

**THE EFFECTIVENESS OF BANYUWANGI LOCAL REGULATION
NUMBER 7 YEAR 2017 ON THE SUPERVISION OF MADRASAH
DINIYAH TAKMILIAH**

THESIS

By:

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CONSTITUTIONAL LAW DEPARTMENT (SIYASAH)

SHARIA FACULTY

**MAULANA MALIK IBRAHIM STATE ISLAMIC UNIVERSITY OF
MALANG**

2019

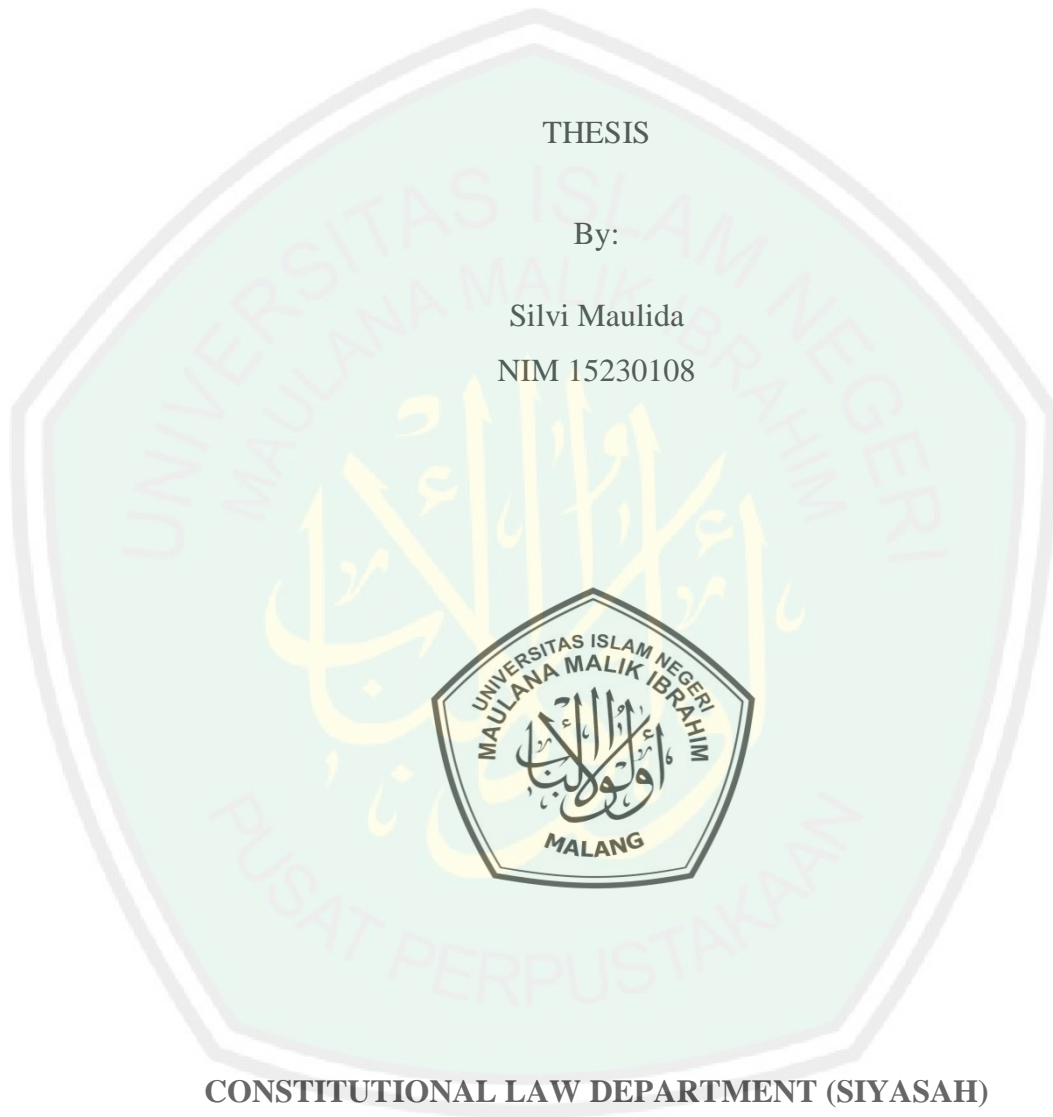
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2019

STATEMENT OF THE AUTHENTICITY

I state that the thesis entitled “THE EFECTIVENESS OF BANYUWANGI LOCAL REGULATION NUMBER 7 OF 2017 ON THE SUPERVISION MADRSAH DINIYAH TAKMILIAH” is my original work. I do not include previously written or published by another person. If it is proven to be another person’s work, duplication, plagiarism, this thesis and my degree as the result of this action will be deemed legally invalid.

Malang, 05th of February 2020

Author,



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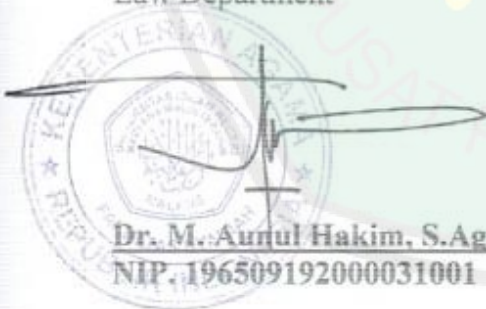
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**“THE EFECTIVENESS OF BANYUWANGI LOCAL REGULATION
NUMBER 7 OF 2017 ON THE SUPERVISION MADRSAH DINIYAH
TAKMILIAH”**


The supervisor states that this thesis has met the scientific requirement to be proposed and to be tested by the Thesis Board of Examiners.

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Malang, 5th February 2020
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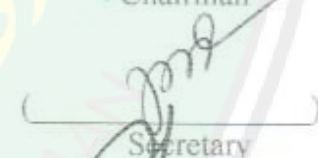
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MOTTO

مَنْ سَلَكَ طَرِيقًا يَلْتَمِسُ فِيهِ عِلْمًا، سَهَّلَ اللَّهُ لَهُ فِيهِ طَرِيقًا إِلَى الْجَنَّةِ

[صحيح مسلم, 2699]

“Whoever travels a path in search of knowledge, Allah will make easy for him a path to Paradise.”

[Ṣaḥīḥ Muslim 2699]



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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Alhamdulillah bini'matihi tatimmu shalihat, with all of His grace, mercy and guidance the thesis entitled "***The Effectiveness of Banyuwangi Local Regulation Number 7 of 2017 on The supervision of Madrasah Diniyah Takmiliah***". Can be done very well. *Wasshalatu was salam 'ala Rasulillah*, for his teachings that taught us to live in the world, led our way from the darkness to the light in this life. May we are become one of those who will has his *syafaat* in the Judgment day.


1. Prof. Dr. Abdul Haris, M.Ag, as the Rector of Maulana Malik Ibrahim State Islamic University of Malang
2. Dr. H. Saifullah, S.H, M. Hum, as the Dean of the Faculty of Sharia Maulana Malik Ibrahim State Islamic University of Malang.

3. Dr. H. M. Aunul Hakim, S.Ag, M.H, as the Head of the constitutional law Program of the Faculty of Sharia Maulana Malik Ibrahim State Islamic University of Malang.
4. Dra. Jundiani,S.H.,M.Hum, as the writer's lecturer. I say thank you as much and an apology for the widest possible author of the time he has bestowed on the guidance, direction, and motivation to finish writing this thesis.
5. All examiners who have been willing to test, give input and improvement to this thesis.
6. All lecturers faculty, staff as well as employees faculty of Sharia Maulana Malik Ibrahim State Islamic University of Malang which has delivered teaching, educating, guiding, and with sincere practice. May Allah give his reward that is worth him all.
7. Both parents, sincere faithful parents pray, give whatever for the sake of their daughter, devoting compassion both in the form of fact and inner and always give guidance and motivation to always be optimistic in doing all good..
8. Thanks to all parties that can not be mentioned one by one that has helped and facilitate the completion of this thesis.

Hopefully what I have gained during the lecture at the Islamic Faculty of Maulana Malik Ibrahim State Islamic University of Malang. This can be beneficial to all readers, especially for me personally. Here the author as an ordinary man who never escapes from wrong and sin, realizing that his thesis is still far from perfection. Therefore, the author is very hope of criticism and advice from all parties for the perfection of this thesis.

Malang, 05 February 2020

Author


Silvi Maulida
NIM 15230108

TRANSLITERATION GUIDANCE

A. General

The transliteration guide which is used by the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim Malang, is the EYD plus. This usage is based on the Consensus Directive (SKB) from the Religious" Ministry, Education Ministry and Culture Ministry of the Republic of Indonesia, dated January 22, 1998, No. 158/1987 and 0543. b/U/1987, which is also found in the Arabic Transliteration Guide book, INIS Fellow 1992.

B. Consonants

Arab	Latin	Arab	Latin
ا	A	ط	Th
ب	B	ظ	Zh
ت	T	ع	'
ث	Ts	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dz	م	M
ر	R	ن	N
ز	Z	و	W
س	S	هـ	H
ش	Sy	ء	'
ص	Sh	ي	Y
ض	Dl		

The hamzah (ء) which is usually represented by and alif, when it is at the beginning of a word, henceforth it is transliterated following its vocal pronouncing and not represented in writing. However, when it is in the middle or end of a word, it is represented by a coma facing upwards (´), as oppose to a comma (,) which replaces the “ع”.

C. Vocal, Long-pronounce, and Diftong

In every written Arabic text in the latin form, its vowels fathah is written with “a”, kasrah with “i”, and dlommah with “u, whereas elongated vowels are written such as:

Elongated (a) vowel = â	for example قال	beomes qâla
Elongated (i) vowel = î	for example قيل	becomes qîla
Elongated (u) vowel = û	for example دون	becomes dûna

Specially for the pronouncing of *ya' nisbat* (in association), it cannot represented by “i”, unless it is written as “iy” so as to represent the *ya' nisbat* at the end. The same goes for sound of a diftong, *wawu* and *ya'* after fathah it is written as “aw” da “ay”. Study the following examples:

Diftong (aw) = و	for example قول	becomes qawlun
Diftong (ay) = ي	for example خير	becomes khayrun

D. Ta' Marbûthah (ة)

Ta' marbûthah is transliterated as “t” if it is in the middle of word, but if it is *Ta' marbûthah* at the end of word, then it is transliterated as “h”. For example الرسالة للمدرسة will be *al-risalat li al-mudarrisah*, or if it happens to be in the

middle of a phrase which constitutes *mudlaf and mudlaf ilayh*, then the transliteration will be using “t” which is enjoined with the previous word for example *فى رحمة الله* becomes *fi rahmatillah*.

E. Auxiliary Verb and Lafadh Al-Jalâlah

Auxiliary verb “al” (لا) written with lowercase form, except if it located at the beginning of word, while “al” in lafadh jalâlah which located in the middle of two words or being or become *idhafah*, it removes from writing. Study the following:

1. Al-Imâm al-Bukhâriy said ...
2. Al-Bukhâriy explains, in the prologue of his book ...
3. MasyâAllâhkânawamâ lam yasya” lam yakun.
4. Billâhi,, azzawajalla

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ABSTRAK

Silvi, Maulida, NIM 15230108, 2020, *Efektivitas Perda Kabupaten Banyuwangi Nomor 7 Tahun 2017 Terhadap Pengawasan Madrasah Diniyah Takmiliyah*, Skripsi Jurusan Hukum Tata Negara, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Pembimbing: Dra. Jundiani, S.H.,M.Hum.

