ANALYSIS JURIDICAL: COLLABORATION OF PESANTREN-REGIONAL GOVERNMENTS IN EDUCATION AND COMMUNITY EMPOWERMENT FUNCTIONS

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Abstract: *The role of Islamic boarding schools in community empowerment education is substantially clearly directed to establishing communication between the pesantren and the surrounding community. This research is a library research study. The processing of this research is more directed at analyzing or processing data that is descriptive, philosophical, and theoretical. The research analysis results conclude that Law Number 18 of 2019 and Presidential Regulation number 82 regulate community cooperation and participation. Collaboration can be carried out by Islamic boarding schools with other national and international institutions. Such partnership is carried out, among others, in the form of student exchanges, competitions, education system, curriculum, funding assistance, training, capacity building, and other forms of cooperation. It is carried out under the provisions of laws and regulations that Islamic boarding schools have been recognized as part of the system — of Indonesian education.*

Kata kunci: *Islamic boarding school, local Government, education, community empowerment*

Abstrak: *Peran pondok pesantren dalam bentuk pendidikan pemberdayaan masyarakat secara substansinya jelas mengarah kepada sarana terjalinnya komunikasi antara pesantren dengan masyarakat sekitar. Penelitian ini merupakan kajian library research. Pengolahan penelitian ini lebih menjurus pada analisis atau pengolahan data yang bersifat deskriptif, filosofis dan teoritis. Hasil analisis penelitian menyimpulkan bahwa Undang-Undang Nomor 18 tahun 2019 dan Peraturan Presiden nomor 82 mengatur kerja sama dan partisipasi masyarakat. Kerja sama dapat dilakukan oleh Pesantren dengan lembaga lainnya yang bersifat nasional dan/atau internasional. Kerja sama tersebut antara lain dilakukan dalam bentuk pertukaran peserta didik, perlombaan, sistem pendidikan, kurikulum, bantuan pendanaan, pelatihan dan peningkatan kapasitas, serta bentuk kerja sama lainnya, dan dilaksanakan sesuai dengan ketentuan peraturan perundang-undangan bahwa pesantren telah diakui sebagai bagian dari sistem pendidikan Indonesia.*

Kata kunci: *Pesantren, pemerintah daerah, pendidikan, pemberdayaan masyarakat*

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Introduction

Pesantren is the oldest, most prominent, and most influential Islamic educational institution in the cadre of fighters, leaders, scholars, and preachers whose existence is recognized in society (Assa'idi 2021). Starting from the da'wah movement, the role of Islamic boarding schools in Indonesia has expanded to become partners of the community and Government in the development of education, health, and economic development to accelerate the acceleration of change and mobility of the people of the nation (Syafe'i 2017).

According to the Ministry of Religion data, there were 4,195 Islamic boarding schools in 1977 with 677,394 students. Two decades later (2020), Islamic boarding schools have become 9,388, with 1,770,768 students (Azizah, Ningsih, and Djunaidi 2020). According to data from the Ministry of Religion, in 2021, the number of Islamic boarding schools in Indonesia has increased to 27,218 with 3,647,719 students (Ariatin, Dhewanto, and Sudrajad 2022).

Most Islamic boarding schools prioritize the study of fiqh, but there are Al-Qur'an boarding schools, pesantren for tarekat experience, or even pesantren for learning the sciences of wisdom. Managing diversity like this is not easy (Marzuki, Santoso, and Ghofur, 2021). On the other hand, the state must be accountable for the funds it distributes to the public as a mechanism for the democratic system. Likewise, how to regulate the emergence of non-mainstream Islamic boarding schools with foreign ideological affiliations that can undermine the sovereignty of the Republic of Indonesia, or even Islamic boarding schools that have the potential to teach radicalism, must receive serious attention(Widayanti 2020).

