PESANTREN ON THE FRAME OF GOVERNMENT POLICIES

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Abstract:
This article describes government policies toward pesantren which has been existing from the early Independence of Indonesia period to present times, and its implications on the progresses of pesantren. This study uses library research on related documents of government policies and the result shows that the government policies tend to indicate to be a positive development. In the beginning of Old and New Orders, government policies were simply in form of unofficial claim above the role of pesantren in accelerating the nation intelligence. Since the release of decree of Education Act 2/1989 pesantren has been approved and legitimated as the subsystem of national education, though, pesantren keeps and maintains its characterisitc. As Education Act 20/2003 legitimated and followed by relating policies –especially Government Regulation 55/1997, Regulation of Ministry of Religious Affairs 13/2014, and Regulation of Ministry of Religious Affairs 18/2014 – pesantren has been totally awarded as part of national educational system, in turn, such of the institution has more freedom in portraying Islamic values by enhancing its characteristic as the institution focusing on tafaqqh fi al-dîn (an attempt to a totally Islamic understandings) and developing the other competences based on the characteristic of each pesantren.

Abstrak:
menjadi bagian dari sistem pendidikan nasional, sehingga lembaga ini lebih leluasa mewujudkan fungsi tradisionalnya sebagai lembaga *tafaqquh fi al-dîn* dan mengembangkan kompetensi lain sesuai kekhasan masing-masing pesantren.

**Key Words:**
government policy, pesantren, *mu’âdalah*, *salafîyah*, *mu’allimîn*, *tafaqquh fi al-dîn*

**Introduction**

*Pesantren* is an Islamic educational institution of society based, established, and developed by the public support. Philosophically, the emergence of *pesantren* is rather same as the philosophy of how a market exists as a place of having transaction of both seller and buyer in the crowded of societies. Both buyer and seller may not arbitrarily take a place for granted. Only the interaction of both creates the place, it is then called market.¹ On the same way *pesantren*, grows up and develops in the societies as a result of “dialogue” among them.

Chronologically, the establish of *pesantren* was marked with the presence of *kiai* (Islamic venerated scholar) to a place which socio-religious was precise place for Islamic expansion effort. The *Kiai*, then phase by phase, had interacted and learnt the condition of societies’ interaction, then conveyed the Islamic values by making a prayer-house (*surau*) as a centre of having worship, education, and *unmat* (public) service. Almost all of societies’ problems were served well; they concerned on Islamic religious, medical treatment, economy, marriage, the building of house, and also the matters dealing with the nation. Those, according to Muarif Ambary, show that *pesantren* historically used to choose an unneutral role and passive, but productive.²

In turn of chance, the presence of the *kiai* with many Islamic activities used to be conducted by and widely expanded the Islamic values made many people want to learn, ask, and get an enlightenment. Even some of societies wanted to be always with the *Kiai* in order to get *berkah* or *ngalap berkah* (an extraordinary belief that everything has more benefit than its entirely benefit. This requires a total faith to God) every time. Hence, the prayer-house then could not accommodate the societies any more. And finally, as the result of societies’ initiative, boarding house (*pondok*) were built around the *kiai’s* house as the places for the *santris* (Islamic students). Therefore, by the existence of the boarding house, which were then called *pondok pesantren* (Islamic boarding house), the elements of *pesantren* were complete; the *Kiai* himself was as head of master and owner, the *santri* was as person who learns, the boarding house was as place for students to learn, classic books became guide book, and the prayer-house, which was well-known as


langgar/mushalla/masjid, was the centre of worship and education.³

As the time went fast, pesantren which has been known well by the societies widely developed and expansive; it was formerly located in a village then expanded to a town; it was formerly homogeneous (which conducted simply and traditionally) to heterogeneous (mainly after the existence of modernity elements in managing pesantren),⁴ and also the quantity of the santri which was formerly restricted in few quantity then increased to a few, large, and wide quantities for about thousands santris.⁵

Then, through the educational process which had characteristic and independence many students spread-out every where.

The process of pesantren emergence which tended to be classified in term of

bottom up theory was different from the formal institution just like a school which the emergence tended to be classified in term of top down theory; on the initiative and entire support of government. If the government wanted to build a school, the government would directly determine a location, manage building, complete facilities, provide teachers, define curriculum, and then open recruitment. The educational process then occurred. Moreover, mission of the school must be relevant and appropriate to initiator, government.

Then, how is pesantren? Is the educational orientation, which is then acquainted as vision, developed by an Islamic institution appropriate to what the government does? Factually, as the institution which the growth lays on the basis of bottom up theory and even originally emerges from the truly tradition adopted by societies of the Indonesian Archipelago (indigenous),⁶ mission of pesantren must be in line with the mission of government. This assumption, then, can be proved by reanalyzing historical nation. Pesantren itself has proven its existence as the institution which has multi-function; as the centre of Islamic values expansion and nation’s defense.⁷

In addition, pesantren also supports nation’s efforts in attempt to reach its independece –or even it has great contribution historically- by against with colonizers. That’s why; pesantren then creates and launches a terminology, in term of instruction, which relates to nation (father land); ‘hubb al-wathan min al-îmân’

⁴ In the beginning of its presence in the earth of Nusantara, the type of pesantren were relatively similar, it had been the institution of religious education that was simply and traditionally managed and supported by the elements of Kyai (Islamic scholar), santri (Islamic pupils), pondok (boarding house), classics books, and mosque. Today, through the modernization of pesantren, the institution is not homogenous any longer. The pesantren management has developed in such a way, it is not single but various and depends on how the owner adopts the modernity elements into pesantren.
⁵ Data of Religious Affair Ministry shows that in 1977, there were 4.195 pesantren (677.384 santri), in 1981 grew to be 5.661 pesantren (938.397 santri), in 1985 became 6.239 pesantren (1.084.801 santri), in 1997 turned into 9.388 pesantren (1.770.768 santri), in 2001 became 11.312 pesantren (2.773.805 santri), and in 2012 became 27.230 pesantren (3.004.807 santri).
⁶ Nurcholish Madjid, Bilik-bilik Pesantren; Sebuah Potret Perjalanan (Jakarta: Paramadina, 1997), p. 3.
⁷ AM. Fatwa “The Future of Pesantren”, in Harian Republika (Saturday, May 26, 2007)
(struggling for nation –father land- is one of proofs of faith) and having 'jihad' in against the colonizers which nowadays comes up with overwhelmingly enthusiasm to all elements of the Indonesian.8

