

Pesantren Law: Challenge and Opportunity for Indonesian Islamic Education

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Abstract. Pondok Pesantren is the oldest educational institution in Indonesia and has a distinctive character of the archipelago that specifically focuses on Islamic religious education (Educational Institution Based Religion). The emergence of colonial-based modern educational institutions presents an interesting dynamic among Pondok Pesantren Which is also called by islamic boarding schools, the Indonesian state with the National Education System continues to strive to build a symbiotic pattern between modern (official state) education and Pesantren. Which of course, is expected to be a form of mutualistic relationship. The purpose of this paper is to display the main content of the Pesantren Law, the characteristics of pesantren with a historical perspective and seeks to predict the implications (challenge and opportunity) of the Pesantren Law on the development of Pesantren as an educational institution that is distinctive and has a native Indonesian character. The Method use in this paper is based on library research to find out the literature study of The Challenge and opportunity of Islamic studies based on pesantren law. The result show that Pesantren law provides a great opportunity for Pesantren to be able to improve the quality, and quality of the five constituent elements. Behind the great opportunities obtained by Islamic boarding schools, there are severe challenges for pesantren after the Pesantren law is implemented.

Keywords: Pesantren Law; Islamic Education

Introduction

Islamic educational institutions have a very important role in human life. The whole process of human life cannot be separated from education. In other words, human needs for education are absolute both in personal life, family, society, nation and state. If the education system functions optimally, the progress it aspires to achieve. On the other hand, if the educational process that is carried out does not run well, it cannot achieve the progress it aspires to¹

History records that one of the typical education systems owned by the Indonesian people is pesantren. Thousands of islamic boarding schools to date have stood, grown and developed. This phenomenon shows that millions of Indonesians have experienced the learning pattern of islamic boarding schools Only a small part of islamic boarding schools grow well and independently. Most of his condition is still poor. Without the support of a solid regulatory umbrella, at the level of legislation, the condition of pesantren will be difficult to develop faster.²

Nurbaiti In his article states that first, that trade and ulama were variables modera si at the beginning of Islamization in the archipelago, while the main variable was Islamic education taught by ulama and traders who came to this region to the local population. Second, the development of Islamic Education differs from country to country. This is undoubtedly influenced by the geographical, cultural location of the people, to the politics that influence the existence of these differences. Third, school development, especially in Indonesia, is understood as a social movement that not only succeeds in educating students but also forms a network of social ideologies that will later influence social transformation³

Islamic boarding school is one of the Islamic educational institutions. Islamic boarding school as an educational center that

¹Ahmad Tafsir, *Ilmu Pendidikan Perspektif Islam*, (Bandung: PT Remaja Rosdakarya, 2005). 23.

²Nasaruddin Umar, *Rethinking Pesantren*, (Jakarta: PT Elex Media Komputindo Kompas-Gramedia, 2014), cet. 1st, p. 7.

³ Nurbaiti, "Islamic Education: The Main Path of Islamization in Southeast Asia," *Journal of Islamic Education* 8, no. 2 (2020).

teaches religious sciences. Unlike Islamic educational institutions in general, Islamic boarding schools are central to Islamic scientific civilization. Apart from being a faith-based educational institution, Islamic boarding schools were originally a center for promoting Islamic values and broadcasting Islam. By providing a faith-based curriculum, Islamic boarding schools are expected to be able to produce alumni who will become strong religious figures and be able to play their role in society. The success of alumni will affect the community around them and the community will be accustomed to modeling the behavior led by alumni of Islamic boarding schools. Thus indirectly the Islamic boarding school as an educational institution that plays a role in producing human beings who have a noble ahlak who can foster the community to have a Muslim personality that is relevant to the teachings of Islam and so that humans are useful for nation and religion.⁴

Azyumardi Azra in his article tries to explore one of the ways in which the Classical Islamic community in Java, Indonesia, seeks to negotiate modernization and globalization through the interface of Islamic boarding schools (pesantren) and higher education he⁵⁶ also states that Indonesian Islamic universities are the largest system in the entire Islamic world. In the last two decades, another significant development in PTAIN has been the expansion of its mandate through the establishment of a complete Islamic College (UIN).⁷

The role of such Islamic boarding schools is in line with the goals of Islamic education. Meanwhile, in particular, Islamic education aims to actualize the values of the Qur'ani as an effort to form a human being who is devout, noble, intelligent, advanced and independent or what is

⁴Amin Haedar, et al., *Masa Depan Pesantren dalam Tantangan Moderanitas dan Tantangan Komplexitas Global*, (Jakarta: Ird Pers, 2004). 127.

⁵ Ronald A. Lukens-Bull, "Two Sides of the Same Coin: Modernity and Tradition in Islamic Education in Indonesia," *Anthropology* <html_ent glyph="@amp;" ascii="&"/> *Education Quarterly* 32, no. 3 (2001).

⁶ Azyumardi Azra, Dina Afrianty, and Robert W. Hefner, "Pesantren and Madrasa: Muslim Schools and National Ideals in Indonesia," in *Schooling Islam: The Culture and Politics of Modern Muslim Education*, 2010.

