

## **DUALISM OF ISLAMIC EDUCATION IN INDONESIA**

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### **Abstract**

The purpose of this research is to find out how Islamic education is implemented in Indonesia. The research problem is what is the background to the emergence of the dualism of Islamic education in Indonesia? The research method uses a qualitative approach with data collection methods of literature review and documentation study. The conclusion of this research is first; the emergence of dualism of Islamic education in Indonesia is an influence of the political system in Indonesia. Second; The emergence of dualism of Islamic education in Indonesia is also due to the existence of a dual system of education providers in Indonesia, namely general education and religious education.

**Keywords: Dualism, Islamic Education, Indonesia**

## **Introduction**

The study of education is always interesting to discuss, because indeed education is a very basic need for humans in any country, including Indonesia. Every nation around the world has special attention to education. This concern can certainly be found in the country's constitution and the laws and regulations that follow it. The state is obliged to provide education for its citizens. Education has an integral relationship with the components in the life of the nation and state, such as politics, economics, social, culture, defense and security and so on. The determinant factor in building a better life, including the life of the nation, is human resources (HR).

The discussion on Islamic education in Indonesia is an interesting study to discuss. The dualism of its implementation is between Islamic education and Islamic Religious Education, which is reflected in education regulations in Indonesia. Islamic education in Indonesia has a long historical and cultural background, which began in the 8th century AD. Until now, Islamic education in Indonesia has been growing rapidly for more than 12 centuries.

In most areas of this country, the culture of people's lives has been colored by the positive impact of Islamic education. Islamic values in their intensity vary in various regions of Indonesia. He has animates the life of society and individuals, as seen in social behavior that encourages mutual cooperation activities (*ukhuwah Islamiyah*), religious attitudes and views and belief in God Almighty. (Hanipudin, 2019: 2-5).

Islamic education continues to move dynamically along with political dynamics in Indonesia. Even though Islamic education contributes greatly to the life of the Indonesian people and individuals, in reality it certainly faces

various challenges and obstacles, especially when faced with the realities of people's lives and the regulations governing national education.

At the level of implementing Islamic education in Indonesia, there is a dualism in education management, namely between Islamic education and Islamic religious education. Islamic education is religious education carried out in religious educational institutions. Meanwhile, Islamic religious education is religious education in public schools or madrasah. The problem is Why is there dualism in the implementation of Islamic education in Indonesia?

### **Theoretical framework**

There are two senses of dualism. First, the understanding of two conflicting principles in life, those are light and darkness. Second, dualism as a two-faced state, that is, they contradict each other or are not in line with each other (KBBI). The definition of dualism that is in line with this paper is the second meaning, which is more appropriate to the problem the author is discussing.

Islamic education is education that aims to form a complete Muslim person, develop all human potential both physically and spiritually, fostering a harmonious relationship for each human person with God, humans and the universe. (Haidar Putra Daulay: 1912)

Indonesia as referred in this paper is having a meaning that the territory of the Unitary State of the Republic of Indonesia which organize the educational system of general education and religious education.

### **Discussion**

## **1. Islamic Education in the Post-Independence Period of Indonesia**

After Indonesian independence, Islamic education entered a new phase. Based on the cultural approach as mentioned above, Islamic education in its various models and institutions still has the opportunity to develop by the government of the Republic of Indonesia, especially in its participation in fostering national character with the Pancasila personality. The Unitary State of the Republic of Indonesia constitutionally believes in God Almighty, provides freedom of worship for adherents of religions according to their beliefs. Article 29 of the 1945 Constitution was built on the ideal foundation of Pancasila which is the crystallization of the essence of the nation's cultural life and requires that the socialistic-religious character of its people be preserved and strengthened through religious education, including Islamic education.