Law Number 18 of 2019 concerning Islamic Boarding Schools is the legal basis for affirming the guarantee of equality of graduate quality levels, ease of access for graduates, and the independence of Islamic boarding schools, as well as the legal basis for the Central Government and Regional Governments to provide facilitation in the development of Islamic Boarding Schools. Law Number 18 of 2019 concerning Islamic Boarding Schools was ratified by President Joko Widodo on October 15, 2019, in Jakarta ("Undang-Undang Republik Indonesia Nomor 18 Tahun 2019 Tentang Pesantren" 2019).

Law No. 18 of 2019 concerning Islamic Boarding Schools will not conflict with the existing National Education System Law. In the Law, matters relating to Islamic boarding schools are not explicitly regulated, even though there are around 10 million students throughout Indonesia (Assa'idi 2021). What needs to be considered is that there should be no conflicting regulations between the two laws because both regulate education in Indonesia.

Given that the Government is now autonomous at the district and city levels, this Law will guide making lower-level regulations. So far, there have been many complaints from regional heads who want to help pesantren, but there is no law covering them, so they are afraid that they will be considered maladministration. The empowerment of pesantren will be part of the great aspiration to make Indonesia the center of world Islamic civilization.

In line with what is explained by Sjadzili (Usman and Widyanto 2021), that pesantren has been transformed as a center for community empowerment. Islamic boarding schools in community empowerment work through economic institutions, which are generally in the form of cooperatives and continue to innovate continuously.

Several previous studies and articles such as those conducted by (Wijayanti and Widhanarto 2019), (Hardianto 2019), (Latief et al. 2021), (Syar'i, Akrim, and Hamdanah 2020), (Ijah, Florentinus, and Sudana 2021) and (Indah, Niah, and Rijal 2018) generally examines the impact and role of Islamic boarding schools in non-economic aspects, such as development, character education, morals, job creation, seeding civil society values, politics, responding to global challenges, and facing socio-religious problems. The novelty of this article compared to this research is the inclusion of an analysis of the role of Islamic boarding schools and local governments in supporting the education system and community empowerment in terms of Law No. 18 of 2019 concerning Islamic Boarding Schools.

Research Method

In this study, the researcher uses a library research design or what is often referred to as library research. Because the data is obtained in documents from a book, Dervis said that a literature study is a series of activities related to collecting library

data, reading and taking notes, and processing research materials (Dervis 2013). Researchers utilize library resources to obtain research data and limit activities to library collection materials without requiring field research.

There are two kinds of research objects in this study: formal and material things. The standard object in this study is data, namely data related to regulations or policies issued by the Ministry of Religion and the Ministry of Law and Human Rights. While the material object is a data source, in this case, it is Law Number 18 of 2019. The data collection technique in this study is only through primary documentation and secondary documents.

According to Siswantoro in Andrew Abbott (Abbott 2008), before the data collection stage, it is necessary to know that any research cannot be separated from data. Data is a selected source of information for analysis. The processing of this research is more directed at analyzing or processing data that is descriptive, philosophical, and theoretical. The data in this study were recorded, selected, and then classified according to the existing categories.

The data were analyzed using the distributional method of the technique for natural elements. According to (Patel 2019), the distributional method is an analytical method whose determining tool is in and is part of the language being studied. At the same time, the technique for natural elements is a data analysis technique by dividing construction into several parts or components that directly form the intended structure

Results and Discussion

The scope of collaboration between pesantren and local Government in education

The community generally organizes Pesantren education as a manifestation of education from, by, and for the community. In ensuring the implementation of Islamic boarding schools in carrying out their educational functions, da'wah functions, and community empowerment functions, arrangements are needed to provide recognition, information, and facilitation to Islamic boarding schools based on their traditions and characteristics (Fathurrochman, Ristianti, and Arif 2020). Therefore, a law is needed that can be used as a solid and comprehensive legal basis in implementing Islamic boarding schools that can recognize their uniqueness and provide affirmations and facilitation for their development (Zarkasyi 2017).

Law Number 18 of 2019 concerning Islamic Boarding Schools is a mutual agreement involving parties representing the Islamic Boarding School community, each of which has validated the formulation of legal norms optimally by the characteristics and peculiarities of Islamic Boarding Schools. Law Number 18 of 2019 concerning Islamic Boarding Schools was ratified by President Joko Widodo on October 15, 2019, in Jakarta(Asád, Purwanto, and Rohmadi 2021).

