INDONESIA'S EDUCATIONAL POLICIES ON *MADRASAH DINIYAH* (MD)

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ABSTRACT

Since the government has more powers and authorities and bigger sources in enforcing its powers, it seems dominant in producing policies on MD that favor its political interest. This study was aimed at investigating the educational policies on MD before and after the Law No. 4 of 1950 Jo No. 12 of 1954, the educational policies of the MD Act No. 2 Year 1989, and the educational policies of the MD under law No. 20 Year 2003. In addition, it also examined the government's policies on MD in Indonesia from the beginning of independence day (1945) to (2017). The method used was descriptive qualitative including steps of collecting data, classifying the data, interpreting and presenting the data. This study found that the educational policies on MD were not made by the government to prioritize MD in national education system. The policies on MD education covering before and after the Law of education and teaching No. 4 1950 Jo No. 12 Year 1954, UUSPN No. 2 Year 1989, and UUSPN No. 20 Year 2003, has not supported MD as an integral part in the provision of national education system in Indonesia. They have favored the interests of central government so that they have caused the difficulties in its implementation by the public at the local level.

Keywords: Educational Policy, *Madrasah Diniyah.*

ABSTRAK

Penelitian ini bertolak dari munculnya keragaman pendapat tentang kebijakan pendidikan terhadap MD. Persoalan yang mengemuka adalah kebijakan pendidikan tentang MD dirumuskan secara sepihak oleh Pemerintah sehingga menyulitkan masyarakat dalam melaksanakan kebijakan tersebut. Penelitian ini bertujuan untuk mengkaji kebijakan pendidikan terhadap MD di Indonesia setelah adanya UU No.4 Tahun 1950 Jo. UU No. 12 Tahun 1954 tentang Dasar-Dasar Pendidikan dan Pengajaran, UU No. 2 Tahun 1989 dan UU No. 20 Tahun 2003 tentang Sistem Pendidikan Nasional. Penelitian menggunakan metode deskriptif kualitatif. Sumber data terdiri dari data primer dan sekunder. Teknik Pengumpulan data dilakukan dengan observasi, wawancara, dan studi dokumentasi. Kesimpulan utama penelitian yaitu kebijakan pendidikan terhadap MD sebelum dan setelah Undang-Undang Pendidikan dan Pengajaran No. 4 Tahun 1950 Jo No. 12 Tahun 1954, UUSPN No. 2 Tahun 1989, dan UUSPN No. 20 Tahun 2003, belum memprioritaskan MD dalam penyelenggaraan pendidikan di Indonesia. Kebijakan pendidikan tentang MD lebih berpihak pada kepentingan Pemerintah Pusat sehingga menyulitkan pelaksanaannya oleh masyarakat di tingkat lokal.

Kata Kunci: Kebijakan Pendidikan, Madrasah Diniyah.

INTRODUCTION

In Indonesia, religion serves as a basis of moral development and religious education has been a country's concern. Both are important because they reinforce social harmony and can unite people with a diverse background (Yusuf, 2007). Religious education in Indonesia can be viewed from various perspectives namely; ideologies, judicial (Law No. 20 Year 2003 , section 30 and Regulation No. 55 Year 2007), social , political and historical (Mudzhar, 1981, pp. 897–915). It includes *madrasah* institutions like MD which has equal chances along with the public

schools in achieving national education goals. *Madrasah* belongs to Islamic education which has been extensively studied by scholars (Jannah, 2013; Susilowati, 2008).

Historically, MD has long been rooted in Indonesia when it started as an institution which served teaching reading *al-Qur'an* held at small and large mosque, and house of religious scholars (Maksum, 1999, p. 79; Nata, 2006, pp. 73–77; H. Rahim, 2001, p. 6). Their origin is not native Indonesia Islamic educational institutions since they came from the Islamic world in the Middle East that developed around the 10th century AD or 11th AD (Maksum, 1999, pp. 80–81; H. Rahim, 2001, p. 8). In the same vein Makdisi (1961, pp. 1–56) in a study of the *Madrasah Nizamiyah* proposed that the origin of the growth of *Madrasah* is the result of three stages : the stage of the mosque , the mosque-*khan* , and a *madrasah* institution. Maksum (1999, p. 97) argued that *madrasah* in the early 20th century was associated with the connotation of *madrasah* in the Middle East modern times, that had taught both religious sciences and general sciences. Before the 20th century, the tradition of Islamic education in Indonesia did not recognize the term *madrasah* except the recitation of the Koran, mosques, schools, other places for religion worship.

In its development, MD has experienced problems (Azra, 2006, pp. 71–72). Problems of MD ranged from limited funding for education, curriculum which relied heavily on religious aspect, the low quality of graduates, limited employment opportunities for alumni MD, and there is no uniformity concerning the management of MD (Djamas, 2005, pp. 4–5). Muhaemin (2012); Choiri & Fitriani (2011) reported similar findings.

Although MD faces the problem, it still survives. MD is inevitably influenced by the educational policies made by the government. Several studies have been voicing the concern (Satria, 2014; Suharto, 2012).

Based on the previous studies concerning educational policies on MD, this study would like to address research problems formulated as follows : 1). How are the educational policies on MD before and after the Law No. 4 Year 1950 Jo No. 12 Year 1954? 2). How are the educational policies on MD under Act No. 2 Year 1989? 3). How are the educational policies on MD under the implementation of Act No. 20 Year 2003?

METHOD

This research applied descriptive-explorative which combines literature research and field research. To obtain relevant data, the study used a historical (history), philosophical and political approaches. In addition, it used policy approaches in education and evaluative approach. This study analyzed phenomenon that occurs in the community (Sagala, 2006, pp. 100–104) and it analyzed policy oriented to problem-solving (Lubis, 2007, p. 10).