The development of Islamic education after Indonesian independence is closely related to the role of the Ministry of Religion which was officially established on January 3, 1946. This institution took the initiative to fight for the politics of Islamic education in Indonesia. More specifically, this effort is handled by a special agency that takes care of religious education issues. The implementation of Islamic education has received serious attention from the government, both in public and private schools. This effort have started by providing assistance to Islamic educational institutions as recommended by the Central National Committee Working Committee (BPKNP) on December 27, 1945, which states that madrasas and Islamic boarding schools are essentially a tool and source of education and the intelligence of ordinary people who are already ingrained. rooted in Indonesian society in general, should also receive real attention and assistance in the form of demands and assistance from the government. (Djailani, 347)

As a form of government recognition and attention to Islamic education, various laws and regulations were issued that regulate Islamic education. In 1950 madrasas as educational institutions were formally recognized by the state. Law number 4 of 1950 concerning the Fundamentals of Education and Teaching in schools in article 10 states "Studying in religious schools that have received recognition from the Ministry of Religion is considered to fulfill the obligation to study". In order to gain recognition from the Ministry of Religion, Madrasahs must offer religious studies as a core subject for at least six hours a week on a regular basis in addition to general subjects. (Ibid ; 350)

In the 1970 madrasah continued to be developed to strengthen their existence, but in the early 1970s the government's policy seemed to try to isolate madrasahs from part of the national education system. This can be seen from the steps taken by the government by issuing Presidential Decree (Kepres) Number 34 dated 18 April 1972 concerning Functional Responsibilities of Education and Training. The content of this decision basically includes three things, namely:

The Minister of Education and Culture is in charge of and responsible for the development of general and vocational education. The Minister of Manpower is in charge of and responsible for the development and training of skills and vocational workforce for civil servants. The Chairperson of the State Administrative Institute is in charge of and responsible for fostering special education and training for civil servants. (Nawawi and Rizal, 2009: 362)

Two years later, Presidential Decree 34 of 1972 was emphasized by Presidential Decree No. 15 of 1974 which regulates its operations. In TAP MPRS Number XVII of 1966 it was explained that "religion is an absolute element in achieving national goals. Religious matters are managed by the

Ministry of Religion, while madrasah in TAP MPRS Number 2 of 1960 are autonomous educational institutions under the supervision of the Minister of Religion". From this provision, the Ministry of Religion organizes madrasah education not only of a religious and general nature, but also of a vocational nature. With Presidential Decree Number 34 of 1972 and Presidential Instruction Number 15 of 1974, the implementation of general and vocational education is fully under the responsibility of the Minister of Education and Culture. This provision implicitly requires that the Ministry of Education and Culture hand over the administration of madrasah education that already uses the national curriculum. (Nawawi and Rizal, 2009: 362)

In 1975 the government through the Minister of Religion, Minister of Education and Culture, and Minister of Home Affairs issued a Joint Decree called (SKB) of Three Ministerial No. 6 of 1975, No. 037 /U/1975 and No. 36 of 1975 dated March 24, 1975 concerning Improving the Quality of Madrasah Education. The joint decision is the implementation of Presidential Decree No.15 1972 and Presidential Instruction No. 15 of 1974, in accordance with the president's instructions at a limited cabinet meeting on 26 November 1974.

This Joint Decree eventually gave birth to a new curriculum in 1976 for Madrasah Ibtidaiyah, Tsanawiyah and Aliyah with their departments (Sharia, Social Sciences, Mathematics , Language, and Science). Meanwhile, the position of religious education in public schools at the elementary level up to state universities (which was strengthened by TAP MPR, no. IV/1973, no. IV/1978 and TAP. no. II/1983 concerning GBHN) was realized with the 1984 curriculum (for SMA) . Besides madrasah as a means of increasing appreciation and practice of Islamic teachings, they are increasingly established and consistent. (Arifin, loc city)

The joint decree of Three Ministers in 1975 was further strengthened by the issuance of a joint decree of Two Ministers, between the Minister of Education and Culture and the Minister of Religion No. 0299/U/1984 (Dikbud); No. 045 of 1984 (Religion) concerning the Standardization of Curriculum Standards for Public Schools and Madrasah Schools, the contents of which include; Equalizing the quality of madrasah graduates and being able to continue on to higher public schools. Following up on the 1984 SKB 2 Ministers, the 1984 curriculum for madrasas was born which was contained in the Decree of the Minister of Religion Number 99 of 1984 for Elementary Madrasahs, Number 100 of 1984 for Tsanawiyah Madrasas, and Number 101 of 1984 for Madrasah Aliyah. (Ramayulis, 358)