Law Number 18 of 2019 concerning Islamic Boarding Schools regulates the implementation of educational functions, da'wah functions, and community empowerment functions. Through the Law on Islamic Boarding Schools, the implementation of Islamic Boarding School Education is recognized as part of the implementation of national education("Undang-Undang Republik Indonesia Nomor 18 Tahun 2019 Tentang Pesantren" 2019). Law Number 18 of 2019 concerning Islamic Boarding Schools provides a legal basis for recognition of the role of Islamic Boarding Schools informing, 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 processes and quality assurance methodology.

Furthermore, the Government issued Presidential Regulation Number 82 of 2021 (Peraturan Presiden RI. 2021) concerning Funding for the Implementation of Islamic Boarding Schools (Perpres 82/2021) as a form of the Government's strong commitment to supporting the education function and support empowerment of Islamic boarding schools in Indonesia. 2019 concerning Islamic Boarding Schools. Presidential Decree No. 82/2021, which lists the Pesantren Endowment Fund as a source of funding, aims to ensure the sustainability of the pesantren education program for the next generation as a form of intergenerational accountability(Zarkasyi, n.d.).

Utilization of the Pesantren Endowment Fund is allocated based on the priorities of the results of the development of the education endowment fund, where the use of the pesantren endowment fund is intended to carry out the educational functions run by the pesantren. The Government initiated this to expand the benefits from the results of the Education Endowment Fund, which currently has reached around Rp 90.69 trillion (Saefullah 2021). In addition, the existence of this presidential regulation can be

maximized to promote moderate da'wah among Islamic boarding schools throughout Indonesia.

As a community-based institution, the primary funding source for Islamic boarding schools comes from the community. The Central Government assists in funding the implementation of Islamic Boarding Schools through the state revenue and expenditure budget by the state's financial capacity and the provisions of laws and regulations(Arisandi et al., 2021). The Regional Government assists in funding the implementation of Islamic Boarding Schools through regional revenue and expenditure budgets by their authority and the provisions of laws and regulations. In addition, funding sources for implementing Islamic Boarding Schools can come from other legal and non-binding sources by laws and regulations.

Community participation can be in the form of providing program assistance and financing, providing input to the Central Government and Regional Governments, supporting activities, encouraging the development of quality and standards, encouraging the formation of a vehicle for character education and moral development, as well as strengthening the independence and economic capacity of Islamic boarding schools (Nila et al. 2019).

The Central Government provides and manages the Pesantren endowment fund to ensure the availability and adequacy of the budget for the development of the Pesantren. In developing Islamic boarding schools, the community can participate individually, in groups, in bodies, and through community organizations.

Model of Collaboration between Islamic Boarding Schools and Local Government in Community Empowerment.

Law Number 18 of 2019, concerning Islamic Boarding Schools. Article 44 ("Undang-Undang Republik Indonesia Nomor 18 Tahun 2019 Tentang Pesantren" 2019) states that the function of pesantren is in community empowerment. Islamic boarding schools prepare independent and skilled human resources to play an active role in development. Article 45 in the Law describes the form of community empowerment by pesantren, which can be carried out under the following conditions:

First, training and fieldwork practices; Second, strengthening the economic potential and capacity of Islamic boarding schools and the community; Third, the establishment of cooperatives; Fourth, financial institutions and micro, small, and

medium enterprises; Fifth, mentoring and providing marketing assistance for community products; Sixth, providing loans and financial aid; Seventh, financial management guidance, optimization, and quality control; Eighth, implementation of social activities; Ninth, Utilization, and development of industrial technology; Tenth, and other program development(Syaprudin 2019).

In carrying out empowerment activities, pesantren will have a closer relationship (relationship) with the community (Patriadi, Bakar, and Hamat 2015). These relationships occur and are interwoven in such a way among the community that they continue and never stop. Based on the theory, this relationship can be called a patron-client relationship or commonly known as "patronage" (patronage).