The primary data source of this research included human (agent), words and actions on interviews with informants, the document (Suprayoga & Tobroni, 2001, p. 164) law and acts on education, such as UUSPN No. 20 of 2003, PP No. 55 of 2007, and the regulation of compulsory MD as well as other documents related to MD related to the legislation, governmental regulations and local regulations concerning MD. The research data also include secondary data ranging from written data, photos, and statistics which support the findings of the research. The study also applied multi-analysis including: systems analysis, historical analysis, and political analysis (policy analysis). There were several stages in analyzing the data gathered in this study, namely: gathering data, understanding the data, reducing the data, displaying data, interpreting the data, and concluding the data (Miles & Huberman, 1994, p. 16).

There are at least thirteen kinds of theory of policy formulation, namely: 1). The institutional theory; 2). The process theory; 3). The group theory; 4). The elite theory; 5). The rationale theory; 6). The incremental theory; 7). The game theory; 8). The Public choice

theory; 9). The system theory; 10). The integrated observation theory (Mixed scanning); 11). The democratic theory; 12). The strategic theory; 13). The deliberated theory (Tilaar & Nugroho, 2008, p. 191) .

Similarities and differences with other scientific community are that this study is written to strengthen the previous researches, namely: 1). Public policy is determined, imposed, and sanctioned authoritatively by governmental institutions (Dye, 1981). The relationship between public policy until it is accepted, applied, and imposed by governmental institutions; 2). A policy is made then it imposed and it imposed when it is made (Anderson, 1975, p. 98); 3). The determination of a policy is a state action (Taylor, 1997, p. 16); 4). A policy involves the use of power, control, and validation of values of certain group (Prunty, 1985); 5). A policy is approved, accepted and run by government apparatus (Sirozi, 2004).
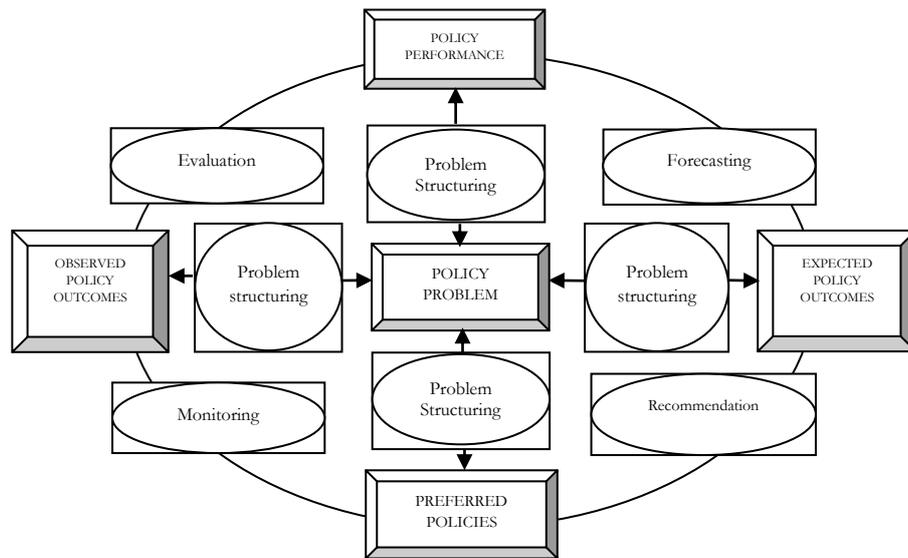

Figure 1. Dunn's Policy Process.

As comparison, it can also be compared with policy process model of Patton and Sawicki (1983) as follows in Figure 2.
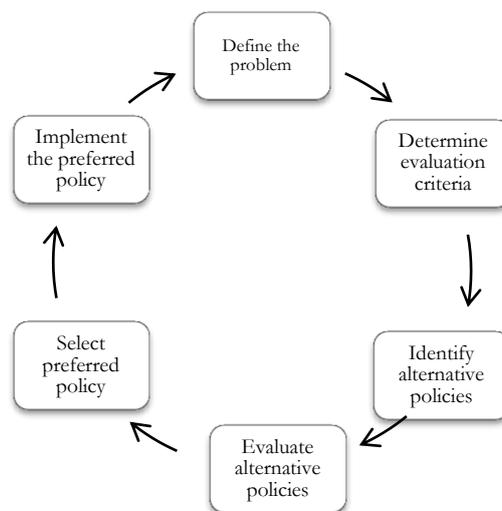

Figure 2. Policy Process of Patton and Sawicki.

RESULTS AND DISCUSSION
MD Before and After Law No. 4 Year 1950 Jo. No. 12 Year 1954 (Basic Principles of Education and Teaching).

This section discusses the position of MD under the policies of education, especially at BPKNIP (*Badan Pekerja Komite Nasional Indonesia Pusat*/Indonesian Centre of National Working Committee Agency) edited dated December 27, 1945, *PMA* (*Peraturan Menteri Agama*/Ministry of Religious Affair regulation) No. 1 Year 1946, Law No. 4 Year 1950 on Basic Principle of Education and Teaching, the tendency of the government to make policies in the field of religious education and the response of Muslims to the policies established by the Government as well.

The policy of religious education prior to Law No. 4 Year 1950 Jo No. 12 Year 1954, after Indonesia's independence, religious education circumstances were not better than before Indonesia's independence. As a matter of fact, there are some evidence to prove that. Indicators that can be put forward were clear. Boarding school graduates could not occupy strategic positions in government (Haedari, 2006, p. 144). The same also applied to the alumni of MD. In a nutshell, their graduates had no civil effect whatsoever to join the governmental bureaucracy.

MD's existence under the premiere legislation of Sisdiknas (*Sistem Pendidikan Nasional*/National Education System) that is No. 4 of 1950 Jo 12 of 1954 was recognized since BPKNIP issued an edict which recommended that there should be an effort to teach religious education in various places for Islamic worship like mosque in order to make sure that MD was on the tracks this news printed on RI News Year II No. 4 and 5, p. 20 column 1. On December 27, 1945 BPKNIP suggested the religious education to gain its regular schedule, its right as well as attention from government (Asrohah, 1999, p. 77).