Other strategic steps in the context of developing madrasas can be carried out after the enactment of Law Number 2 of 1989 concerning the National Education System (RI Law number 2 of 1989). As the implementation of this Law in Government Regulation Number 28 of 1990 concerning Basic Education in Chapter III Article 4 paragraph (3) it is stated that: "Elementary Schools and Junior High Schools with Islamic characteristics organized by the Ministry of Religion are respectively called Madrasah Ibtidaiyah and Madrasah Tsanawiyah". On the other hand, in the Decree of the Minister of Education and Culture Number 0489/VU 1992 concerning Public High Schools in article 1 paragraph (6) it is stated that: "Madrasah Aliyah is a public high school with Islamic characteristics organized by the Ministry of Religion".

In this regard, Madrasah Ibtidaiyah, Madrasah Tsanawiyah and Madrasah Aliyah are required to provide study materials at least the same as those for SD, SLTP and SMU, in addition to other study materials provided to these Madrasas. This is stated in article 26 of the Minister of Education and Culture Decree No. 0487/V/1992 and Article 22 paragraph (6) No. 0489/U

11992. Madrasas have the same duties as public schools, namely to provide students with the ability to develop life as individuals, members of society, citizens and members of humanity and prepare them to attend higher education. But in other aspects Madrasas still have their own characteristics. In this regard, the Decree of the Minister of Religion was issued Number 372 of 1993 concerning Basic Education Curriculum with Islamic Characteristics (consisting of Madrasah Ibtidaiyah and Madrasah Tsanawiyah) and Number 373 of 1993 concerning Curriculum of Madrasa Aliyah. (Ministry of Religion RI, 1994: 137)

Then in 1993 the Special Program Madrasah Aliyah (MAPK) was opened. As a legal umbrella for the establishment of the institution is the Decree of the Minister of Religion Number 374 of 1993. In this MAPK, religious education received a higher percentage portion as stated in the 1993 MAPK curriculum, namely 70% religion and 30% general. This comparison of the MAPK curriculum is essentially intended to develop a nursery program for prospective scholars so that the opening of MAPK is basically a program of intensifying education through a boarding system and developing proficiency in Arabic and English. (Ministry of Religion RI, 1994: 137)

In 2003, Islamic education in Indonesia entered a new phase after the issuance of Law Number 20 of 2003 concerning the National Education System (Sisdiknas). This law regulates a lot about the position, function, path, level, type and form of madrasah institutions. Through this law, the position of Islamic education as a subject in general educational institutions is regulated, as well as the position of Islamic education as a Sub-System of National Education.

Furthermore, on October 15 2019 Law Number 18 of 2019 concerning Islamic Boarding Schools was issued. This law regulates more about the



position, function, path, level, type and institutional form of Islamic boarding schools. The issuance of Law Number 20 of 2003 concerning the National Education System and Law Number 18 of 2019 concerning Islamic boarding schools is a new history for the existence of Islamic education in Indonesia.

If we look closely at the existence of Islamic education in Indonesia from the colonial period to the independence period, it turns out that there were many twists and turns and dynamics that approached it. But slowly, Islamic education continues to be improved through various regulations and efforts, so that it continues to grow and develop and is able to contribute to national development. With the issuance of Law Number 20 of 2003 concerning the National Education System and Law Number 18 of 2019 concerning Islamic Boarding Schools, Islamic education has received wider space for development and quality, and contributes more to the nation and state. These two laws provide fresh air for Islamic education, but also will not be free from various obstacles and challenges.

## **2. Position of Islamic Education in the Education System in Indonesia**

In Law Number 20 of 2003 it is regulated about the position of Islamic Education as a subject and as a National Education Sub System. To be clearer, it is necessary to describe one by one, namely as follows:

Islamic Education as a Subject.