Kata Kunci : Efektivitas, Madrasah Diniyah, Pengawasan, Peraturan Daerah

Penerapan Peraturan Daerah Kabupaten Banyuwangi Nomor 7 Tahun 2017 tentang Wajib Belajar Madrasah Diniyah Takmiliyah belum berjalan secara efektif. Rumusan masalah yang dipilih adalah Bagaimana Efektivitas pengawasan Madrasah Diniyah Takmiliyah menurut Peraturan Daerah Kabupaten Banyuwangi Nomor 7 Tahun 2017 tentang Wajib belajar Madrasah Diniyah Takmiliyah ? Apasajakah faktor pendukung dan penghambat Pengawasan Peraturan Daerah Kabupaten Banyuwangi Nomor 7 Tahun 2017 tentang Wajib belajar Madrasah Diniyah Takmiliyah?

Penelitian ini merupakan penelitian hukum empiris dengan menggunakan pendekatan sosiologi dan Perundang-undangan yang mendeskripsikan secara mendalam mengenai objek yang diteliti. Dan metode pengumpulan data yang digunakan adalah wawancara sebagai data primer dan literature sebagai data sekunder. Teknik analisis menggunakan deskriptif-analitif.

Hasil penelitian menunjukkan bahwa Pengawasan Madrasah Diniyah belum efektif. Peneliti menemukan bahwa hanya 20 % wilayah di Banyuwangi yang telah mendapat sosialisasi sejak peraturan tersebut undangkan, selain jangkauan, hasil wawancara menunjukkan sosialisasi hanya masih terbatas pada perangkat desa dan belum menjangkau pendidik madrasah diniyah ataupun masyarakat. Pemerintah daerah tidak mengawasi program ini serta tidak adanya kesinambungan antar lembaga terkait Program wajib belajar Madrasah Diniyah ini.

Pengawasan Madrasah Diniyah Takmiliyah tidak efektif, perhatian pemerintah dan konten dalam fungsi pengawasan pelaksanaan masih rendah, Peran pemerintah dianggap sangat kurang. Dari data sebelumnya, seperti dari faktor-faktor efektivitas undang-undang serta pendukung dan faktor penghambat yang telah dianalisis.

ABSTRACT

Silvi, Maulida, NIM 15230108, 2020, *The Effectiveness of Banyuwangi Local Regulation Number 7 Of 2017 on The Supervision of Madrasah Diniyah Takmiliyah*, Thesis of Constitutional Law Departement, Shari'ah Faculty, State Islamic University Maulana Malik Ibrahim Malang, Supervisor : Dra. Jundiani, S.H.,M.Hum.

Keywords : Effectiveness, Madrasah Diniyah, Supervision, Regional Regulation

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-analitive.

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

المستخلص البحث

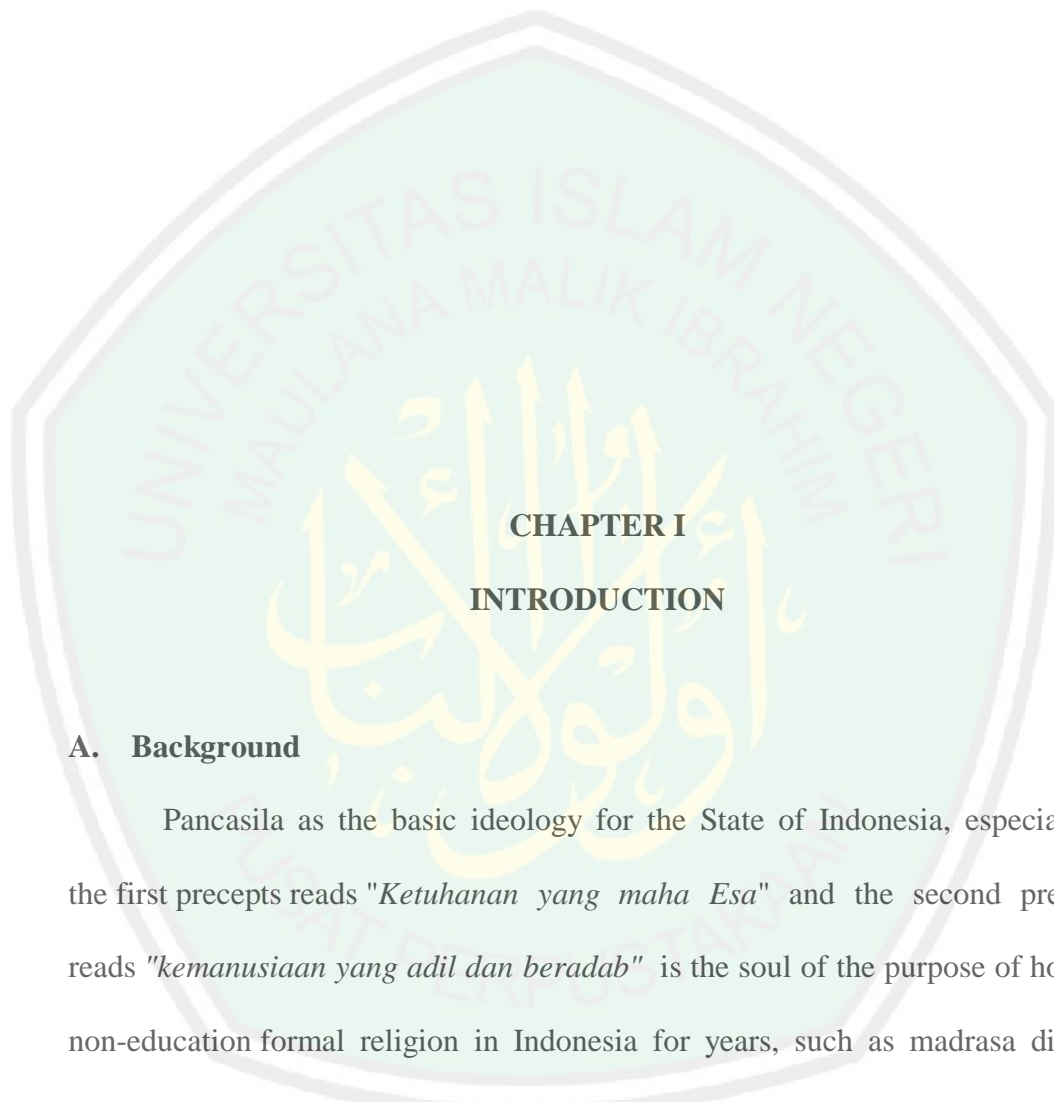
سلفى مولداً، ٨٠١٠٣٢٥١، ٠٢٠٢، فعالية، اللائحة المحلية لعام ٧١٠٢ على ٧ رقم الإشراف على مدرسة دينية، أطروحة قسم القانون الدستوري، كلية الشريعة، جامعة الدولة الإسلامية مولانا مالك إبراهيم، المشرف: س. جونداني، د.

تكميلية دينية لمدرسة الإلزامي التعليم بشأن ٧١٠٢ لسنة ٧ رقم بانيووانغي مقاطعة لائحة تنفيذ يكن لم لائحة وفقاً التكميلية دينية مدرسة على الإشراف فعالية مدى ما: هي المختارة المشكلة صياغة. فعلاً هي ما تكميلية؟ دينية لمدرسة الإلزامي التعليم بشأن ٧١٠٢ لعام ٧ رقم بانيووانغي لمقاطعة الإقليمية يتعلق فيما ٧١٠٢ لعام ٧ رقم بانيووانغي لمنطقة الإقليمي التنظيم على للإشراف والمثبطة الداعمة العوامل التكميلية؟ دينية لمدرسة الإلزامي بالتعليم

معمق بشكل يصف الذي والتشريع الاجتماع علم منهج يستخدم تجريبي قانوني بحث هو البحث هذا والبيانات والأدب الأولية البيانات مثل المقابلات هي المستخدمة البيانات جمع وطرق. الدراسة قيد الشيء التحليلي الوصفي التحليل أسلوب يستخدم. الثانوية

المناطق من فقط ٠٢٪ أن الباحثون وجد بعد فعلاً يكن لم دينية مدرسة على الإشراف أن النتائج أظهرت أن المقابلات كشفت، التغطية إلى بالإضافة، اللوائح سن منذ اجتماعيا اختلاطها تم قد بانيووانجي في على مسؤولي القرية ولم تصل بعد إلى معلمي دين المدرسة الدينية مقصورة تزال لا الاجتماعية التنشئة لا تشرف الحكومة المحلية على هذا البرنامج وليس هناك استمرارية بين المؤسسات المتعلقة. أو المجتمع ببرنامج التعليم الديني المدرسي.

إن الإشراف على مدرسة دائية التكميلية غير فعال، ولا يزال اهتمام الحكومة ومحتواها في مهمة الإشراف على التنفيذ منخفضاً، ويعتبر دور الحكومة أقل جداً، ومن البيانات الموصوفة مسبقاً من العوامل الخمسة لفعالية القانون، وكذلك نظراً لأن العوامل الداعمة والمثبطة التي قام المؤلف بتحليلها في الفصل السابق، يستخلص المؤلف أن قانون اللائحة المحلية لعام ٧١٠٢ على ٧ رقم الإشراف على مدرسة دينية غير فعال.



CHAPTER I INTRODUCTION

A. Background

Pancasila as the basic ideology for the State of Indonesia, especially in the first precepts reads "*Ketuhanan yang maha Esa*" and the second precepts reads "*kemanusiaan yang adil dan beradab*" is the soul of the purpose of holding non-education formal religion in Indonesia for years, such as madrasa diniyah organized by pesantren or non-pesantren, schools and TPQ. The purpose of religious education is to increase knowledge, faith, devotion and noble character of students and become the responsibility of the government in its fulfillment efforts. The government strives and organizes a national education system, which

enhances faith and devotion to God Almighty and noble character in order to educate the life of the nation, which is regulated by law.¹

Madrasah Diniyah Takmiliah is one of the heritages and legacies of previous generations which has been maintained until now even though the numbers are always decreasing every year. Islamic religious education is also an effort in realizing the first and second precepts as a provision and basis for Muslims to achieve the safety of the world and the hereafter. Of course the implementation is not only for the provision of life, improving spiritual quality, but also for Human Resources (HR). Fulfillment or mastery of religious knowledge that should be owned by children, behave well and become qualified personal Human Resources (HR), as well as useful knowledge later either by teaching or in practicing Islamic values in everyday life. Madrasah Diniyah Takmiliah is also seen as stated in Strengthening Character Education, this is stated in Article 1 of Banyuwangi Local Regulation number 54 concerning Implementation Guidelines for Banyuwangi Regional Regulation Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliah:

“Penguatan Pendidikan Karakter adalah gerakan pendidikan di bawah tanggung jawab satuan pendidikan untuk memperkuat karakter peserta didik melalui harmonisasi olah hati, olah rasa, olah pikir, dan olah raga dengan pelibatan dan kerja sama antara satuan pendidikan, keluarga, dan masyarakat sebagai bagian dari Gerakan Nasional Revolusi Mental (GNRM).”²

¹ Article 31 paragraph (3) of the Undang-Undang Dasar Republik Indonesia

² Article 1 of Banyuwangi Local ‘ Regulation number 54 concerning Implementation Guidelines for Banyuwangi Regional Regulation Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliah (in Banyuwangi Regency Regional Gazette Number 94-7 / 20)

The quality of human resources indirectly is one of the responsibilities of local governments to continue to improve and build the quality of the population of the region. Regional autonomy for human resources (HR), namely personnel or apparatuses who occupy government leaders who are truly able to invite the public to participate in human resource development and how to empower human resources as aspects of regional development. Therefore human resources that support the implementation of regional autonomy must be prepared. Efforts to increase human resources in regional autonomy need to be maximally increased.