BPKNIP offered suggestion concerning MD positioning in national education system, that is to say, religious education in terms of quality of Islamic schools must be restored (Poerbakawatja, 1970, p. 41). The statement confirmed that the MD which has been a tool as well as a source of education to empower poor people need the government's attention and assistance.

Following up BPKNIP's suggestions on material assistance for MD, Ministry of Religious Affair (MORA) issued *PMA* (Ministry of Religious Affair Regulation) No. 1 Year 1946 that served as guidance for *MD* to offer Islamic education as a core in MD. In line with this, MD has transformed into: 1). Elementary *Madrasah*, known as *Madrasah Ibtidaiyyah (*MI) offers 6 year education; 2). *Madrasah* for junior high level, known as *Madrasah Tsanawiyyah* (MTs) provides 3-year education; 3). *Madrasah* for senior high level, known as *Madrasah Aliyah* (MA) facilitates 3-year education.

Madrasah should also be evaluated in terms of learning process to guarantee quality service (Junanto, 2016). This benefits *madrasah* because they will be granted financial aid. There are many forms of governmental aids to *madrasah* including; money, equipment and personnel. The amount of the aid depends on whether the aids benefit *madrasah* or not. The government set the terms and conditions for *madrasah* to be eligible for gaining assistance, namely: 1). They have been established continuously for at least one year; 2). They have an organizational structure; 3). Their existence is needed by surrounding residents; 4). They also offer science and knowledge, in addition to Islamic religion material, which weight least 30 % of the total number of teaching hours; 5). They need the governmental assistance. These requirements discriminate between MWB (*Madrasah Wajib Belajar*/compulsory learning *madrasah*) that are compliant to government and MD which remains consistent in teaching Islamic studies only.

Given MD remain focused themselves on the development of Islamic religious sciences and consistent in not providing general social and science instruction, MD are not accommodated within PMA No. 1 Year 1946. The policy has clearly discriminated MD since MD are not compatible with the terms and conditions set by PMA.

The importance of Islamic religious education was explicitly expressed in the Law No. 4 Year 1950 on the Basic Principles of Education and Teaching in Schools. It was mentioned that students studying in religious schools recognized by MORA including *madrasah* and *pesantren* (Islamic boarding school) were deemed to have fulfilled the obligation of learning. Since the 1950s, MORA suggested that Islamic schools be organized in the classical way so that they used a fixed curriculum and incorporate general subjects as well as religion. It was expected that *madrasah* students achieved the same general education that pupils in public schools did. To achieve this goal, the MORA only provided assistance to *madrasah* that include general subjects (Azra & Umam, 1998, p. 312). On the other hand, MD consistently teach religious knowledge only and they received no the governmental aids.

The government's intervention on MD existence took a form by conducting policy reforms in the *madrasah* education system by introducing MWB 8-year study program. It can be said that MWB was the culmination of the *madrasah* model development before the New Order regime came. Law No. 4 Year 1950 whose implementation was defined by the law No. 12 Year 1954 did not explicitly regulate the presence of MD. Following the implementation of the law, MD was in the position to execute Islamic education in a separate manner from MORA-recognized *madrasah* and schools. To illustrate MD position, here is the scheme describing MD position (Husni Rahim, 2005).
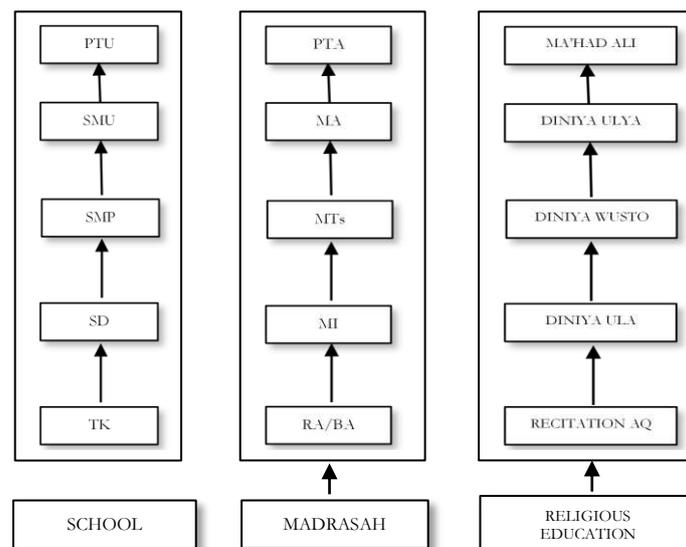

Figure 3. Diagram of MD Position.

MD Under the Law No. 2 Year 1989.

In this section, the study will obtain the information on the status and position of MD in governmental policies concerning Law No. 2 Year 1989 on National Education System; information on MD position concerning PP (*Peraturan Pemerintah*/Governmental Regulations) No. 73 Year 1991 regarding PLS (*Pendidikan Luar Sekolah*/Non-Formal Education) as well as issues concerning MD discrimination because of the policy made by the ruler.

During the era of 1989, religious education received attention from the government. Some of the sessions conducted by MPR (*Majelis Permusyawaratan Rakyat*/People's Consultative Assembly) made up the guidelines in 1973, 1978 and 1983, which always

emphasized that religious education be a compulsory subject in public schools at all levels (level) of education. However, the new policy only accommodated religious education taking place in schools and *madrasah* and not in the MD. In other words, religious education in MD had not received yet proper government's attention.

With the support of the state philosophy of *Pancasila*, the 1945 Constitution and of the decisions made by MPR concerning GBHN (*Garis Besar Haluan Negara*/The State Outline Policy), the religious life and religious education in Indonesia experienced a more stable condition. This condition spanned almost from 1945 the proclamation of independence to the 1983 Fourth Development Plan phase. However, according to Abuddin Nata (2006, p. 3), there was an ongoing internal conflict between Islamists and nationalists concerning erroneous strategy that emphasized the fragile economic and political aspects, had caused the education sector to suffer. In addition, the strong governmental control over religious aspects including religious education has made barrier toward innovation and improvisation of Islamic education institutions development including MD.

