

BEHIND THE PESANTREN LAW; BETWEEN RECOGNITION AND POLITICIZATION OF PESANTREN IN INDONESIA

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Abstract

This research aims to analyze the dynamics and implications of the Pesantren Law Number 18 of 2019 on the life of Pesantren in Indonesia. This law is considered a form of state recognition of the existence of Pesantren, but it has also triggered a polemic regarding the politicization of Pesantren. This research uses a qualitative approach with a case study method, exploring in-depth related issues. The main data sources are trusted online news and related official documents. The research results show that the Pesantren Law is an effort for state recognition, but also opens up opportunities for excessive intervention. Various parties have various views regarding the implementation of this law. This research contributes a theoretical understanding of the dynamics of the relationship between the state and Pesantrens, as well as its implications for public policy, Islamic politics, and the sociology of religion. Practically, the results of this research can provide input for the government, Pesantren institutions, and other stakeholders in responding to the implementation of the Pesantren Law.

Keywords: *Pesantren Law; Recognition; Politicization; Pesantren.*

Abstrak

Penelitian ini bertujuan untuk menganalisis dinamika dan implikasi Undang-Undang Pesantren Nomor 18 Tahun 2019 terhadap kehidupan pesantren di Indonesia. Undang-undang ini dianggap sebagai bentuk pengakuan negara terhadap keberadaan pesantren, namun juga memicu polemic terkait politisasi pondok pesantren. Penelitian ini menggunakan pendekatan kualitatif dengan metode studi kasus, mengeksplorasi secara mendalam isu-isu yang terkait. Sumber data utama adalah berita-berita online terpercaya dan dokumen resmi terkait. Hasil penelitian menunjukkan bahwa Undang-Undang Pesantren merupakan upaya rekognisi negara, namun juga membuka peluang bagi intervensi berlebihan. Berbagai pihak memiliki pandangan beragam terkait implementasi undang-undang ini. Penelitian ini menyumbangkan pemahaman teoritis mengenai dinamika relasi negara dan pesantren, serta implikasinya dalam kebijakan publik, politik Islam, dan sosiologi agama. Secara praktis, hasil penelitian ini dapat menjadi bahan masukan bagi pemerintah, lembaga pesantren, dan pemangku kepentingan lainnya dalam menyikapi implementasi Undang-Undang Pesantren.

Kata Kunci: *Undang-undang Pesantren; Rekognisi; Politisasi; Pondok Pesantren.*

INTRODUCTION

The Pesantren Law Number: 18 of 2019 is still not optimal in its implementation and tends to be at crossroads, between the spirit of regulation and political interests. Pesantrens are one of the religious institutions that have an important role in the development of culture and education in Indonesia. As a traditional educational institution, pesantren have been present for hundreds of years and have colored the scientific style and religious practices of the Indonesian people (Diana Handayani, 2022). The existence of pesantren is not only limited to being a place to learn religious knowledge, but also a center for the spread of Islamic values that uphold tradition, culture, and local wisdom. In this context, the recognition of Pesantrens by the State becomes a necessity and a necessity (Al-Furqon, 2019). Along with the course of history, pesantren have undergone various changes and developments, both in terms of the curriculum, education system, management, and their role in society.

Several previous studies have examined the implementation of the Pesantren Law and its relationship with the state. For example, Nuraeni (2021) analyzed the initial implementation of the Pesantren Law by using SWOT analysis to measure the extent of the existence of pesantren after the enactment of the Pesantren Law. The research highlighted that although this law aims to provide recognition and support to pesantren, in practice there are still many administrative and structural obstacles faced. Meanwhile, Diana Handayani (2022) examined the dynamics of pesantren towards the Pesantren Law. The results of her research show that there is ambivalence among kyai and pesantren caregivers, where some positively welcome the law as a form of state recognition, while others are concerned about the potential for excessive intervention in the autonomy of pesantren. In terms of public policy, Panut et al. (2021) conducted a critical analysis of the formulation and implementation process of the Pesantren Law. His research revealed the existence of a tug of interest between various stakeholders in the process of making the law, which ultimately affected the effectiveness of its implementation in the field.