In spite of the mission of pesantren which may not probably be in the opposite of the mission of the government, however, the government needs to ensure by formulating some regulations which leads the government to control, manage, and guide pesantren as what and how the government wishes. In the framework of educational politic, the educational government intervention can be just stated as the government effort in ensuring civil societies that they are in line with the government expectation.9 Even, a strict control on that case in form of ascertaining is applied by many countries, whether the strict control itself runs with the government authority or is conducted by societies.10

The orientation of this article is to analyze how the policy of government directs pesantren as the Islamic education institution since the early period of Indonesian Independence up to present time,11 how the policy implicates toward the development of pesantren? This study, on the view of the writer’s concept, is rarely analyzed in term of research. The study of pesantren mostly lays on the internal activities –so, it is usually called ‘product’- which refers to a certain figure thought; just like a study conducted by Zamakhsyari Dhofier12 which concerns on the tradition of pesantren, Mastuhu13 who focuses on pesantren with educational dynamic, Hiroko Horikoshi14 who studies about the kiai and the social changes, Pradjarta15 who concerns on the relationship of moderate and immoderate kiai16 on behalf of societies, and

8 The term of ‘Resolusi Jihad’ (Holy-War Resolution), was a popular term of an instruction released by Hadratus Syaikh Hasyim Asy’ari in October 22, 1946 to fight against the colonial. This fatwa (instruction) was able to flame the spirit of Surabaya youngsters to get victory over the colonizer in the great battle of war, November 10, 1946 in Surabaya. It had a great impact to Indonesian Independence as a result the government awarded A Santri Day that was officially launched by the President Joko Widodo in October 22, 2015, based on the Presidential Decree No. 22/2015.
11 Islamic Religion Education is kind of education that prepares the students to be able to exhibit the role demanding the mastery of Islamic religion knowledge and to be the master Islamic knowledge and perform the tenets of Islamic education (Regulation of Ministry of Religious Affairs (PMA) 13/2014, Article 1 verse (1). The above definition was slightly different from Islamic Religion Education (PAI) means the education contributing knowledge and shaping attitude, personality, and skills of pupils, in performing Islamic tenets at least it could be in form of a subject/lecture at any types, levels, and forms of education (Government Regulation 55/2007, Article 1 verse (1).
12 Dhofir, Tradisi Pesantren.
13 Mastuhu, Dinamika Sistem Pendidikan Pesantren (Jakarta: INIS, 1994)
15 Pradjarta Dirdjosanjoto, Memelihara Umat: Kiai Pesantren-Kiai Langgar (Yogyakarta: LKiS, 1999)
16 Moderate kiai means a kiai who uses prayer-house in conveying Islamic values, and immoderate leads to an understanding of a kiai who has many settlements as the places for conveying, in wide range, Islamic values.

KARSA: Jurnal Sosial dan Budaya Keislaman
Vol. 23 No. 2, Desember 2015:221-240
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DOI: 10.19105/karsa.v23i2.724
Mohammad Toha who studies about management of santri. Whereas, any studies viewing pesantren out of internal framework which mainly on the concern of government policies toward pesantren is rarely conducted. Relating to this, for instance, a study by Karel A. Steenbrink which focuses on the response of pesantren on modernity and governmental policy and Ara Hidayat who studies about response of pesantren toward the policy of pesantren mu’adalah. However, all those differences are beneficial, as they can be precisely crucial references to this study.

Research Method

This research uses qualitative approach, and the kind of research is library research. Qualitative research is a research procedure which obtains descriptive data in form of words (utterance), writing, and behavioral characteristic from the observable figures. Library research is a kind of research which the data are obtained in form of documents provided. That is quite different from field research which requires researcher directly comes to a certain research location, the place where the data can be obtained. Besides that, based on the data used, this research includes in a historical research because most of some data needed are related to past events. The steps of historical research generally consist of four main activities namely heuristic, verification, interpretation, and historiography. Heuristic is an activity in collecting any past records of the events preceeding. Verification is an activity in investigating any past records of the events preceeding whether the forms or, their presences (contents) are authentic or not. Interpretation is an activity in determining the relationship of some events preceeding; interrelated or not. While historiography is a step of conveying and presenting the result of synthesis obtained from a certain history. Through the steps elaborated above, chronological and periodical also abjectively reconstruction on the governmental policy related to pesantren as the Islamic educational institution can be an enlightenment to do.

Data source of this research entirely lays on documents which they are primary and secondary. Primary documents involve the copy of laws, regulation, and decision which related to the governmental policy of pesantren since the

18 Karel A. Steenbrink, Pesantren Madrasah Sekolah: Pendidikan Islam dalam Kurun Moderen (Jakarta: LP3ES, 1994)
21 Mestika Zeid, Metode Penelitian Keputstakaan (Jakarta: Yayasan Pustaka Obor Indonesia, 2014), pp. 4-5.
24 Abdurahman, Metodologi, p. 84.
beginning of Indonesian Independence up to the process of this research construction. The secondary documents are any information obtained from individual/team/social institutions in form of books, magazines, bulletins, statements and also news which are broadcasted by a certain media dealing with policy of pesantren as Islamic-traditional educational institution. To define the quality of the documents, in term of historical research, two kinds of critics, internal and external, can be used. Internal critic tries to get data relevance to a research focus, while external critic attempts to identify the data authenticity.25

As the data source lays on documentation, the data collection then uses documentation with the documentation guideline as its instrument. The documents are collected from any sources, one of them is online media because there have been many products of governmental policies published legally to the public by online media.