⁷ Azyumardi Azra, "Genealogy of Indonesian Islamic Education: Roles in the Modernization of Muslim Society," *Heritage of Nusantara: International Journal of Religious Literature and Heritage* 4, no. 1 (2015).

often called kamil people. This is in accordance with the development of an increasingly dynamic society as a consequence of scientific and technological advances, so the actualization of *qur'ani* values becomes very important. Because without the actualization of the Qur'an, Muslims will experience obstacles in trying to internalize the values of Islamic education. In the purpose of Islamic education is clearly so that humans can apply the values of the *Qur'ani*, become intelligent people, become independent people, have a noble *ahlak* and be devoted to Allah Almighty.⁸

Pondok Pesantren is the oldest educational institution in Indonesia and has a distinctive character of the archipelago that specifically focuses on Islamic religious education (Educational Institution Based Religion.) Historically, after the Dutch East Indies enacted the *politiche etische*, which was the last two decades of the 19th century, the Government of the Dutch East Indies established a modern educational institution (colonial style) with a liberal style that was originally only for Dutch descendants but eventually also built a school intended for Indigenous people. Dutch schools were originally only for limited natives (*priyayi*) but later developed and even followed by indigenous leaders by establishing colonial-style educational institutions. Before that, *Pesantren* was the only educational institution in Indonesia with community-based and distinctive Indonesian character.

The emergence of colonial-based modern educational institutions presents an interesting dynamic among Islamic boarding schools. Masduki HS (2003) noted that there were at least three groups of *pesantren* Dalma responding to the presence of modern liberal educational institutions belonging to the colonial. The first group was boarding schools that blatantly rejected state-owned schools with suspicious views on colonial rule. Second, there are *Pesantren* that receive colonial education and collaborate with typical *pesantren*

⁸Armain Arief, *Pengantar Ilmu dan Metodologi Pendidikan Islam*, (Jakarta: Ciputat pers, 2002). 22.

education. The last of the most, the third Group, is the pesantren who have succeeded in their efforts, refusing to follow the example.

The dynamics of pesantren in facing the threat of modern liberal education continued until the era of Indonesian independence, even though this colonial-minded modern education pattern had undergone elaboration and was adopted into the National education system. Until now, in responding to modern education, pesantren can be classified as pesantren that reject modern education, pesantren that accept modern education and pesantren that successfully collaborate modern education in the *kazhanah* tradition of pesantren.

Ade Fakhri Kurniawan Explained how youth culture in cyber activities is related to Islam and education.⁹ In line with the view of Ann Kull argues that important steps in creating awareness among Muslim students, several conditions must be met such as producing a less gender-biased interpretation of Islam, an academic climate open to the inclusion of this interpretation in Islamic education at various levels¹⁰

On the other hand, the State with the National Education system continues to strive to build a symbiotic pattern between modern (official state) education and Pesantren, which of course, is expected to be a form of mutualistic relationship. The nomenclature of Islamic boarding schools began to circulate in the National Education system and various State policies (mostly in the form of sectoral programs, not an education budget of at least 20% which is not routine

The peak of efforts to find a pattern of mutualistic relations, perhaps, reached its peak on September 24, 2019, where the Government and the House of Representatives enacted Law Number 18 of 2019 concerning Islamic boarding schools. We are still waiting for the derivative rules of the implementation of the Law (government regulations, ministerial regulations and so on) so it is still difficult to assess the implications of this law more to mutualism symbiosis or is it a

⁹ A Kurniawan and A Alhaq, "*Muslimness Discourse, Religious Authority, and Cyber-Media Activism in Contemporary Indonesia*," 2020.

¹⁰ Ann Kull, "*At the Forefront of a Post-Patriarchal Islamic Education Female Teachers in Indonesia*," *Journal of International Women's Studies* 11, no. 1 (2009).

new trap for Islamic boarding schools. This paper seeks to display the main content of the Pesantren Law, the characteristics of pesantren with a historical perspective and seeks to predict the implications (positive and negative) of the Pesantren Law on the development of Pesantren as an educational institution that is distinctive and has a native Indonesian character.

The research about Pesantren law has been done by ¹¹ Which focused on the Challenge of Legal Pluralism: the Case of Pesantren Law in Indonesia" This study explores the challenges of implementing pesantren law in Indonesia, including conflicts with national and international laws, lack of legal recognition, and divergent interpretations of Islamic law, ¹² potential of pesantren while covid 19 pandemic and ¹³ this study examines the potential for pesantren to contribute to local governance in Indonesia through their social and religious networks. It also discusses the challenges of incorporating pesantren into local development plans and policies, while ¹⁴ This study analyzes the role of pesantren law in promoting religious harmony and tolerance in Indonesia. It highlights the need for legal recognition and protection of pesantren as important institutions for Islamic education and community development.

