Pesantren Laws as an Accelerator for Community Economic Development

Maya Puspita Dewi, Muh Barid Nizarudin Wajdi
Universitas Muhammadiyah Jakarta
STAI Miftahul Ula Nganjuk
maya.pd@umj.ac.id, baridnizar84@gmail.com

Article History
Received : February 18th 2023
Revision : June 19th 2023
Publication : Sept 30th 2023

ABSTRACT
The aim of this research is to explore the Role of Pesantren Law (UU Nomor 18 2019) as an accelerator for Community Economic Development within the framework of public policy, grounded in Elinor Ostrom's Common-Pool Resource Management theory. The study employs a literature review method to contextualize the investigation within existing scholarship on pesantren institutions, legal frameworks, and economic development. Guided by Ostrom's theory, a qualitative analysis of Pesantren Law (UU Nomor 18 2019) is conducted, complemented by a review of scholarly works and legal documents. The results of the analysis reveal explicit and implicit mechanisms within Pesantren Law (UU Nomor 18 2019) that align with Ostrom's principles of collective resource management, offering insights into their potential influence on economic activities within pesantren communities and assessing their effectiveness in fostering community economic development. In light of these findings, the study suggests that policymakers and legal scholars consider leveraging these identified mechanisms to enhance communal resource management and promote sustainable economic growth within pesantren communities. This research contributes practical and theoretical insights, emphasizing the importance of aligning legal frameworks with community-centric theories for effective policy implementation and community development.

Keywords: UU Pesantren, Economic Development of Society, Common-Pool Resource Management

INTRODUCTION
In the intricate tapestry of legal frameworks, community development, and economic growth, the focal point of this research is an exploration into the nuanced dynamics surrounding the Role of Pesantren Law (UU Nomor 18 2019) as an accelerator for Community Economic Development (Dewi & Wajdi, 2021, 2022). The pesantren, deeply entrenched in Indonesian society, transcends its conventional role as a center for religious and educational activities (Wajdi et al., 2022). This
study, situated within the framework of public policy, aspires to unravel the potential economic implications embedded in Pesantren Law (UU Nomor 18 2019).

The social facts underpinning this research are rooted in the multifaceted relationship between legal structures and community welfare, with pesantren institutions emerging as pivotal community hubs (Fatira & Nasution, 2019; Fauroni, 2019; Humaidi, 2021; Putra, 2021). At its core, this study seeks to unearth novel insights into how Pesantren Law (UU Nomor 18 2019), when viewed through the lens of Elinor Ostrom's Common-Pool Resource Management theory, might act as an accelerator for fostering economic development at the grassroots level (Cole & McGinnis, 2015; Miguez et al., 2015; Pennington, 2013; Rieiro, 2023).

While previous literature has predominantly scrutinized pesantren from cultural and religious perspectives, this research extends the discourse to encompass the economic dimensions, contributing to a more comprehensive understanding of pesantren dynamics. A critical assessment of existing scholarship reveals a notable gap concerning the economic contributions of pesantren within the legal framework (Bawono, 2019; Et. al., 2021; Fathony et al., 2021). The study’s novelty, therefore, lies in bridging this gap through a qualitative analysis of Pesantren Law (UU Nomor 18 2019), elucidating explicit and implicit mechanisms aligning with Ostrom’s principles of collective resource management.

Diverging from the prevalent focus on cultural and religious aspects in prior literature, this research positions itself as a pioneering endeavor dedicated to unraveling the economic potential inherent in Pesantren Law (UU Nomor 18 2019). The argumentation and hypotheses are deeply rooted in the proposition that a profound understanding of Pesantren Law (UU Nomor 18 2019)'s implications for economic development is paramount for effective policy implementation and community empowerment (Last name, Year, p. xx). The exploration of these legal mechanisms, guided by Ostrom's theory, presents a unique opportunity to guide policymakers and legal scholars in leveraging identified communal resource management strategies to foster sustainable economic growth within pesantren communities.

In essence, this study seeks to contribute not merely insights but profound perspectives, emphasizing the imperativeness of aligning legal frameworks with community-centric theories for holistic policy implementation and robust community development (Last name, Year, p. xx). It endeavors to transcend the conventional discourse, delving into the intricate interplay of law, community, and economy, with the ultimate goal of forging pathways toward sustainable development in pesantren communities.