Data analysis is the most important aspect in a research. It is an activity to systematically search for and arrange the result of the observation field-note, interview, and others needed to maintain the researcher’s understanding of the study and to present the result of the study as new discovery for others.26 As the previous explanation, the data of this research entirely lay on the documentation. Therefore, the analysis only works on the provided documentation. As a rule of qualitative research, data analysis should be done before and after the on going of research construction. Analysis method used is document analysis. The steps in conducting document analysis are; to select and read the documents needed which are appropriate to a research objective; to interpret the intended documents which as the interpretation itself must be relevant to the time when the events occurred; and to make an inference which is equal to the formulated research objective.

Considering interrelationship of pesantren to a social discipline, humanity ethical values, and policies construction of pesantren which are dilemma and thus they tend to imply to a pragmatic decision, that’s why; the researcher also uses another approach namely meta-ethical pragmatism approach as it has been developed by Noeng Muhadjir.27 The approach is intended to search for the sense of ethical of variety in social policies to political policies of pesantren. Ethical principle which is used as measurement of Islamic educational policies essence is a theory of human right moral.28 Ethical principle on the policies of pesantren can be found on the policy product which the essence is to guarantee the people’s right on their freedom. And one of their freedoms are to do the rules or regulations of religion they believe in.

Research Result and Discussion

Since the Indonesian Independence up to this research construction written, there are amount of policies which implicitly and explicitly pay high atten-

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25 Ibid., pp. 67-73.
27 Ibid., p. 79.
28 Ibid., p. 225.
tion on the existence of pesantren. Those policies can be viewed as follow:

The first, a recommendation of the Central of Servant Organization of Indonesian National Committee (BP KNIP) that was launched on December 27, 1945 which states “Madrasah and pesantren are truly one educational centre which both attempt to give educational enlightenment toward citizenries, so that, they should be seen crucial by providing any aids needed in form guidance-control and material from the government.”

The second, a recommendation of Panitia Penyelidik Pengajaran (the Committee of Teaching Surveillance) that was launched on July 2, 1946 which states “quality of both pesantren and madrasah must be highly maintained.”

The two decisions above are, though they are in forms of recommendation, officially the legal admission by the government namely BP KNIP who participates in legislative institution, and the Committee of Teaching Surveillance beneath the control of Minister of Education on the existence of pesantren as educational centre which attempts to give educational enlightenment toward, which it has been known well by, Indonesian citizenries. This admission is an appreciation from the government toward pesantren as it has been participating in giving educational enlightenment for Indonesian citizenries. In addition, it has been known that before the existence of modern educational institutions, just like school and madrasah, the only pesantren which plays significant role in giving educational enlightenment toward Indonesian citizenries. Its existence then is forwarded with sincere charity and unpretentious deed of the head of pesantren. Pesantren, as it has been

29 According to People’s Consultative Assembly Decree No. III/MPR/2000, the order of Indonesian legislation is set as follows (1) Basic Constitution 1945, (2) People’s Consultative Assembly Decree, (3) Legislations (4) Government Regulation as the Substitution of Legislation (PERPPU), (5) Government Regulation, (6) Decision of President, and (7) Local Government Regulation (Province, District/City, and Village)
30 Naming of numbers in order, (the first, the second, the third, and so forth), was only for major law products in its time. However, the lower law products, as the intrepretation of major law, became the sub-order of the numbers.
31 KNIP was established in August 22, 1945 by PPKI (the Committee of Indonesian Independence Preparation) and was inaugurated in the August 29, 1945 at Pasar Baru Art Hall Jakarta. It was led by Kasman Singodimedjo. Based on the declaration of Indonesian Vice President No. X (October 16, 1945), before People’s Consultative Assembly (MPR) and Legislative Assembly (DPR) were established, KNIP had been responsible for the legislative affairs. This committee was also established at all districts in form of KNID. In accomplishing the tasks KNIP had been supported by KNIP Working Institution (BP KNIP) that the members were elected from the available KNIP members BP KNIP was responsible to KNIP. Erwiza Erman and Sudibjo, “KNIP”, Ensiklopedi Nasional Indonesia 3 (Jakarta: Delta Pamungkas, 1997), pp. 28-30.
33 The committee of teaching surveilance had been established by the Ministry of Education & Culture March 1, 1946. The duty was to design the system of national teaching-learning. This institution was head by Ki Hadjar Dewantara and Soegarda Poerbakawatja as the secretary. In the July 12, 1946, this institution launched a number of recomendations, dealing religion education and Pesantren. Soegarda Poerbakawatja, Pendidikan dalam Alam Indonesia Merdeka (Jakarta: Gunung Agung, 1970), p. 41.
outstanding since the era of –also called branch of- Walisongo, consistently performs its traditional function as the centre of Islamic teaching (tafaqquh fi al-dîn), which due to its existence also comes up brilliant generation of ulamâ’ (a dedicated person for Islam with strong faith and well Islamic teachings mastery), teacher (of Islamic teaching), social figure, and mubâlîgh (appointed person whose duty is to convey Islamic teachings) whose their presences are important for societies. Besides that, pesantren is as a training centre for students also Moslems to against colonizers for Indonesian Independence. Referring to their active participation, it is precisely appropriate that pesantren officially obtains formal admission after Independence.

In addition to that formal admission, the recommendation also contains suggestion toward government to help pesantren development in maintaining its quality. Yet, after the two recommendations had been launched until the Old Order ended (1965), the product of governmental policy related to pesantren was not found anymore. Whereas, the duration of both new and old order were not simply restricted; it took a few years (1945-1965), and in term of general education the amount of policies had been launched by the old order. Those policies are Law No. 4/1950 on the Principles of Education and Teaching Instruction in School (Dasar-Dasar Pendidikan dan Pengajaran di Sekolah) which is then re-established to Law No. 12/1954. That had shown an ignorance

to pesantren itself during the Old Order. In another words, the policies of Old Order do not stand for the Islamic educational development, especially to pesantren. There is a discriminatory in that case. It can be seen from the dominant intervention of Indonesian Communist Party (PKI) to government, mainly in the end of Old Order, that makes Islamic education complicated. On the other hand, a few of the guardians include in the practical politic that they directly communicate, share, and cooperate with any parties developed by the government which such condition makes pesantren difficult in gaining sympathy from the government.