“Madrasah Diniyah Takmiliyah adalah lembaga pendidikan keagamaan Islam pada jalur pendidikan non formal yang diselenggarakan secara terstruktur dan berjenjang sebagai pelengkap pelaksanaan pendidikan agama Islam pada jenjang Pendidikan dasar, Berupa Satuan Pendidikan”.³ Madrasah diniyah is divided into two, namely formal and non-formal. This means that the formal Madrasah Diniyah Takmiliyah is held by an educational institution that teaches the basic principles of Islamic religious sciences, such as the science of jurisprudence, the Qur'an, hadith, and aqeedah, and others. Whereas the non formal Madrasah Diniyah Takmiliyah can be held by agencies, institutions, organizations, and individuals.

Implementation of Madrasah diniyah takmiliyah Education held in the form of education units and educational programs must obtain permission from

³ Article 4 of Banyuwangi Regional Regulation Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliyah (in the Regional Gazette of Banyuwangi Regency Number 94-7 / 2017)

the Office of the Ministry of Religion in the District.⁴ Madrasah Diniyah Takmiliyah is distinguished by level. There are three levels is; Elementary, Intermediate, and Advance. Program compulsory education aimed at primary and secondary level or on the SD / SDI or junior high school / MTS equal. Participants are not required to attend non-formal Madrasah Diniyah Takmiliyah if they have taken formal Diniyah Takmiliyah Madrasah. That is participants may only follow one of them. And are entitled to get a diploma in order to proceed to the next level. The regional government is tasked with supervising the implementation, as well as facilitating and providing assistance to Madrasah Diniyah Takmiliyah. Supervision of Madrasah Diniyah Takmiliyah is carried out by the Office of the Ministry of Religion and / or regional government.

The embodiment and efforts in realizing the implementation of the mandate are in line with the national policy in the field of education by enacting Law Number 20 Year 2003 concerning the National Education System as the executor of the Constitution is stated as:

“Pendidikan nasional berfungsi mengembangkan kemampuan dan membentuk watak serta peradaban bangsa yang bermartabat dalam rangka mencerdaskan kehidupan bangsa, bertujuan untuk berkembangnya potensi peserta didik agar menjadi manusia yang beriman dan bertaqwa kepada Tuhan Yang Maha Esa, berakhlak mulia, sehat, berilmu, cakap, kreatif, mandiri, dan menjadi warga negara yang demokratis serta bertanggung jawab.”⁵

⁴ Article 23 of Banyuwangi Regional Regulation Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliyah (in the Regional Gazette of the Banyuwangi Regency Number 94-7 / 2017)

⁵ Article 3 of Law No. 20 of 2003 on National Education System in (State Gazette of the Republic of Indonesia Year 2003 Nomor 4301)

Madrasah diniyah is also in line with the objectives to be achieved by the government, namely in religious education aimed at the formation of students who understand and practice the values of their religious teachings and / or become experts in religious sciences who are open-minded, critical, creative, innovative, and dynamic in the context of educating the lives of a nation of people of faith, piety and noble character.

Regional Regulation of Banyuwangi Number 7 Year 2017 Regarding Compulsory Education for Diniyah Takmiliah is one of the normative legality efforts in strengthening, fostering, developing and preserving spiritual values in communities that are hereditary. Current reading and writing of the Quran is the main target to be realized by the existence of this regulation, departing from the government's concern of the many elementary and secondary school children who cannot read and write the Qur'an, this is considered very alarming for the government. This regulation also strikes early awareness of elementary and middle age students that religious practice is no less important than understanding religious education theories taught in elementary schools, learning religious knowledge and can practice it as important as formal learning. In this day and age, formal education is the main focus of parents and tends to override non-formal religious education. This belief began to fade from year to year, ignored and displaced by various factors. Accommodating these values in the form of regulations according to the authors is a progress.

Soerjono Soekanto believes that the effectiveness or enforcement of a law in this case the application of regional regulations is determined by 5 (five) factors. First; The legal factor itself (the law). Second; Law Enforcement Factors, namely those who form and apply the law. Third; Factors of facilities or facilities that support law enforcement. Fourth; Community factors, namely the environment in which the law applies or is applied. Fifth; Cultural Factors, namely as the work, creation and taste based on human initiative in the association of life.⁶ According to him, if the regulation is disobeyed then the quality of the effectiveness of the rule or law is still low, on the contrary the more members of the community adhere to a rule of law with internalization compliance, the higher the quality of the effectiveness of the rule or law that. He continued, Soerjono Soekanto revealed four elements of legal awareness , namely: 1. regulation of the law 2. knowledge of the contents of the law 3. legal attitudes 4. patterns of legal behavior. one of the questions that can arise is what happens with the threat of coercion, the possibility of ineffectiveness of the law because the threat of coercion is less severe, also because the threat of coercion is not adequately communicated to the citizens.⁷

The implementation 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,

⁶ Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: PT. Raja Grafindo, 2008), 8.

⁷ Achmad Ali, *Menjelajahi Kajian Empiris Terhadap Hukum*, (Jakarta: Yarsif Watampone, 1998),186.

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 Takmiliyah has been socialized well and maximally. And there's still lack of Local government will to make the benefit of the regulation can be feels 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 madrasa 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.

Hj. Basyir M.H, Kasubag of Regulations on the Legal Section Regency Regional Secretariat Banyuwangi. At The local Government of Banyuwangi

Regency office at interviews said by himself that supervision is just administration issue, still Bupati is the head of all evaluation. He claims that local government took action too for the supervision, like if there is a report comes up, than the Regulations on the Legal Section Regency Regional Secretariat Banyuwangi. Will checked it all, and forward the report to the Secretary of Banyuwangi religion and the last will approve by Bupati himself.

The writer can conclude that the local government took an passive supervision that they only took a report if there is activity about it, and supervising just by a report of activity. Beside 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.

B. Limitation of Problems

Banyuwangi Regional Regulation No. 7 of 2017 concerning the Mandatory Learning of Madrasah Diniyah Takmiliah contains many aspects. However, in order for this research to be directed and in-depth, the authors only limit this research to Article 20 paragraph (1) related to the supervision of Madrasah Diniyah Takmiliah by the regional government.

C. Statement of Problem

Based on the background of the problems that have been described above, then the research problems are :

1. How the effectiveness supervision of Madrasah Diniyah Takmiliyah according Banyuwangi Local Regulation No. 7 of 2017 on Compulsory Madrasah Diniyah Takmiliyah?
2. What are the supporting and inhibiting factors in supervision of Madrasah Diniyah Takmiliyah?

D. Research Objectives

The objectives to be achieved in this study are to find out :

1. The Supervision Madrasah Diniyah Takmiliyah according Banyuwangi Local Regulation No. 7 of 2017 on Compulsory Madrasah Diniyah Takmiliyah
2. The supporting and inhibiting factors in supervision of Madrasah Diniyah Takmiliyah.

E. Significance of Research

The benefits to be achieved in this study are to find out :

1. Theoretically, The results of this research are expected to be useful as a reference material, especially for the development of knowledge related to the Effectiveness of Regional Regulations, especially the Regional Regulation on Madrasah Diniyah Takmiliyah. It is also expected to be a source of reference for those who will continue their research with a sustainable theme.

2. Practically, Research is expected to be useful to legal practitioners, particularly as a reference or a source of considerations in forming a policy to implement a regional regulation, especially regulation of Madrasah Diniyah Takmiliyah.
3. For the author, as a requirement to get a bachelor's degree and is also expected to be able to add scientific insights in the field of The Effectiveness of Banyuwangi Local Regulation Number 7 of 2017 on The supervision of Madrasah Diniyah Takmiliyah.
4. For the academic community, it is hoped that it can become one of the references regarding discussion on Regional Regulations and can also increase knowledge and knowledge for UIN Maulana Malik Ibrahim Malang students, especially students of the Syari'ah Faculty of UIN Malang.

F. Operational Definition

The operational definition is intended to avoid misunderstanding and differences in interpretation related to terms in the title of the thesis. According to the research title " The Effectiveness of Banyuwangi Local Regulation Number 7 of 2017 on The supervision of Madrasah Diniyah Takmiliyah."

The operational definitions relating to the author's title are:

1. The effectiveness of law is the success in achieving targets or goals that have been set. This achievement is the achievement of objectives by taking actions to achieve this, so as to cause an desired effect or effect.⁸
2. Regional Regulation is a statutory regulation established by the Regional House of Representatives with the joint agreement of the Regional Head (Governor or Regent / Mayor).⁹
3. The Effectiveness of Banyuwangi Local Regulation Number 7 of 2017 on The supervision of Madrasah Diniyah Takmiliyah
4. Madrasah Diniyah Takmiliyah is an Islamic religious education institution in the non-formal education pathway that is organized in a structured and tiered way as a complement to the implementation of Islamic religious education at the level of basic education, in the form of an Educational Unit.¹⁰
5. The Supervision of Madrasah Diniyah Takmiliyah is government regional and Ministry Religion of Banyuwangi regional's Responsibility for a regulation can be implemented.

G. Systematic Discussion

The systematic discussion in this thesis will be arranged in 5 (five) chapters in a systematic, hierarchical manner with the hope that it will make it

⁸ Zainuddin Ali, *Sosiologi Hukum*, (Jakarta: Sinar Grafika, 2006), 62.

⁹ Article 69 of Law Number 22 Year 1999 concerning Regional Government .

¹⁰ Article 4 of Banyuwangi Regional Regulation Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliyah (in the Regional Gazette of Banyuwangi Regency Number 94-7 / 2017)

easier for readers to understand the thesis's flow and content. The systematic discussion is as follows, namely:

Chapter I Introduction

Chapter I contains several sub-chapters which include, among others, the background of the problem that underlies the author to conduct research on "The Effectiveness of Banyuwangi Local Regulation No. 7 of 2017 on The Supervision of Madrasah Diniyah Takmiliyah." Then from that background will be summarized in the formulation of the problem that will be the focus of this research. The formulation of the problem relates to the most important part that explains the results to be achieved in the study, namely the research objectives. When the research objectives have been set at the beginning, it is also important to describe the benefits of the research that contain the usefulness and contribution of the results of this study. Furthermore, in the last sub-section of this section describes the systematic writing that briefly describes the writing sequence that is in this study.

Chapter II Literature Review

Chapter II contains sub-chapters covering prior research and theoretical framework / theoretical foundation. Previous research contains research information that has been done by previous researchers, both in the form of books that have been published or in the form of unpublished theses or legal journals relating to the focus of the research, both substantially and methods,

having links with problems research in order to avoid duplication and further explained about the differences in this study with previous studies. Whereas the theoretical framework / theoretical foundation contains theories as a basis for analyzing each problem to be discussed in this study. The theoretical basis used in this study contains the

Chapter III Research Methods

The research method is used as an instrument in research to produce more targeted and systematic research. In the research method will be explained about the type of research used to determine the space for research, then there is a research approach as a place to extract the main information of research. Include data sources obtained by researchers to solve problems in this study. Furthermore, the method of data collection that contains procedures ways of collecting data by researchers. After the data is obtained by the researcher, the data will be processed, so the researcher will get the data validity.

Chapter IV Research Results and Discussion

Chapter IV contains the exposure and description of data that has been ripe to be correlated with juridical theories and concepts in this study, in order to be directed to be able to answer questions in the above problem formulation. So the discussion will contain about two points as has become the formulation of the problem namely; *First*, The Effectiveness of

Banyuwangi Local Regulation No. 7 of 2017 on The Supervision of Madrasah Diniyah Takmiliyah, *Secondly*, the supporting and inhibiting factors in supervision of Madrasah Diniyah Takmiliyah

Chapter V Closing

Chapter V is the final chapter that contains conclusions and suggestions. Conclusions are short answers to the formulated problems. And Suggestions are proposals or suggestions to related parties or parties who have more authority over the themes studied for the public good, and proposals for recommendations for future research in the future.