One of the greatest policies made by the government was the decision to set the month of Ramadan as the holiday for school. This policy was endorsed by the SKB (*Surat Keputusan Bersama*/Joint Decree) between Minister of National Education, Yahya Muhaimin and Minister of Religious Affairs, Muhammad Hasan Tolchah in a document of No. 8/U/SKB/1999 and No. 626 Year 1999. The SKB also stipulated the revocation of Decree issued by Minister of Education, Daoed Joesoef No. 0211/U/1978 on the System of School Year which stated that Ramadan is a time of learning school (Sirozi, 2004, p. 41). In response to this, Head of the law and public relation department of Ministry of Education, Soenardi Dwidjosusastro, explained that the school holiday of Ramadan was intended to further enhance students' faith and piety, to provide the opportunity to worship and fasting days and *Eid* .

Furthermore, Minister of Education, Yahya Muhaimin explained that there were possible efforts that can be done such as organizing activities for boarding fasting, scouting exercise, leadership exercise and performance improvement, both inside and outside the school environment. Other schools which were managed by the non-Muslim foundations were expected to support the program. They could appreciate the atmosphere of fasting by reducing the exercise lessons, shutting down the canteen and not smoking in public (Sirozi, 1999, p. 42).

However, in response to the policy, there are two opposing groups. Supporting group argued that the decree was clearly as an aspirational policy in accordance with the public intention to build the capacity of human resources with the characteristics of faith. In contrast, the opposing group argued that the policy could disrupt the school calendar put forward. In addition, external factors like institution of parents were not ready to take over the task of teaching religious education to their children. This situation showed that it was difficult to implement the central government policy which did not take into account the expectations of the wider community.

MD Under the Law of *Sisdiknas* (National Education System) No. 20 Year 2003.

This section will discuss the position of MD under UUSPN (*Undang-Undang Sistem Pendidikan Nasional*/Law of National Education System) No. 20 Year 2003 on National Education System. Referring to this law, education is defined as a conscious and deliberate effort to create an atmosphere of learning and the learning process so that learners are actively developing the potential for them to have the spiritual power of religion, self-control, personality, intelligence, character, and skills that the society, the nation and the state need. In the same vein, Mastuhu sees that the essence of education is to develop human dignity and to

humanize human, so that they are really capable of being a vicegerent on earth (Mastuhu, 2003, p. 136).

With regard to the development of learners' potential, UUSPN states that the national education serves to develop the nation's ability, character development, civilization and dignity. National education is aimed at developing students' potentials to be faithful and pious to God the Almighty, to be noble, healthy, knowledgeable, skillful, creative, independent, democratic and responsible citizen.

MD position in relation to the Law No. 20 of 2003, on National Education system can be described as follows (Husni Rahim, 2005).
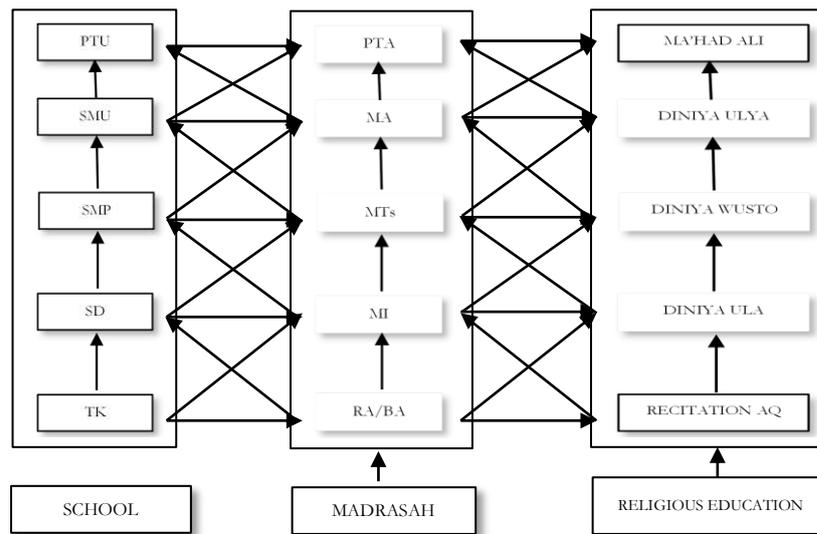

Figure 4. Diagram of Islamic Education Institution within the Law of Sisdiknas No. 20 Year 2003.

Based on the above scheme, MD has achieved equal opportunity to grow along with other educational institutions and it also receives fair and proportional treatment. It also offers similar path concerning religious education level. It starts by recitation of the Koran in TKQ level (5-6 year olds) and TPQ level (children aged 7-8 years), then continues to the *diniyah* education level , namely *Diniyah Ula /Awaliyah* parallel to MI/SD (9- 12 years), *Diniyah Wustha* parallel to MTs/junior (13-15 years), *Diniyah Ulya* parallel to MA/high school (16-18 years), and *Ma'had Ali* at the college level parallel to the PTA or PTU. *Madrasah* should also undergo the accreditation to establish and maintain quality of service (Mulyono, 2010).

Based on UUSPN No. 20 Year 2003, MD belongs to religious education that can operate in informal, formal and non-formal manner. The law provides opportunity for MD to grow freely. Government and community play an important role in empowering MD. The role of society in the implementation of MD is more dominant than that of government (Azra, 2002, p. 152). Nevertheless, the operationalization of MD within the law has not been followed by the clarity of the concept in relation to the national education system. It can be concluded that MD under UUSPN No. 20 of 2003, *Madrasah* UUSPN *Diniyah* has got a clear legal framework, but the way MD operates requires a number of regulations, both PP and PMA.

