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## **The Effectiveness of Banyuwangi Local Regulation Number 7 Year 2017 On The Supervision Of Madrasah Diniyah Takmiliyah**

**Silvi Maulida**

State Islamic University Maulana Malik Ibrahim of Malang

[Silvimaulida68@gmail.com](mailto:Silvimaulida68@gmail.com)

### **Abstract**

The implementation of Banyuwangi District Regulation Number 7 Year 2017 regarding Compulsory Education for Madrasah Diniyah Takmiliyah has not been effective. The formulation of the problem chosen is How Effective is the supervision of Madrasah Diniyah Takmiliyah according to Regional Regulation of Banyuwangi District Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliyah? What are the supporting and inhibiting factors of Regional Regulation Supervision of Banyuwangi District Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliyah? This research is an empirical legal research using a sociology and legislation approach that describes in depth about the object under study. And data collection methods used are interviews as primary data and literature as secondary data. The analysis technique uses descriptive-analytic. The results showed that Supervision of Madrasah Diniyah was not yet effective. Researchers found that only 20% of the areas in Banyuwangi have received information since the regulation was enacted. In addition to the coverage, interviews revealed that socialization was still limited to village officials and did not reach Madrasah diniyah educators or the community. The local government does not oversee this program and there is no continuity between institutions related to the Madrasah Diniyah compulsory education program. Supervision of Madrasah Diniyah Takmiliyah is ineffective, government attention and content in the supervision function are still low, the role of government is considered to be very lacking. From previous data, such as from the effectiveness factors of the law as well as supporting and inhibiting factors that have been analyzed

**Keywords :** Effectiveness; Madrasah Diniyah; Supervision; Regional Regulation

### **Introduction**

The Supervision of Madrasah Diniyah Takmiliyah needs to be monitored and guarded so that it can realize the goals and values that are envisioned from the regulation. It does not only become a law that is only passed and then left alone. without any guidance, as well as the seriousness of the government regional escort as the original purpose of the regulation is made, only to be right regulations are ineffective. In the past two years since Local Regulation of

Banyuwangi No. 7 Year 2017 was passed and enacted, the regulation does not run at all. The Regional Government of Banyuwangi is the biggest factor causing the ineffectiveness of regulations that have been getting a lot of positive responses from various groups and is not running at all. The point is why this regulation can be ineffective is because there is nothing Madrasah Diniyah Takmiliah has been socialized well and maximally. And there's still lack of Local government will to make the benefit of the regulation can be felt by us.

In the interview, Hj. Mastur S.pd, Head of Operational assistance management diniyah PD. Pontren, Office of Ministry of Religion, Banyuwangi Regional acknowledged the urgency of the existence of the regional regulation, but also regretted that it was related to the efforts of the regional government which was not yet optimal. The researcher formulated the lack of local government efforts in four categories are: 1. Socialization of Madrasah diniyah regulation, 2. Implementation, 3. Supervision, 4. Evaluation. the local government has just socialized this regulation to 20% of the regions in Banyuwangi Regional since the regulation was enacted.

In the author's interview, the informant resource person also explained the urgency of the regional regulation as a basis for thinking about one of the requirements for continuing secondary education for elementary students. The local government views schools only teach their theories without practice, moreover there are no practice tests on Islamic religious subjects, for that the government also sees the need for improvement in curriculum. In fact, the government's intention is contrary to the efforts that the local government has so far carried out so that this regulation is implemented. Another informant mentioned that the regulation was not implemented due to the low awareness of Educational Institutions about Religion, there was no calendar for socialization, while the number of active Madrasah Diniyah and registered with the Banyuwangi Regional ministry of Religion was around 400, because many madrasah diniyah were not active.

The elementary level (ula) there were 681 of approximately 200 inactive, while at the intermediate level (wustho) of 249 there were approximately 70 inactive, and at the top level (ulya) of 3 listed only 2 were still active. the three are habibullah, raudhatus salam, mambaul ulum. Seeing the philosophical value from the background of making this regulation and the great appreciation and positive response from various groups, the author is very sorry to know that this regulation was not implemented at all after this regulation was passed two years ago. Therefore, the authors are interested in conducting this research.