Unlike the previous studies, this research aims to analyze the dynamics and implications of the law on the life of pesantren in Indonesia. The fundamental question to be answered in this study is, is the Pesantren Law a form of state recognition of the existence of pesantren or is it a means of politicizing pesantren? In addition, this study will also examine the responses and views of various parties, including pesantren, academics, and other stakeholders, regarding the implementation of the Pesantren Law. This research is expected to make theoretical and practical contributions to understanding the dynamics of the relationship between the state and pesantren in Indonesia. Theoretically, this research will enrich the scientific treasures in public policy, Islamic politics, and the sociology of religion. Meanwhile, practically, the results of this

research are expected to be input for the government, pesantren institutions, and other stakeholders in addressing the implementation of the Pesantren Law wisely and fairly.

METHODOLOGY

This research uses a qualitative approach with a case study method. The choice of this method is based on the research objectives that want to explore in depth the dynamics and implications of the Pesantren Law on the life of Pesantrens in Indonesia. Through case studies, this research will be able to capture the complexity of phenomena and analyze related issues comprehensively (Sugiyono, 2020). The main data source in this research is online news related to the Pesantren Law published by trusted the media. The selection of internet data sources is based on the consideration that the issue of the Pesantren Law is a current phenomenon that continues to develop and is dominated by news in online media. In addition, online media is also considered capable of reaching various stakeholders, so that it can present a variety of diverse perspectives.

The data collection technique used is a documentation study. Researchers will identify, select, and analyze online news related to the Pesantren Law. The news collected will be selected based on the criteria of relevance, actuality, and representation of various points of view. In addition, researchers will also search for relevant official documents, such as laws, government regulations, and other relevant official reports. Data analysis in this research will be done thematically. The researcher will conduct coding and categorization of collected data to identify the main themes that emerge. Furthermore, these themes will be analyzed in depth using relevant theoretical frameworks, such as state-civil society theory, legitimacy theory, and political theory of religion. Data analysis will also consider the historical, social, and the political context behind the issue of the Pesantren Law.

To ensure data validity, this research will apply several strategies, such as source triangulation, member checking, and audit trail. Source triangulation is done by comparing data from different online media, while member checking is done by involving related parties, such as academics and pesantren practitioners, to verify results of the analysis. An audit trail is done by documenting in detail every stage of the research so that it can be accounted for. By using a qualitative case study research method and the main data source of online news, this research is expected to produce an in-depth and comprehensive understanding of the dynamics of the relationship between the state and pesantren, as well as the implications of the Pesantren Law for the life of pesantren in Indonesia (Fernando et al., 2023).

RESULT

1. Recognition of Pesantren through the Pesantren Law

The recognition of Islamic boarding schools is one of the reasons echoed regarding enacting the Pesantren Law. The issuance of Pesantren Law No. 18/2019 is an important milestone in the government's efforts to recognize and support the existence of Pesantren in Indonesia. So far, pesantren have developed and operated independently without significant government intervention. However, with the passing of the Pesantren Law, there is great hope from various parties that the existence and strategic role of pesantren can be optimized (Wajdi, 2023). The Director General of Islamic Education, Muhammad Ali Ramdhani, expressed his optimism that the derivative regulations of the Pesantren Law could be implemented and operated properly in Pesantren. He considered that the Pesantren Law provides a solid legal foundation for the development and empowerment of pesantren in Indonesia. Ramdhani hopes that the government, both at the central and regional levels, can allocate an adequate budget to support the development and capacity building of pesantren (Kemenag, 2020).

On the other hand, Majelis Masyayikh, which is a consultative forum for pesantren leaders and caregivers, welcomed the issuance of the Pesantren Law. They stated that the pesantren endowment fund mandated in the law has been realized and its implementation is by the mandate of the law. This was followed up by the issuance of Presidential Regulation No. 82 of 2021 concerning the Management of Pesantren Endowment Funds (Firmansyah, 2023). However, the Deputy Chairperson of the East Java DPRD, Anik Maslachah, highlighted the need for more detailed derivative regulations so that the Pesantren Law can be realized properly at the boarding school level. She hopes that in 2023, Government Regulations and Minister of Religious Affairs Regulations as the elaboration of the Pesantren Law can be issued immediately (Azmi, 2023).

The Ministry of Religious Affairs itself has taken concrete steps by issuing three Minister of Religious Affairs Regulations as derivatives of the Pesantren Law. These regulations regulate various aspects, ranging from the management of the pesantren endowment fund, the development of the pesantren curriculum, and the guidance and supervision of pesantren (Faizin, 2020). In general, the issuance of Pesantren Law No. 18/2019 received positive responses from various parties, including the Indonesian Ulema Council (MUI). MUI appreciates the ratification of this law and hopes that the law and its derivative regulations can be implemented properly to advance pesantren education in Indonesia. For pesantren, the Pesantren Law is believed to provide legal certainty and stronger protection for their existence and development. So far, pesantren are often faced with various challenges related to licensing, legal status, and access to funding. With the

Pesantren Law, it is expected that these challenges can be resolved more comprehensively (Kurniawan, 2019).