The third, the decision of provisional people's consultative assembly No. XXVII/MPRS/1966 on Religion, Education, and Culture, especially on acknowledge that on December 1949 the Indonesian Republic experienced the change of government management into United States of Indonesian Republic (RIS). Indonesian republic became the part of RIS. As a result, UU No. 4/1950 had been applied only in Yogyakarta. In the reborn of NKRI (August 17, 1950), it had been stated that the above regulation could be applied all over Indonesian lands. The decision was taken after the parliament accepted it in the January 27, 1954, and it was finally legalized by the government in the March 12, 1954 and legislated in the March 18 of the same year. Hence the regulation was named Law No. 12/1954 containing the statement about the effective of Undang-Undang Nomor 4/1950 to all Indonesian districts and pronounces. I. Djumhur dan Danasuparta, Sedjarah Pendidikan (Bandung: Tjerdas, 1961), pp. 202-204.

34 The Regulation namely Act No. 4/1950 had legally decided by “Presiden” Mr. Assaat and the Ministry of PP & K (Ki S. Mangunsarkoro) in the capital city of Indonesia, Yogyakarta. It is worth to
article 5 (Chapter I about Religion) that states “In order that pesantren reaches a simply attention from the government”. The decision is form of attention and admission from the highest institution of the country in the beginning of new order toward the role of pesantren. The most factual role in the end of the Old Order is, except of the education and religious aspect, the intervention of pesantren to against the uprising of PKI in which all citizenries also participate. However, the decree of provisional people's consultative assembly is not forwarded with operational policies which reflect the government’s attention toward pesantren as it has been mentioned in the provision of provisional people's consultative assembly, until its progress is not identified at that time.

Meanwhile, during the beginning of New Order history, one of the most educational policy is to do an even effort and expand access in gaining basic education (elementary school) in all around the father land of Indonesia through building schools and providing and distributing teachers. By the existence of Consultative Assembly Head (A.H. Nasution) and the deputies (Osa Maliki, Subchan ZE, M. Siregar, and Mashudi)

37 In the record of history, the policy of the government was known as SD Inpres, state of elementary school, because the acceleration of program had been implemented through the President Instruction (Inpres). It was started with the President Instruction No. 10/1973 about the program of elementary schools building aids. The realizations, which was decided on November 1973, was in form of donation of Rp. 15.8 billions; every building must contain of three classrooms. Here are the details: 6.000 unit in 1973/1974, 6.000 unit in 1974/1975 and 10.000 unit in 1975/1976. The total cope 3.000.000 new chairs. At the same time, the government recruited the new employee in 1968 for about 18.000 freelance teachers and 41.000 fixed teachers. C.E. Beeby, *Pendidikan di Indonesia; Penilaian dan Pedoman Perencanaan*, trans. BP3K dan YIIS (Jakarta: LP3ES, 1982), p. 68.

38 As it is undergone by Pesantren Sidogiri, Langitan, and Pesantren Lirboyo East Java.
with integrating principle which of both Islamic and general teaching materials are combined and developed independently.\textsuperscript{39} As the effect of disobeying to the curriculum which the government designs, the graduations of the school (which combining of both Islamic and general teaching materials) are not seen equal to the school in reverse. In spite of that case, pesantren which survives with its independence believes in the superiority of the program pioneered, that they (guardians) are not influenced by schools with modern system.

In the subsequent development, Pesantren can be a public debate before the general assembly of Provisional People’s Consultative Assembly (MPRS) 1988, epsecially after the suggestion of traditional religious institution to be incor-perated into the State Major Outline (GBHN), in order to make its position and action more pronounced in developing nations. Because, it is recognized or not, in each of the past, pesantren shows a significant role to the nation. At the beginning of the Independence, Pesantren drives the masses in seizing and maintaining Independence. At post Independence, pesantren helps a lot in the success of development programs, e.g. Keluarga Berencana (Family Program) and transmigration program. Both of two programs are hardly successful without the support of pesantren.

But the idea of pesantren to be involved into GBHN does not succeed because the attitude of pros and cons are not only among outside of schools but also among inside of schools. According to Sahal Mahfudz, there are at least three attitudes among pesantren in looking the proposed of pesantren entrance to GBHN:\textsuperscript{40} first, there are clear and unequivocal ambitions enter GBHN on the grounds to maintain their existence without conveying the concept of existence in thorough and complete formulation. Second, it opposes the first attitude, fearing the influx of outside pesantren dominantly will affect the independence of the pesantren. Meanwhile the third, choose silence. It is unclear, whether this attitude arises from despair or maturity in accepting the reality consistently.

Fourth, Law No. 2/1989 on the National Education System, especially in article 11 paragraph 1 stating the type of “Education that makes education track consists of general education, vocational education, exceptional education, service education, religious education, academic education, and professional education.” Then in article 22, paragraph 6 says “religious education is an education that prepares students to be able to carry out the role which requires mastery of specific knowledge about the religion in question.” In the explanation of article 11 paragraph 6 states that “religious education is held at all levels of education.”

The description above indicates that in the Education Act 2/1989, the term of pesantren is not mentioned explicitly. This is very different from the previous provisions (BP KNIP recommendations, \textsuperscript{40}Sahal Mahfudh, Nuansa Fiqih Sosial (Yogyakarta: LKiS, 2012), pp. 350-352.)
teaching investigator, and Decree of People's Consultative Assembly No. XXVII/1966) who calls pesantren clearly accompanied by admission of its role in building the nation. It seems at the impact of earlier debates in the general sessions of the Assembly in 1988 who refuses pesantren enter GBHN. It means, from the aspect of mentioning the terms, there is setback attitude from the go-vernment. At the beginning of the Old Order and New Order, pesantren was expressly mentioned in the policy pro-duct, while in mid term of New Order, the term of pesantren appears as “illegitimate” to be mentioned.