CHAPTER II

LITERATURE REVIEW

A. Previous Research

Works in the form of research , articles, journals or thesis that the author makes as a reference in research are:

1. *Anis Fauzi and Cecep Nikmatullah in a Journal entitled " Pelaksanaan Pendidikan Madrasah Diniyah Takmiliyah Di Kota Serang" Sultan Maulana Hasanuddin State Islamic Institute of Religion in Banten.*

This *Pelaksanaan Pendidikan Madrasah Diniyah Takmiliyah Di Kota Serang*, by Anis Fauzi and Cecep Nikmatullah, discussed the background about the implementation of Madrasah Diniyah Takmiliyah in Serang

City. The results of the study show that: 1) the compulsory education policy for diniyah education is intended for every citizen of Serang Muslim City who will undertake junior high / MTs education; 2) Every Muslim student who has aged 6 to 12 years, and will continue their education to the level of SMP / MTs, must be proven by ownership of the Certificate of Completion of Madrasah / Diniyah Learning in the form of shahadah or Diniyah certificate; 3) supporting factors for the implementation of Diniyah Regional Regulations in Serang City are the support of the community, scientists, academics, and community leaders in Serang City. The inhibiting factor is that Diniyah Regional Regulations have not been fully socialized, so that the people of Serang City have not received legal certainty with the issuance of these regulations. The conclusion of this study is that the implementation of the Regional Regulation Diniyah requires a review of the formulation of strategic objectives and improvement of the quality of education to adjust demands in line with the increasingly complex development of the nation's culture.

2. *Raynaldi Chisara Lubis in her thesis entitled " Implementasi Peraturan Daerah Nomor 5 Tahun 2014 Tentang Wajib Belajar Madrasah Diniyah Takmiliyah Awaliyah (MDTA) di Kota Medan (Studi Kasus di Kecamatan Medan Marelan)" Faculty of Syari'ah and UIN Law in North Sumatra.*

This Implementasi Peraturan Daerah Nomor 5 Tahun 2014 Tentang Wajib Belajar Madrasah Diniyah Takmiliyah Awaliyah (MDTA) di Kota Medan

(Studi Kasus di Kecamatan Medan Marelan) by Raynaldi Chisara Lubis discusses the background of the emergence of these regional regulations and their implementation in Medan in general. The results of this research are focused only on the implementation of Madrasah Diniyah Takmiliyah Awaliyah which has not been implemented to the maximum in Medan City.

3. *Herdandi in his thesis entitled "Evaluasi peraturan daerah nomor 10 tahun 2008 tentang madrasah diniyah takmiliyah di Kota Cilegon"*.

This *Evaluasi peraturan daerah nomor 10 tahun 2008 tentang madrasah diniyah takmiliyah di Kota Cilegon* by this Herdandi discusses about rules that in detail. The results of this study are the non-optimal implementation of the Mandatory Madrasah Diiyah Takmiliyah in Cilegon City influenced by Human Resources (Teachers) that have not met the classification standards specified by local regulations, service and even distribution of policies that have not been optimal, as well as the accuracy and targeting of policies that have not been optimal.

Table 2.1
Previous Research

No	Name/Year/ university	Title	Law issue	equation	Difference	Renewal element	Benefit
1.	Anis Fauzi, 2015, Sultan Maulana Hasanuddin State Islamic Institute of Religion, Banten.	<i>Pelaksanaan Pendidikan Madrasah Diniyah Takmiliyah Di Kota Serang</i>	-what is historical madrasah diniyah in Serang City? -how is the implementation madrasah diniyah in Serang city?	discussion about madrasah diniyah takmiliyah	Research object equation this is the implementation of Madrasah Diniyah Takmiliyah	-How the effectiveness supervision of Madrasah Diniyah Takmiliyah according Banyuwangi Local Regulation No. 7 of 2017 on Compulsory Madrasah Diniyah Takmiliyah? -What are the supporting and inhibiting factors in supervision of Madrasah Diniyah Takmiliyah?	be an evaluation material related to the supervision of madrasah diniyah
2.	Raynaldichisara	<i>Implementasi Peraturan</i>	-how is implementation of	discussion about madrasa	The object of this research is to review	-How the effectiveness	be an evaluation

	Lubis, 2018, Faculty of Sharia, UIN North Sumatra..	<i>Daerah Nomor 5 Tahun 2014 Tentang Wajib Belajar Madrasah Diniyah Takmiliyah Awaliyah (MDTA) di Kota Medan (Studi Kasus di Kecamatan Medan Marelan)</i>	regional regulation number 5 year 2014 about compulsory of madrasah diniyah takmiliyah in medan marelan ? -how the awaliyah level at medan marelan ?	diniyah takmiliyah	local regulations related to madrasah diniyah takmiliyah at the Awaliyah level.	supervision of Madrasah Diniyah Takmiliyah according Banyuwangi Local Regulation No. 7 of 2017 on Compulsory Madrasah Diniyah Takmiliyah? -What are the supporting and inhibiting factors in supervision of Madrasah Diniyah Takmiliyah?	material related to the supervision of madrasah diniyah
3.	Herdandi, 2016, Faculty of Law, Sultan Agung Triyasa University.	<i>Evaluasi peraturan daerah nomor 10 tahun 2008 tentang madrasah diniyah takmiliyah di Kota Cilegon</i>	-how is the implementation regional regulation number 10 year 2008 about madrasah diniyah takmiliyah	discussion about madrasah diniyah takmiliyah	The object of this research is to review local regulations focused to madrasah diniyah's institution	How the effectiveness supervision of Madrasah Diniyah Takmiliyah according Banyuwangi Local Regulation	be an evaluation material related to the supervision of madrasah diniyah

			<p>h in cilegon city ? -how is madrasah diniyahs in cilegon city?</p>			<p>No. 7 of 2017 on Compulsory Madrasah Diniyah Takmiliyah? -What are the supporting and inhibiting factors in supervision of Madrasah</p>	
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B. Theoretical Framework

1. Local Regulation

In the framework of exercising the authority to take care of the interests of the community, the regional head together with the DPRD establishes a Regional Regulation (PERDA). Local regulations are one of the instruments for regional governments in carrying out their duties and authorities based on the regional autonomy system which gives authority to manage and manage their own households. Local regulations are the main pillars that underlie the realization of regional autonomy. Based on the type and Hierarchy of statutory regulations in article 7 paragraph (1) of Law Number 12 of 2011 concerning Formation of Statutory Regulations, That Regional Regulation is ranked sixth. The composition of regional regulations is under the

Constitution, TAP MPR, Law, PP and PERPRES, therefore the content of regional regulations must not conflict with the laws above.¹¹ The contents of the laws and regulations are affirmed in Article 6 paragraph (1) of Law Number 12 of 2011 concerning the establishment of legislation:¹²

The contents of the legislation must reflect principle :

- a. *Guarding;*
- b. *Humanity;*
- c. *Nationality;*
- d. *Kinship;*
- e. *Archipelago;*
- f. *Unity in diversity;*
- g. *Justice;*
- h. *Equality in law; and / or*
- i. *Balance, harmony, and harmony.*

Thus, in the implementation of regional regulation making, the material content must be based on predetermined principles.

In accordance with article 12 of Law Number 10 of 2004 concerning Establishment of Legislation, the content of regulations on local regulations is all material content in the framework of carrying out regional autonomy and assistance tasks and accommodating special conditions of the region as well

¹¹ Sirajuddin, dkk., *Hukum Administrasi Pemerintah Daerah: Sejarah, Asas, Kewenangan, dan Pengawasan Penelenggaraan Pemerintah Daerah*, (Malang: Setara Press, 2016), 185

¹² Article 6 paragraph (1) of Law Number 12 Year 2011 the Establishment of regulatory legislation (in the State Gazette of the Republic of Indonesia Number 5233)

as further elaboration of the higher Regulations. The draft regional regulation can come from the Regional House of Representatives (DPRD), the Governor or the Regent / Mayor. If at one time the session of the Governor or Regent / Mayor and DPRD submit a draft Regional Regulation with the same material, then the discussed draft is a Regional Regulation submitted by the Governor or Regent / Mayor used as a comparative material.

The regional regulation program is carried out in a Regional Legislation Program, so it is expected that there will be no overlap in the preparation of one regional regulation material. There are various types of regulations that are stipulated by the Regional Government of City and Provincial Regencies, including: ¹³

- a. Local tax;
- b. Regional Retribution;
- c. Regional Spatial Planning;
- d. APBD;
- e. Regional Medium-Term Program Plans;
- f. Regional Apparatus;
- g. Village government;
- h. Other general settings.

¹³ Eyang Surur, "Peraturan Daerah", <https://sururudin.wordpress.com/2008/09/20/peraturan-daerah/>, accessed on 8th November 2019.

2. Legal Effectiveness Theory

Based on the Law Effectiveness Theory put forward by Soerjono Soekanto, the effectiveness of a law is determined by 5 (five) factors. First; the legal factor itself (the law). Second; Law Enforcement Factors, namely those who form and apply the law. Third; Factors of facilities or facilities that support law enforcement. Fourth; Community factors, namely the environment in which the law applies or is applied. Fifth; Cultural Factors, namely as the work, creation and taste based on human initiative in the association of life.

Soerjono Soekanto uses a benchmark of effectiveness in law enforcement on five matters namely:¹⁴

1. Legal Factors

The law functions for justice, certainty and expediency. In the practice of law enforcement in the field there are times when there is a conflict between legal certainty and justice. Legal certainty is concrete tangible, whereas justice is abstract so that when a judge decides on a case by applying the law alone, there are times when the value of justice is not achieved. So when seeing a problem about the law at least justice is a top priority. Because law is not merely seen from the perspective of written law.

¹⁴ Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: PT. Raja Grafindo, 2008), 5-8

2. Law Enforcement Factors

In the functioning of the law, the mentality or personality of law enforcement officers plays an important role, if the rules are good, but the quality of officers is not good, there is a problem. During this time there is a strong tendency among the public to interpret the law as an officer or law enforcer, meaning that the law is identified with the real behavior of the officer or law enforcer. Unfortunately in carrying out their authority, problems often arise because attitudes or treatments that are seen as exceeding authority or other actions are considered to fade the image and authority of law enforcement. This is caused by the low quality of the law enforcement officers.

3. Supporting Facilities or Facilities Factors

Supporting facilities or facilities factors include software and hardware, According to Soerjono Soekanto, that law enforcers cannot work properly, if they are not equipped with proportional vehicles and communication devices. Therefore, facilities or facilities have a very important role in law enforcement. Without the means or the facility, not be possible to harmonize their law enforcement role should the actual role.

4. Community Factors

Law enforcement comes from the community and aims to achieve peace in the community. Every citizen or group more or less has legal

awareness. The problem that arises is the level of legal compliance, namely high, moderate, or poor legal compliance. The degree of community legal compliance with the law, is one indicator of the functioning of the law in question.

5. Cultural Factors

Culture basically includes the values that underlie applicable law, which values constitute abstract conceptions of what is considered good (so obeyed) and what is considered bad (so avoided). Therefore, Indonesian culture is the basis or underlying customary law. Besides that also applies written law (legislation), which is formed by certain groups in society who have the power and authority for it. The law must be able to reflect the values that form the basis of customary law, so that the law can be actively applied.