In addition, the Pesantren Law is also expected to strengthen the role of pesantren as educational institutions that produce a superior and characterized young generation. Pesantren have scientific traditions and noble values that can make a major contribution to the progress of the nation (RI, 2022). With government support through the Pesantren Law, it is expected that pesantren can be more optimal in carrying out the functions of education, da'wah, and community empowerment. In the long term, the effective implementation of the Pesantren Law is expected to increase the competitiveness of Pesantren amid the times. Pesantren can continue to develop the curriculum, infrastructure, and quality of human resources by global demands, but still based on noble values that become the identity of Pesantren (Syakir, 2019). Overall, the issuance of Pesantren Law No. 18/2019 is an important milestone in the government's efforts to recognize, protect, and support the existence and strategic role of Pesantren in Indonesia. Although it still requires various derivative regulations to optimize its implementation, this law has paved the way for pesantren to continue to develop and make a greater contribution to the progress of the nation.

2. The Politicization of Pesantren through the Pesantren Law

There has been a shift in the function of pesantren, from a religious role to a political one. Pesantren, which were originally centers of religious studies, are now also taking a role in the political realm. Several presidential candidates have made this issue part of their campaign programs and promises. One presidential candidate, Anies Baswedan, has promised to eliminate the differences between public and private schools, especially in terms of government policies. He considers that the elimination of this distinction will create a fairer Indonesia. His idea was delivered during a campaign rally at the Nurussalam Modern Islamic Boarding School in Karawang, West Java (Wiryo, 2023). Meanwhile, another presidential candidate, Prabowo Subianto, has visited Cipasung Islamic Boarding School in Singaparna, Tasikmalaya, West Java. During the visit, Prabowo discussed Law No. 18/2019 on Islamic Boarding Schools. He stated that the implementation of the law still needs to be consulted with pesantren leaders and majlis masyayikh (teachers) (Riadi, 2023).

Another issue of concern to the presidential candidates is the Pesantren Endowment Fund. Gibran Rakabuming Raka, the vice presidential candidate paired with Prabowo, has declared the Pesantren Endowment Fund as one of their flagship programs. Meanwhile, Muhaimin Iskandar said that he has been fighting for the Pesantren Endowment Fund since 2021. Arsjad Rasjid, Chairman of the Ganjar-Mahfud National Winning Team (TPN), also

revealed that the Pesantren Endowment Fund program is similar to the one in their plan (Astuti, 2023). The Election Supervisory Agency (Bawaslu) of Blitar Regency also found violations of the campaign of presidential and vice presidential candidate number 2 held at an Islamic boarding school. This shows that the issue of pesantren is of particular concern to prospective leaders of the State.

Interestingly, the Majelis Masyayikh (teachers) stated that the implementation of the Pesantren Endowment Fund has been running, although it is now an issue raised by three presidential candidates (Ashari, 2023). This indicates an attempt by the candidates to utilize the issue of pesantren and education as part of their campaign strategy. Deputy Golf Commander of the Prabowo-Gibran National Campaign Team (TKN), Agus Teddy Sumantri, even mentioned that the Pesantren Endowment Fund program is intended so that santri can continue to develop and be involved in industrial development in the future. Thus, it is hoped that santri will no longer be underestimated (D. Prastiwi, 2024). From the various information presented, it can be concluded that issues surrounding education, especially pesantren, have become a major focus in the 2024 Presidential Election campaign in Indonesia. The presidential candidates seem to be trying to attract support from pesantren and voters who care about education. They offer various programs and promises related to education equality, improving the quality of pesantren, and efforts to involve santri in industrial development.

However, there are also findings of campaign violations committed in the pesantren environment, indicating the existence of politicization practices that need to be watched out for. Therefore, the role of Bawaslu and close monitoring of campaign practices are important to maintain the integrity of the electoral process. Overall, the issue of education and pesantren has become a hot topic and received great attention from presidential candidates in the 2024 elections. This shows that the education sector, especially pesantren, is considered as one of the key issues that can influence voters' preferences and determine the direction of national leadership in the future.

