



REFORMULATION OF REGIONAL REGULATIONS CONCERNING IMPLEMENTATION OF ISLAMIC BOARDING SCHOOLS IN PAREPARE CITY

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ABSTRACT

The effectiveness level of Law Number 18 of 2019 concerning Islamic Boarding Schools has actually been implemented quite well, but in the other case there are still several Islamic boarding schools that have inadequate facilities and infrastructure, especially in the Parepare city. Due to the fact that Islamic boarding schools are independent institutions so that the small amount of funds allocated is unable to provide adequate facilities and infrastructure. One of the government's efforts to carry out the mandate of Law Number 18 of 2019 regarding Islamic Boarding Schools is by issuing Presidential Regulation Number 82 of 2021 concerning Funding for the Implementation of Islamic Boarding Schools, in article 4 letter E and article 23 paragraph (1) provide for establishing endowment funds as funding for organizing Islamic boarding schools to ensure the continuity of educational programs in Islamic boarding schools. However, despite this, to perfect and achieve the effectiveness level of Law Number 18 of 2019 concerning Islamic Boarding Schools, derivative regulations are still needed to further explain the facilities for organizing Islamic boarding schools and reformulate this Law through Regional Regulations (Perda).

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INTRODUCTION

Islamic boarding school is an Islamic religious education and broadcasting institution and it is the oldest educational institution in Indonesia with the aim of making the nation's life smarter.¹ The efforts to increase faith and piety as well as noble morals, Islamic boarding schools that grow and develop in society with their uniqueness have made an important contribution in realizing Islam *rahmatan lil'alam* by creating believers with character, love of the homeland and progress, and have been proven to have a real role in movement and struggle to achieve independence and national development within the framework of the Unitary State of the Republic of Indonesia.

The issuance of Presidential Regulation (Perpres) Number 82 of 2021 which regulates Islamic boarding school endowment funds as a continuation of the passing of the Islamic boarding school law in 2019 made some Islamic boarding school circles cheer with joy. They think that the issuance of this presidential regulation seems to be an oasis for Islamic boarding school circles, especially in areas which often experience a lack of support for educational operational costs. The implementation of Islamic boarding schools has been explained in Law number 18 of 2019 concerning Islamic Boarding Schools. The purpose of organizing Islamic boarding schools is contained in Article (3) of Law number 18 of 2019 that the original intent of the a quo article was to form individuals who excel in various fields, practice religious teachings and improve the quality of life of the community in meeting educational needs. Historically, Islamic boarding schools grew and developed in the midst of Islamic society, where previous *ulama* established Islamic boarding schools in the midst of crowds that made society the object of their preaching by looking at the various realities and problems of

¹ Evi Muafiah, Neng Eri Sofiana, and Uswatul Khasanah, "PESANTREN EDUCATION IN INDONESIA: Efforts to Create Child-Friendly Pesantren," *Ulumuna*, 2022, <https://doi.org/10.20414/ujs.v26i2.558>.



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people's lives as a medium for their preaching.²

Parepare City is one of areas in Indonesia that has a history of the establishment of Islamic boarding schools, which is the hometown of Indonesia's 3rd president, B.J Habibie. Parepare city is also called the city of Islamic boarding schools, there are at least 9 Islamic boarding schools spread across all sub-districts in Parepare City. One of the famous Islamic boarding schools in Parepare City is Darud Da'wah Wal-Irsyad (DDI) Ujung Lare, Parepare City, which is also the place where the Special Committee (Pansus) for Draft Regional Regulations (Ranperda) on Facilitating the Implementation of Islamic Boarding Schools is visited.³

The purpose of visit was because previously the Regional Representative Council of South Sulawesi Province held a Hearing Meeting (RDP) and a Working Meeting with 21 Islamic Boarding Schools, University Leaders and related agencies to discuss the Draft Regional Regulation (Ranperda) concerning Islamic Boarding School Facilitation. The discussion refers to Law 18 of 2019 concerning Islamic Boarding Schools, and also Presidential Regulation 82 of 2022 concerning Islamic Boarding School Funding as a reference for its juridical basis. The substance of the discussion is Facilitation of the Implementation of Islamic Boarding Schools as an embodiment of Law Number 18 of 2019 concerning Islamic Boarding Schools. Because, so far the facilities owned by the Parepare city Islamic boarding school are considered not to be in accordance with Law number 18 of 2019 About Islamic Boarding Schools.⁴

²Panut Panut, Giyoto Giyoto, and Yusuf Rohmadi, "Implementasi Undang-Undang Nomor 18 Tahun 2019 Tentang Pesantren Terhadap Pengelolaan Pondok Pesantren," *Jurnal Ilmiah Ekonomi Islam*7, no. 2 (2021): 816–28.