Factors that measure compliance with the law in general include ¹⁵:

- a. The relevance of the rule of law in general, to the legal needs of the people who are the target of the rule of law in general.
- b. Clarity of the formulation of the substance of the rule of law, so that it is easily understood by the target enforcement of the rule of law.
- c. Optimal socialization to all targets of the rule of law.

¹⁵ Achmad Ali, Menguak Teori Hukum (Legal Theory) dan Teori Peradilan (Judicialprudence) Termasuk Interpretasi Undang-Undang (Legisprudence). (Jakarta: Penerbit Kencana, 2009), 375

- d. If the law in question is legislation, then the rules should be prohibited, and should not be obligatory, because the law that is forbidden (prohibitur) is easier to implement than the law that is obligatory (mandatory).
- e. Sanctions that are threatened by the rule of law must be matched with the nature of the rule of law violated.
- f. The severity of the sanctions threatened in the rule of law must be proportional and possible to implement.
- g. The possibility for law enforcement to process if there is a violation of the rule of law, it is indeed possible, because the actions that are regulated and threatened with sanctions, indeed concrete actions, can be seen, observed, therefore it is possible to be processed in each stage (investigation, investigation, prosecution , and punishment).
- h. The rule of law that contains moral norms in the form of a prohibition is relatively much more effective than the rule of law which is contrary to the moral values adopted by the people who become the target of the enactment of these rules.
- i. The effectiveness or ineffectiveness of a rule of law in general, also depends on the optimal and professional law enforcers not to enforce the rule of law.
- j. Whether or not an effective rule of law in general is effective also requires a minimum standard of socio-economic living in society.

Regarding the issue of legal effectiveness, legal identification is not only with the element of external coercion but also with the litigation. The threat of coercion is also an absolute element so that a rule can be categorized as a law, so of course the element of coercion is closely related to effective, one of the questions that can arise is what happens with the threat of coercion, the possibility of ineffectiveness of the law because the coercion threat is less severe , also because the threat of coercion was not communicated adequately to the citizens.¹⁶

Talking about the effectiveness of the law means discussing the working power of the law in regulating and or forcing the public to obey the law. The law can be effective if the factors that influence the law can function as well as possible. The effective measure of whether a law or regulation applies can be seen from the behavior of the community. A law or regulation will be effective if the community members behave as expected or desired by the laws and regulations in achieving the desired goals, then the effectiveness of the law or regulation has been achieved.

To improve efficiency and effectiveness, coordination between government agencies and between institutions in the community in developing human resources needs to be further developed. The community, including the business world (private), cooperatives and other social organizations are encouraged to be more participatory in various efforts to improve the quality of

¹⁶ Achmad Ali, *Menjelajahi Kajian Empiris Terhadap Hukum*, (Jakarta: Yarsif Watampone, 1998),186.

human resources.¹⁷In accordance with the provisions of Law Number 10 of 2004 concerning Formation of Legislation Regulations referred to as Regional Regulations (Perda) are laws and regulations established by the Regional House of Representatives with the mutual agreement of the Regional Head.

Another definition of a local regulation based on the provisions of the Law on Regional Government is the legislation that was formed jointly by the Regional People's Representative Council with the Regional Head both in the Province and in the Regional / City. In the provisions of Law No. 32 of 2004 on Regional Government (Regional Government Law), legislation established in the framework of regional autonomy Province / District / City and special assistance as well as a further elaboration of the legislation which is higher by observing characteristic each region.

In accordance with Article 40 of Law No. 32 of 2004, the DPRD, whether at the provincial, district or city level, is a representative institution of the regional people and is domiciled as an element of regional government administration. The DPRD is determined to have legislative, budgetary, and supervisory functions. DPRD rights are (a) the right of interpellation, (b) the right of inquiry, and (c) the right to express an opinion. The exercise of the questionnaire right is made after the proposed interpellation right as referred to in paragraph (1) letter a and obtaining approval from the DPRD Plenary Meeting which is attended by at least 3/4 of the total number of DPRD members and the

¹⁷ Mulyadi, *Ekonomi Sumber Daya Manusia*, (Jakarta: PT RajaGrafindo Persada, 2006), 3

decision is taken with the approval of at least 2/3 of the total number DPRD members present.¹⁸

In the context of carrying out the duties and authority of the DPRD, it is entitled to request State officials, government officials or citizens to provide information on matters that need to be addressed in the interests of the State, nation, government and development. Those who refuse the request are threatened with imprisonment for a maximum of one year for demeaning the dignity and honor of the DPRD (*contempt of parliament*).¹⁹

3. General Review of Supervision

A. Definition and Supervision Purpose

In the Indonesian dictionary the term "Supervision comes from the word alert which means to pay close attention, in the sense of looking at something carefully and carefully, there are no more activities except to give a report based on the actual reality of what is being watched²⁰

The main problem of the intended supervision is, a plan that has been outlined in advance whether it has been carried out in accordance with the original plan and whether the objectives have been achieved. According to Prayudi: "Supervision is a process to determine what work is carried out, carried out, or

¹⁸ Jimly Asshiddiqie, *Perkembangan & Konsolidasi Lembaga Negara Pasca Reformasi*, (Jakarta: Sinar Grafika, 2010), 1.

¹⁹ Jimly Asshiddiqie, *Perkembangan & Konsolidasi Lembaga Negara Pasca Reformasi*, (Jakarta: Sinar Grafika, 2010), 273.

²⁰ Sujanto, *Beberapa Pengertian di Bidang Pengawasan*, (Jakarta: Ghalia Indonesia, 1986),2

carried out with what is desired, planned or noticed"²¹. According to Saiful Anwar, supervision or control of the actions of the government apparatus is needed so that the implementation of the assigned tasks can achieve the goals and avoid deviations.²²

Measurement and correction of the activities of subordinates to ensure that what is done is in accordance with the plan. So pengawasan that measure the implementation compared with the ideals and plans, showing where there is a negative deviation and to mobilize action to correct deviations - deviations, to help ensure the achievement of those plans.

From the definitions stated above, we can conclude that:

1. Supervision is a process of activities that are continuously carried out to find out what work has been carried out, then held an assessment and correct whether the implementation is appropriate or not.

2. Besides Supervision is an assessment which is a process of measurement and comparison of the results of real work that has been achieved with the results that should be achieved. In other words , the results of supervision must be able to show the extent of the compatibility or incompatibility and evaluate the causes.

However, if you just translate the term controlling from English, then the broader understanding of supervision can be interpreted as control, even though

²¹ Prayudi, *Hukum Administrasi Negara*, (Jakarta: Ghalia Indonesia, 1981), 80

²² Saiful Anwar, *Sendi-Sendi Hukum Administrasi Negara*, (Jakarta: Glora Madani Press, 2004), 124

the two terms are different because there are corrective elements in the control. The term control comes from the word control, which means to curb or control. So different from the term supervision, the direct product of surveillance activities is to know while the control activity is to directly give direction to the object under control.

According to Prayudi, in achieving the implementation of supervision of several principles including:²³

1. The principle of achieving goals is aimed at achieving goals, namely by making improvements to avoid deviations or deviations in planning.
2. The principle of efficiency, which is as far as possible to avoid deviations from planning so as not to cause other things beyond expectations.
3. The principle of responsibility, this principle can be implemented if the implementer has full responsibility for the executor of the plan.
4. The principle of supervision over the future, the purpose of this principle is the prevention of planning deviations that will occur both now and in the future.
5. The principle of direct, is striving for the implementer to also supervise the implementation of activities.
6. The principle of planning reflection, that must reflect the character and composition of the plan.
7. The principle of adjustment to the organization, that supervision is carried out in accordance with the organizational structure and respective authorities.

²³ Prayudi, Hukum Administrasi Negara,(Jakarta: Ghalia Indonesia,1981), 99

8. Individual principle, that supervision must be in accordance with needs and addressed in accordance with the level and duties of the implementer.
9. The standard principle, that effective and efficient supervision requires appropriate standards, which will be used as benchmarks for implementation and objectives.
10. The principle of strategic oversight, that effective and efficient supervision requires attention to strategic factors.
11. The principle of exclusion, that efficiency in supervision requires attention that is addressed to the exception factors that can occur in certain circumstances, when the situation changes or is not the same .
12. The principle of flexible control that supervision must avoid the failure of planning implementation.
13. The principle of reconsideration, that supervision must always be reviewed, so that the system used is useful to achieve the objectives.
14. The principle of action, that supervision can be carried out if there are measures to correct deviations from plan , organization and implementation.

The supervision has a comprehensive and broad nature, the implementation of supervision principles that can be obeyed and carried out requires implementation, while the supervisory principles are as follows:²⁴

²⁴ Harbani Pasolong, *Teori Administrasi Publik*. (Bandung, : CV. Alfabeta, 2003),178

1. Objective and produce data. This means that supervision must be objective and must be able to find facts about the implementation of the work and various factors that influence it.
2. Starting from the decision of the leader. This means to be able to know and assess the presence or absence of mistakes and irregularities, supervision must be based on the leadership's decision reflected in:
 - a. The purpose set
 - b. Work plan that has been determined
 - c. Work policies and guidelines outlined
 - d. Orders that have been given
 - e. Regulations that have been set.
3. Preventive. This means that the supervision is to ensure the achievement of the goals set, which must be efficient and effective, the supervision must be prevented from developing errors and the recurrence of mistakes.
4. Not a destination but a means. This means that supervision should not be used as a goal but a means to guarantee and improve the efficiency and effectiveness of the achievement of organizational goals.
5. Efficiency. This means that supervision must be carried out efficiently, rather than hampering the efficiency of work performance.
6. What 's wrong. This means that supervision must be done not merely looking for who is wrong, but what is wrong, how it arises and the nature of the error.

7. Guide and educate. This means "supervision must be guiding and educating so that implementers can improve the ability to carry out assigned tasks".

Supervision is as a process to find out the work that has been carried out and then corrected the implementation of the work so that it is in accordance with what is supposed or determined. Supervision is carried out is intended to support the smooth implementation of activities so that they can realize the effectiveness, effectiveness, and appropriate according to plan and in line with it, to prevent early mistakes in implementation. Thus in principle, supervision is very important in the implementation of work, so that supervision is held with the intention of:²⁵

- a. Knowing whether or not the work is smooth as planned.
- b. Correct mistakes made by looking at weaknesses, difficulties and failures and taking precautions to avoid repeating the same mistakes or the emergence of new mistakes.
- c. Know whether the use of facilities to support activities in accordance with the plan or directed to the market.
- d. Knowing the results of the work compared with what was determined in the original planning.
- e. Knowing whether everything is running efficiently and can be carried out further improvements so as to get great efficiency. While the purpose of supervision will be achieved if the results of supervision and broaden the basis for decision making of each leader.

²⁵ Agustino Leo, *Dasar-Dasar Kebijakan Publik*. (Bandung: CV. Alfabeta, 2012), 90

The results of supervision can also be used as a basis for refinement of plans for routine activities and subsequent plans. From the description above we can conclude that basically supervision aims to correct mistakes that occur later can be used as a guideline to take policies to achieve optimal goals. Furthermore, the supervision directly aims to:²⁶

1. Ensuring the accuracy of implementation in accordance with the plan, policy and ranking.
2. Control the coordination of activities.
3. Prevent waste and misuse.
4. Ensuring the realization of public satisfaction with the services produced.
5. Foster public confidence in organizational leadership.

From the overall opinion above, it can be seen that there is a common view, namely in terms of the purpose of conducting surveillance activities, namely so that all the work / supervised activities are carried out according to plan. The plan in this case is a measure of whether a job / activity is suitable or not. And the measurement tools are not only plans but also policies, strategies, decisions and work programs. Supervision also 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.