3. Current Dynamics: Implementation of the Pesantren Law

The implementation of the Pesantren Law still raises dynamics among the community, especially the Pesantren community. Pesantren, as one of the oldest educational institutions in Indonesia, has become an integral part of society. However, in its development, pesantren cannot be separated from the snares of power. After all, an educational institution, whether formal or non-formal, must be integrated with power, both in terms of licensing, funding, and supervision. This is a challenge for pesantren, which were originally established not oriented towards power, positions, or worldly interests. Law No. 18/2019 on Pesantren,

which was passed on October 16, 2019, became one of the issues that caused controversy among the community (Madrim, 2021). This law aims to provide state funding and standardize the quality of pesantren education, with the hope of improving quality. However, on the other hand, this law also raises concerns about the possibility of eroding the diversity of existing pesantren types.

Some pesantren figures, such as the Chairman of the Association of Indonesian Pesantren Caregivers (P2I) KH M Tata Taufik, are of the view that having a legal umbrella governing pesantren is better than none at all (Taufik, 2021). However, they also highlighted the possibility of intervention from parties outside the pesantren that could threaten the independence and identity of pesantren. Member of Commission VIII of the House of Representatives, KH. Bukhori, MA, emphasized the importance of maintaining the identity of pesantren and avoiding intervention from outside parties. According to him, the independence of pesantren must be maintained, so that pesantren can maintain the values and traditions that have long characterized them (Takdir, 2021). On the other hand, some pesantren reject the presence of the Pesantren Law and its derivative regulations. One of the figures who voiced rejection was Badrudin Subky, who feared that the dependence of pesantren on government assistance could threaten their independence. He emphasized that pesantren should be aware of the possibility of closure if they do not comply with the new regulations (Madrim, 2021).

The issuance of Minister of Religious Affairs Regulation No. 31/2020 on Pesantren Education and Presidential Regulation No. 18-2021 on Funding for the Implementation of Pesantren are the government's efforts to implement the Pesantren Law. However, this also triggered reactions from pesantren, who feared intervention and loss of autonomy (Novela, 2022). At the regional level, East Java also saw the emergence of a Draft Regional Regulation (Raperda) on Pesantren Development. This shows that local governments are also attempting to regulate pesantren by the rules set out in the Pesantren Law. However, this move also triggered concerns among pesantren about the potential loss of their independence (Hendrawan, 2022). The debate on the Pesantren Law cannot be separated from the long history of pesantren as educational institutions that have long been an integral part of Indonesian society.

Pesantren, which were originally established for spirituality and religious teaching, have now had to deal with the challenges of modernization and the demands of accountability over the centuries. The challenge faced by modern pesantren today is how to balance the demands of modernization and accountability while maintaining the traditional values that have become the foundation of the existence of the pesantren itself. This is not an easy journey, but it must be passed so that pesantren can continue to be relevant educational

institutions and be trusted by the community. In the future, it is expected that there will be a constructive dialog between the government and the pesantren, to find a common ground that can accommodate the interests of all parties (PMK, 2023). Thus, pesantren can continue to grow and make a significant contribution to the advancement of education and Indonesian society as a whole.

DISCUSSION

The existence of Pesantrens in Indonesia has a long and significant history for the development of society. As traditional Islamic educational institutions, Pesantrens have made a major contribution to shaping the character and personality of the people (Zaini, 2021). However, in its development, Pesantrens are also inseparable from the political dynamics that occur in Indonesia. The Pesantren Law, which was passed in 2021, is an important milestone in the journey of Pesantrens in Indonesia. This law can be viewed from two sides, namely the recognition and politicization of Pesantrens (Ilmu et al., 2021).

The Pesantren Law can be seen as a form of government recognition of the existence and role of Pesantrens in community life. Through this law, Pesantrens receive formal legal recognition as religious educational institutions that have a significant contribution to educating the nation's life (Mustakim, 2021). The Pesantren Law can be seen as a form of government recognition of the existence and role of Pesantrens in community life. Through this law, Pesantrens receive formal legal recognition as religious educational institutions that have a significant contribution to educating the nation's life (Samudera, 2023). This is expected to improve the quality of education in Pesantrens and make it easier for them to carry out their functions and roles.