Four years after the Law of UUSPN No. 20 of 2003 had been passed, PP No. 55 Year 2007 Chapter I Article 1 Paragraph 3 concerning the Religion Education and Religious Education emerges. The PP serves as a description of UUSPN No. 20 of 2003 section 30 about Religious Education. Religious Education in government regulation is intended as an education that prepares students to be able to carry out a role that requires the mastery of

knowledge about the teachings of religion and/or become a theologian and practice the teachings of his religion (PP No. 55 of 2007 Section I of Article 1, paragraph 2). Religious education for muslims mentioned in this regulation is *pesantren* (Islamic boarding school) and MD administered in various channels and levels of education.

The government provides opportunities to religious educational institutions to provide education in formal, non-formal and informal way (PP No. 55 of 2007, Section III of Article 9, paragraph 2). Sciences taught at MD derived from religious teachings (PP No. 55 of 2007 Section III of Article 10, paragraph 1).

Islamic religious education can be administered in the form of MD and *pesantren* as it is stated in PP No. 55 Year 2007, Article 14, paragraph 1. MD is administered in formal, non-formal, and informal way (PP No. 55 Year 2007, Article, 14 paragraph 2). Official MD offers education that is rooted from the teachings of Islam starting from early childhood education, primary education, secondary education, and higher education (PP No. 55 of 2007, Section 15). MD level which is equivalent to MI/SD consists of 6 (six) year study program and followed by the next level that is secondary education, equivalent to MTs/SMP consisting of three (3) levels. MD secondary education level, equivalent to MA/SMA consisting of (3) three levels.

As a non-formal institution, MD is administered in various forms namely: religious lectures on classical books, *Al-Qur'an* education, *Diniyah Takmiliyah* and other similar form (PP No.55 of 2007, Article 21, paragraph 1). Regarding the form of education, non-formal education can be run in the form of school or education units (PP No. 55 of 2007, Article 21, paragraph 2). MD that develops into educational units must obtain permission from the MORA in district/city after they meet the terms of the requirements to establish an educational unit (PP No. 55 of 2007, Article 21, paragraph 3).

MD is aimed at providing Islamic education obtained in SD/MI, SMP/ MTs, SMA/MA, SMK/MAK, or in higher education in order to increase faith and piety of learners to Allah (PP No. 55 of 2007, Article 25, paragraph 1). Regarding the institutional hierarchy or level of education, MD can be implemented in hierarchical or nonhierarchical level (PP No. 55 of 2007, Article 25, paragraph 2). Venue where MD is conducted can be implemented in the mosque, or in other places that are qualified (PP No. 55 of 2007, Article 25, paragraph 3). MD in the form of *Diniyah Takmiliyah* lies in the authority of the organizer (PP No. 55 of 2007, Article 25, paragraph 4). In terms of implementation *Diniyah Takmiliyah* can be done in conjunction with SD/MI, SMP/MTs, SMA/MA, SMK/MAK or higher education (PP No. 55 of 2007, Article 25, paragraph 5). Politics (policy) of national education which is reflected in governmental regulation (PP No. 55 of 2007) has not been able to empower and develop MD.

It can be argued that the MD from its early growth to this day has continued to increase, both in quantity and quality. Governmental Regulation No. 55 Year 2007 categorizes the MD into formal *Diniyah Takmiliyah* ' non-formal ' and informal *diniyah*. Naming an institution as *Diniyah Takmiliyah* is the authority of the organizer. This study uses the name MD because the words have a long historical roots (Regulation of the Minister of Religion No. 13/1964 and in Menag Decree No. 3/1983), and is still used by many organizers of MD.

Based on PP No. 55 Year 2007 concerning Religion Education and Religious Education, MD can be categorized as follows: First, there is formal education of *diniyah* that has many levels namely: Early Childhood Education, Basic Education of *Diniyah* (PDD/*Pendidikan Dasar Diniyah*) equals MI/SD consisting 6 levels (aged 7-12th), junior *diniyah* education (PDMP/*Pendidikan Diniyah Menengah Pertama*) equals MTs/SMP consisting of three levels (aged 13-15 years), senior *diniyah* Education (PDMA/*Pendidikan Diniyah Menengah Atas*) equals MA/SMA consisting of three levels (aged 16-18), higher *diniyah* Education

(PDT/*Pendidikan Diniyah Tinggi*) organizes academic programs, vocational and professional in the form of a university, college, or higher school (PP No. 55 Year 2007 on Religious Education and Religious Education, Article 15-20).

Second, Non Formal *Diniyah* Education (*Diniyah Takmiliyah*) and it usually takes many forms namely: islamic classical book reading, *majlis taklim* (islamic scholar preaching a particular topic to audiences), TKQ (*Al-Qur'an* Education for Kindergarten) consisting of 2 year study for students aged 5-6 years, TPQ *Al-Qur'an* education for students aged 7-8 yearth and it has two year study., *Ta'lim al-Qur'ān li 'l-Aulād* (TQA), *Diniyah Takmiliyah* (supplement), MD *Awwaliyah* (MDA) 4 year study for students aged 9-12 years old, MD *Wustha* (MDW) taken for 2 years study by students aged 13-15 years old, MD *Ulya* (MDU) has 2 year study which is adressed for students aged 16-18 years old (PP No. 55 Year 2007, Article 21-25). The term MD does not appear explicitly in PP No. 55 Year 2007. The last type of MD is informal education of *diniyah* which is conducted within the family of students.

Legally speaking, the existence of law and governmental regulation on religion education and religious education provides opportunities for local government in the spirit of regional autonomy to create *Perda* (*Peraturan Daerah*/regional regulation) on MD implementation. Some areas in Indonesia have made *Perda* associated with MD such as Compulsory MDA, which requires students in elementary and junior high schools to get education in MD. In West Java there are some regions that implement compulsory MDA for instance Indramayu and Kuningan regency. Banten province is represented by Serang Regency to join the line. As a result, in those regions all muslim graduating students of primary school are required to include diploma gained from graduation marks of MDA. The requirement to have MDA certificate serves as one of the conditions to sign up to the junior high school.