²⁶ Harbani Pasolong, *Teori Administrasi Publik*. (Bandung,: CV. Alfabeta, 2003),180

The implementation of Government Oversight is carried out by:²⁷

- a. Leader in each regional organization.
- b. Outside parties of the Regional apparatus organization, such as Audit ors / BPK / KPK / Inspectorate.

The requirements for carrying out good supervision are:

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

Common tasks and duties of the government apparatus development are inseparable, will but indistinguishable to one another. The government apparatus in carrying out governmental duties also simultaneously carries out development tasks, likewise the government apparatus in carrying out development tasks simultaneously also carries out governmental duties. So that development planning and programs in the regions can run according to what is expected, it is

²⁷ Adsasmita Rahardjo, *Manajemen Pemerintah Daerah*,(Yogyakarta: Graha Ilmu, 2011) ,Hal. 92.

necessary to have more effective supervision in addition to being able to control development projects in the regions.

Thus to further clarify the meaning of supervision in the lens of state administrative law that will be carried out by the supervisory apparatus, the following author will express the opinion of a professor of state administration law Prayudi Atmosudirdjo stating that: "Supervision is the process of activities comparing what is carried out, carried out or held it with what is desired, planned or ordered."²⁸

Based on the above quotation, it can be understood that the purpose of supervision is to make it easier to find out the results of the implementation of the work of the government apparatus in the area in accordance with the predetermined stages, and at the same time can take corrective action if later deviations from the plan / program have occurred. outlined. In line with that, the central government in terms of conducting supervision in the regions, also delegates this supervision field to each Governor and Regent. In addition, the governor with the regional government apparatus should exercise control over all regional projects, Presidential Instruction and so on in the sense of knowing the stages of progress in the results of work implementation to be reported to the President through the Minister of the Interior.

²⁸ Prayudi, *Hukum Administrasi Negara*, (Jakarta: Ghalia Indonesia, 1981), hal 127

B. Types of supervision

Saiful Anwar said that based on its form, supervision could be distinguished as follows:

1. Internal supervision is supervision carried out by a body or organ which is organizationally / structurally included within the government environment itself. For example, supervision by superiors on their own subordinates.
2. External supervision is carried out by organs or institutions that are organizationally / structurally outside the government in the sense of executive. For example, financial supervision is carried out by Ba and the Financial Examiner (BPK).

Implementation of supervision can be done based on the types of supervision, namely:

1. Supervision in terms of time
2. Supervision in terms of nature.

Supervision in terms of time is divided into two categories, namely as follows:²⁹

1. A-priori supervision or preventive supervision, namely supervision carried out by the higher government apparatus on the decisions of the lower apparatus. Supervision is carried out before the issuance of a decision or statute of state administration or other regulations by way of ratification of the said regulation or regulation. If the decree or regulation has not yet been ratified, the said regulation or regulation does not yet have legal force.

²⁹ Saiful Anwar, *Sendi-Sendi Hukum Administrasi Negara*, (Jakarta: Glora Madani Press, 2004), 220

2. A-posteriori supervision or repressive supervision, namely supervision carried out by the higher government apparatus of the decisions of the lower government apparatus. Supervision is carried out after the issuance of government decisions or decrees or government actions. Actions in repressive supervision can result in revocation if the government decree is contrary to the higher laws and regulations. In the urgency of the action can be done by way of suspending decrees have been issued prior to the revocation.

Supervision of the government apparatus when viewed in terms of the nature of the supervision, the supervised object can be divided into two categories, namely:³⁰

1. Supervision of legal terms (*rechtmatigheidstoetsing*) eg supervision by the judiciary in principle only drip beratka n in terms of legality. Example of a judge of the State Administrative Court is in charge of assessing the validity of a government decision. In addition, the task of the judge is to provide protection (law proteciton) for the people in the existing legal relations between the state / government and citizens.
2. Oversight in terms of expediency (*doelmatigheidstoetsing*), namely internal administrative technical supervision within the government environment itself (*builtincontrol*) in addition to being legalistic it also focuses more on the benefit assessment aspects of the actions concerned.

³⁰ Agustino Leo, *Dasar-DasarKebijakan Publik*. (Bandung: CV. Alfabeta, 2012), 112

The problem of supervision carried out by the government apparatus between one agency and other agencies is influenced by the type and nature of work, in the sense of the distance between the work units supervised by the number of tasks / activities. The author believes that the main purpose of the supervision is to make what is planned become a reality supervision is needed on what has been assigned to achieve the desired goal. , this is in line with what was said by Saiful Anwar as I explained earlier.

Delegation of supervisory duties must be accompanied by responsibilities assumed by the recipient of the task, in the sense that responsibility is a necessity to carry out the task as well as an obligation, so that the right to take an action should not be misused .

And also other factors that can influence such as objective factors, because this is outside the person of the official who has to carry out supervision. In addition, there are also subjective factors that originate in regard to the officials themselves who must carry out supervision, including with regard to work experience, skills, knowledge of the work area being supervised.

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.

Supervision can be classified into several types, with a review of several aspects, Among others:³¹ Oversight in terms of how it is implemented is distinguished from:

a . Direct supervision

Pangawasan direct supervision is carried out by way of visiting or conducting spot checks of the object observed. This local inspection can be in the form of administrative examination or physical inspection in the field. Activities directly see the implementation of these activities is not only done by the supervisor will however need to be done by the leaders in charge of the work. Thus it can see how the work is carried out and if deemed necessary can provide instructions and instructions as well as decisions that directly involve and affect the course of work.

b. Indirect supervision

Indirect supervision is the opposite of direct supervision, which is carried out without visiting the place of execution of the work or the object being supervised. This supervision is carried out by studying and analyzing documents concerning supervised objects submitted by the executor or other sources. These documents can be:

1. Work implementation report, both news report and incidental report.

³¹ Adsasmita Rahardjo, *Manajemen Pemerintah Daerah*,(Yogyakarta: Graha Ilmu, 2011) ,102

2. Inspection report obtained from other supervisory instruments.
3. Sure a complaint from the public.
4. News or articles from the mass media .
5. Other documents.
6. Besides through the written report, this supervision can also be done by using material in the form of an oral report.

Supervision is reviewed in terms of the relationship between the subject of supervision and the object being supervised. In terms of supervision conducted by the supervisor, the supervision is still divided into several sections, including:³²

- a. Internal control.

Internal control is supervision carried out by the apparatus in the organization itself. This means that the subject of the supervisor, the supervisor comes from within the organizational structure of the object being supervised. Basically, this control should be done by every director would but can only be assisted by leaders of units according to their respective duties.

4. External surveillance.

External supervision is supervision carried out by officials from outside the organization itself, meaning that the subject matter of the supervisor comes from outside the organizational structure which is supervised and has its own system of responsibilities.

³² Prayudi, Hukum Administrasi Negara,(Jakarta: Ghalia Indonesia,1981), 220

c. Supervision in terms of authority. Supervision of this type is also divided into several parts, namely:

1. Formal supervision

Formal supervision is supervision carried out by authorized (official) agencies / officials, both internal and external. This type of supervision can only be done by government agencies. Informal supervision Informal supervision is supervision carried out by the community, both directly and indirectly. This oversight is often also called social control (social control) for example, supervision through letters of public complaints through news or articles in the mass media.

2. Supervision is reviewed in terms of time of work implementation.

Supervision that sees in terms of the implementation of work is still divided into several parts, namely:

a. Preventive supervision

Preventive supervision is supervision that is carried out before work begins, for example by conducting supervision of the preparation of work plans, budget plans, plans for the use of personnel and other sources.

b. Repressive supervision

Repressive supervision is supervision that is carried out after the work or activity has been carried out, this we know through an audit with an

examination of the implementation of the work in place and request a report on the implementation of the activity.

Based on the description above it can be seen that the results of an oversight activity must allow an evaluation of the supervised aspect. Furthermore, in evaluating the results of an activity by the supervisory apparatus it can be appropriate to find out the level of efficiency and effectiveness of the realization of work with the targets achieved. Then given the limited ability of a leader to conduct oversight of his subordinates, it needs to be rationally calculated in determining the number of work units or people that will be overseen by a leadership official, this is done to create momentum in order to increase apparatus order control.

In addition, it is also necessary to develop a monitoring system for the implementation of development in various fields and sectors in the regions that are more consistent with the developed monitoring system. As a first step, the implementation must be carried out with full dedication and responsibility. Because with the directed supervision means that it can be used as an appraisal material for the work unit of the government apparatus. Thus, the intended purpose of supervision can increase the development, improvement, control of the government apparatus. From the other side the benefits of supervision can be felt, which are as follows:³³

³³ Harbani Pasolong, *Teori Administrasi Publik*. (Bandung, CV. Alfabeta, 2003), 190

1. Obtaining data that can be processed and then used as a basis for efforts to improve activities in the future and includes various aspects including: planning, organization, guidance, direction and others including professional activities.
2. Getting the most efficient, appropriate and successful way to work in the best way to achieve the goal.
3. Obtain data about the obstacles and difficulties faced can be reduced or avoided.
4. Obtaining data that can be used to improve the workings of government officials in various fields.
5. So that it is easy to know how far the goal to be achieved can already be realized
6. To further improve services to the interests of the community.

C. Supervision Systems and Processes

The most important business carried out / carried out in carrying out a more effective , efficient system is through hard work, creative, responsible accompanied by full dedication.³⁴ So in order to create what is expected the monitoring system must be carried out. In its implementation, it is necessary to

³⁴ Adsasmita Rahardjo, *Manajemen Pemerintah Daerah*,(Yogyakarta: Graha Ilmu, 2011), 162

establish stronger coordination between related vertical agencies because various government projects in the regions are also carried out by non-departmental government agencies / institutions. All of them must be adjusted / harmonized in an integrated and cyclical manner so that the implementation does not occur overlapping, duplication and congestion. Furthermore, the supervision system that will be carried out must be well coordinated, in accordance with the rules that have been issued by the top-level agencies, and also pay attention to the policies issued by the relevant agencies.

If someone wants to measure distance / rate a job, this can only be done if there are measuring devices or assessors. The measuring device or appraiser must be determined beforehand, as well as in monitoring. In the implementation of monitoring the measuring instrument or assessment is a standard, which can be in the form of plans, work programs , or laws and regulations, this is the first phase of supervision.

In the second phase, the assessment process is carried out. This assessment means comparing the results of a job or activity with the measuring device earlier. In this phase it will be seen whether a job or activity is in accordance with the plan, policy or legislation or not.

In the third phase is to take corrective actions. This corrective action is a consequence of the second stage. That is if in the second phase discrepancies are found between plans, policies or conflict with the laws and regulations with the

reality of the results of a work or activity, or in other words based on the assessment of the second phase found irregularities or deviations.³⁵

Based on the foregoing it can be understood that this corrective action is a consequence of the results of supervision , that is, after the assessment has been made there are irregularities. Therefore the corrective actions referred to above are the same as follow-up supervision in a broader sense. It is said so because the follow-up supervision in addition to holding corrective actions also provides sanctions to subjects who commit irregularities.

³⁵ Prayudi, Hukum Administrasi Negara,(Jakarta: Ghalia Indonesia,1981), 180



CHAPTER III

RESEARCH METHODS

The research method is a way to do something using the mind carefully to achieve a goal by searching, recording, formulating, and analyzing to compile reports.³⁶The function of the research method is a tool to find out the problem to be investigated.³⁷The research method can also be said to be an investigation by using predetermined methods to obtain a truth that can later be accounted for by the researcher. In order to obtain optimal results, we need a research method that fits the theme of the discussion as follows.

