Legal Politics of Law Number 18 of 2018 Concerning Islamic Boarding Schools

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Abstract

Legal politics includes the formulation and implementation of proposed laws and their statements. The discovery of law and politics in the political decision-making process. Political decisions related to basic principles, policies and other policies including the field of religious education. However, legal politics is a method used by the state to establish a domestic legal system, a legal system can be realized One of the countries regulated in the 1945 Constitution The other is to educate the nation's life, including politics. The laws and regulations of this boarding school focus on responsible philosophy, sociology and justice, which proves that pesantren grows and develops in society to improve guidelines and piety and its characteristics play an important role in realizing an Islam that is rahmatan li lalamin, which is proven to have a real role in fighting for the realization of an independent Indonesia and has a role in filling the development of the unitary state of the Republic of Indonesia.

Key words: legal politics, regulations, islamic boarding school

Introduction

Humans are perfect creatures equipped with reason, taste and intention which of course make the difference as created beings with other creatures, so humans are called leaders on this earth. With that privilege, all the progress of civilization, changes in the situation and conditions of life on this earth are of course the result of human behavior and actions, for that if humans do not use privileges as humans in becoming leaders on this earth it will result in damage, on the contrary as humans who use reason, His sense and intention in leading upfront as a perfect being will certainly be the best and of extraordinary benefit (Asnajib, 2020). This is why God created humans with all their advantages, nothing else can make civilization good and useful.

For this reason, the process of human creation mentioned in the Qur’an, Surat At Tin, states that Allah Ta’ala created humans in the best possible form. Humans who are created in the best possible form will be returned to the lowest possible place, namely Hell, television for those who believe and do good deeds, this is as contained in the next verse in Surah At Tin.

work hard to improve education and piety and morals, need a religious system is the basic needs of mankind Be grateful and use the grace of Allah Ta’ala, in the function of optimization wants humans closer to the Creator.
Someone who has spiritual depth, must have certain intelligence and skills or expertise to become the best people according to the Qur’an Surah Ali Imran verse 110, so as to form a person into a complete human being. Meeting the human spiritual need for communication or talking with the almighty needs beauty and aesthetics. All human beings make an important contribution to the realization with the birth of people of faith with character, Islam is a blessing to the whole world, advancing and proven to have a real effect in the development of the country.

The means for human development in accordance with its creation is to provide a means for everyone to obtain their right to education. Education, which is currently only concerned with people gaining knowledge, must be changed by balancing the understanding between attitudes and skills as well as spiritual deepening (Ilyasir, 2017). It aims to educate and strive to give birth to the next generation of loyal, intelligent, and ethical people. The design and implementation of moral education is based on religious teachings and local traditions of personal character education, which can teach a useful life for the process of increasing faith and piety as well as personal life. Maturity through the process of religious education.

Indonesia is a country based on a democratic system, provides protection to its citizens so that they can freely choose religion and worship according to their beliefs, and choose education as a benchmark for improving the quality of belief and piety and noble character. Participate in the intellectual life of the country in accordance with the provisions ratified by state constitution.

The state’s efforts in filling the nation’s development, one of which is through education as the basis for forming the nation’s generation in the future and a supporter for humans to be able to live a life.

The role of education is to create quality, character, broad-minded human beings, and have strong adaptability. Because education motivates itself to be better in every aspect of life and education is also expected to be able to answer the challenges of the times for the needs of the nation’s generation of quality and competitiveness in various aspects so that it can become a golden generation that can bring benefits in the life of the nation and state.

Today’s educational institutions are very cute in their existence for the smooth running of the educational process, especially in Indonesia. Moreover, this educational institution is associated with the concept of Islamic, the Islamic educational institution is an iwdah where i-education within the scope of Islamic scope carries out its task in order to achieve the ideals of the islamic community (Mahdi, 2016). Families, mosques, Islamic boarding schools, Islamic boarding schools and madrasas are Islamic educational institutions which are absolutely necessary for the identity of a country in general or in a city in particular.

This is of course in accordance with the purpose of Islamic boarding school education according to Mastuhu is to create a Muslim personality, namely a personality who is faithful and devoted to God, has noble character, benefits the community or is wise to the community by becoming a subject or becoming a public servant, able to stand alone, free and firm in personality, spread religion or uphold Islam and the glory of Muslims in the midst of society and love science in order to develop the Indonesian personality. Ideally, the personality development that you want to aim for is the personality of the mukhsin, not just a Muslim.