This paper try to carry out the Challenge and Opportunity for Indonesian Islamic Education. The analysis is based on library research. This research involves a collection of some textbooks, Journals, articles, virtual resources and internet access. The main resources of this research are Law Number 18 of 2019 concerning Islamic boarding schools to encourage the challenge and opportunity of Islamic education in this case is pesantren in the digital era.

¹¹ I. Nyoman Putu Budiarta, "The Legal Pluralism in Law Education in Indonesia," *Journal of Advanced Research in Law and Economics* 11, no. 3 (2020): 771–774.

¹² Fathimatuz Zahra Anis, "Strengthening Roles of Pesantren in The Solving Problems Management of Coronavirus 19," *Santri: Journal of Pesantren and Fiqh Sosial* 1, no. 2 (2020): 141–156.

¹³ Kiki Mikail, "Cultural Politics in the Transformation of Islamic Education in South Sumatra: A Study of the Pesantren Law 2019," *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies* 18, no. 2 (2022).

¹⁴ Saepul Anwar, "Tolerance Education Through Islamic Religious Education in Indonesia" (2016): 438–442.

Result

The background of the academic text of the Pesantren Bill also noted that educational institutions such as pesantren existed long before the arrival of Islam in Indonesia. Institutions such as pesantren have existed since the days of the *Kapitayan* (Pre-Hindu Buddhist) religion. Meanwhile, some people think that the pesantren pattern is an adoption of the Hindu Buddhist education pattern that previously existed in Indonesia, before the arrival of Islam. Where a Monk (Hindu Buddhist leader teaches a disciple (*cantrik*) in a special location, which is called by *padepokan*. Such a pattern was developed and modified by the guardians of the spreaders of Islam in the archipelago in teaching Islam to the community. Thus, it can be concluded, that the pattern of pesantren education is an educational pattern that is fully present and grows from the original Indonesian culture.

Because of its existence that is as old as the existence of Islam in the archipelago, Pesantren has a very large role and contribution to the development of Islamic education in Indonesia, even for the existence of this Indonesian state. Pesantren's work in defending and fighting for Indonesia from the hands of the colonizers lasted for centuries. Perhaps, the culmination of this work was the emergence of the Jihad resolution on October 22, 1945, in which Kyai Hasyim Asy'ari, the Caretaker of the Tebuireng Jombang Islamic Boarding School issued a fatwa on the obligation of students to fight against the allied army in the spirit of *jihad fi sabilillah*. (Irawan, 2016). History also records that pesantren has produced class figures such as KH Hasyim Asy'ari, KH Wahid Hasyim, KH Abdurrahman Wahid (Gusdur), KH Wahab Hasbullah and even worldwide such as Sheikh Nawawi Bantani, Sheikh Mahfud At Tarmasy and other scholars.

Pesantren in its history has a distinctive character. This distinctiveness noted by Bahri Ghazali (2002) is reflected in the 5 elements that are always present in every pesantren, namely. Mosque, Cottage Building, *Santri Mukim*, Kyai and Teaching the Yellow Book. These Five Elements allow pesantren to become a scientific teaching base that is closely related to the development of the character and

personality of students. The boarding school education system also has its distinctive characteristics. Pesantren that still survive with their traditional dispositions carry out a distinctive pattern, namely the pattern of teaching *bandongan*, *wetonan* and *sorogan* in studying religious books written by medieval scholars, or what became known as the yellow book. Another uniqueness and peculiarity of pesantren is the existence of an intellectual tradition that transcends the modern scientific tradition. The excellence and intellectual maturity of a Boarding School Caregiver (kyai) is not proven by a diploma as befits the modern intellectual tradition. To be accepted by the public and recognized for his scholarship a kyai must be known to *nasab* and *sanad* his scholarship. So that among islamic boarding schools, it is not uncommon for people to ask whose descendants kyai are and who they are dealing with.

The existence of pesantren to become a subordinate (unofficial) institution lasted a long time. The state has tried several times to intervene in the development of pesantren. However, further comprehensive studies are needed to conclude whether government intervention in Pesantren in its history is positive or is actually an attempt by the government to control Pesantren (Given that historically, Pesantren has succeeded in becoming a controlling force for the government and the state).

In the old order era, the Government paid attention to Pesantren with the formulation of the Central Indonesian National Workers Agency (BP-KNIP) which provided recommendations on the importance of reviving religious education such as *langgar*, *surau* and others. (Hamzah, 2019). This recommendation later became the background for the birth of the Ministry of Religion which was intended to deal with religious education problems in Indonesia. When Mr. Suwandi became minister of PP and K (October 2, 1946- June 27, 1947), he formed the Teaching Investigating Committee of the Republic of Indonesia chaired by Kihajar Dewantara. This committee recommended religious schools, in its report of June 2, 1946 which read that "Teaching in the nature of islamic boarding schools and madrasas needs to be heightened and modernized and provided with cost assistance and others. The existence of Islamic

educational institutions as a component of national education is stated in Law Number 4 of 1950 in force until now, where in the law it is stated that studying in religious schools has received recognition from the Minister of Religious Affairs is considered to have fulfilled learning obligations.

