamic boarding schools or dormitories and mosques or prayer rooms.

The phrases “Pondok or dormitory” and “mosque or prayer room” are an important part of the element called pesantren. Article 5 of the pesantren law states that pesantren must fulfill at least 5 elements, namely a. Kiai; b. Santri who live in Islamic boarding schools; c. Cottage or dormitory; d. Mosque or prayer room; and e. The study of the yellow book or considered Islamic.

Pondok or dormitory is an important element for Islamic boarding schools to accommodate students and as a place to live inhabited by students, while mosques or prayer rooms are the main element in organizing pesantren education as well as being a place of worship in pesantren.

The phrase "facilitate" in Indonesian means to provide facilities. While the facility is a means to expedite the implementation of a function or convenience. The breadth of the meaning of facilities to facilitate and expedite the implementation of this function makes local governments able to create their own concepts whether to provide development assistance, leasing, borrowing and so on which makes it easier for Islamic boarding schools in the implementation of their education.

This facilitation must pay attention to aspects of capacity, comfort, cleanliness, health, and security. This clause requires the local government to cooperate with the Salatiga City Office whose task is to measure the feasibility of the facilitation provided by the local government to pesantren. For example, in the field of giving or building dormitories, the local government and Islamic boarding schools must also cooperate with the City Government Service in the technical aspects.

## **2. The function of Da'wah**

In the da'wah function of this pesantren, there are two areas, the first in the internal area of the pesantren as actors who provide religious da'wah and external areas related to the community outside the pesantren. In the internal area, the pesantren has the task of preparing preachers who can come from santri, kyai or create an institution that accommodates religious preachers under the pesantren, while in the external area, community involvement in this da'wah function is an important element that must be accommodated as well as the subject and not only as an object in preaching.

In this Law on Islamic Boarding Schools the da'wah approach is not only through lectures and discussions but also in aspects of exemplary, mentoring, counseling and other approaches that are scientifically adequate to implement. The role of local government in this da'wah function is explained in Article 42 of the Islamic Boarding School Law. This article explains that the Regional

Government provides support for the implementation of the missionary function of Islamic boarding schools in the form of program collaboration, policy facilitation, and funding.

According to the author, the three fields in the da'wah function are not independent fields, but are a unit whose activities carry out the da'wah function starting from policy facilitation in the form of programs that can be collaborated between pesantren and local governments as well as funding the implementation of activities. In this da'wah function, the collaboration of the ulama, who are in the pesantren, with umara as the government, is the basis for the implementation of da'wah that can be carried out properly.

The local government of Salatiga City can make regulations or regional policies which can later be collaborated with Islamic boarding schools in the field of da'wah so that pesantren as Islamic boarding schools can contribute to the field of Salatiga city government or vice versa, the Salatiga city government in benefit of Islamic boarding schools preaching an agenda of religious tolerance which is a characteristic residents of the city of Salatiga who are famous for being tolerant.

### **3. Community Empowerment Function**

in this community empowerment function is oriented towards improving the welfare of the community and pesantren. The role of pesantren in the field of community empowerment is more directed to the external area of empowerment. The phrase "community" does not have a specific meaning to the pesantren community or santri, because in the concept of pesantren in the Islamic Boarding Law, pesantren is a community-based institution.

The choices in community development as stated in the pesantren law are relatively varied in their empowerment as stated in article 45. Community empowerment as an agenda for this pesantren can be carried out in several forms, namely 1). Field work training and practice; 2). Strengthening the potential and economic capacity of Islamic boarding schools and the community; 3). Establishment of cooperatives, financial institutions, and micro, small and medium enterprises; 4). Assistance and provision of marketing assistance for community products; 5). Providing loans and financial assistance; 6). Financial management guidance, optimization, and quality control; 7). Implementation of social activities; 8. Utilization and development of industrial technology; and/or 9). Other program development.

The nine forms of programs offered by the Law on Islamic Boarding Schools can later be chosen by the Salatiga City government to develop something that is regionally prominent. As an example, suppose that the Salatiga city government in this leadership period had a regional plan in the field of improving the creative industry in the field of micro-economy, then in the Raperda



later, the government could choose a community empowerment program for pesantren in that field to cooperate with pesantren in the city of Salatiga.

Regional accommodation in the development of pesantren related to the function of pesantren in community development can be realized by good relations between pesantren and local government. The contribution that the local government can make to the community empowerment function by this pesantren contains at least 4 things, namely: a. Financial assistance; b. Facilities and infrastructure assistance; c. Technological assistance; and/or d. Skills training.

The phrase "at least" which contains the 4 things above means that there is one obligation that must be carried out by the region in facilitating pesantren related to the function of community empowerment. This also means that if the City of Salatiga wants to add facilitation in addition to the 4 things above, then this does not conflict with the mandate of the Islamic Boarding School Law.

The formulation of the proposal above is only a reference in making the Raperda to be used as a reference for the Salatiga City government in forming regional regulations on Islamic boarding schools which is the mandate of the Pesantren Law. This formulation will certainly be meaningless if the political will of the Salatiga city government still does not focus on accommodation for the struggle of Islamic boarding schools in fighting for the implementation of education for a better Indonesia, so the authors hope that the proposals that the DPRD and Bapemperda have received at the end of this year can not only be limited to the wind of heaven for pesantren, but continues to be a rule that can be implemented properly.

## CONCLUSION

The ratification of Law No. 18 of 2019 concerning Islamic boarding schools is the result of the struggle of Muslims in placing the position of pesantren as an important element in the formation of the nation's character. The Regional Regulations in Salatiga City have not yet been issued. This is because the political will of the Salatiga City leadership is not strong in accommodating the rules regarding pesantren. In addition, the notion that pesantren affairs are religious affairs that are not autonomous is also an obstacle to the emergence of the Raperda for pesantren in Salatiga City which can only be accommodated by the chairman of the Salatiga City DPRD and Bapemperda at the end of 2021. To ensure that the Raperda which will be made in Salatiga City is in accordance with With the authority granted by the Pesantren Law related to the involvement of local governments in contributing to the development of pesantren, there are at least three main things that form the core of the draft Raperda in the city of Salatiga, namely 1) The involvement of local governments in the provision of education by facilitating cottages or

dormitories and mosques or prayer rooms; 2) The involvement of local government in the function of Islamic boarding school propaganda; and 3) Local government involvement in the function of community empowerment.

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