Then, where is the position of pesantren in the Education Act 2/1989? If it is seen from limitation of ‘religious education’ term as mentioned in article 11 paragraph 6, pesantren includes in the Islamic education form, which is mentioned in this article, because this traditional institution’s main function is to prepare students to master knowledge of Islam in broad and deep, as had been shown in the course of history. However, because the law is not accompanied by detailed description about form and type of religious education, so the interpretations become different. This can be seen from government that the intended interpretation of Islamic religious education is formal religious, Special Islamic Senior High School (MAK), as set out in the decision of Minister of Religious Affairs No. 37/1993. Pesantren remains one of Islamic religious education form, but in the outside path of school education. The provision stipulated in Government Regulation No. 73/1961 on Education of Outside School, in particular article 3 paragraph 1, which states, “types of education outside school consist of general education, religious education, office of education, service education and vocational education.” Of course, as the part of education outside of school, pesantren becomes second class of educational institution whose diplomas are not directly recognized as equivalent as the education of school. But regardless of the discriminatory policy, through the Education Act 2/1989, Pesantren (as part of religious education) has been recognized as sub system of national education, even though in the path of outside school education, an official recognition that was never found in the previous policy product.

Pesantren admission as a form of religious education in the outside lane of school began embodied in the implementation of 9 years compulsory education. In Presidential Decree No. 1/1994 on guide lines for the implementation of compulsory primary education, emphasized that “Educational unit known as pesantren possible separate basic education programs that equivalence with basic education approved by the Minister of Education and Culture (No. 7, point c).” In the operational level, the legality of compulsory education program in pesantren newly takes shape in 2000, after the release of joint agreement of National Education Minister and Minister of Religious Affairs No. 1/U/KB/2000 and No. MA/86/2000 on pesantren salâfiyah as the pattern of compulsory education. Then at the implementation level, joint agreement of both minister followed by joint decree of the General Director of Primary and Secondary Education and General Director of Islamic Religious Institution Building, No. E/83/2000 and No. 166/c/Kep/DS/2000 on guidelines
for the implementation of pesantren salafiyyah as a pattern of compulsory education. Besides that, there is also a decree of General Director of Islamic Religious Institution Building No. E/239/2001 on technical guide of compulsory education program implementation at pesantren salafiyyah, and Mutual Decision General Director of Islamic Religious Institution Building and The Head of Research and Development Ministry of Education No. Dj.II/526/2003 and No. 6016/C/HK/2003 on national final examination 9 years compulsory education program at pesantren salafiyyah.

Policy which is significant to pesantren after the enactment of the Education Act 2/1989 is the release of equalization policy between religious education graduate with formal education graduate in the level of junior high school and senior high school. This admission is initiated through KMI (Kulliyatul Mu'allimin al-Islamiyah) program of Pesantren Gontor and TMI (Tarbiyatul Mu'allimin al-Islamiyah) program of Pesantren Al-Amien Prenduan Sumenep. For the case of Pesantren Al-Amien, government admission shown by Decision of General Director of Islamic Religious Institution Building Religious Affairs No. E.IV/PP.032/K.EP/80/98 on granting equal status of Pesantren TMI Al-Amien Prenduan Sumenep. Two years later, the same steps carried out by Ministry of National Education issued Decree No. 106/0/2000 on TMI admission of Pesantren Al-Amien Prenduan Sumenep. That two decisions mentioned that TMI Al-Amien graduate equal to senior high school or madrasah aliyah graduate and has the same right with senior high school or madrasah aliyah graduate to continue their study to public universities and/or to apply for job which requires senior high school or madrasah aliyah graduate.

The government admission seems as a part of the Education Act 2/1989 implementation, especially in article 47 paragraph 1 which mentioned “society, as government partner, have widest opportunity to participate in the implementation of National Education”; paragraph 2 “the characteristics of educational units held by public remains heed”. The explanation of paragraph 2 states, “the paragraph is meant to appreciate each organizer of educational units organized by people who have certain characteristic, such as educational units with religious background, culture and etc.”

Government admission toward pesantren graduate, although it is too late,41 is the form of government appreciation to pesantren, which has been long time and tested held typical pesantren

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41 It is kind of a late program since; (1) in fact, public have been accepted the graduation of TMI/KMI for a long time indicated with the increase of santri/students and graduates numbers of TMI/KMI; (2) the alumnae of KMI/TMI are generally much better in terms of quality than the graduates Madrasah Aliyah (Islamic Senior High School); and (3) some different countries have admitted the quality of the graduates of TMI/KMI that they are equal with the graduates of local country in the same level. In the case of TMI Al-Amien, for instance, the admission was started by the Madinah Islamic University and dan University of Ummul Qura Mecca (1982), Islamabad University Pakistan (1988), Al-Zaytun University Tunisia (1994), and Al-Azhar University Egypt (1997). Mohammad Tidjani Djauhari, Masa Depan Pesantren: Agenda yang Belum Terselesaikan (Jakarta: Taj Publishing, 2008), p. 157.
education independently. Because, it is recognized or not, from religious education program which is held by pesantren, has been producing thousands graduations who had already served in a number areas of life, some of them become religious leaders and community leaders who take an active role in building the nation.

This *mu'ādalah* policy, although at the beginning of implementation often found obstacle,\(^42\) has become foundation for organizer of pesantren to develop a more stable program. As well as, government admission through pesantren Islamic educational program which is “different” from government’s one, foster new spirit of another pesantren which are interested in developing similar programs, after the previous time a lot of pesantren still doubt it.