The term 'Islamic religious education' in Indonesia is used for a subject name in schools which are under the supervision of the Ministry of National Education. Islamic religious education is included in the structure of the National Education curriculum. It is included in the group of compulsory subjects in every line of type and level of education, in line with other subjects such as civics, language, mathematics, social and cultural education. Indeed,

since the proclamation of Indonesian independence until the realization of Law number 2 of 1989 concerning the National Education System and enhanced by Law number 20 of 2003 concerning the National Education System the existence of Islamic education has been recognized by the government as a subject in Elementary Schools to Higher Education. (Ramayulis, 2013: 74)

### Islamic Education as a National Education Sub System

The Islamic education system in Indonesia is part of the Indonesian National education system. This is regulated in article 15 of Law number 20 of 2003 concerning the National Education System, which states that general education, vocational education, special education, apprenticeship education, religious education, academic education, and professional education are formal education pathways in the national education system. . (Law number 20 of 2003)

If Islamic religious education within educational institutions/units under the auspices of the Ministry of National Education is realized as a subject, then within the Ministry of Religion it is realized as an educational unit that is tiered up starting from Kindergarten (Raudh al-Athfal), up to College (al-Jami'at). The definition of Islamic religious education here refers to religious education units or Islamic religious education institutions. As a sub-system of the national education system, Islamic education has specific goals that must be achieved. The achievement of these goals will support the achievement of national education goals as a whole which is the supra system. (Daradjat, 2000:14)

Furthermore, the vision of Islamic education is certainly in line with the vision of national education. Where the vision of national education is to realize Indonesian people who are pious and productive as members of a diverse

Indonesian society. Meanwhile, the mission of Islamic education as the embodiment of this vision is to realize Islamic values in the formation of Indonesian people. Indonesian people who aspire to be pious and productive people. This is in line with the trend of 21st century life, religion and intellect will meet each other. (Azra, 1999: 39)

With this mission, Islamic education can be an alternative if other education cannot embody Islamic values, because indeed Islamic education has its own characteristics, namely: an education system established with the desire to embody Islamic values, a system that teaches Islamic teachings, or combine Islamic values and Islamic teachings. (Qutb, 1984: 15)

In Law no. 2 of 1989 concerning the National Education System only religious education institutions whose existence is recognized are those in the formal education route (schools). However, in Law no. 20 of 2003 concerning the National Education System, this Religious Education Institution is recognized and can be implemented not only in formal education, but also in non-formal education (Islamic boarding schools, madrasah diniyah) and in informal (family) education. In terms of recognition of religious education institutions, article 17 of Law No.20 of 2003 concerning the National Education System implies that Madrasah Ibtidaiyah (MI) is a level of education that is equivalent to Elementary Schools (SD), Madrasah Tsanawiyah (MTs) is equivalent to Junior High Schools (SMP). Article 18 states that Madrasah Aliyah (MA) is equivalent to Senior High School (SMA) and Religious Aliyah Madrasah (MAK) is equivalent to Vocational High School (SMK). (Law No. 20 of 2003)

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In principle, Islamic education comes with the aim of developing human potential so that he is able to properly carry out his mission as *caliph fi al-ardh*. This is in line with the mission of Islam as a religion that spreads mercy to all of nature. So Islamic education has a goal that includes four developments of human functions, namely: first, awakening humans individually to their functional position among other creatures, as well as responsibilities in their lives. Second, to awaken human function in relation to society and its responsibility for public order. Therefore, humans must hold interrelations and interactions with each other. Third, make people aware of the creator of nature and encourage them to worship Him. Fourth, to make people aware of their position in relation to other creatures and to bring them to understand the wisdom of God in creating other creatures and to give people the possibility to take advantage of them. Because Islam classifies education as a sacred duty as well as surrender to God, it is hoped that with determination it can motivate people to actualize their faith in God in any situation and condition. Therefore the vision of Islamic education is not directed by pragmatism, but by determination and love for Allah SWT. 28 (Ito, 2006:55)

### **3. Islamic Education and Islamic Religious Education in the National Legal System**

Indonesia is a country whose majority population is Muslim, about 88% of more than two hundred million people. Indonesia was colonized by the Dutch for more than 350 years, a long period of time. Besides that, it was also colonized by the British and Japanese in a not too long time.

From this brief description, it can be understood that there is a plurality of legal systems that apply in Indonesia, as will be revealed, that Indonesian people have a legal system that has been in effect since primitive times from customs or customs to provisions that are mutually believed to be obeyed. In its later development, when Indonesia was still colonized by the Dutch colonialists, these customs or customs were called "Customary law" which only existed in Indonesia which was static in nature.

Meanwhile, in a dynamic sense, this type of customary law is more accurately referred to as customary law (customer law) or living law in society (living law). If in a dynamic sense, this type of customary law exists throughout the world, including in every country, including developed countries. (Azizy, 2002: 109-110).