On the other hand, the Pesantren Law can also be seen as a form of politicization of Pesantrens by the government. Through this law, the government seeks to strengthen its influence on Pesantrens (Idam Mustofa, 2020). This can be seen from the existence of monitoring and guidance mechanisms carried out by the government for Pesantrens. Apart from that, the Pesantren Law also provides an opportunity for the government to intervene in the management of Pesantrens (Panut et al., 2021). or example, through regulations regarding the accreditation and licensing of Pesantrens, the government can influence the direction and policies taken by Pesantrens. The politicization of Pesantrens through the Pesantren Law can also be seen from efforts to make Pesantrens a political instrument. Some groups see that this law can be used by certain parties to gain political support from Pesantren circles (Nuraeni, 2021).

The dynamics of implementing the Pesantren Law in the field show that some challenges and problems must be faced. One of the problems that arises is related to differences in

understanding between Pesantrens and the government regarding the essence and objectives of this law (Khoirurrijal et al., 2023). Some Pesantrens feel that this law has intervened and limited their autonomy. They are worried that this law will have an impact on the loss of the distinctiveness and independence of Pesantrens (Riyani, 2022). On the other hand, the government is trying to make Pesantrens a strategic partner in national development effort (Zibbat & Hariri, 2024). Apart from that, the implementation of the Pesantren Law also faces challenges related to preparing adequate infrastructure and resources. Many Pesantrens, especially those in remote areas, still face obstacles in terms of funding, teaching staff, and infrastructure (Heriyadi & Iqbal, 2022).

The Pesantren Law is a government policy that has two sides, namely the recognition and politicization of Pesantrens in Indonesia. This law can be seen as a form of recognition of the role and contribution of Pesantrens in community life (Mas'ud, 2023). However, on the other hand, this law can also be seen as an attempt by the government to strengthen its influence on Pesantrens. The dynamics of implementing the Pesantren Law in the field shows that some challenges and problems must be faced, especially related to differences in understanding between Pesantrens and the government, as well as the preparation of adequate infrastructure and resources (M. I. Prastiwi, 2016). The successful implementation of the Pesantren Law will depend heavily on efforts to maintain a balance between recognition and politicization of Pesantrens, as well as ensuring that this law can truly provide benefits for the development of Pesantrens and society at large.

The novelty of the findings in this study is an in-depth analysis of the implications of the Pesantren Law, both in terms of recognition and potential politicization. In contrast to previous studies that tend to focus on regulatory aspects or pesantren resistance, this study comprehensively explores the dynamics of the relationship between the state and pesantren in the context of the law. In addition, this study also provides practical contributions for the government, pesantren institutions, and other stakeholders in addressing the implementation of the Pesantren Law. The research results can be utilized as input in formulating policies that are more sensitive to the needs and interests of pesantren, as well as maintaining a balance between state recognition and pesantren autonomy.

In the end, this research shows that the Pesantren Law No. 18/2019 is an effort of state recognition, but it also triggers polemics related to the politicization of Islamic boarding schools. The findings enrich the theoretical understanding of the dynamics of the relationship between the state and religion and have practical implications for the formulation of policies that are more sensitive to the needs of pesantren. This study contributes to the study of Islamic politics in Indonesia, especially in understanding the complexity of the relationship between the secular state and traditional religious institutions such as pesantren.

CONCLUSSION

It turns out that the Pesantren Law Number 18 of 2019 is still not optimal in its implementation and has given rise to a polemic between the spirit of state recognition of the existence of Pesantrens and political interests. As traditional educational institutions that have an important role in the development of culture and education in Indonesia, Pesantrens need recognition from the state. However, the relationship between the state and Pesantrens does not always run smoothly, there are dynamics related to recognition, regulation, and state intervention towards Pesantrens. The Pesantren Law is considered a form of state recognition of the existence of Pesantrens, but it has also sparked a polemic regarding the politicization of Pesantrens. Several parties stated that this law has the potential to reduce the autonomy and independence of Pesantrens, as well as open up opportunities for excessive state intervention. The issue of relations between the state and Pesantrens is interesting for further study, especially about the implementation of the Pesantren Law.

This research can show the dynamics and implications of the Pesantren Law on Pesantren life in Indonesia. The basic question that can be answered is that the Pesantren Law is a form of state recognition of the existence of Pesantrens, even though the potential for being a means of politicizing Pesantrens is very visible. This research also succeeded in showing the responses and views of various parties, both Pesantren circles, academics, and other stakeholders, regarding the implementation of the Pesantren Law. It is hoped that the results of this research can provide theoretical and practical contributions to understanding the dynamics of relations between the state and Pesantrens in Indonesia, as well as provide input for the government, Pesantren institutions, and other stakeholders in responding to the implementation of the Pesantren Law wisely and fairly.

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