³⁶ Cholid Narbuko, dan Abu Achmadi, *Metode Penelitian*, (Jakarta: PT Bumi Aksara,2003), 1

³⁷ Zainuddin Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika,2015),21

1. Types of research

The problems that have been formulated above will be answered or solved using an empirical juridical approach. Juridical approach (law is seen as the norm or *das Sollen*), the empirical approach (law as reality or *das Sein*), because in 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. Or in other words that one of research conducted on the actual state of a tau real circumstances that occurred in the community with a view to identify and find the facts - facts and data required, after the required data collected then headed to identification problems that ultimately towards on problem solving.

According to Soerjono Soekanto, legal research is divided into two, namely normative legal research and empirical legal research.³⁸ Empirical legal research focuses on the study of phenomena in social life, the search for meaning, elements and structures through the help of sociology so that it will get the real meaning. Where the law is conceptualized as *actual behavior* or an unwritten social phenomenon, which is experienced by everyone in social

³⁸ Bambang Sunggono, *Metodologi Penelitian Hukum*, (Jakarta: PT Raja Grafindo Persada, 2007), 41-42.

relations. The consequence of such a view causes the law to be influenced by the realities of life in society.³⁹

This type of research used in the author's research is empirical legal research or empirical law. The purpose of the author's research is to determine the extent of the operation of the law in people's lives, the starting point of which is the phenomenon of community law or social facts that exist in society. The starting point of this research is to look at the practice of Regional Regulation of Banyuwangi Local Regulation Number 7 Year 2017 About Compulsory Education Diniyah Takmiliyah.

2. Research Approach

This type of approach is chosen according to the type of research, problem formulation, research objectives, and explains or explains the urgency of using this type of approach in testing and analyzing research data. The types of approaches used in this study are:

- a. Type of sociological approach, this type of approach is to see and observe social phenomena that occur in the field or in the community. In this type of approach researchers look at phenomena related to compulsory madrasah diniyah takmiliyah madrasah learning programs which can then be analyzed.

It all aims to see whether the optimal implementation of the supervision of the mandatory madrasa diniyah takmiliyah program.

³⁹ Bahder Johan Nasution, *Metode Penelitian Hukum*, (Bandung: CV Mandar Maju, 2008), 121.

- b. Type of approach to legislation, this type of approach is implemented by reviewing all legislation and legal issues with the problem to be examined.⁴⁰ Researchers in this study examined several laws relating to Supervision of Madrasah Diniyah Takmiliyah, including: Law Number 20 Year 2003 concerning the National Education System, Law Number 12 of 2011 concerning Formation of Laws and Regulations, Banyuwangi Regional Regulation Number 7 Year 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliyah Banyuwangi Regent Regulation number 54 concerning Implementation Guidelines for Banyuwangi Regional Regulation Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliyah.

3. Research Location

Research Location is a place (location) that is used for research . Determining the location of research is very important to know the level of quality of research . If the research location has been determined, it means that the object and purpose of the study have been determined which will facilitate the author to conduct research. The research location can be in the form of a specific location or a particular institution within the community. Data and information obtained in this study were held in Banyuwangi Regional. The location of research conducted by research conducted by researchers are:

⁴⁰ Soerjono Soekanto dan Purnadi Purbacaraka, "*Perihal Penelitian Hukum*", (Bandung: Alumni, 1979), 63

1. Hj. Basyir M.H, Kasubag of Regulations on the Legal Section Regency Regional Secretariat Banyuwangi. At The local Government of Banyuwangi Regency office.
2. Hj. Mastur S.pd, Head of Operational assistance management diniyah PD. Pontren at The Ministry of Religion of Regional Banyuwangi office.
3. Hj. Sugiarto S.pd, Head of Operational assistance management diniyah PD. Pontren the Banyuwangi Regional Education Office.

4. Data Types and Sources

This empirical juridical research uses primary and secondary data, namely:

1. Primary data is data obtained directly from the first source related to the issue to be discussed by conducting structured 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. Hj. Mastur S.pd, Head of Operational assistance management diniyah PD. Pontren at The Ministry of Religion of Regional Banyuwangi office.
2. Secondary data, obtained by conducting library research on research materials used that include primary legal materials, namely related regulations, literature or scientific studies that discuss and relate to the Effectiveness of Regulations Banyuwangi Number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliyah. Including secondary legal materials including textbooks, legal research reports,

legal journals, minutes of legal seminars, memorials containing legal opinions, bulletins or other publications containing debates and listening in parliament, declaration and others. The materials of secondary law is not a law will, but in the sense of material, the ingredients of this secondary law is an ingredients that is useful to improve the quality of positive law.

5. Data Collection Methods

Data collection method is an important thing in research, because this method is a strategy to get data, data sharing is divided into three namely:

a) Primary Data: obtained through interviews, which is a data collection method used in almost all qualitative research. According to Moleong the interview is a conversation with a specific purpose. The conversation is carried out by both parties, namely the interviewer (interviewer) who asks questions and the interviewee who gives answers or is usually called a resource person. While Haris quoted Stewart and Cash's opinion, the interview was interpreted as an interaction in which there was an exchange or sharing of rules, responsibilities, feelings, beliefs, motives and information. An interview is not an activity where one person starts a conversation and the others just listen. That is, in conducting interviews between the interviewer and the interviewees must trust each other and there are no lies. The answers given by the resource person must be able to be held accountable for the truth and the resource persons' answers are useful information for the interviewer.

- b) Secondary data obtained from library studies, namely archives / documents from books / literature, papers, journals, as well as the results of previous research relating to supervision of Madrasah Diniyah Takmiliah in various problem sight. The institution, the facilitator, the society, or the local government whose took the responsibility to the implementation of the regulation.
- c) Tertiary data, this data is obtained from dictionaries such as KBBI, and large dictionaries in English

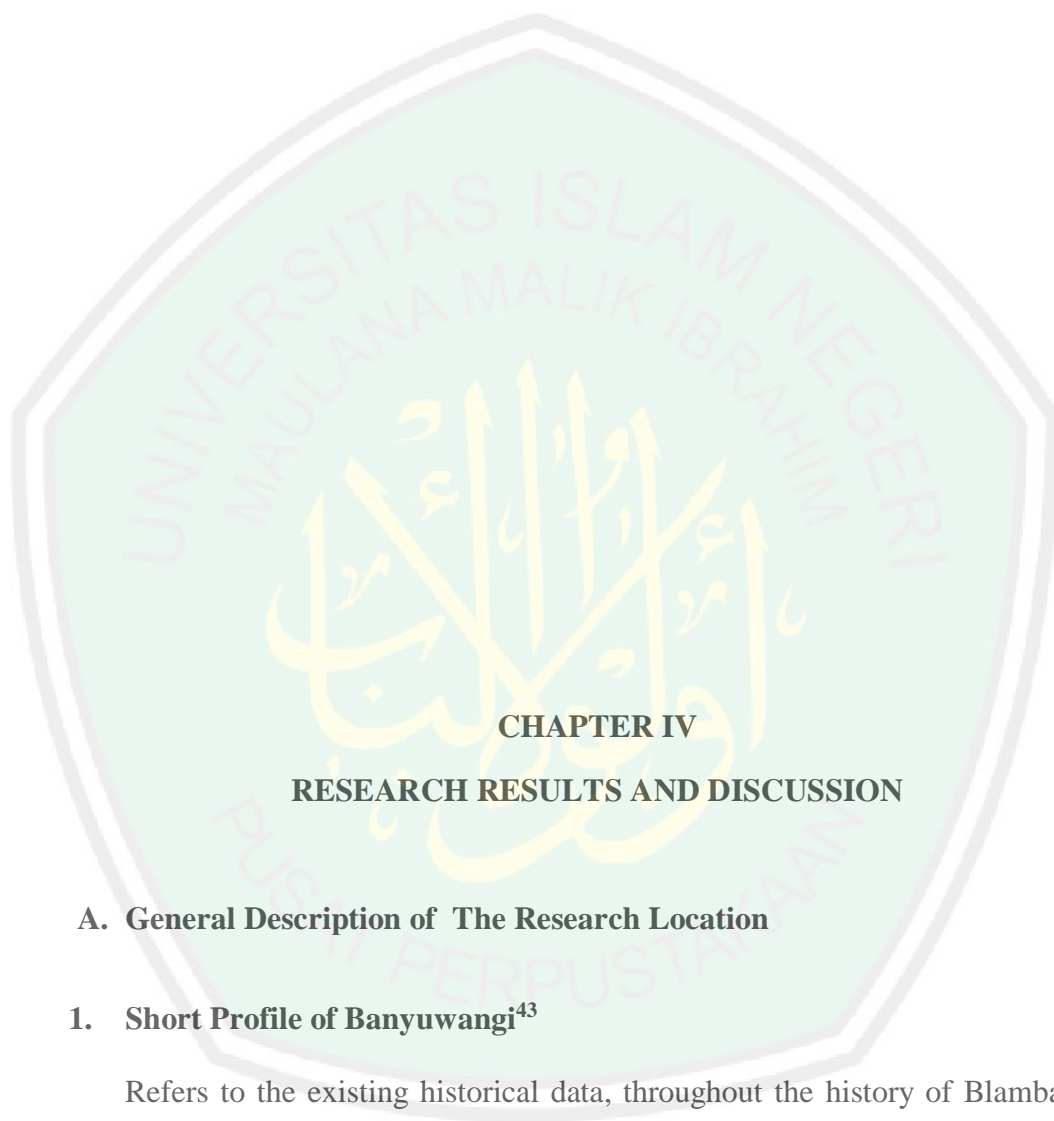
6. Data Analysis Technique

Data analysis method is a form of analysis of research results which contains a description of the ways of analysis that describe how a data is analyzed and what the benefits of data collected for use in solving research problems.⁴¹ Data analysis techniques are used with the aim to make it easier to understand data from field observations and interviews that begin with the grouping of data and information which further interprets the problems being examined and their relationship to each other.

Analysis of the data used in this study is descriptive analysis data, namely research that aims to compile a picture or portrait of a problem about patterns and problems that occur.⁴² The author describes the data that has been obtained from field research through interviews, field observations and literature studies so that it can be used as a guide in solving problems

⁴¹ Bahder Johan Nasution, “*Metode Penelitian Ilmu Hukum*”, 174

⁴² Endang Poerwanti, “*Dimensi-Dimensi Risert Ilmiah*”, (Malang: UMM Pers, 1998), 26



CHAPTER IV RESEARCH RESULTS AND DISCUSSION

A. General Description of The Research Location

1. Short Profile of Banyuwangi⁴³

Refers to the existing historical data, throughout the history of Blambangan presumably on 18 December 1771 is the oldest historical event that should be appointed as the anniversary of Banyuwangi. Before the peak of the Puputan Bayu war there were actually other events that preceded it, which were also

⁴³ <https://www.banyuwangikab.go.id/profil/gambaranumum.html>, accessed on 7th of November 2019.

heroic-patriotic, namely the attack on the Blambangan warriors under the leadership of Prince Puger (son of Wong Agung Wilis) to the VOC fort in Banyualit in 1768. But unfortunately the event the calendar was not recorded in full, and besides that it seemed that in the attack we were totally defeated, while the enemy almost did not suffer any losses. On this occasion Prince Puger died, while Wong Agung Wilis, after Lateng was destroyed, injured, captured and then exiled to Banda Island (Lekkerkerker, 1923).

Based on historical data the name of Banyuwangi cannot be separated from the triumph of Blambangan. Since the days of Prince Tawang Alun (1655-1691) and Prince Danuningrat (1736-1763), even when Blambangan was under the protection of Bali (1763-1767), the VOC had never been interested in entering and managing Blambangan.