³ Afdhal Muhammad Fuad, "Pengaruh City Branding 'Kota Santri Dan Ulama' Terhadap Minat Masyarakat Untuk Menabung Di Bank Syariah Parepare," *Pesquisa Veterinaria Brasileira*, 2021.

⁴ Diana Handayani, "Pesantren, Dinamika, Dan Tantangan Global: Analisis UU Pesantren No.18 Tahun 2019," *EL-HIKMAH: Jurnal Kajian Dan Penelitian Pendidikan Islam*, 2022, <https://doi.org/10.20414/elhikmah.v16i1.6193>.



Therefore, based on the background the author will describe the forms of Islamic boarding school education facilitation regarding the availability of Islamic boarding school facilities and infrastructure as well as arrangements related to the implementation of Islamic boarding schools in Parepare City.

METHODS

This research is empirical juridical research, legal research on the concrete application of normative legal provisions to a certain legal event that occurs in society.⁵ The research was conducted within the Parepare City Jurisdiction. In empirical juridical research, the types of data needed are primary data obtained directly from the public and secondary data obtained from library materials. Primary data is obtained directly in the form of information and opinions of respondents and the realities that exist in society through interviews and observations.⁶

RESULTS AND DISCUSSION

Form of Islamic Boarding School Educational Facilities Towards Facilities and Infrastructure

Islamic boarding schools as an educational institution are also required to be able to compete with other worlds of education, both in terms of governance and the availability of facilities and infrastructure. Educational facilities and infrastructure are an important element in improving the quality of education itself, educational facilities and infrastructure include equipment and supplies used in the learning process which includes buildings, rooms, tables, chairs, teaching aids and so on. Meanwhile, infrastructure is all components that indirectly support the learning process in the

⁵ Abdul K. Muhammad, 2004, Law and Legal Research, Citra Aditya Bakti, Bandung, p 154

⁶ Soerjono Soekanto, 1986, Introduction to Legal Research, University of Indonesia, Jakarta, p, 11.



world of education.⁷

Regarding educational facilities and infrastructure, Islamic boarding schools should receive more special arrangements. In the process of managing facilities and infrastructure, all forms of inventory carried out by Islamic boarding schools are given for use in the learning process, and have actually been distributed through management through the leadership as the person responsible for the facilities and infrastructure. In this case, it is also necessary to check the inventory periodically to find out what needs to be replaced and repaired or whether it is still suitable for use.⁸

Based on the Regulation of the Minister of National Education of the Republic of Indonesia Number 24 of 2007 concerning Madrasah Facilities and Infrastructure Standards which states that a SMP/MTS and SMA/MA have the following infrastructure:⁹

1. Classroom, a place where teaching and learning activities take place, theoretical learning that does not require special equipment. This classroom can accommodate at least 32 students.
2. Library Room, library, a room that functions as a place to obtain information from sharing existing references and literacy materials.
3. Science laboratory room, a room that functions to carry out science learning activities that require special equipment.
4. Computer room, as a place to develop skills in the field of information and communication technology.

⁷Kemas Abdurrahman, "Implementasi Manajemen Sarana Dan Prasarana Pendidikan Di Pesantren," *An-Nur* 4, no. 1 (2012): 51–66.

⁸Abd Kholid and Indah Tiarawati, "Ketersediaan SDM Dan Sarana Prasarana Dalam Menunjang Pembelajaran Al-Qur ' an Di Pondok Pesantren Hamalatul Qur ' an Putri Jogoroto Jombang" 7, no. 1 (2022): 14–21.

⁹ Kemendikbud, "Permendiknas No 24 Tahun 2007 Tentang Standar Sarana Dan Prasarana Untuk Sekolah Dasar/Madrasah Ibtidaiyah (SD/MI), Sekolah Menengah Pertama/Madrasah Tsanawiyah (SMP/MTs), Dan Sekolah Menengah Atas/Madrasah Aliyah," *Kementerian Pendidikan Nasional RI*, 2007.