While the purpose of establishing Islamic boarding school education is basically divided into two, namely:

1) Specific Objectives, namely to prepare students to become pious people in the religious knowledge taught by the Kyai concerned and to practice it in society and 2) General Objectives, namely to guide students to become human beings with Islamic personalities who are capable of their religious knowledge. become a preacher of Islam in the surrounding community and through knowledge and deeds.

This article is specifically aimed at the background, direction and purpose of the birth of a legal product that regulates Islamic boarding schools, then is expected to be able to answer basic questions in writing This is the Role of Law and Politics in the Formation of Law No. education, da'wah function, and community empowerment function to provide recognition, affirmative and based on traditional and specific benefits. So hopefully this workplace can increase the spirit of improving and strengthening the legal basis, providing legal certainty for the existence of Islamic boarding schools and their real contribution to the progress of the nation and state

Method

This research is a normative juridical research (Soekanto and Mamudji, 1944) using library materials consisting of: (1) Norms and rules, basic regulations, and laws and regulations as primary legal materials; and (2) Legal materials that provide explanations for primary legal materials such as expert opinions, books or other scientific works written by legal experts related to Islamic boarding schools, as well as the results of scientific works of several scholars as secondary legal materials. In answering the formulation of the problem in the study, data analysis was carried out in a qualitative descriptive way.
Results & Discussion

Philosophical Foundation
Law and politics are subsystems of social systems. Each of them carries out certain functions to move the social system as a whole and as a whole. Legal politics itself has a role in the process of law formation as a policy policy through practical and operational levels.

Political law is the political aspects that are the background of the process of forming the rule of law and policy in a certain field, at the same time it also influences the direction of legal policies made by law–making institutions in applying the laws and regulations.

The political aspect of Indonesian ideology is, of course, influenced by a high philosophical foundation based on the highest supreme law, which contains the ideology and ideals of the nation, which are contained in the Pancasila and the 1945 Constitution of the Republic of Indonesia (Winaran, 2013). In the formation of all Indonesian ideological policies, law–making and policy–making institutions cannot exclude the philosophical and philosophical elements because that is what characterizes the ideological and legal nature of Indonesia itself.

The constitutional constitution of Indonesia is an important part in the process of making policy as a basis for considering that this regulation was formed as part of the process of implementing the ideals of the nation, which originates from the ideology of the nation, namely the opening of the Pancasila ideals. (Husein, 2016) In terms of the divine nature of Islamic boarding school institutions within the religious education system for the Indonesian community in law, this of course becomes the issue of helping the formation of a society that is in accordance with the ideals of the Indonesian nation, especially as it is written in 31 Every citizen of a foreign country has the right to receive education. On this basis, education must be able to become a vehicle for the promotion of immorality, as is the aim of the state in the context of educating the life of the nation, as well as the purpose of religion for increasing the faith of its citizens and devotees.

The existence of Islamic boarding schools in the field of education has become a way for the creation of the nation's efforts to educate the nation's life, especially in the religious field. This is of course in accordance with the first tenets, namely, Belief in the Oneness of God.

Humans, as social beings, need to fulfill their spiritual needs by means of dialogue with the God they believe in. In addition to that, humans also need information regarding the manner of dialogue with their God, carrying out private and public activities according to the guidance of their God (Rijal, 2018). This makes him need knowledge to fulfill his needs, so that education is needed to direct him to that goal.

Comprehensive religious education is needed in order to inculcate immoral values that are appropriate for the legal community so that they can understand the proper and proper implementation of religious rules. (I think this has made educational institutions especially in the field of religion, i.e. Islamic boarding schools, have an important role in the process of forming a community that is aware of the importance of balancing the law of state religion and religious life, that is, religious life). So that the basic philosophy of Indonesia that is contained in every content can be radiated in every aspect of religious life, freedom of the state, and of society.

Sociological Foundation
Among sociologists, it has not been found that there is agreement or a specific and clear definition of what is meant by Islamic boarding school isociology. In order to find the point of the item and a complete explanation about the sociology of Islamic boarding school, of course, one must pay attention to the basic concepts and general concepts of sociology itself. So that later it can be related to the sociology of pesantren, whether it is included in the sociology of religion, or more specifically, it is included in the sociology of Islam, or the sociology of education or sociology of social change. (Susanto, 2014)

Islamic educational institutions based on Islamic boarding schools play a role as providers of religious education, which will provide true religious guidance, as the goal of Islam is a divine blessing. The role that is very much needed for the community is to realize that humans are social beings who need social interactions in life, so that on the basis of this need they know that the immoral life of the community requires immoral education.