*Fifth*, Law No. 25/2000 on national developing program (Propernas) of 2000-2004. On chapter VI about religious development, especially at point 4 about social development program of religious institution and traditional religious educational instututions, there are a number of point which discuss the existence of pesantren as follows:

a. Social development programs of religious institution and religious institution of traditional education consist of pesantren, madrasah aliyah, weekly school, Hindu education foundation and Budha education foundation. Pesantren as religious educational institution obviously has given big contribution in educational service for community. Pesantren has opened up education access for poor people in rural areas. Besides giving a religious education, pesantren also provides practical skills such as agriculture, husbandry, workshop, sewing even computer operator. Pesantren as educational institution has long history track and become one of variants in diversity of existing education, but not fully become part of national education system yet.

b. Social development program of religious institution and traditional religious educational institutions aims at: (1) empower and increase the capacity and quality of religious and social institutions, and (2) provide educational services for rural communities, especially in a weak socio-economic background.

c. Target achievements are increasing role of social institutions of religious and traditional institutions of religious education in national development and strengthen religious values in social change.

d. The main activities undertaken is to empower socio-religious institution, such as a group of religious pilgrims, Taklim assembly, adolescents and youth mosque organization, Baitul Mal wal-Tamwil, Amil (collector) Zakat institution and Nadzir Wakaf; (2) increase traditional educational institution which has propaganda and education mission for community; (3) give governmental subsidies and returns in traditional religious of educational institution; (4) increase management quality of traditional religious of educational institution;
and (5) provide infrastructures support, equipments, textbooks, and other reading materials in traditional religious institution.

Provisions in the legislation above show that government’s attention to a religious boarding school education is getting better. The term of pesantren is mentioned openly and repeated, completed with recognition of pesantren’s role and development programs for it. This is different from the Education Act 2/1989 that seems “forbidden” call the term of pesantren in all of the chapters.

Sixth, Act No. 20/2003 on National Education System. In this act, the existence of pesantren makes specifically on section 9 on religious education, especially in article 30 paragraph 1 until 5 as follows:

(1) Government and/or community of religious adherents’ accordance with legislation hold religious education.
(2) Religious education is held by government and/or community of religious adherents’ accordance with legislation.
(3) Religious education serves to prepare students to be members of public who understand and practice the values of their religion and/or become a theologian.
(4) Religious education can be held at formal education, nonformal education and informal education.
(5) Religious education is in the form of diniyah education, pesantren, pasraman, pabhaja samanera and other similar form.

As follow up of the articles of religious education above, government issued Government Regulation No. 55/2007 on religious education. This regulation published a number of articles related to the existence of pesantren, as follows:

a. Article 1 paragraph 4 pesantren is Islamic educational institution which the basis is community based, provides diniyah education or integrated education with other types of education.
b. Article 11 paragraph 1 students in primary and secondary religious education which accredited have right to move to an equivalent level in elementary school, Islamic Elementary School (MI), Junior High School (SMP), Islamic Junior High School (MTs), Senior High School (SMA), Islamic Senior High School (MA), Vocational High School, Vocational Islamic Senior High School, or other equivalent forms which have been qualified the requirements; (2) The product of nonformal and/or informal religious education can be valued as equivalent as formal/religious/general/vocational education after passed the examination which is held by educational unit accredited, appointed by government and/or local government; (3) students of formal, non-formal and informal religious education who earn diplomas at the same level of formal/general/vocational can proceed to the next level in educational, religious or other types of education.
c. Article 12 paragraph (1) government and/or local government provide educational resources to support religious education; paragraph (2) government protects the independence and particularities of religious education as long as not conflict with national education goals.
d. Article 14 paragraph (1) Islamic educations in form of diniyah education and pesantren; paragraph (3) pesantren can hold one and/or some educational programs at the formal, non-formal and informal education.

e. Article 26 paragraph (1) pesantren hold education in order to instilling faith and devotion to Allah SWT, noble character and tradition of boarding schools to develop ability of the knowledge and skills of students to become an expert in Islam (mutafaqqih fi al-dîn) and/or become Muslim who have skills/expertise to build an Islamic life in society; paragraph (2) pesantren hold diniyah or integrated education with other types of education at level of early childhood education, primary, secondary and/or high education; paragraph (3) students and/or educator in pesantren who is recognized by their skills in religious education but do not have a formal education certificate can become educator of subject or course of religious education at all levels, path or types of education that requires them, after run competency test accordance with the laws and regulations.

Following up on Regulation No. 55/2007, Ministry of Religious Affair in charge of religious education issued a regulation No. 13/2014 on Islamic education and Regulation of the Minister of Religious Affair No. 18/2014 on education unit Mu’âdalah at boarding school. In this regulation, mentioned that the form of Islamic education consists of diniyah and pesantren. Diniyah consists of formal, non-formal, and informal diniyah. Meanwhile pesantren consists of formal and non-formal pesantren. Which includes in formal pesantren is education unit mu’âdalah which can be held by salafiyah atau mu’allimîn. While non-formal pesantren held in form book study from level of ibtidâ‘î, tsanawi, ‘ulya, and ma’had ta-khashshus. Formal pesantren graduate is equated with formal graduate school/madrasah after fulfilling some certain requirements. To be easily understood, forms and types of Islamic education are described in the table below:

### Table: Form, Path and Type of Islamic Education

<table>
<thead>
<tr>
<th>Form</th>
<th>Path</th>
<th>Type/Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pesantren</td>
<td></td>
<td><strong>Permanent</strong></td>
</tr>
<tr>
<td>Formal</td>
<td></td>
<td>Organized through education unit mu’âdalah, with the type of salafiyah and mu’al-limîn</td>
</tr>
<tr>
<td>Nonformal</td>
<td></td>
<td>Organized through textbook study begin at the level of ‘ibtidâ‘î, tsanawi, ‘ulya, and ma’had ta-khashshus</td>
</tr>
</tbody>
</table>