The writer can conclude that the local government took a passive supervision that they only took a report if there is activity about it, and supervising just by a report of activity. Besides that, he said also So far the Madrasah diniyah budget has not been specifically budgeted, so it is still one with operational assistance funds in the Banyuwangi District Ministry of Religion. This matter is also a line with what Mr. Hj. Mastur S.pd, Head of Operational assistance management diniyah PD. Pontren, Office of Ministry of Religion, Banyuwangi Regional said before.

## **Research Method**

This study is a type of empirical legal research.<sup>1</sup> The problems that have been formulated above will be answered or solved using an empirical juridical

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<sup>1</sup> Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: PT Raja Grafindo Persada, 2007), 41-42.

approach. This study used primary data obtained from the field. This research is a kind of empirical juridical research, or referred to as field research that examines the applicable legal provisions and what happens in reality in the community. Empirical juridical research is legal research regarding the enforcement or implementation of norms of legal norms in action on every particular legal event that occurs in society. Data sources used are primary data obtained through interviews, observations, documentation. Secondary data Secondary data obtained from library studies, namely archives / documents from books / literature, papers, journals.

## **Findings and Discussion**

### **The Effectiveness of Banyuwangi Local Regulation Number 7 Year 2017 on The Supervision of Madrasah Diniyah Takmiliyah**

The application of making a system of law enforcement is emphasized by Soerjono Soekanto who said that the main problem of law enforcement actually lies in the factors or components that influence it. These factors and components are:<sup>2</sup>(1) The Legal Regulatory Factor Itself ; (2) Law Enforcement Factors ; (3) Facilities or Facilities Factors ; (4) Community Factors ; (5) Cultural Factors . Of the five factors are closely interrelated. Therefore it is the essence of law enforcement, on the other hand it is also a benchmark of the effectiveness of law enforcement in society. Whereas in the case of the implementation of the Madrasah Diniyah Takmiliyah of Banyuwangi Regional, namely:

#### **1. Legal Factors**

The term of Madrasah Diniyah Takmiliyah is used officially in the national education system since the issuance of the Minister of Religion Decree No. 13 of 1964 concerning the Diniyah Madrasah Curriculum.<sup>3</sup> Strengthened with new regulations marked with the birth of Law number 20 of 2003 concerning the National Education System, from this Act was born PP Number 55 of 2007 concerning Religious Education and Religious Education, after this PP was born Regulation of the Minister of Religion Number 13 of 2014 concerning Islamic Religious Education. The regulation confirms that madrasa diniyah is part of formal education.<sup>4</sup>The enactment of Banyuwangi Regional Regulation Number 7 Year 2017 concerning Madrasah Diniyah Takmiliyah is one form of local government initiative with all good intentions in the formulation of the regional regulation which is praiseworthy, but the authors found the regional regulation to be imperfect. as in Article 20 paragraph (1) "*Supervision of Madrasah Diniyah Takmiliyah is carried out by the Office of the Ministry of Religion and / or regional government.*"

#### **2. Law Enforcement Factors**

Article 20 paragraph (1) "*Supervision of Madrasah Diniyah Takmiliyah is carried out by the Office of the Ministry of Religion and / or regional government*". In this case

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<sup>2</sup> Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: PT. Raja Grafindo, 2008), 37.

<sup>3</sup> Karel A Steenbrink, *Pesantren Madrasah, Sekolah: Pendidikan Islam dalam Kurun Modern*, (Jakarta:LPES,1994), 87

<sup>4</sup> Badrudin, *Indonesia's Educational Policies on Madrasah Diniyah (MD)* ", *Jurnal Pendidikan Islam*, Vol.3 Nomor 1 (2017), 17-32

the author found that the socialization of the local government and the Office of the Ministry of Religion were still very minimal and not optimal so that the Regulation was not conveyed properly and thoroughly to the public.

Since the Regional Regulation was passed the local government and the Office of the Ministry of Religion explained that the regulation was only socialized and only covered 20 % of the region in Banyuwangi Regional. This is also due to the absence of a socialization calendar from the local government and also the budget for madrasah diniyah that has not been specifically budgeted so that they are still incorporated and take part of the funds from the Ministry of Religion as a whole, this also causes often financing for accommodation often using private funds.<sup>5</sup> Due to the lack of socialization, supervision and public knowledge about the existence of these regulations.