The authoritarian pattern of the New Order issued many regulations relating to religious education and Islamic boarding schools. At the beginning of the New Order government, it had given birth to policies that harmed Islamic education with the issuance of Presidential Decree Number 34 of 1972. The contents of the Presidential Decree outline the division of duties and responsibilities for the overall development of education and training to three Ministry institutions, namely the Ministry of Education and Culture, responsible for the implementation and guidance of general education in skills and vocational training. The Ministry of Manpower is in charge of and responsible for the skill and vocational training of non-civil servants and the State Administrative Institution is in charge of and is responsible for the special education and training of civil servants. The Ministry of Religion, which since independence has been in charge of fostering religious education (pesantren, madrasah and religious schools) has only been in charge and responsible for compiling religious education curricula, both for public schools, madrasahs and universities.

The policy that shifted the responsibility of fostering madrasahs and Islamic boarding schools caused controversy and unrest among Islamic figures. The policy pushed for education efforts under one roof and impacted the secularization of religious education. In the end, based on the basic proposal of Islamic figures through the Religious Education and Teaching Advisory Council (MP3A) chaired by Imam Zarkasyi, it was conveyed to the Minister of Religious Affairs and then continued to the president during the session on the Development of Islamic Boarding Schools in Indonesia at the cabinet session of the Cabinet for Social Affairs on November 26, 1974. The decision was that Presidential Decree no. 34 of 1972 and Presidential Decree no. 15 of 1974 were not intended to remove the authority and responsibility of the Minister of Religious Affairs to manage madrasahs and religious education in public

schools. Following up on the results of the cabinet session, a team was formed whose members were representatives of the Ministry of Religion, Ministry of Education and Culture, Ministry of Home Affairs and related institutions to formulate the concept of a joint decision which became known as the Joint Decree (SKB) of 3 ministers, namely, the Ministry of Religion, Ministry of Education and Culture and Ministry of Home Affairs in 1975 with the title Improving the Quality of Education in Madrasahs.

In the reform era, several laws appeared that could be used as an indication of the government's "attention" to Pesantren, namely Law number 20 of 2003 concerning the National Education System, and Law number 12 of 2012 concerning on Higher Education¹⁵. From the two laws, it is not clear the specifics of the regulation on religious education. Law no. 20 of 2003 on the National Education System only discusses formal education. This leaves the problem where Pesantren and other Religious Education that are actually in informal areas have not been touched. There is a legality that can already be considered touching the issue of religious education, but hierarchically it is still weak, because it is only regulated at the level of a Ministerial Regulation or even still a Director's Decree. This can be seen in Government Regulation number 55 of 2007 concerning Religious Education and Religious Education. In Government Regulation number 55 of 2007 concerning Religious Education and Religious Education, it regulates the urgency of religious education for generations of religious people in Indonesia.

The problem is, how the existence of Pesantren and other Religious Education as a forum and implementer of religious education has not been touched. In Government Regulation Number 55 of 2007, it is explained that religious education is an education that prepares students to be able to carry out roles that require mastery of knowledge about religious teachings and / or become experts in religious science and practice their religious teachings. It's just that this government regulation has not regulated the existence of the institution as something that is undoubtedly in carrying out religious education.

¹⁵ Indonesian Government. Undang-Undang No. 12 Tahun 2012

In addition, there is also Presidential Decree number 22 of 2015 concerning *Santri* Day, Regulation of the Minister of Religion of the Republic of Indonesia Number 13 of 2014 concerning Islamic Religious Education, Ministerial Regulation number 18 of 2015 concerning *Muadalah* Education Units in Islamic boarding schools, Regulation of the Minister of Religion of the Republic of Indonesia number 71 of 2015 concerning *Ma'had Aly*, Decree of the Director General of Islamic Education number 5877 of 2014 concerning Guidelines for Operational Permits for Islamic Boarding Schools, Decree of the Director General of Islamic Education number 5839 of 2014 concerning Guidelines for the Establishment of Formal *Diniyah* Education. All of these regulations are regulations that only regulate education in Islam.

Normatively, Law Number 18 of 2019 concerning Pesantren (Pesantren Law) is present as a form of State recognition (recognition) of Pesantren. This recognition is a form of state recognition of the peculiarities of Pesantren. The Pesantren Law is present as a legal basis to provide affirmation and facilitate the development of Pesantren.

The Pesantren Law regulates the Implementation of the Education Function, the *Da'wah* Function, and the Community Empowerment Function. Through the Pesantren Law, the implementation of pesantren education as part of the implementation of national education. The Pesantren Law provides a legal basis (recognition) for the role of pesantren in forming, establishing, building and maintaining the Unitary State of the Republic of Indonesia, traditions, values and norms, variants and activities, professionalism of educators and education personnel, as well as a quality assurance methodology process. The Law on Pesantren also serves as an affirmative legal basis for guaranteeing equality in the level of quality of graduates, ease of access for graduates, and independence of Pesantren management, as well as a legal basis for the Central Government and Regional Governments to provide facilitation in the development of Pesantren.¹⁶

¹⁶Pesantren Law, Explanatory Section paragraph 10

The Pesantren Law consists of 9 chapters, namely, Chapter I General Provisions, Chapter II Principles, Objectives and Scope, Chapter III Establishment and Implementation of Pesantren, Chapter IV Management of Data and Information, Chapter V Funding, Chapter VI Cooperation, Chapter VII Community Participation, Chapter VIII Transitional provisions; Chapter IX Certaintyn Conclusion.