In terms of religion, there are definitely religious values that are believed together, used as a system of their lives and regulate, which are then considered as law. This religious law came to Indonesia along with the arrival of religion. Therefore, as the majority are Muslims, Islamic law is one of the systems that apply in Indonesia, although it is admitted that there are other religions besides Islam which a small part of Indonesian society adheres to. However, it should also be noted that Islamic law has a dynamic meaning as a law capable of providing answers to social change and can be transformed with the passage of time and place. (Shihab :156).

Indonesia as a country that was colonized for 350 years, it is certain that the colonial countries brought their legal system to Indonesia. In fact, it is very possible that the colonizers imposed their laws on the Indonesian people they colonized, then it can be called the Dutch legal system or Western law, some even call it civil law (civil law). (Azizy, 2002:110)

It can be said that before Indonesia's independence was proclaimed, three legal systems were in effect in Indonesia: customary law, Islamic law and Western law, with all the instruments and requirements of anyone and in what aspect or essence must comply with the laws of the three legal systems. (Supomo, 1982) In the future development of the legal system in Indonesia, the three legal systems in their dynamic sense will become the raw material for forming national law.

After August 17, 1945, ideally the legal politics that prevailed were national legal politics, meaning that there had been legal unification (one legal system was put into effect in all areas of Indonesia), because the national legal system had to be built based on and to strengthen the foundations of the Proclamation, Pancasila and the 1945 Constitution. (Hartono, 1974:57).

The 1945 Constitution is a written basic law, in addition to the unwritten basic laws that are found in general elucidations it becomes a constitutional basis and an organic signal of the existence of unwritten laws in the national legal system. The basic norm in Article II of the Transitional Rules of the 1945 Constitution shows the initial content of the national legal system by stating that all existing regulations are still in effect as long as new ones have not been enacted according to the Constitution. From this context, it can be seen that the contents of the national legal system in the early days of independence, namely (1) colonial legislative product law, (2) customary law, (3) Islamic law, and (4) national legislative product law. (Abdullah : 58).

The national legal system is expected to guarantee the upholding of the rule of law and human rights based on justice and truth (a modern legal system). A modern legal system must be a good law, and in accordance with the conditions of society. Laws are made in accordance with predetermined procedures, and must also be understood or understood by the community as a whole, with the aim that the law can really influence the behavior of community members. (Muliadi : 47)

The national legal system is formed by:

- a. Religious Law (which is included the principles) The religious legal system is a legal system based on certain religious provisions, which are usually contained in the Holy Scriptures.
- b. Customary Law (which is included the principles). The system of customary law and customary law is the original law of the Indonesian people, which has grown and developed in Indonesian society since hundreds or even thousands of years ago. Respect and recognition of indigenous peoples is contained in Article 18B paragraph (2) of the 1945 Constitution. This article is a constitutional mandate that must be obeyed by state administrators, to regulate recognition and respect for the existence of indigenous peoples in a form of law.
- c. Western law (which is included the systematics). The European civil law system, namely the civil law enforced in Indonesia by the colonial government based on the principle of concordance.
- d. International law both civil and public (as a biased reality of the influence of world globalization). Laws governing legal relations between one country and another or between citizens which are carried out internationally. (Muliadi, th ...: 54). The formation of national law is carried out by realizing the Prolegnas planning, (UU No. 12/2011: Article 17), thus the Prolegda also maintains that the products of

Provincial Regional Regulations remain within the unity of the national legal system. (Explanation of Article 32 Law No. 12/ 2011)

Concerning the legal system, in the opinion of Lawrence Meir Friedmen as quoted by Ahmad Muliadi, it is stated that in the legal system there are three main elements in the legal system, namely: (1) elements of legal substance, (2) elements of legal structure, (3) elements of the legal culture of society. (Muliadi, 1919:50)

The importance of discussing the legal system is to gather ideas from various groups of people regarding programs, methods, ways and efforts to implement legal development to create and strengthen a national legal system that originates from Pancasila and the 1945 Constitution. The policy for forming national law (formulation of articles) must be carried out by going through the process of testing its legal validity (including its legal substance) vertically or horizontally. This in legal system theory is known as "vertical validity" and "horizontal validity". (Muliadi, 1919:48)