The author also found that there was no coordination between the local government and related institutions, both the Office of the Ministry of Religion and the Banyuwangi District Education Office.<sup>6</sup> Thus, causing the socialization schedule that is not formed with certainty, resulting in inequality of information conveyed is not comprehensive and can not be carried out properly until it touches the community, the regulation can be implemented well and achieved the expected goals of the establishment of the regulation. and indirectly the role of supervision cannot run optimally.

The government also seems to only oblige, but does not impose strict or serious sanctions on violators, sanctions contained in article 26 of Banyuwangi Regulation number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliah are only administrative sanctions for education providers in the education service environment who do not provide Madrasah Diniyah Takmiliah education services for people with disabilities, which is a written warning.

The local government considers the urgency of the Banyuwangi Regional Regulation number 7 of 2017 to be implemented, by applying for graduates of Islamic primary schools to include a diniyah diploma as a condition for continuing secondary education.<sup>7</sup> However, the authors did not find any regulating market related to it, either explicitly or implicitly. Soerjono previously also explained that the ineffectiveness of a law is because the threats and coercion are less severe, and also are not adequately communicated to the public. Conversely, a law can be said to be effective if citizens behave in accordance with what is expected by the legislation.

### 3. Facilities Factors

The lack of a specific budget for Madra legitimate diniyah and accommodation facilities does not support the implementation of the socialization, so that it still uses a portion of personal funds. Of course, this is one factor render the exercise on

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<sup>5</sup> Hj. Mastur S.pd, Head of Operational assistance management diniyah PD. Pontren, Office of Ministry of Religion, Banyuwangi Regional. *Interview*. (on 14<sup>th</sup> of August 2019 ).

<sup>6</sup> Sugiarto, Head of Elementary Education in Banyuwangi Regional, Banyuwangi Regional Education Office, *Interview*, (on 15<sup>th</sup> of August 2019).

<sup>7</sup> Basyir, Commission IV in Education, Banyuwangi Regional of DPRD Office, *Interview*, ( on 16<sup>th</sup> of August 2019).

the supervision of Regulation Bayuwangi No. 7 of 2017 about Compulsory Diniyah Takmiliah Madrasah is doesn't optimal.

The attention of the government which in this case is the Ministry of Religion of Banyuwangi Regional and the Regional Parliament of Banyuwangi is still considered to be very minimal in terms of fulfilling the facilities and infrastructure of Madrasah Diniyah Takmiliah. The facilities currently owned are the result of community self-help and are very limited, especially facilities. Funding is also in an almost untouched condition. By only relying on Educational Operational Assistance (BOP) from the government, donors and other sources that are not routine and unclear. This financial condition does not only have an impact on the lack of facilities.

#### 4. Community factors

The public is a legal subject that supports the effectiveness of implementing a statutory regulation. Community behavior is a reflection of the effectiveness of a regulation. Legal compliance is also caused by the efforts of local governments and related institutions in maximizing the socialization, guidance and supervision of these regulations. Conversely, if the regulation is not well conveyed, then the goal cannot be realized, so that the community does not get the benefits or benefits from the regulations that have been formed by the local government.

In this case, researchers found ignorance society will these regulations along with legalized and promulgation of these regulations. Then the community cannot be sanctioned because of their ignorance. The fact that the regulation has yet to touch the majority of the community shows very little and not yet the maximum efforts of the local government and / or the Ministry of Religion in the effort to enforce Banyuwangi District Regulation Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliah.

#### 5. Cultural factors

Madrasah Diniyah Takmiliah is an educational institution that provides education and teaching in Islamic religious knowledge to students. Madrasah diniyah education and teaching aims to provide additional religious knowledge to students who feel they are not receiving religious instruction in formal schools. Madrasah diniyah education was born, grew, and developed with the community. By the community and motivated by the demands and needs of the community. Therefore, madrasah diniyah must always be responsible for all the implementation of religious education and be able to realize the wishes of the community.

In fact, during this madrasah diniyah develop without special attention from the local government, will be but the principle and commitment is very strong diniyah madrasah to maintain its existence. He is in the midst of daily life of society, has a significant role in shaping the character of students who are on average early age. Even though its existence has been recognized by the existence of the regional regulation, but until now it has not received serious attention both in the recognition of graduates of madrasa diniyah and the development of facilities and supporting the development of Madrasah Diniyah Takmiliah.