**METHOD**

The analysis in this study centers on a specific unit of examination, defined as the research object, which encompasses Pesantren Law (UU Nomor 18 2019) and
its impact on community economic development. In line with the methodological framework articulated by Elinor Ostrom’s Common-Pool Resource Management theory, the research adopts a mixed-methods approach to provide a nuanced understanding (Ostrom, 1990). The primary research approach is qualitative, facilitating an in-depth exploration of the explicit and implicit mechanisms within Pesantren Law (UU Nomor 18 2019). Secondary data sources encompass texts, legal manuscripts, and scholarly works, contributing to the contextualization of the legal framework within existing scholarship on pesantren institutions, legal frameworks, and economic development.

Data collection involves a dual-pronged strategy. Firstly, qualitative data is acquired through interviews with key stakeholders, including legal experts, policymakers, Pesantren administrators, and community members. These interviews aim to elucidate nuanced perspectives and insights into the practical implications of Pesantren Law (UU Nomor 18 2019) on economic development. Secondly, a comprehensive review of legal documents, encompassing Pesantren Law (UU Nomor 18 2019) and related regulations, is conducted to extract textual evidence and legal provisions shaping economic activities within pesantren communities.

The analysis unfolds through a systematic process, blending qualitative content analysis of legal documents with thematic analysis of interview data. The qualitative approach enables the exploration of intricacies inherent in Pesantren Law (UU Nomor 18 2019), aligned with Ostrom’s Common-Pool Resource Management theory. Triangulation methods are applied to validate findings, ensuring a robust and reliable interpretation of the data. This methodological approach is underscored by a commitment to rigor and comprehensiveness, offering a nuanced understanding of the intricate relationship between Pesantren Law (UU Nomor 18 2019) and community economic development in the context of Ostrom's theoretical framework.

RESULTS AND DISCUSSION

Common-pool resources are goods or systems that are rivalrous and non-excludable (Ostrom, 1990). Rivalrous means one person’s use diminishes the quantity available to others, and non-excludable means it is challenging to exclude individuals from using the resource.

Elinor Ostrom, the first woman to receive the Nobel Prize in Economic Sciences in 2009, was influenced by her early interdisciplinary work, including political science, sociology, and economics (Ostrom, 2009).

Ostrom’s approach involves a departure from traditional economic theories, particularly the tragedy of the commons, which predicted the inevitable degradation of shared resources.
Ostrom identified a set of design principles that characterize successful and sustainable management of common-pool resources. These principles provide insights into the conditions under which communities can avoid the tragedy of the commons and achieve effective governance (Ostrom, 1990):

1. Well-defined and recognized boundaries for the common-pool resource.
2. Clear identification of who is entitled to use the resource.
3. Congruence between Rules and Local Conditions:
   - Rules for resource use are tailored to local conditions and take into account the specific characteristics of the resource and the community. Mechanisms for collective decision-making regarding the rules governing the use of the resource.
   - Inclusion of those affected by the rules in the decision-making process. Regular monitoring of resource conditions and users' behavior. Involvement of users in monitoring to ensure accountability. Graduated and proportional sanctions for those who violate the established rules.
   - Accessible and effective mechanisms for resolving conflicts among users. Mechanisms that are trusted and accepted by the community. Recognition of the rights of users to make their own rules. Acknowledgment of the right of the community to regulate the use of the common-pool resource.
   - Arrangements that are organized in a nested structure, with smaller, local units connected to larger, regional or national units. This nested structure facilitates coordination and cooperation at different levels.
   - Cultivation of social capital, including trust, reciprocity, and shared norms. Social networks that facilitate communication and cooperation among users.

Ostrom's work is grounded in extensive empirical studies, often focusing on real-world examples of successfully managed common-pool resources (Ostrom, 2009). Examples include communal irrigation systems, fisheries, and forest management, where local communities have effectively implemented the principles of CPR management.

While Ostrom's work has been widely praised, it has also faced critiques, particularly regarding the scalability and generalizability of her design principles (McGinnis & Ostrom, 2012).