The pesantren law has received a great response from pesantren and practitioners of Islamic education (at least until now). The presence of the Pesantren law is considered as the result of the struggle of Islamic education practitioners so far. The Pesantren Law spreads hope for the development of pesantren as an educational institution that is no longer considered "second class", but pesantren which is an inseparable part of the national education system.

However, it needs to be realized, however, that the Pesantren Law is a normative that still requires other regulatory tools for its implementation. Like other laws, the Pesantren Law is a product of political agreements of State organizers. Of course, there are state interests behind the promulgation of the Pesantren Law. The state, of course, has an interest in controlling every citizen, including the pesantren because of a sub-system in society, which has been known as part of the most powerful "middle class" control power.

Therefore, what is meant by the challenges of pesantren after the pesantren law is a problem or problems that arise after the passage of the pesantren law. This means that the problems that will be faced by pesantren after the passage of the pesantren law, of course, the problems faced by this pesantren will vary depending on the conditions of each pesantren, some are complex, complicated, difficult, and some are not complex, simple and easy. However, there are also problems that will be faced thoroughly, in general, by all Islamic boarding schools. So it can be said that in terms of scope, the challenges of pesantren after the pesantren law are divided into two, some are special and some are general. The specific challenge is the challenge that will be faced by the pesantren depending on the readiness of each islamic boarding school.

The general challenge means that it is the challenge that will be faced by all islamic boarding schools.

Discussion

A. Challenges of Islamic Boarding School Education in Indonesia

The specific challenges that will be faced by islamic boarding schools include the following; Human resources (HR), Learning system (curriculum), Financial management system and Infrastructure or learning facilities, but in general challenges that will be faced by islamic boarding schools include the following; legislation or regulation, map of relations with relevant ministries, quality assurance system , and demands competition with other educational institutions.

Judging from the source, in general, the challenges of pesantren are divided into two, namely internal and external. Internal means challenges that come from within the islamic boarding school itself, while external means challenges that come from outside the islamic boarding school. Those included in the internal category include (1) Human resources (HR) owned, (2) Financial or financial, (3) Facilities and Infrastructure of Islamic Boarding Schools. Those that fall into the external category include (1) Regulations or laws and regulations, (2) Parties interested in state finances, (3) Progress of science and technology, (4) National educational institutions as competitors of quality and quality.

The most important point of the Pesantren Law is the recognition or state recognition of pesantren graduates, both formal and non-formal. The formal boarding schools in this law consist of mu'is education and formal *diniyah* education, as well as *ma'had ali*. Meanwhile, the non-formal education path is in the form of recitation of the yellow book with several distinctive learning methods. Both formal and non-formal, all pesantren graduates are recognized as the same as formal education graduates at a certain level, after being declared to have passed the exam and graduates can continue to a higher level of formal education, whether similar or non-similar and/or job opportunities.

Like other legislative products that have been passed, the pesantren law leaves some homework for related parties, not only for the government but also for the management of the islamic boarding school itself. There are at least nine problems that become homework after the pesantren law; the first is about funding of pesantren. If the pesantren is part of a national educational institution that is officially recognized by the state, then the consequence is that the financial regulation of the pesantren also follows the existing regulations. In fact, for this one, pesantren includes institutions that have their own independence, because so far pesantren are accustomed to being independent in finding and managing finances. The funding scheme in the pesantren law is only charged to the Ministry of Religious Affairs. It is clear that the minister referred to in the Pesantren Law is the Minister of Religious Affairs. Whereas now, the ministry of religious affairs includes ministries where there is still a lot of homework related to the existing budget. This means that the money managed by the ministry of religious affairs for the current one is still considered inadequate. Especially now coupled with having to finance islamic boarding schools, which number up to tens of thousands of islamic boarding schools.

The Pesantren Law does not interfere with the allocation of the education budget of 20 percent of the state budget. However, in Article 48, there are opportunities for sources of funding that need to be spelled out into its more strategic implementation rules. Article 48 paragraph (2) states, "The Central Government assists in funding the implementation of Pesantren through the state budget in accordance with the state's financial capabilities and the provisions of laws and regulations." Then article (3) states, "The Regional Government assists in funding the implementation of Pesantren through the regional revenue and expenditure budget in accordance with its authority and the provisions of laws and regulations."

It is related to pesantren funding, but more specifically about the Pesantren Endowment Fund (Article 49) which will be taken from the education endowment fund. The extent to which these funds can be absorbed by pesantren depends largely on the Presidential Regulation that will be issued as a consequence of the ratification of the Pesantren

Bill (Article 49 paragraph 2). This is not a matter of dependence of pesantren funding on the government, because pesantren are used to being independent. However, in running the wheels of government, including the distribution of funding to national educational institutions, such as islamic boarding schools, the government must be fair.