In dealing with the development of the modern era and technology that affects global civilization, the need for Islamic boarding school regulations which regulate religious education patterns is to increase understanding of religion as a whole, while maintaining community understanding of religion is still relatively low. (2001).

In the field of Islamic education, Islamic boarding school isociology explains the main objectives of the formation of Islamic boarding schools, the idioms of which are to teach Islamic education students, or wives, to become human beings who have personality traits, Islamic religion, and science to become religious leaders. In addition, the specific purpose of establishing an Islamic boarding school institution is to teach students or wives to become religious people in the field of religion, which is taught by the ikayai or that is, the teacher or iustadz practices it, and in carrying out the practice. (Marifin, 1991).

The existence of Indonesia as a country with a Muslim majority has its own peculiarities in terms of culture and culture, so that the Indonesian legal community must be able to understand and synergize religious morals in social
life. Regulations regarding Islamic boarding schools are needed so that individuals have been trained since their childhood in order to understand the goals of religion and nationality so that the application of science can be applied well in life. Fill in the contents (Hendri, 2018) because of the social fact that he is an alumni of an Islamic boarding school, it’s just not useful for the community, he can’t compete scientifically with an alumni of informal education, it’s just that it’s true from the level of legal certainty that he can sometimes be a university student. Diplomas are sometimes unable to comply with formal signs. This is what is actually the reason why Islamic boarding schools are only seen as one eye by the public, so they are less liked by the public.

**Juridical Platform**

The definition of religious education as stated in the National Education System Law. And PP No. 55, in 2007, is an education that provides the community with knowledge and knowledge and forms the attitudes, skills and skills of the community in the practice of religious rules, and personality traits of the participants who are educated in religion so that they can make it into a science subject in religion. education level.

Efforts to educate the life of the nation is a mandate of the 1945 Constitution of the Republic of Indonesia. Those who believe in institutional icons guarantee the existence of nationals as a major part in the implementation of education. To be Islamic, the meaning of Islamic boarding school is to teach faith and piety to Allah SWT, to teach moral character, and to develop special religious knowledge.

In the Law on the National Education System, Islamic Boarding Schools are listed in Article 30 Paragraph 4 which reads that religious education is in the form of idiniyah education, Islamic boarding school, ipasraman, ipabhaja, isamanera and other forms of the same type. In this case, in this juridical aspect, the pesantren law is needed to more specifically regulate the existence of religious-based religious education for the purpose of creating law enforcement that is in accordance with the mandate of the state and implementation of specific laws that cover the law in general.

The juridical aspects above become the basis for making the Law on Islamic Boarding Schools so that they remain in the appropriate corridor, namely how the provisions made in the Law on Islamic Boarding Schools can facilitate the existing law or above. The Law on Islamic Boarding Schools has become a classification or specialization so that the implementation of religious-based education can be carried out properly in its implementation.

With the existence of the Pesantren Law, it is also hoped that the equal distribution of education and the quality of the education and education children will be more competent and able to compete with the rest of the world in informal education, as well as the contents of the outputs of Islamic boarding schools that are alumni of Islamic boarding schools can compete and be guaranteed and their knowledge can be recognized as such. Increasing the benefits for individuals, families and also can contribute to the progress of the nation and the state.

**Conclusion**

In carrying out the first religion, namely Belief in the One and only God, which guarantees the freedom of religion and religion and carries out religious worship for people who are religious believers, as well as those who are mandated by the Constitution of the Republic of Indonesia, to celebrate the International Year of Faith in 1945. The formation of a pesantren in its implementation is of high quality and credibility so that it is able to print the generation of nationals who can become human beings who are rahmatan lil alamin.

Therefore, it is necessary to have Strengthen the foundations of Islamic boarding schools and religious education institutions, improve administration or management and according to national needs and conditions that must be supported by adequate financing of facilities and infrastructure. pesantren regulations so that the rules themselves will not leave the corridor they should be, namely there is no objection to the above rules, so the output is Expecting pesantren as an educational institution to shape the human character of ulul albad. This is a need for the future to be able to answer the challenges of the times.

**References**


Undang-Undang Republik Indonesia Nomor 18 Tahun 2019 Tentang Pesantren.

Undang-Undang Republik Indonesia Nomor 20 Tahun 2003 Tentang Sistem Pendidikan Nasional.