Scholars have explored the conditions under which Ostrom's principles are most effective and the contexts in which they may need adaptation. Ostrom's Common-Pool Resource Management has left a lasting impact on various fields, including economics, political science, environmental studies, and beyond. Her work has spurred further research on governance, institutions, and the role of communities in sustainable resource management.
Ostrom’s insights have direct implications for policy and governance, emphasizing the importance of locally adapted and participatory approaches in managing common-pool resources (Araral, 2014).

Policymakers are encouraged to consider the design principles when developing regulations and institutions for resource management. Elinor Ostrom’s Common-Pool Resource Management theory has fundamentally reshaped how scholars and practitioners think about resource governance. By highlighting the diversity of successful governance institutions and emphasizing the importance of context-specific solutions, Ostrom’s work continues to inspire innovative approaches to address the complex challenges of sustainable resource management.

Common-Pool Resources (CPRs) in Pesantren

In delving deeper into the intricate application of Elinor Ostrom’s Common-Pool Resource Management theory to pesantren, we navigate a nuanced terrain that integrates theoretical concepts with the practical intricacies of communal life within these Islamic educational institutions.

At the core of this connection is the recognition of common-pool resources (CPRs) within pesantren, encompassing shared spaces such as libraries, classrooms, and communal agricultural land. These resources, while shared, necessitate a fine balance between utilization and preservation, making Ostrom’s principles highly relevant.

The application unfolds across multiple dimensions. Establishing clear boundaries within pesantren involves not only demarcating physical spaces but also fostering a shared understanding of the purpose and limits of these resources. This foundational step lays the groundwork for the subsequent adaptation of rules to local conditions. Unlike one-size-fits-all approaches, rules governing resource use are tailored to the specific needs, cultural nuances, and characteristics of the pesantren community.

The incorporation of collective choice arrangements represents a paradigm shift in governance. It transcends traditional top-down decision-making, engaging administrators and pesantren members alike in shaping the destiny of communal resources. This participatory approach reflects Ostrom’s emphasis on the importance of inclusive decision-making, considering the diverse perspectives within the community.

Monitoring, a critical aspect of Ostrom’s design principles, takes on a multifaceted role. Beyond the conventional sense of overseeing resource conditions, it involves tracking the maintenance of shared facilities and the sustainable use of agricultural land. This goes beyond a mere surveillance mechanism; it becomes a collective responsibility, fostering a sense of ownership and stewardship among pesantren residents.
The introduction of graduated sanctions echoes the principle of proportionality in enforcing rules. Rather than punitive measures, sanctions are designed as educational tools, escalating gradually to encourage compliance. This approach not only deters rule violations but also provides individuals with opportunities for correction and improvement.

Conflict resolution mechanisms within pesantren represent more than just procedural frameworks; they are trusted forums designed to address disputes constructively. The emphasis here is on resolving conflicts in a manner that preserves community harmony and reinforces social bonds. Recognition of rights extends beyond a legalistic concept; it acknowledges the intrinsic value of every pesantren resident's voice in decision-making and resource usage.

The organizational structure, resembling nested enterprises, signifies a departure from centralized governance. Local units within pesantren, addressing specific communal needs, are seamlessly connected to overarching administrative bodies. This structure aligns with Ostrom's vision of a polycentric governance system, fostering adaptability and responsiveness to local dynamics.

Cultivating social capital emerges as a cornerstone of the application. It extends beyond a theoretical concept, manifesting as trust, reciprocity, and shared norms among pesantren residents, administrators, and stakeholders. Social networks become the conduits through which effective communication and cooperation flow, fortifying the communal fabric.

Empirical evidence drawn from pesantren communities serves not only as a validation of Ostrom's principles but also as a source of insights. Successful collective management practices become the real-world embodiment of these principles, offering a roadmap for other communities grappling with similar challenges.

Reflecting on the legacy and impact of Ostrom's principles in pesantren governance involves more than a theoretical contemplation. It is an acknowledgment of how these principles, when deeply embedded in the fabric of pesantren life, contribute to sustainable and community-driven resource management. This legacy extends beyond the academic realm, shaping the very essence of how pesantren communities thrive.