The Pesantren Law instructs the Minister of Religious Affairs to issue several regulations. There are at least seven Regulations of the Minister of Religious Affairs that must be issued immediately, namely (1) PMA concerning the Establishment of Pesantren (Article 6), (2) PMA concerning the Implementation of Pesantren Education (Article 24), (3) PMA concerning the Assembly and Council of *Masyayikh* (Article 28), (4) PMA on Quality Assurance of Pesantren (Article 30), (5) PMA on General Education Curriculum in Pesantren *Mu'is* (Article 18), (6) PMA on Pesantren Information System (Article 47), and (7) PMA on Educators and Education Personnel (Articles 34 and 35). The implementing regulations of this law must be established no later than 1 (one) year from the time this law is promulgated, and the sound of the draft regulations must be socialized to students and the pesantren community. It is related to state recognition of pesantren graduates. From the state side, this recognition is an official statement regarding the integration of pesantren education as it is into national education. However, in terms of pesantren, state recognition that pesantren is legitimate as a national educational institution is the same as other educational institutions, this is also a challenge for pesantren to compete with other educational institutions in creating a superior generation. This is certainly not only related to certain academic standards and curricula that we can argue about, but is related to the life skills that generations of the nation need to have to compete with other nations. When it comes to character education, pesantren do not need to be doubted.

The other chalange is related to the peculiarities of pesantren. Provisions regarding the community at the national level and the community council at the pesantren level do not need to be oriented towards uniformizing the pesantren. The specificity of this pesantren is related to the culture of the community in which the pesantren was

founded and the specialization in the field of scientific studies of pesantren. This specificity can also be related to the limitations of pesantren, both financial and the availability of human resources. If the state cannot provide reciprocity in the form of adequate affirmations to pesantren, then the spirit that needs to be emphasized from the derivative rules of this pesantren law is recognition or recognition and appreciation of pesantren in various regions that have been carrying out state duties, namely educating the nation's life, not even regulating pesantren.

And the other is *dakwah* pesantren function, in addition to holding educational functions. This pesantren law states that pesantren hold the function of proselytizing or disseminating the teachings of the Islamic religion. The articles and verses in this provision are not actually rules, but are an affirmation of the proselytizing model that has been carried out by pesantren. Pesantren is a moderate Islamic proselytizing center (*tawassuth*), respecting community traditions and stirring the spirit of love for the Indonesian homeland. From the government side, these articles on islamic boarding school proselytizing actually contain the message that preachers are people with certain religious scientific standards, in this context they have taken a certain level of education in pesantren. Its form can be in the form of a proselytizing certification. Da'wah, especially with regard to special issues that develop in society, must be carried out by people who are already scientifically qualified, not to be able to memorize one or two verses. On the other hand, in terms of pesantren, this article of da'wah pesantren reminds students to be more innovative in preaching, so that the messages of religious moderation reach today's society, as millennials.

Related to the function of pesantren in community empowerment. In addition to the functions of education and proselytizing, the Pesantren Law explains that one of the very important roles of pesantren that has been carried out is community empowerment. This is what is different from general educational institutions. Pesantren and its caregivers are at once community leaders and mobilizers, agents of change in the truest sense. In terms of community empowerment, pesantren need to be integrated with local governments. Related to articles criticizing

pesantren. This is related to the articles on capacity, comfort, hygiene, health, and other criticisms for pesantren. Some islamic boarding schools have thousands or tens of thousands of students exceeding reasonable capacity. This condition certainly affects the comfort of learning, cleanliness, health and also the safety of Islamic boarding schools. In this case, criticism cannot be directed to pesantren, because some people take their children to certain pesantren based on the spirit of blessing, not other reasons.

Otonomi pesantren does not mean that pesantren must be alone. Pesantren must remain integrated and blend into the community. Pesantren must not be closed and must be accessible to the public. A mosque or musholla pesantren is also a place of worship for the community around the pesantren. The pesantren law does not bring pesantren into institutions that are uprooted from their roots, namely as institutions that stand on the basis of the full support of the surrounding community.

The explanation above is in accordance with the napa described by Mustofa The presence of the Pesantren Law, on the one hand is an increase in class for pesantren, because it is recognized by the state to be part of the national education system. However, a new challenge emerged in terms of how to maintain its distinctive character and freedom from hegemonic state interference, so that it became a challenge for the pesantren, Rohayana in his research revealed that¹⁷¹⁸among the tough challenges was that the boarding school must be really serious in managing its pesantren. Pesantren must manage properly and professionally the five elements that make up the pesantren, namely leadership patterns (*kiai*), student management, learning process management, islamic boarding school management, and learning facility management, and Muhiye mentioned that the

¹⁷ Jamal Mustofa and Marwan Salahuddin, "Quo Vadis Pondok Pesantren In The Era Of Pesantren Law," *IJOIS: Indonesian Journal of Islamic Studies* 1, no. 01 (2020).