Madrasah Diniyah Takmiliah reflects the norms that have been living in the Community and Regional Regulations Banyuwangi District Number 7 of 2017 is a container that accommodates the wishes of the community in improving religious knowledge, and spirituality. Banyuwangi community who live quite religious, with the

host at the height will deepen p What Knowledge religion, is evident from the persistence of the Madrasah Diniyah that diselenggarakan by goodness' rakat, outside schools despite the pitch self- supporting limits.

Madrasah Diniyah Takmiliyah can be well received in the Banyuwangi community, the existence of madrasah diniyah that persists from time to time proves that community trust does not recede to madrasah diniyah, even before the existence of the regulation. according to the author, when the regulation was still in the planning stages, this news was welcomed by the local media, a case of local newspapers and local media. However, despite being accommodated in the regulation, it is inversely proportional to the efforts of the local government and the Ministry of Religion which is very minimal.

### **The Supervision of Banyuwangi Regional on the Madrasah Diniyah Takmiliyah**

Supervision means a business or activity evaluation of an actual fact , regarding the implementation of the task or activity whether in accordance with the plan or not. Talking about the meaning of supervision in state administrative law, this is very closely related to the role of the government apparatus as carrying out general tasks of government and development. The implementation of Government Oversight is carried out by:<sup>8</sup>

Leader in Each Regional Organization.

In short, in order for the supervision to run effectively, a superior officer should first coordinate with subordinate personnel and this is done so that there are not too many implementing units. So supervising is not an easy thing to do, but a job that requires skill, accuracy, intelligence, experience and even must be accompanied by high authority, this measures the level of work effectiveness of the government apparatus and the level of efficiency in the use of methods and tools certain in achieving goals.

But in this case, every leader of local government who participate for this program (Kasubag of Regulations on the Legal Section Regency Regional Secretariat Banyuwangi. At The local Government of Banyuwangi Regency, Head of Banyuwangi Regional basic education sector, Banyuwangi Regional Education, Head of Operational assistance management diniyah PD. Pontren, Office of Ministry of Religion, Banyuwangi Regional. ) in writer opinion is less communication to make this program works.

### **Sustainable of Supervision**

Sustainable of supervisor make any risk or fault against the goals of the regulation lower and can be hurriedly solved. It's also have two beneficial, not only as preventive act it's can be make the regulation works smoothly. If the local government can make a sustainable supervision it will be the Development of Local Government itself.

Interviews of Mr. Head of Operational assistance management diniyah PD. Pontren, Office of Ministry of Religion (DEPAG), Banyuwangi Regional and Mr. Hj. Basyir M.H, Kasubag of Regulations on the Legal Section Regency Regional Secretariat Banyuwangi. At The local Government of Banyuwangi Regency (PEMDA). Due the responsibility to carried out the supervision of Madrasah Diniyah Takmiliyah. Both of them still less in Supervision. It can be a sustainable, if they cant make a good Supervision first. The requirements for carrying out good supervision are:

a. Supervision must support the management and needs of the government activity .

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<sup>8</sup> Adsasmita Rahardjo, *Manajemen Pemerintah Daerah*,( Yogyakarta: Graha Ilmu, 2011 ),Hal. 92.

- b. Supervision must report any irregularities that occur immediately.
- c. Supervision must have a foresight
- d. Supervision must be objective, thorough and in accordance with the standards used.
- e. Supervision must be flexible and flexible.

Result of the interviews with Hj. Basyir M.H, Kasubag of Regulations on the Legal Section Regency Regional Secretariat Banyuwangi. At The local Government of Banyuwangi Regency office, Sugiarto S.pd, Head of Banyuwangi Regional basic education sector, Banyuwangi Regional Education Office ,Hj. Mastur S.pd, Head of Operational assistance management diniyah PD. Pontren, Office of Ministry of Religion, Banyuwangi Regional is the lack of concern for this program, making supervision not run, of all the factors mentioned above for good supervision, none of which has been done by the three.

This can be concluded by the authors after interviewing the three, none of them took other initiatives apart from socialization that was not very optimal, because 80% of Banyuwangi has not been touched and received information about this. it is clear that both the program and the implementation did not develop at all, only stagnating to the stage of socialization that was never resolved. this also applies in terms of budgeted funds, facilities and assistance promised through this program.