In 1743 East Java (including Blambangan) was handed over by Pakubuwono II to the VOC, the VOC felt that Blambangan was already his. But for the time being it is still left as a savings item, which will only be managed at any time, if it is needed. Even when Danuningrat insisted on the assistance of the VOC to escape from Bali, the VOC had not yet been interested in seeing Blambangan.

But only after the British established trade relations with Blambangan and established its trading office (the British complex now) in 1766 in the small town of Banyuwangi (which at that time was also called Tirtaganda, Tirtaarum or Toyaarum), the VOC immediately moved to immediately seize Banyuwangi and secure the entire Blambangan. In general, in the war that took place in 1767-

1772 (5 years), the VOC did try to seize all of Blambangan. But specifically the VOC was actually compelled to immediately seize Banyuwangi, which at that time had begun to develop into a trading center in Blambangan, which was controlled by the British.

It is clear, that the birth of a place which later became famous by the name Banyuwangi, has become a buying-case of a fierce war, the Puputan Bayu war. If in case English is not entrenched in Banyuwangi in 1766, VOC may not be buru- headlong into expansion into Blambangan in 1767. And since the war Puputan Bayu probably will not happen (peak) on December 18, 1771. Thus, there must be a relationship the close Puputan Bayu war with the birth of a place called Banyuwangi. In other words, the Puputan Bayu war was part of the birth process of Banyuwangi. Therefore, the determination of 18 December 1771 as the anniversary of Banyuwangi is actually very rational.

B. The Effectiveness of Banyuwangi Local Regulation Number 7 Year 2017 on The Supervision of Madrasah Diniyah Takmiliyah

Studying about a statutory regulation, certainly related to the effectiveness of the implementation of these regulations. In order to make law effective, a system consisting of components that influence each other is needed to achieve the objectives to be achieved from policy makers.

In understanding a legal rule formulation it is not enough to only understand its form in written formulations, but also to understand the rule of law as an empirical phenomenon that appears and applies in society. Understanding the law

is not limited to the forms of its embodiment, but also looks into the background that underlies the treatment of the rule of law and how it is implemented or enforced.

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:⁴⁴(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 Takmiliah of Banyuwangi Regional, namely:

4. Legal factors

The term of Madrasah Diniyah Takmiliah 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.⁴⁵So Madrasa Diniyah is the choice of the Islamic education system in addition to the madrasa in order to accommodate the thoughts and desires of some Indonesian Islamic societies to have an educational model that specifically

⁴⁴ Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: PT. Raja Grafindo, 2008), h. 37.

⁴⁵ Karel A Steenbrink, *Pesantren Madrasah, Sekolah: Pendidikan Islam dalam Kurun Modern*, (Jakarta:LPES,1994),h. 87

teaches Islamic religion other than pesantren which can be managed with modern education management. However, at the moment madrasah diniyah is still classified as non-formal education. Following, he 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.⁴⁶

Therefore, with the Minister of Religion Regulation No.13 of 2014 concerning Islamic Religious Education, the development of madrasa diniyah in Indonesia already has formal legality. This also shows that the development of madrasah diniyah in Indonesia has urgency in the national education system. In line with the implementation of government decentralization in the form of regional autonomy, then the regional government established regional regulations in order to respond to the implementation of madrasa diniyah.

The enactment of Banyuwangi Regional Regulation Number 7 Year 2017 concerning Madrasah Diniyah Takmiliah is one form of local government initiative with all good intentions in the formulation of the

⁴⁶ Badrudin, *Indonesia's Educational Policies on Madrasah Diniyah (MD)*, *Jurnal Pendidikan Islam*, Vol.3 Nomor 1 (2017), h.17-32

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 Takmiliah is carried out by the Office of the Ministry of Religion and / or regional government*". However, it is not described in detail supervision in terms of what it and systematic supervision of Madrasah Diniyah Takmiliah to be implemented well in the community.

5. Law enforcement factors

Article 20 paragraph (1) "*Supervision of Madrasah Diniyah Takmiliah is carried out by the Office of the Ministry of Religion and / or regional government*". In this case 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.⁴⁷ So that legal certainty is doubtful among the people, due to the lack of socialization, supervision and public knowledge about the existence of these regulations.

Not only that, but 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.⁴⁸ 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 District Regulation number 7 of 2017 concerning Compulsory Education for Madrasah Diniyah Takmiliyah are only administrative sanctions for education providers in the education service environment who do not provide Madrasah Diniyah Takmiliyah 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

⁴⁷ Hj. Mastur S.pd, Head of Operational assistance management diniyah PD. Pontren, Office of Ministry of Religion, Banyuwangi Regional. *Interview*. (on 14th of August 2019).

⁴⁸ Sugiarto, Head of Elementary Education in Banyuwangi Regional, Banyuwangi Regional Education Office, *Interview*,(on 15th of August 2019).

implemented, by applying for graduates of Islamic primary schools to include a diniyah diploma as a condition for continuing secondary education.⁴⁹ However, the authors did not find any regulating market related to it, either explicitly or implicitly. It is unfortunate, even though in my opinion the conditions can be sanctions or consequences large enough so that the regulation can be implemented, as well as strengthening the local government and the Ministry of Religion in carrying out its functions in overseeing the implementation of these regulations.

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.

6. Facilities factors

Suggestions and facilities are supporting factors whose existence is very important to support the smooth implementation of a regulation . In terms of facilities and amenities , the authors found that the lack of facilities and the facilities were adequate for law enforcement, in this case the Ministry of Religious Banyuwangi and government areas as monitoring the implementation of the Madrasah Diniyah Takmiliyah, namely the lack of a

⁴⁹ Basyir, Commission IV in Education, Banyuwangi Regional of DPRD Office, Interview, (on 16th of August 2019).

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 the supervision of Regulation Bayuwangi No. 7 of 2017 about Compulsory Diniyah Takmiliyah 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 Takmiliyah. 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.

7. 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 mas yarakat 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 Takmiliyah.

8. Cultural factors

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

Gaining strong trust by the community is a result of the consistency of madrasa diniyah efforts in providing a deep understanding of religion for

students, not only in terms of religious knowledge, but also morals to others and as obedient servants of God. For this reason, madrasa diniyah must be able to develop their full potential to immediately adjust to the needs of modern society and serve the community as well as possible.

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 Takmiliyah.

Madrasah Diniyah Takmiliyah 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.

C. 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:⁵⁰

a. 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

⁵⁰ Adsasmita Rahardjo, *Manajemen Pemerintah Daerah*,(Yogyakarta: Graha Ilmu, 2011) ,Hal. 92.

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.

b. 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.

In my opinion, as when 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 .
- 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 of 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.

No supervision 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".

D. Supporting and Inhibiting Factors

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

1. social factors of the Banyuwangi Regional is religious area. Proved by the existence of Madrasah Diniyah Takmiliah 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 Takmiliah is a political product

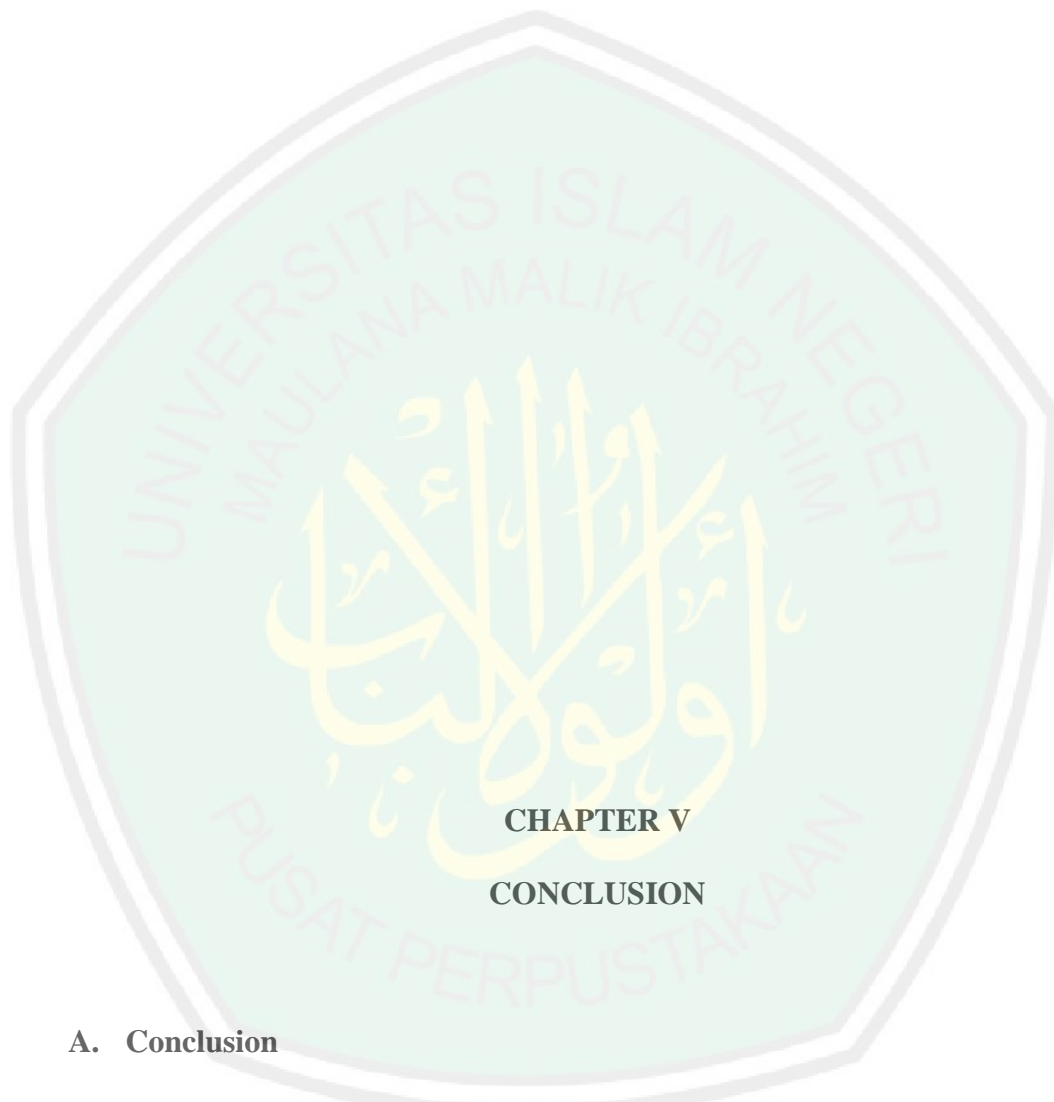
through the Regional House of Representatives (DPRD) institutions, which provide agreement support for community development through government policies in the form of District Regulations Banyuwangi Number 7 of 2017 concerning the Mandatory Diniyah Takmiliah Madrasah. This policy is a participation 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 Takmiliah 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.





A. Conclusion

1. 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 Takmiliyah was still low. And

indirectly showed the minimum of local government will for carried out the responsibility on supervision of Madrasah Diniyah Takmiliyah. In Banyuwangi. The role of government is considered very less and

2. 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 Takmiliyah 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 Takmiliyah are: lack of coordination between local government and related institutions in a systematic and structured manner, in its implementation, also Budget.

B. Suggestions

1. The local governments and the Ministry supposed could optimize the implementation of the Madrasah Diniyah Takmiliyah supervision, both in sanctioning a more firm and binding, thorough socialization so that people can touch the bottom, and allocates funds specifically to meet the infrastructure and facilities in the implementation of Madrasah Diniyah Takmiliyah.

2. The values must contained in the regional regulation can be well realized, so that the benefits in the community can be realized and felt the benefits of these regulations.

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