In Indonesia, the methods used to form laws and legal politics are not the same as those used by a capitalist country, or a communist country and/or a religiously fanatical country. These three ways are extreme ways; because Capitalists consider that individualistic human beings are the most important. Communism considers that society is most important above all else, while religious fanaticism is the reality that humans living in this world must struggle to survive. The system of government of the Republic of Indonesia is inseparable from the implementation of systems in various other sectors that support the wheels of government, including the legal system and legal political direction in achieving the plans and goals of a state based on the philosophy of Pancasila. (Article 2 of Law No. 12 of 2011 concerning Formation of Legislation.



Forming Legislation must be carried out based on the principle of forming good Legislation, which includes: a) clarity of purpose, b) appropriate forming institution or official; c) suitability between types, hierarchies and content material; d) can be implemented; e) usability and effectiveness; f) clarity of formulation; and g) openness. (Article 5 Law No. 12 of 2011)

Meanwhile, the contents of laws and regulations must reflect the principles of: a) protection, b) humanity; c) nationality, d) kinship, e) archipelago, f) diversity in diversity, g) justice, h) equality in law and government, i) order and legal certainty, and/or j) balance, harmony and harmony. (Article 6, Law No. 12 of 2011).

Therefore, if in the formation of national law the principles of forming national law have been accommodated, it is possible that the laws to be formed will be enforced smoothly as the legal needs of the community, even though there are still pros and cons in the response of the community which is not much. , and it is certain that there will be no pro-contras of prolonged community responses; as happened when the Government rolled out the "Draft Law on the Material Law on the Religious Courts (RUU HMPA) in the Field of Marriage" in early 2010, which until this writing was written, it seems that there are no signs yet to be discussed and approved by the DPR on the Bill. HMPA of the Marriage Sector.

#### **4. Islamic Education and Islamic Religious Education in the Pancasila Legal System**

What is meant by the legal system of Pancasila is a set of legal principles in various fields of law which are parts (elements) thereof which are based on Pancasila, which are linked to one another and form a unified legal framework within the archipelago of the territory of the Republic of Indonesia. (Ichtijanto, 1991:151).

The elements of the Pancasila legal system are legal principles in various fields of law (criminal, civil, commercial, procedural law, international, etc.) which are formulated based on the philosophy of the nation and state of Pancasila. Because of its unique nature, the first precept of Pancasila, namely Belief in One Almighty God, is the prima causa of the other precepts and is the basic precept of the Republic of Indonesia (Chapter XI, Religion, article 29 paragraph (1) of the 1945 Constitution) and is an integral part of the whole precepts into one unit. These elements are related to one another, forming a unified whole, complete, compact, and total so that it forms a solid unified system. (Ichtijanto, 1991:151).

When it comes to the authority of the judiciary, in Indonesia judges are still bound by the law, but not as strict as the law of legism. Judges are tasked with discovering laws and are given the freedom to harmonize laws with the times. In this school, jurisprudence has an important position as a source of formal law after law (followed by the *rechtvinding plus* school). It is meant by the *Rechtvinding plus School* that the dominant behavior of judges in finding laws is to always show ethics and responsibility which is not only responsible for the realization of social justice, but is also responsible to God Almighty. (Azizi, Op Cit. P. 134)

The Pancasila legal system cannot and is not likely to abandon religious law, because religious law as an element and basic material principle for the formation of national law based on Pancasila can coexist with customary law and Western law. However, Customary law and Western law alone without religious law will create a legal system and legal situation like when the Indonesian people were not yet independent and the Republic of Indonesia based on Pancasila had not yet been born. Western law (especially regulatory technology) really needs to be utilized for the nuances of creating

written law in an effort to guarantee legal certainty in the Pancasila legal system.

Pancasila recognizes the existence of religious differences and acknowledges and respects differences in beliefs. But Pancasila wants the unity and integrity of the Indonesian nation. Therefore, in the Pancasila legal system there must be norms that function as a bridge of unity in the event that there are differences in legal interests, due to differences in religious beliefs and religious laws.