The Post Law Number 20 Year 2003 MD has been included in the national education system. The educational system is meant, namely a total interaction of a set of educational elements which have integrated cooperation and complete each other in order to achieve the objectives of education. The cooperation is based on the noble values of the elements (Inayah & Patimaningsih, 2013).

MD in Indonesia Before and After the Law No. 4 Year 1950 Jo No. 12 Year 1954

MD has played role as the religious educational institutions in Indonesia and has had a very long history. It has a significant contribution in building the moral and character across generation (Roslan, Nor, & Malim, 2014). Unfortunately, the government has not shown proper political will and commitment to empower MD. It is proven by the fact that the MORA has not taken strategic steps in empowering MD in order to achieve high quality of MD.

MD, serving as national education institution, had long been existed before the birth of the Indonesian state along with *pesantren* (Islamic boarding school) and *Zending* (Dutch government-initiated Christian school). Undoubtedly, MD has been a neglected treasure in national education system because it is considered as one entity within unique *pesantren* education. As a result, its role and position have been reduced.

Historically, MD accepted the influence mainly from two traditions of education, namely: Gubernemen Indies school tradition and *madrasah* school tradition rooted in Mecca and Egypt. There is a tendency that *madrasah* which were influenced by tradition *Gubernemen Indies* accepted MWB and they later evolved into the formal *madrasah* namely MI, MTs, and MA. In contrast, the MD under the influence of Haramain have been consistent with teaching and training only religious sciences of Islam from the beginning of their development to this millennium.

MD in Indonesia was more influenced not only by Gubernemen school tradition introduced by the Dutch government but also by the traditions of modern Islamic school adopted from Egypt and Mecca. To exemplify those MD in Sumatra include *Madrasah* School initiated Thaib Shaykh Muhammad Umar in 1909; *Adabiyah* School (*Madrasah Adabiyah*) initiated Sheikh Ahmad Abdullah in 1909; and MD (*Diniyah* School) founded by Zainuddin Labay El-Yunusi (1890-1924) in 1915 in Padang Panjang.

On the other hand, MD in Java and Sumatra were more synonymous with *madrasah* system in Mecca namely *Madrasah Shaulatiyyah*, *Madrasah Diniyyah Dārul Ulūm* as well as the *Madrasah Dār al-Ulūm* in Egypt. These MD were traditional educational institution since they adopted a classical education (not *halaqah*) and designed a standard curriculum following the standards of Islamic education generally held in the Arab region.

MD is the forerunner of the formal *madrasah*. Having started as MD, they took the program MWB before they were recognized by MORA as formal *madrasah* namely MI, MTs and MA. On the other hand, MD that were not compatible with MWB program have been focusing themselves on the education and teaching of the Islamic religion alone. Studies show that in general *madrasah*, teaching and learning process have not reached quality service (Wahab, 2008).

After the implementation of Law No. 4 Year 1950 Jo No.12 Year 1954, MD remained a diminished institution within national education system. Constitutionally speaking, the government was not in favor of the MD empowerments part of the national education program. Despite having less attention from the government, MD had a clear educational system in the way they operated. MD earned weaker attention from Government compared to MWB as their counterpart.

Law No. 4 Year 1950 Article 1 paragraph 2 states: "Studying in the religious schools that have earned MORA recognition is deemed to have fulfilled the obligation to learn .... " . In response to this law, MD that became formalized institutional education namely MI, MTs, and MA were in a clear position and were recognized in the legislation. However, MD which retained their curriculum in delivering only religious aspects alone and refused to follow government suggestion to add general subjects did not get the government recognition. Consequently, their graduate certificate had no influence and were not recognized by the government. It can be concluded that under the Law No. 4 Year 1950 and No. 12 of 1954, MD did not receive fair treatment from the government compared with other educational institutions.

The government has not accommodated Islamic education (including MD) in the policy of Law No. 4 of 1950. It showed the strong dominance of the government in policy decisions. Such circumstances are in line with the opinion of Thomas R. Dye (1981) public policies which is defined, implemented and enforced by the authoritarian government institutions. The relationship between public policy and government institutions is very close. Policy does not become a public policy before it is accepted, implemented and enforced by government institutions. Dye's opinion reinforced by J. E. Anderson (1975) who concluded that a policy is made when enacted and enforced when made. Taylor, S. et al. (1997) stated that the determination of policy is a state activity. J. J. Prunty (1985) asserted that the policy involves the use of power, control, and validation of the value of a particular group.

In the development of Islamic studies in Indonesia, there is a strong tendency to use traditional and modern Islamic dichotomy as an analytical tool in understanding the development of Islam. Referring to the opinion of Munir, MD is still considered a traditional Islamic education and it has not become mainstream in education in Indonesia.

MD Under the Law No. 2 Year 1989

This section discusses the status and position of MD in the context of the Law on the National Education System No. 2 Year 1989. It also reviews information critically regarding government's discriminatory treatment against MD.