Supervision did not works cant keeps the program from developing and certainly cannot achieve what it wants to achieve by the existence of these regulations. whereas the purpose of supervision itself, as said Saiful Anwar in the previous chapter, "supervision is the continuous activity to make plans come true, so that they can achieve the goals than expected".

### **Supporting and Inhibiting Factors**

Based on the field observations and interviews, the existance ideas of Banyuwangi Regional Regulation No. 7 of 2017 Regarding on Compulsory Madrasah Takmiliyah Diniyah is two, among others:

1. social factors of the Banyuwangi Regional is religious area. Proved by the existence of Madrasah Diniyah Takmiliyah and the increasing construction of Islamic boarding schools as a place to explore religion.
2. Political factors in Banyuwangi Regional, the emergence of Banyuwangi Regional Regulation Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliyah is a political product through the Regional House of Representatives (DPRD) institutions ,which provide agreement support for community development through government policies in the form of District Regulations Banyuwangi Number 7 of 2017 concerning the Mandatory Diniyah Takmiliyah Madrasah. This policy is a participation of several community *stakeholders* in various roles and contributions at all levels of community life in the Banyuwangi district.

The inhibiting factors for the ideas of the Banyuwangi Regional Regulation Number 7 of 2017 concerning the compulsory education of Madrasah Diniyah Takmiliyah are three, namely:

1. lack of coordination between local government and related institutions in a systematic and structured manner. So that also caused information both among the government and local government institutions of Banyuwangi Regional and

the community did not get enough information after the enactment of the regional regulation.

2. in its implementation, especially in community empowerment, it has not been carried out optimally, as evidenced by the large number of people who have not been touched by the socialization program, including the junior high school and Mts teacher councils , and madrasa diniyah on the policy of Regional Regulation of Banyuwangi District Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliah this.
3. Budget, Madrasah Diniyah Takmiliah has not received a special budget that is sufficient both to support the socialization and its implementation. case is also the cause is not optimal supervisory functions by the Government daerah and Religious Ministry of Banyuwangi, so that these regulations have not touched the public.

### **Conclusion**

The supervision of Madrasah Diniyah is ineffective. Even though madrasah diniyah is an educational institution that historically was an important part in the effort to educate the nation, it was felt that government attention and content in the oversight function of the implementation of Madrasah Diniyah Takmiliah was still low. And indirectly showed the minimum of local government will for carried out the responsibility on supervision of Madrasah Diniyah Takmiliah. In Banyuwangi. The role of government is considered very less and

From the data previously described from the five factors of effectiveness of the law, as well as the supporting and inhibiting factors that have been analyzed by the author in the previous chapter, the author draws the conclusion that Banyuwangi District Regulation Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliah is ineffective. Support factors are: social factors of the Banyuwangi Regional is religious area and Political will factors in Regional Banyuwangi. The inhibiting factors for the ideas of the Banyuwangi Regional Regulation Number 7 of 2017 concerning the compulsory education of Madrasah Diniyah Takmiliah are: lack of coordination between local government and related institutions in a systematic and structured manner, in its implementation, also Budget.

### **Bibliography**

- Banyuwangi Local Regulation Number 7 of 2017 Concerning The Compulsory Education of Madrasah Diniyah Takmiliah
- Rahardjo, Adsasmita. *Manajemen Pemerintah Daerah*, (Yogyakarta: Graha Ilmu, 2011)
- Steenbrink, Karel. *Islamic Boarding School, School: Islamic Education in the Modern Kurun*, ( Jakarta : LPES . 1994)
- Sunggono, Bambang. *Legal Research Methodology* . (Jakarta: PT Raja Grafindo Persada, 2007)
- Soekanto, Soerjono. *Faktor-faktor yang Mempengaruhi Penegakan Hukum*. (Jakarta: PT. Raja Grafindo, 2008)
- Mastur, Head of Operational assistance management diniyah PD. Pontren, Office of Ministry of Religion, Banyuwangi Regional. *Interview*. (on 14<sup>th</sup> of August 2019)
- Sugiarto, Head of Elementary Education in Banyuwangi Regional, Banyuwangi Regional Education Office, *Interview*, ( on 15<sup>th</sup> of August 2019)



Basyir, Commission IV in Education, Banyuwangi Regional of DPRD Office,  
Interview, ( on 16<sup>th</sup> of August 2019).