Based on this fact, it is appropriate for the researcher to say that this kind of relationship model, also called the 'host-client' relationship model, in which reciprocal relationships occur (Rusmanah et al. 2021). A landlady is a person or party who has power in a society or community. In this case, it is a pesantren with elements of kyai and pesantren administrators who must provide the maximum possible protection or protection to their clients (students and the community).

According to (Marzuki, Santoso, and Ghofur 2021)), community participation is community participation in identifying problems and potentials in the community, selecting and making decisions about alternative solutions to deal with problems, and community involvement in the process of evaluating the changes that occur. Community participation is the participation or participation and participation of a person individually or in groups in an activity.

The importance of community participation is stated by (Meiriki, Rahayu, and Resnawaty 2020) as follows: first, community participation is a tool to obtain information about the conditions, needs, and attitudes of the local community, without which development programs and projects will fail; secondly, that the community will trust a development project or program more if they feel involved in the preparation and planning process because they will know more about the ins and outs of the project and will have a sense of ownership of the project; third, that it is a democratic right when people are involved in the development of their society.

In carrying out the steps of empowerment activities, pesantren can use several approaches(Azizah, Ningsih, and Djunaidi 2020), which researchers classify into three strategies, namely:

First, through the tracer study problem approach, pesantren carries out this approach by absorbing various problematic complaints faced by the community. Its function is to identify further any problems experienced by residents. By knowing the residents' issues, it is hoped that the pesantren can find a solution under the community's wishes. The technique is that the pesantren delegates santri or ustadz and involves the community in discussion group forums to provide opportunities for the district to identify the problems they are experiencing.

This approach is in line with the expression that "the aim of empowerment should be based on the real needs of the community and not just an absolute coincidence. Ideally, the perceived needs of the community are the actual needs. Therefore, any empowerment actor should be able to identify the community's real needs and communicate them so that it becomes a need felt by the community (Nurhadi 2018).

Second, identification of potential. This approach is made by identifying potential. The possibility of this community is a resource system that can be managed optimally to overcome social problems and the development of local communities. The Islamic boarding school and the district can assist each other in carrying out their non-material activities. They exchange advice and assistance in solving the problems they face. There is active communication between the caretakers of the boarding school and the formal school community, thus creating a sense of trust between the two parties and creating opportunities for cross-training.

Formulating the strategy (Putra 2021), after absorbing and accommodating the community's problems, the pesantren should not stop at that phase. However, the pesantren must develop a real strategy to overcome the difficulties faced by the community. This step is a substantial effort to solve the problem through activities: a. Prevent further problems from arising; b. Mobilize resource and potential systems; c. Determine alternative problem solving; d. Community meeting to determine action scenarios. This explanation is in line with Sharafat Khan's theory, and he said that the

model of community empowerment to ensure success consists of desire, trust, confidence, credibility, accountability, and communication.

Based on the description above, it can be concluded that community participation in various stages of change will make the community more empowered and more resilient. Therefore, community participation in a development and empowerment program has a significant role.

Conclusion

Based on the description of the research results, it can be concluded that: the form of community empowerment by pesantren can be carried out under the following conditions: First, training and fieldwork practices; Second, strengthening the economic potential and capacity of Islamic boarding schools and the community; Third, the establishment of cooperatives; Fourth, financial institutions and micro, small and medium enterprises; Fifth, mentoring and providing marketing assistance for community products; Sixth, providing loans and financial aid; Seventh, financial management guidance, optimization, and quality control; Eighth, implementation of social activities; Ninth, Utilization, and development of industrial technology; Tenth, and other program development.

Pesantren should still have the autonomy to maintain their diversity and prevent their accountability from being transformed from a community perspective into a government institution. A checklist should be developed to serve as a standard measure of Government: it covers the minimum standards of curriculum, facilities, and management while ensuring autonomy for pesantren. Moreover, efforts need to be carried out according to the Islamic Boarding School Law to improve the management of Islamic education data at the Ministry of Religion and the Education Management Information System (EMIS) to produce accurate data for making technical regulations in the future.

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