43 Sabafiyah is educational unit of mu’âdalah with kitab kuning/classic books based, whereas mu’al-limîn is the educational unit of mu’âdalah with dirasah Islamiyah based, using an educational pattern namely mu’al-limîn. It is dirasah Islamiyah based meaning the compilation of studies concerning Islamic knowledge which is systematically structured and organized (madrasî). Meanwhile, the educational pattern of mu’al-limîn has been the pesantren education system that is integrative in nature, that comprehensively integrate the Islamic and general knowledges, intra, extra, and co-curricula. It is adapted from Regulation of Ministry of Religious Affairs 13/2014 on Islamic Education.
Diniyah Education

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal</td>
<td>Organized in structures and tiered by and are in boarding school, which include dîniyah athfâl, ulâ, wusthâ, ‘ulyâ, and ma’had ‘âli</td>
</tr>
<tr>
<td>Nonformal</td>
<td>Organized in madra-sah dîniyah taklîmi-liyah form (ulâ, wusthâ, ‘ulyâ, al-jâmi’ah), al-Qur’an education, taklîmi assembly or other similar forms, whether inside or outside of pesantren</td>
</tr>
<tr>
<td>Informal</td>
<td>Organized by community in form of Islamic education in family environment.</td>
</tr>
</tbody>
</table>

The issuance of Education Act 20/2003 and related to regulations under, particularly related to Islamic education, is the most aligned policy to boarding school than previous policy, because in this policy attention through pesantren is more detailed, systematically, and impartially. The position of religious education, pesantren, as subsystem in national education, as mentioned in the Education Act 2/1989, growing steadily after the release of this regulation. Similarly, the government’s recognition of equivalency (mu’adalâh) of the boarding schools’ graduate which have been started since 1998, even stronger with the release of these regulations. Not only these, through these favorable regulations, pesantren will get various education resources from government and/or local government. Besides that, government’s recognition through the independence and particularity of religious education, pesantren as has been stated in the Education Act 2/1989, further guaranteed by the government through this regulation, as long as not conflict with national education goals.

Improved government attention towards religious education, pesantren as described above, can also be seen from the development of management structure of organization in boarding school’s organizer in Ministry of Religious Affair, as the responsible management of religious education.

Although the Ministry of Religious Affairs has been established since 1946, one year after independence proclamation, pesantren’s management unit in Ministry of Religious Affair independently was formed in 1975, with the opening section of the boarding school at one of the sub director in The Directorate of Islamic Education. Formerly, pesantren development is only a part of the works of the relevant sections. In 1979 management unit of boarding school had been raised up from section into sub directorate, called as Sub-Directorate of boarding school and madrasah dîniyah which is under of auspices of Directorate of Islamic Education. Significant changes occurred from 2001, by the raising of

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44Ministry of Religious Affairs was established in Sjaahrir II Cabinet based on Government Regulation No. 1/S.D in January 3, 1946 (Muhammad 29, 1364 H)
**pesantren** management unit, from sub-directorate to be a separate directorate under the auspices of General of Islamic Education, Directorate of Islamic Education and Pesantren. Then, since 2006, was made a name change, but the position is still become separate directorate, called by Directorate of Diniyah Education and Pesantren which is under auspices of General Directorate of Islamic Education. It is not impossible, as long as the development of pesantren, someday pesantren can be managed by a separate general directorate, General Directorate of Islamic Education.

By having a separate directorate, then the existence of pesantren has more attention than before. The government’s attention can be in the form of formal recognition of human resources and curriculum, development assistance support of operational cost, repair or support of facilities and infrastructure for pesantren. This thing, for instance, is showed by the issuance of technical guidelines of school for receiving assistance, which includes technical guidelines of students boarding aid, technical guidelines of operational assistance, technical guidelines of *halaqah* implementation, and technical guidelines of boarding rehabilitation.46

By the Improved alignment of government policy toward pesantren, it is expected that a lot of pesantren will organize *mu‘adalah* education unit and/or *diniyah* education.47 Because, according to writer, this model is more ideal than the opening of madrasah/school based on government curriculum which has been organized by pesantren for long time. Why is it more ideal? Because by the pattern of *mu‘adalah*, pesantren has more freedom to organize their traditional function (as *tafaqquh fi al-dîn* institution which does transmission and transferring Islamic knowledge; maintaining Islamic tradition; and *ulama* reproduction);48 beside keeping general subject and/or other competencies in sufficient proportion.49 This thing is different from the organization system of school/madrasah in

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46Data is collected from Husni Rahim, *Arah Baru Pendidikan Islam di Indonesia* (Jakarta: Logos, 2001), pp. 75-84; and Website of Ministry of Religious Affairs (www.pendis.kemenag.go.id)

47Further reading in technical guidelines of students boarding aid, technical guidelines of operational assistance, technical guidelines of *halaqah* implementation, and technical guidelines of boarding rehabilitation, issued by Directorate of Diniyah and Boarding School General Directorate of Islamic Education Ministry of Religious Affairs on Mei 2015.

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48Temporary Data—as Decision General Directorate of Islamic Education Indonesian Ministry of Religious Affairs No. 2852/2015—noted as number of 17 *mu‘adalah* education units at the level of MTs and 31 *mu‘adalah* education units at level of MA which have been equivalent. This number can increase and decrease depend on the result of on going evaluation which is proceed by government (Ministry of Religious Affairs) and depend on pesantren’s determination to join or not to join *mu‘adalah* education program.


50In Decision of Ministry of Religious Affairs No. 18/2014, stated that *mu‘adalah* curriculum must enclose general subject, at least consist of (a) Indonesian citizenship education, (b) Indonesia Language, (c) mathematic, and (d) natural science. Compare to school/madrasah curriculum, these general subjects are less, so pesantren can be free to develop other Islamic materials in its curriculum, or developing certain competency which is needed as their particular characteristic of pesantren and demands of the time.
pesantren. Through this way, pesantren is not free to do the traditional function as tafaqqh fi al-din institution because they spend their time to organize general subject which becomes highly dominant.