The implementation of the Law No. 2 Year 1989 required the integration of the national education system. This policy can be done without significant reaction from the Islamists. After the Law came into effect, MD position in the scheme of religious education can be described as follows (Husni Rahim, 2005).
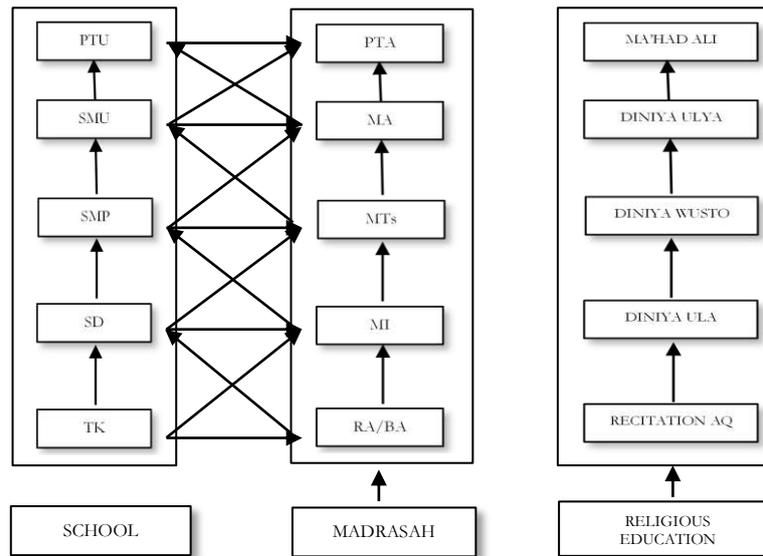

Figure 5. Digram of Islamic Education Institution under the Law National Education System No. 2 Year 1989.

According to Law No. 2 Year 1989 Chapter II of Basis and Purpose, Article 4 states: the purpose of national education is to enlighten nation's intellectual life and develop a complete Indonesian man, the man who has faith and piety to God the Almighty and noble character, has proper knowledge, skills, physic, spiritual health, steady and independent personality, and sense of civic responsibility and nationality.

As a follow-up to the enactment of Law No. 2 Year 1989, on July 10, 1990 the government had issued four PP as follows: PP No. 27 Year 1990 on Preschool, PP No. 28 Year 1990 on Basic Education, PP No. 29 Year 1990 on Secondary Education, PP No. 72 Year 1991 on non-formal School Education, PP No. 73 Year 1991 on non-formal School Education, PP No. 30 Year 1990 on Higher Education. However, out of the four PP issued by the government, none of them regulated clearly the form of Islamic Education (Riyadi, 2006, pp. 73-74). There was an impression that by issuing these policies, the government to some extent marginalized Islamic religious education as a form of formal educational institutions. The regulation and the recognition of the existence of Islamic education institutions were found on the KMA (*Keputusan Menteri Agama*/Decision of Religious Affair Minister), among them *KMA* No. 368 Year 1993 on MI, KMA No. 369 Year 1993 on MTs, KMA No. 370 Year 1993 on MA (*Himpunan Peraturan Perundang-Undangan Sistem Pendidikan Nasional: Seri Perguruan Agama Islam*, 1995).

Mastuhu (2003, p. 145) observes that the Law on National Education System No. 2 Year 1989 has been out-of-date since it is no longer able to serve the challenges both internal (domestic demand) and external challenges (in the face of challenges globalization). In this

regime, the national education system had served the interests of the ruling government power at that time which ruled for 32 years (1966-1998). The national education system was centralized in terms of management and implementation. It also applied spirit of new order regime which was central in nature and ignorance of nation diversity (Mastuhu, 2003, p. 146).

After the Law No. 2 Year 1989 MWB has been considered modern educational institution and it was also legitimized fully as part of the national education system. UUSPN No. 2 Year 1989 was greeted with enthusiasm by the MORA, as the institution is responsible for the *madrasah* and Islamic institutions in general. Finally MWB have curriculum closely similar to the public school curriculum (*Keputusan Menteri Agama* RI No. 372 *Tahun* 1993 *mengatur Kurikulum Pendidikan Dasar berciri khas Agama Islam*). To achieve successful *MWB*, leadership is a key. Raihani (2008) found that successful leadership is correlated significantly with Islamic and cultural belief.

However, the existence of MD as a religious educational institution has not received equal recognition that other educational institutions have. *MD* is seen as a non-formal educational institution. Consequently, the development and empowerment of MD are responsibility of society. The government reduces its role in empowering MD. Despite having marginalized, MD clearly struggle to educate the public through education and seek to instill religious education so that citizens believe and fear of God the Almighty. It goes without saying that MD has contributed significantly in nation building despite all the state discrimination that MD experiences.

The change in orientation undergoes within MI, MTs, MA and they transform more like public schools. As a result, religious education gradually decreases. To meet the needs of religious knowledge, people develop MD, *Madrasah Aliyah Khusus* (MAK) and *pesantren* which are credible in delivering Islamic teachings.

After the implementation of UUSPN No. 2 Year 1989, in the context of the national education system, MD belongs to non-formal Islamic educational institutions. In contrast, MI, MTs and MA turn into distinctive public schools in that they feature Islamic values. In other words, MI, MTs, and MA which were initially seen as a religious institution have enriched themselves in terms of role and function as plus public school. It is expected that *madrasah* can face the challenges of globalization and AFTA (Indra, 2015). In this context, MD plays essential task to meet the shortage of religious education in public schools. However, in the context of government policy, it can be stated that the policies made by the government have not empowered MD. Since the government less supports *MD*, the impact occurs where the number of MD students decline. Unsurprisingly, several MD went bankrupt and were closed since there was no student to teach.

Shortage of religious education in public schools and formal *madrasah* can be overcome by the presence of religious education in MD. For some parents who are planning to send their children to boarding school to continue their studies, MD are really helpful in preparing children with various necessary competencies to enter *pesantren*. MD provides children material concerning *Nahwu, Sharf, Fiqh* and competencies as a prerequisite to enter *madrasah* in boarding schools.

Based on the description above, it can be concluded that in the context of UUSPN No. 2 Year 1989 the government has not shown the policy to develop and empower MD. Centralized policy strengthened only the interests of rulers and MD received discriminatory treatment compared with other educational institutions in Indonesia .

After the enactment of UUSPN No. 2 Year 1989, the dichotomy of public schools with MWB has begun to fade (Azra, 2006, p. 71). It was followed by *PP* No. 73 Year 1991 on *PLS* (non-formal education). These policies have placed MD as an institution belonging to PLS. The aim among others is that MD will provide religious education that students did not

gain in the education school path (Zuhairini, 1995, p. 28). This placement has shown to some extent discrimination toward MD.