5. Language room, as a place to develop language skills.
6. Leadership room, a room that functions for all governance activity processes.
7. Teacher's room, where teachers work and rest. Ruang tata usaha, ruangan yang berfungsi sebagai tempat petugas untuk mengerjakan administrasi sekolah.
8. Place of worship, a place for school residents to worship.
9. Counseling room, a room that functions for students to receive services related to personal and social development.
10. School Health Business Room, a place for early treatment of students who experience health problems at school.
11. Student organization room, a room that functions as a place to carry out secretarial activities for managing the organization.
12. Latrine, a place to defecate and urinate.
13. Warehouse, as a place to store learning equipment outside the classroom.
14. Circulation space.
15. Playground/sport area.¹⁰

Based on these provisions, can be concluded that Islamic boarding schools that fulfill all the facilities and infrastructure have good quality and good governance. Facilities and infrastructure must be managed well in order to provide maximum contribution to the learning process. In its implementation, educational institutions cannot be separated from the problem of facilities and infrastructure. Islamic boarding schools are also required to provide adequate facilities and infrastructure.¹¹ However, not all Islamic boarding schools can provide facilities and infrastructure that are adequate or

¹⁰“Peraturan Menteri Pendidikan Nasional Republik Indonesia Nomor 24 Tahun 2007 Tentang Standar Sarana Dan Prasarana Untuk Sekolah Dasar/Madrasah Ibtidaiyah (Sd/Mi), Sekolah Menengah Pertama/Madrasah Tsanawiyah (Smp/Mts), Dan Sekolah Menengah Atas/Madrasah A,”.

¹¹ Muafiah, Sofiana, and Khasanah, “PESANTREN EDUCATION IN INDONESIA: Efforts to Create Child-Friendly Pesantren.”



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as expected. This is because Islamic boarding schools are independent educational institutions so funds to fulfill the Islamic boarding school's needs for advice and infrastructure cannot always be allocated.

Nowadays, Islamic boarding schools that have adequate facilities and infrastructure are superior Islamic boarding schools and are favorites among the community. As stated in Law Number 18 of 2019 concerning Islamic Boarding Schools, specifically in article 26 paragraph (3) letter C, where Islamic boarding school educational institutions are required to make improvements to Islamic boarding school facilities and infrastructure.¹²

The government's efforts to realize the mandate of this Law can be seen from the issuance of Presidential Regulation Number 82 of 2021 concerning Funding for the Implementation of Islamic Boarding Schools. The issuance of Presidential Decree Number 82 of 2021 concerning Funding for the Implementation of Islamic Boarding Schools has brought opportunities to Islamic boarding school educational institutions because the Presidential Regulation regulates funding Islamic boarding school endowments, to be precise, in article 4 letter E which stipulates endowment funds as one of the funding for the implementation of Islamic boarding schools, then further strengthened by Article 23 paragraph (1) of Presidential Regulation Number 82 of 2021 which states "The government provides and manages Islamic boarding school endowment funds which are sourced and are part of education endowment fund in accordance with the provisions of statutory regulations".¹³

The existence of this legal guarantee has also ensured the continuity of educational programs in Islamic boarding schools for the next generation as an intergration accountability and capable to

¹² Abdul Ghofarrozin and Tutik Nurul Janah, "Menakar Keberpihakan Negara Terhadap Pesantren Melalui Pengesahan UU Nomor 18/2019 Tentang Pesantren," *Islamic Review: Jurnal Riset Dan Kajian Keislaman*, 2021, <https://doi.org/10.35878/islamicreview.v10i1.267>.

¹³ Helmiyah Helmiyah, Nyayu Khodijah, and Ermis Suryana, "Konsep Pola Pendidikan Muallimin Yang Tertuang Pada Undang-Undang RI Nomor 18 Tahun 2019," *JiIP - Jurnal Ilmiah Ilmu Pendidikan*, 2022, <https://doi.org/10.54371/jiip.v5i7.689>.



provide adequate educational facilities and targets and is able to compete with other educational institutions.¹⁴

Arrangements related to the implementation of Islamic Boarding Schools in Parepare City

Regulations issued by the government are universal regulations, and are aspired to be able to provide benefits to stakeholders. Whether or not these goals are realized is reflected in the results and impacts achieved from the implementation of the policy. Therefore, the implementation of a policy requires good policy strategies planning to produce impacts in accordance with the objectives of the policy.¹⁵

Through the Islamic Boarding School Law Number 18 of 2019 and also Presidential Regulation 82 of 2022 concerning Islamic Boarding School Funding, the government had established regulations governing Islamic boarding schools. This regulation is used as the juridical basis for providing Islamic boarding schools in the Parepare city.¹⁶ In implementing these regulations, the Parepare city government has carried out policy strategy planning by discussing Islamic boarding school management facilities. This discussion had previously been discussed through hearings and joint working meetings with 21 Islamic boarding schools, university leaders and related agencies to discuss the draft regional regulations (Ranperda) regarding Islamic boarding school facilitation.