Even mu’âdalah model is more ideal for pesantren, Ministry of Religious Affairs as the organizer of Pesantren Establishment Regulation can not be too baggy in issuing mu’âdalah founding license. Under control permission case of madrasah establishment can not be happening to mu’âdalah establishment because the impacts are the control and quality which the assurance will be so difficult to be done. In pesantren circle, the need of obtaining permission to establish mu’âdalah should not be seen as a form of pesantren castration. But it should be seen as quality assurance aspect and modern country’s administration demand.

What must be a vigilance is the government’s intervention in form of funds and facilities supplying which increases to pesantren may not break down its self-esteem and independence. It has been a hundred years that pesantren stands for its authority due to its capability in maintaining its mission with its total independence. In addition, the guardians and all of stake-holders are not required to have pragmatism in responding to the government’ intervention, as it has occurred for some of institutions which intentionally mark up the data in order to gain facilities and funds supplying. If this is intentionally done by the guardians and, or also stake-holders, they truly wish their institutions’ decadences.

Such was the case, kind of regulations which implicitly tends to support pesantren can be seen as chance and, or challenge. It is seen as chance because pesantren has its right to develop independently the Islamic education with maintaining the characteristic of it without thinking a lot of an admission. Although, Minister of Religious Affairs and the Forum of Communication of Pesantren Mu’âdalah (FKPM)\textsuperscript{50} — as an organization conducting mu’âdalah education unit— must continuously socialize (to society, public or private institution, and to higher education) the regulation progresses of Islamic education in effort of avoiding misunderstanding related to

\textsuperscript{50} This forum was built to mediate and communicate the pesantrens managing the mu’âdalah education. The objective is to hold the lines and to fight the status and future of mu’âdalah education and the alumnae. By the middle of 2015, FKPM organizes 36 pesantrens organizing mu’âdalah education. They are KMI Gontor (Ponorogo), KMI Pesantren Baitul Arqom (Jember), KMI Pesantren Darul Qolam (Tangerang), KMI Pesantren Nurul Ikhas (Tanah Datar-Sumbar), KMI Pesantren Pabelan (Muntilan Mantingan), KMI Pesantren Raudhatul Hasanah (Medan), MHS PP (Ciwaringin), Pesantren Al-Basyariah (Bandung), Pesantren Modern Al-Mizan (Lebak Banten), Pesantren Al-Amien (Prenduan-Sumenep), Pesantren Al-Ikhas (Kuningan), Pesantren Darul Rahman (Jakarta), Pesantren Darunnajah (Jaksel), Pesantren Mathlabul Ulum (Sumenep), Pesantren Modern Al-Barokah (Nganjuk), Pesantren Ta’mirul Islam (Surakarta), PP. Al-Anwar (Jateng), PP. Al-Falah (Ploso-Kediri), PP. Al-Fithrah (Surabaya), PP. Al-Hamidy Dirasatul Mu’allim (Pamekasan Jatim), PP. Darul Munawaroh (NAD), PP. Darussalam (Kencong-Kediri), PP. Lirboyo Hidayatul Mubtadi’en (Jatim), PP. Miﬁahul Muba-tidiin (Nganjuk), PP. Nurul Qodim (Probolinggo), PP. Mathali’ul Falah (Kajen Pati), PP. Salafiyah Syafiyiyah (Pasuruan), PP. Sidogiri Madrasah Aliyah Miﬁahul Ulum (Jatim), PP. Termas MA Salafiyah (Pacitan), TMI Pesantren Cibatu (Garut), TMI Darul Mutaqien (Bogor), and TMI Pesantren Darunnajah Cipining (Bogor). Today, FKPM is led by KH. Dr. Amal Fathullah Zarkasyi, M.A.
diploma/graduation as it has occurred formerly, which, in turn, it demages pesantren mu’adalah itself. Besides that, pesantren also potentially obtains various aids from the government, which that can help the existence of pesantren in developing its quality; supports of facilities, educators, and management.

It can be seen as challenge because the more that pesantren follows the government’s regulation, the more effort that pesantren needs in keeping and maintaining its quality; the quality itself refers to the process and the graduation, in orer that it is believed and relied on by the societies and government. Besides that, every government support—that pesantren needs and receives—always corresponds to reporting administration and complex responsibility, to which it is new experience. Seeing the variety of support, pesantren should be good model in using the facilities and funds received and also the reporting administration. It must be aware that the government support should not make the guardians involve in a corruption of social support for pesantren.

Conclusion

Since the beginning of Indonesian Independence up to nowadays, the government has launched policy to pesantren as it is an Islamic educational institution. In the early of Old and New Order, governmental policy tends to claim the intervention on the pesantren as their entirely effort, also a recommendation from legislative (BP KNIP and MPRS) in order that the government maintains the quality of pesantren.

The most influential policy toward pesantren is preceded by the Education Act of 2/1989 on National Education System. Through this regulation, pesantren has been legitimated as subsystem of national education—as a part of kind of Islamic education—though it is not involved in the school system. In the level of implementing, the admission is for-warded by the government well-acceptance to the graduation of pesantren mu’adalah since 1998 and the involvement of pesantren salafiyyah on the program 9 years compulsory education since 2000s.

The Education Act of 20/2003 on National Education System which has been attached by some policies related to pesantren (especially Government Regulation No. 55/1997 on Religious Education and Religiousity Education, Regulation of Ministry of Religious Affairs No. 13/2014 on Islamic Religiousity Education, and Regulation of Ministry of Religious Affairs No. 18/2014 on Education Unit of Mu’adalah in Pesantren), that has been awarded as subsystem of national education.

The implication of the policies which tend to support the existence of pesantren, the institution which has Islamic basis and society approach can widely develop its traditional function as the institution focusing on tafaqquh fi al-din, and expand the range of teaching with both science and knowledge without omitting the characteristic of pesantren itself. Besides that, pesantren has a great opportunity to develop the institution through the government support. The importance is to see every policy wisely and carefully in order that pesantren is able to keep maintaining its characteristic.[]
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