Although MD is categorized as a non-formal educational institution, its implementation still refers to a curriculum set by the government. In 1991 MD curriculum was developed into 3 types: type A, type B and type C. In 1994, MD curriculum was adjusted again by Act No. 2 of 1989 (Zuhairini, 1995, p. 29). The implementation of MD consists of elements that build the educational system. The elements are educational goals , human resources of education, the students, infrastructure, the curriculum, and evaluation of education.

In 1995, Wardiman Djoyonegoro wanted to apply the concept of five- day schooling (Monday to Friday) by increasing the school hours from 07:30 to 16:30. Islamic notable figures rejected the policy for many reasons. It reduced the chance of Muslim children to recite *al-Qur'an* in the afternoon. The reason is associated with the tradition of chanting afternoon at *musholla, surau*, mosque and the achievement of *TPA* afternoon with *iqra* method by Muslim children of school age throughout the country at that time (Sirozi, 1999, pp. 54–55).

Through Instruction No. 02/Ins/III-A-a/1994, PP (Hedquarters organizer) Muhammadiyah banned all schools to participate in the try out of school five days organized by the Department of Education at the time. Magazine *Panjimas* (1994, p.21) noted that time a similar rejection reaction was also popping up in various regions of the country, thus strengthening the pressure on Wardiman to cancel the plan. It can be concluded at the time Law No. 2 Year 1989 MD had not been included in the national educational mainstreaming. MD served as one of the institutions PLS (non-formal School Education) whose existence was better to reflect the needs of society than governments. The government still discriminates MD institutions because it is considered as the PLS.

After the implementation UUSPN No. 2 Year 1989, MD has not played role as a mainstream in formal education. It shows that public policy is a strategic fact rather than politic fact and technical fact (Tilaar & Nugroho, 2008, p. 185). This condition can be analyzed by using system theory which suggests that system concept, structure and function are an integral part of how politics is influenced by nature and human environment and vice versa. Those components are conceptual components using ecology approach toward politics (Masoed & MacAndrews, 2006, p. 24). System theory refers to Easton opinion which illustrates political society life as a system (Easton, 1953).

MD Under the Enactment of Law No. 20 Year 2003

Madrasah in the context of Indonesia may fall into two trends which are identifiable. First, MD *salafiyah* continues to grow and evolve by increasing and strengthening the quality as *tafaqquh fi ad-din* (focusing on religious teachings) institution. Second, more and more *madrasah* increase and they deliver material values of Islam and science that public school offers. In this context, MD belongs to the first trend, that is to say that MD serves as an institution that focuses on religious studies (*tafaqquh fi ad-din*). Jamhari Makruf investigated in depth new trend of Islamic education in Indonesia (Makruf, 2009). Zuhdi found that Islamic education in Indonesia has developed and experienced modernization (Zuhdi, 2005).

MD position and status are increasingly important with the enactment of Law No. 20 Year 2003 Section 30 which states MD as a kind of religious education and MD is accommodated in PP No. 55 Year 2007 on Religion Education and Religious Education. MD *Takmiliyah* plays a role in meeting the religious education of the students' need in relation to the low quality of PAI subject (*Pendidikan Agama Islam*/Religious Education) in schools and formal *madrasah*.

Legally speaking MD is included clearly in Article 30 of Law on the National Education System No. 20 Year 2003. Further description of the article can be found in PP No. 55 Year 2007 on Religion Education and Religious Education. MD is one of the Islamic religious educational institutions. However, the implementation of laws and government regulations have not been clear. Given this situation, it is recommended that the Central Government and Local Government make regulations (such as regulation and local laws) to translate policy towards MD implementation hence the existence of MD is growing positive to ensure an effort to educate and prepare the morals of the nation's generation as a national development asset.

Perda issued by Indramayu District No. 2 Year 2003 concerning MD (as an example), in its implementation are likely to run smoothly. However, there are problems in implementing *Perda* with respect to several barriers such as: the ability of local government budgets for payrolling teachers, operational costs, the implementation of teaching and learning activities, learning resources, as well as the qualifications and competence of teacher. It seems the government through MORA does not technically have policies that govern the requirements and criteria of MD teachers.

In the same vein, Serang also regulates implementation of MD. The policy is based on the *Perda* Serang District Number 1 Year 2006 on the Implementation of Compulsory MDA. *Perda* No. 1 Year 2006 obliges every Moslem child of school-aged from 7 years to 15 years is required to follow the non-formal education MDA in four-year study program. When they graduate from MDA, students obtain a diploma called *shahadah* which is used as one of the requirements to enroll for junior high school and MTs respectively. It goes without saying that curriculum development plays pivotal role in establishing successful *madrasah diniyah* (Salahuddin, 2012). It can be concluded that MD after the enactment of law No. 20 of 2003 is increasingly gaining a clear legal framework with the inclusion of MD in the article of religious education. This law is followed by the emergence of PP No. 55 Year 2007 in regulating MD, but the implementation of these policies concerning MD has not run optimally.

CONCLUSION

In the political aspects of education perspective, since the colonial era and after Indonesia's independence even after the law of education and teaching No. 4 Year 1950 Jo No. 12 Year 1954, UUSPN No. 2 in 1989 and UUSPN No. 20 in 2003, MD has not been considered important and at the top priority in the provision of national education system in Indonesia. Governmental policy in the field of education has opened access for the expansion of educational opportunities for the community, but it is not followed by the fulfillment of the minimum requirements of education. Educational policies have favored the interests of the government and to some extent ignored the society who are struggling to strive in education sector. In a nutshell, governmental regulation on MD in Indonesia seems in favor of the interests of the central government which makes it difficult for its implementation by the public at the local level.

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