¹⁸ A D Rohayana, "Challenges and Opportunities of Pesantren After Pesantren Law," *Ponpes Modern Quran Buaran*, 2019.

challenges of ¹⁹the Pesantren Law, in Indonesia, especially in Cilegon City, Banten Province, are not determined and do not depend on economic factors such as demands for fulfilling employment and the industrial world.

B. Opportunities for Islamic Boarding School Education in Indonesia

To find out the opportunities for pesantren after the passage of the pesantren law, it is necessary to know the problems of pesantren so far. Islamic boarding schools, as one of the oldest Islamic educational institutions originating from indigenous Indonesians, have problems, both internal and external, that require a solution that is not easy and requires constructive thinking as well as a fundamental overhaul. These problems include the following.

First, hygiene is under-observed. One of the problems that occurs among Islamic boarding schools is poor hygiene. There are often expressions in various circles, that pesantren is a place that is shabby, dirty, and so on, resulting in students who are residents in it are also dirty and shabby. There is even an expression that the student will not succeed before he experiences scurvy or skin disease, scabs or hives, so the term *santri budug* also appears. Therefore, what is needed is to cultivate awareness about the importance of cleanliness in the pesantren environment. So that there is no expression, that pesantren can only say, but cannot apply. The problem of hygiene not being paid attention to in Islamic boarding schools has actually become an open secret²⁰.

Second, the discipline of islamic boarding schools. In terms of discipline, the problem experienced by pesantren is discipline in terms of learning. There are no specific targets for completing the books taught by *kiai*, because in pesantren there is no term for replay or final exam. In addition, there is no attendance (attendance list) for students in participating in these lessons, so there is no demand for each student's

¹⁹ Muhiyi Shubhie, "The Challenge of the Birth of the Pesantren Law & Perpres Pesantren Endowment Fund for Regencies / Cities in Banten Provision," *Anidom (Journal of Islamic Education Management)* Vol. 6 No 2 (2021).

²⁰Mahpuddin Noor, *Potret Dunia Pesantren: Lintasan Sejarah, Perubahan dan Perkembangan Pondok Pesantren*, (Bandung: Humanities, 2006), p. 103

obligation to follow them. Such loose learning discipline, as a result, the students become lazy, do not want to compete, compete to finish certain lessons faster. Then they moved on to other, higher lessons. Therefore, studying at islamic boarding schools when measured by time, at least three or six years. The solution, it is hoped that kiai as the leader of the pesantren must have a certain target in learning classical books. In addition, kyai should also encourage students when studying, and carry out acceleration programs for diligent and smart students²¹.

Third, traditional and less democratic leadership. The pesantren leadership pattern is traditional leadership whose characteristics are all held by a kyai. All decisions and provisions, whether written or unwritten, must go through the hands of the kyai. Without the blessing of the kyai, all the provisions that have been formulated will not be decided.

Fourth, management is still not done well. One of the problems that occurs in the Islamic boarding school environment is that the management in the islamic boarding school environment is still not neatly organized. All authority is still held by a leader, namely the kyai. So, the staff at the islamic boarding school in the form of ustads have no authority at all for decision making. Thus, it can be said that the management of islamic boarding schools is an all-mono management.

As an Islamic educational institution, pesantren has at least five of the following elements: (1) *Kiai, tuan guru, ajengan, ustad*, or teacher as an educator, (2) *Santri* or student as a student, and living in a pesantren, (3) The learning process, namely studying the yellow book, (4) Student dormitory or cottage, as a place to stay for students, (5) Mosque or Mosque, as a place of worship and learning students, and sometimes the mosque is still integrated with the surrounding community, not belonging to the Pesantren. At least these five components must be present in a pesantren.

²¹Mahpuddin Noor, *Portrait of the Pesantren World: The Trajectory of History, Changes and Development of Islamic Boarding Schools*, (Bandung: Humanities, 2006), p. 121

With the passage of the pesantren law, pesantren automatically have a great opportunity to increase their capacity and capability related to the five components mentioned above. Also including pesantren has a great opportunity to answer the four problems above, ranging from cleanliness, discipline, leadership patterns, and management of islamic boarding schools.

If you look at the management structure of islamic boarding schools so far with all the existing advantages, of course there are still many shortcomings. In terms of management structure, generally islamic boarding schools are still very simple, even though there are already good and professional. In general, the management of islamic boarding schools is dominated by family ties, not open to the public. Even if there are elements from outside the family, even then it cannot make any policies, it is still within the control of the boarding school family.

The pattern of pesantrens management as above with the passage of the pesantren law will certainly decrease, because inevitably the pesantren management structure will be regulated by regulations from the 'ministry of religion' as the ministry that 'will' be given the authority to handle pesantren. On the one hand it will reduce the authority of the founding family of pesantren, but on the one hand it will give an opportunity to make the management of pesantren more professional and accountable. With a professional and accountable management model, it is almost certain that islamic boarding schools will be more advanced and develop even more rapidly.