The implementation of Law Number 18 of 2019 concerning Islamic boarding schools in Parepare City has actually been carried out

¹⁴ Gusti Ayu Ratih Damayanti, "URGENSI JAMINAN KEPASTIAN HUKUM DALAM RANCANGAN UNDANG-UNDANG PERLINDUNGAN DATA PRIBADI DI INDONESIA," *Prosiding Seminar Nasional Fakultas Hukum Universitas Mahasaraswati Denpasar 2020*, 2021.

¹⁵ Hasanuddin Hasim, "HIERARKI PERATURAN PERUNDANG-UNDANGAN NEGARA REPUBLIK INDONESIA SEBAGAI SUATU SISTEM," *Madani Legal Review*, 2017.

¹⁶ Hasanuddin Hasim, "PERKEMBANGAN POLITIK KETATANEGARAAN ISLAM DI INDONESIA," *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum*, 2018, <https://doi.org/10.24239/blc.v12i2.371>.



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well in Parepare City, especially the Darud Da'wah Wal-Irsyad (DDI) Islamic boarding school in Ujung Lare, Parepare City. This is proven by the confession of one of the MA DDI Lil-banat Alumni in 2021 named Rhini Farda who stated that almost all the facilities and infrastructure at the DDI Lil-banat Islamic Boarding School are in accordance with the facilities and infrastructure standards regulated in the Minister of National Education Regulation Number 24 2007 concerning standards for madrasah facilities and infrastructure. Although there are Islamic boarding schools that have implemented these regulations, there are also quite a few Islamic boarding schools that do not have adequate facilities and infrastructure.¹⁷

Therefore, it is necessary to have derivative regulations that discuss the facilitation of the implementation of Islamic boarding schools. The regulations actually have been discussed in the draft regional regulations (Ranperda). The important thing that Parepare city government have to do is to ratify the draft regional regulations into a Regional Regulation (Perda). Accordingly, these regulations are able to explain further regarding Law Number 18 of 2019 concerning Islamic boarding schools.

CONCLUSION

Islamic boarding school (Pesantren) is an Islamic religious education and broadcasting institution and is also the oldest educational institution in Indonesia. In accordance with the aim of organizing Islamic boarding schools as stated in article 3 of Law Number 18 of 2019, it is to form individuals who excel in various fields who understand and practice the values of Islamic religious teachings, or become experts in religious knowledge who are faithful, devout, have noble character and moderate. In producing Islamic boarding school alumni who are able to compete with their graduates, facilities and infrastructure are one of the supporting factors for the success of

¹⁷ Suwardi Sagama, "Reformulasi Hierarki Peraturan Pada Pembentukan Peraturan Perundang-Undangan Di Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 2018, <https://doi.org/10.24090/volksgeist.v1i2.1967>.



students and Islamic boarding school alumni. Through the Regulation of the Minister of National Education of the Republic of Indonesia Number 24 of 2007 concerning Standards for Madrasah Facilities and Infrastructure, it has provided standardization regarding Islamic boarding school educational facilities and infrastructure.

The issuance of Presidential Regulation Number 82 of 2021 concerning Funding for the Implementation of Islamic Boarding Schools has actually brought a breath of fresh air to Islamic boarding school educational institutions, because Islamic boarding schools which are independent educational institutions have received guarantees for the continuity of Islamic boarding school implementation through endowment funds which are explicitly regulated in article 4 letter E. Then it was emphasized again in article 23 paragraph (1) which reads "The government provides and manages Islamic boarding school endowment funds which are sourced from and are part of the education endowment fund in accordance with the provisions of statutory regulations.

Implementation of Law no. 18 of 2019 concerning Islamic boarding schools in the city of Parepare has actually almost reached the level of effectiveness, however, several Islamic boarding schools in the city of Parepare do not yet have adequate facilities. Therefore, a derivative regulation is needed to emphasize and regulate the facilities for organizing Islamic boarding schools, which has been discussed in the Draft Regional Regulations (Ranperda) so that there is a reformulation of Law Number 18 of 2019 concerning Islamic Boarding Schools. With the passing of the Ranperda into a Regional Regulation, it will explain in more depth the rules contained in Law Number 18 of 2019 concerning Islamic Boarding Schools.

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