Peace, happiness in life, legal protection, legal guarantees and legal certainty in the orderly life of individuals and communities, the nation and the state, world peace are the goals and functions of law in the national legal system with the philosophy of Pancasila. (Ichtijanto, p. 155 -156)

## **5. Islamic Boarding Schools as Islamic Educational Institutions in Indonesia**

The position of Islamic Boarding Schools or used to call as pesantren as Islamic educational institutions in Indonesia is specifically regulated in Law Number 18 of 2019 concerning Islamic Boarding Schools which was issued on October 18 2019. (UU No.18 of 2019 concerning Islamic Boarding Schools). This law regulates many things about Islamic boarding schools, especially concerning: the definition of Islamic boarding schools, establishment, financing and funding, implementation, functions, level of education, curriculum, and the future of its graduates.

Law Number 18 of 2019 provides a clear definition of Islamic boarding schools and Islamic boarding schools. Even more than that, this law also provides legal certainty regarding the status of Islamic boarding schools and their functions in the Unitary State of the Republic of Indonesia. Where the state guarantees and protects the position of Islamic boarding schools as part

of educational institutions that function to educate the nation's life, as well as play a role as a vehicle for forming the character of the nation's children by integrating Islamic and Indonesian values.

Regarding the definition of Islamic boarding schools, Article 1 paragraph 1 of Law Number 18 of 2019 states that: "Islamic boarding schools, Dayah, Surau, Meunasah, or other designations, hereinafter referred to as Islamic boarding schools, are community-based institutions founded by individuals, foundations, Islamic community organizations, and/or people who instill faith and piety to Allah SWT, cultivate noble character and uphold the Islamic teachings rahmatan lil'alamin which is reflected in humility, tolerance, balance, moderation, and other noble values of the Indonesian nation through education, Islamic da'wah, exemplary, and community empowerment within the framework of the Unitary State of the Republic of Indonesia".

Whereas the meaning of Islamic boarding school education is regulated in article 1 paragraph 2 which states that "Islamic boarding school education is education organized by Islamic boarding schools and is within the Islamic boarding school environment by developing a curriculum in accordance with the characteristics of Islamic boarding schools based on yellow books or Islamic education with a muallimin education pattern."

Communities have broad rights and opportunities to establish Islamic boarding school educational institutions either individually, foundations, Islamic community organizations, and or jointly. This is regulated in Article 6UU Number 18 of 2019, in several paragraphs as follows:

1. Islamic boarding schools are established by individuals, foundations, Islamic community organizations, and/or the community.

2. The establishment of Islamic boarding schools as referred to in paragraph (1) must:
  - a. committed to practicing the Islamic values of rahmatanlil'alamin and based on Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and Bhinneka Tunggal Ika;
  - b. fulfill the elements of the Islamic Boarding School as referred to in Article 5 paragraph (2);
  - c. notify its existence to the village head or other designation according to the domicile of the Islamic Boarding School; and
  - d. register the existence of the Islamic Boarding School to the minister.
  
3. As the establishment of Islamic boarding schools as referred to in paragraph (2) is fulfilled, the Minister shall issue a registered permit. The right to establish a pesantren as stipulated by the law mentioned above can be exercised as long as it complies with all applicable provisions and fulfills all the specified requirements. One of the substantial things in the requirements for establishing a pesantren is the commitment to practice Islamic values that are rahmatan lil'alamin within the framework of the Unitary State of the Republic of Indonesia, based on Pancasila and the 1945 Constitution, and upholding the spirit of diversity.

### Conclusion

From the discussion as stated above, and after analyzing the problems that are the background to the emergence of this scientific work, the writer can draw the conclusion that; Why does the dualism of Islamic education management

appear in Indonesia, so that there is the term Islamic education and there is Islamic religious education? The answer is

1. The emergence of dualism in the management of Islamic education in Indonesia is because it is religious politics in Indonesia. Indonesia is a country where the majority of its adherents are Muslims. So that the people feel that they must be given protection for the rights of the Islamic community in obtaining religious education in accordance with their respective religions.

2. The emergence of dualism in Islamic education in Indonesia is also due to the existence of two educational institutions in Indonesia, each of which has its own traditions and uniqueness. So that the methodology and teaching approach of each institution is different. Ultimately resulting in the dualism of Islamic education in Indonesia.

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