Related to students or students as students in pesantren also get the opportunity to enjoy great attention from the government, which has been rarely enjoyed by them. The students will be paid more attention to and better in accepting the learning process at pesantren, because of course the regulations in other educational institutions will also be given to students, such as scholarship assistance and other operational costs. In other words, students will be better managed and professionally, because of course there will also be regulations related to the ratio of the number of educators to students, or the number of

students to the number of students, as is common in other educational institutions.

The learning process in pesantren will be better and more advanced, because this one will be the main demand of pesantren. However, pesantren will be motivated and obliged to develop their learning process, in order to prepare students to become reliable and qualified graduates, who are able to compete with graduates from other islamic boarding schools or from other formal educational institutions. Otherwise, then this kind of pesantren will naturally be abandoned by the people. The community will certainly entrust their sons and daughters to study in islamic boarding schools whose learning process is better and more advanced, as has happened in formal educational institutions so far. Pesantren has a great opportunity to improve the learning process, because all this will be considered, even the government is obliged to support it, both morally and materially.

Related to learning places and learning support facilities will certainly be much different from the era before the promulgation of the Pesantren law. Learning infrastructure and various other supporting facilities will be better and more representative. This is because the government is obliged to provide a budget to repair and supplement it, as it is given to other formal educational institutions. Islamic boarding schools have a great opportunity to develop their educational sarpras, both for the learning process and for the place to stay for students and the management of islamic boarding schools. The impression of shabby, dirty, unkempt, and other unfavorable impressions related to islamic boarding school facilities, will be slowly eliminated. Pesantren has a great opportunity to have buildings, mosques, and other facilities, which are worthy of being used as a means of transfer of knowledge and transfer of values.

Rohayana said that the ²²pesantren law provides a great opportunity for islamic boarding schools to be able to improve the quality and quality of the five constituent elements. This is because the state has

²² Rohayana, "Tantangan Dan Peluang Pesantren Pasca Undang-Undang Pesantren."

reclaimed its existence, so it is obliged to pay attention to and facilitate pesantren as the state pays attention to and facilitates other formal educational institutions. In addition, the diploma of islamic boarding schools is also recognized so that it can be used to continue education to a higher level and is recognized by the world of work that needs it, Nuraeni revealed that with this law strengthening the existence of Pesantren as an original Indonesian religious educational institution with its peculiarities, Khairani revealed that Islamic education opportunities with the inauguration of the Pesantren Law will further expand and strengthening the solemnity of participants in various fields, especially in the aspects of *tafaqquh fiddin*, da'wah, community empowerment, economic empowerment of the people, and many other aspects that are often the work of islamic boarding schools²³²⁴

To be able to realize the idea of change in pesantren, strong agents of change are needed, namely creative people. In the context of pesantren this position can be played by kiai, ustadz or others. Pesantren which has been viewed as a conservative institution, and is often referred to as a small kingdom, the role of kyai becomes very strategic in the context of change management. Especially if you look at the character of pesantren which is often identified with the figure of a kyai. Because indeed most pesantren are privately owned institutions of a kyai. Therefore, whether or not the pesantren institution changes is very dependent on the figure of the kyai.

Conclusion

The pesantren law provides a great opportunity for islamic boarding schools to be able to improve the quality and quality of the five

²³ Eksistensi Pesantren Dan Analisis Kebijakan Undang-Undang Pesantren," *AL-HIKMAH : Journal of Islamic Education and Religious Education* 3, no. 1 (2021).

²⁴ Miftahul Khairani, Hapzi Ali, and Kemas Imron Rosadi, " ANALISIS PERUMUSAN UNDANG-UNDANG NOMOR 18 TAHUN 2019 TENTANG PESANTREN SEBAGAI PRODUK POLITIK DAN KEBIJAKAN PENDIDIKAN ISLAM," *Journal of Applied Management Sciences* 3, no. 1 (October 31, 2021): 86–95.

constituent elements. This is because the state has reclaimed its existence, so it is obliged to pay attention to and facilitate pesantren as the state pays attention to and facilitates other formal educational institutions. In addition, the diploma of islamic boarding schools is also recognized so that it can be used to continue education to a higher level and be recognized by the world of work that needs it.

Behind the great opportunities obtained by islamic boarding schools, there are severe challenges for pesantren after the pesantren law. Among the tough challenges is that islamic boarding schools must be really serious in managing their boarding schools. Pesantren must manage properly and professionally the five elements that make up the pesantren, namely leadership patterns (kiai), student management, learning process management, boarding school management, and learning facility management.

In order for pesantren to seize opportunities and be able to answer challenges appropriately, the islamic boarding school must make changes. In the context of pesantren, the most appropriate change is the top-down model, from top to bottom, from kyai to boarding school administrators and students. This means that innovative ideas related to pesantren management must first be shared with kyai. The above innovative ideas must be able to convince kyai before others. If the kyai has received and given blessings, then the idea will be easier to implement. Overall, further research is needed to better understand the challenges and opportunities associated with pesantren law, and to develop a clear legal framework that can support the continued growth and development of pesantren as important religious and cultural institutions.

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