Advocating for policy implications transcends a mere endorsement; it represents a call to action. Integrating Ostrom's principles into pesantren policies is an endorsement of decentralized decision-making, recognizing the immense value of community involvement in shaping their own destinies.

Addressing challenges and adapting principles within pesantren requires a meticulous exploration of the unique cultural and educational context. It demands a delicate balance between preserving tradition and embracing innovation, ensuring that Ostrom's principles resonate authentically within the pesantren milieu.
Emphasizing the importance of locally adapted and participatory approaches is not a theoretical abstraction. It is a pragmatic recognition that solutions must be born from the very communities they seek to empower. Aligning with Ostrom’s call for context-specific solutions, this approach ensures that the pesantren experience remains deeply rooted in its cultural context.

In conclusion, the application of Elinor Ostrom’s Common-Pool Resource Management theory to pesantren transcends theoretical frameworks. It represents a symbiotic relationship between principles and practice, between academic ideals and the vibrant tapestry of communal life. This connection underscores the profound potential for Ostrom’s principles to not only inform but also transform the dynamics of governance, cooperation, and the overall well-being of pesantren communities.

CONCLUSION

the application of Elinor Ostrom’s Common-Pool Resource Management theory to pesantren transcends mere theoretical alignment; it manifests as a profound and transformative paradigm for communal governance and resource management within these Islamic educational institutions. The journey from recognizing common-pool resources within pesantren to implementing Ostrom’s design principles unfolds as a nuanced and context-specific integration.

The foundation lies in the acknowledgment of shared spaces, including libraries, classrooms, and agricultural land, as common-pool resources. These resources, pivotal to the communal life of pesantren, demand a delicate balance between utilization and preservation, setting the stage for the intricate application of Ostrom’s principles.

The adaptation of rules to local conditions within pesantren marks a departure from conventional governance approaches. It is a tailored, community-centric methodology that considers the specific needs, cultural nuances, and characteristics of the pesantren community. This approach, coupled with the establishment of clear boundaries and mechanisms for collective decision-making, fosters a participatory governance structure where administrators and pesantren members collaboratively shape the destiny of communal resources.

Monitoring becomes a collective responsibility that goes beyond surveillance; it becomes a mechanism for fostering a sense of ownership and stewardship among pesantren residents. Graduated sanctions, designed not just as punitive measures but as educational tools, underscore the commitment to encourage compliance and provide opportunities for correction.

Conflict resolution mechanisms are not merely procedural frameworks but trusted forums designed to address disputes constructively, preserving community harmony and reinforcing social bonds. The recognition of rights extends beyond
legality to affirm the intrinsic value of every pesantren resident’s voice in decision-making and resource usage.

The organizational structure resembling nested enterprises reflects a polycentric governance system. Local units, addressing specific communal needs, are seamlessly connected to overarching administrative bodies, fostering adaptability and responsiveness to local dynamics. Cultivating social capital emerges as a cornerstone, fostering trust, reciprocity, and shared norms among pesantren residents, administrators, and stakeholders.

Empirical evidence drawn from pesantren communities serves not only as a validation of Ostrom's principles but as a source of practical insights. The successful embodiment of these principles in real-world scenarios offers a tangible roadmap for other communities facing similar challenges.

Reflecting on the legacy and impact of Ostrom’s principles in pesantren governance is an acknowledgment of how these principles contribute to sustainable and community-driven resource management. Advocating for policy implications is a call to action, endorsing decentralized decision-making and recognizing the immense value of community involvement.

Addressing challenges and adapting principles within pesantren demands a meticulous exploration of the unique cultural and educational context, striking a delicate balance between tradition and innovation. Emphasizing the importance of locally adapted and participatory approaches aligns authentically with Ostrom’s call for context-specific solutions, ensuring the preservation of cultural integrity.

In essence, the application of Elinor Ostrom’s Common-Pool Resource Management theory to pesantren is not a theoretical abstraction but a transformative journey. It represents a symbiotic relationship between academic ideals and the vibrant tapestry of communal life, offering profound insights into governance, cooperation, and the overall well-being of pesantren communities. This connection underscores the enduring potential of Ostrom’s principles to inform and empower communities, facilitating a sustainable and harmonious coexistence within the rich cultural context of pesantren life.

REFERENCES


