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Process governance and administration of in-service education in the national education system

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ABSTRACT

The purpose of this research is to critically examine the consistency and inconsistency of laws and regulations regarding the administration of higher education in positions within the national education system. It identifies the input, process and output mechanisms of higher education in positions within the national education system with laws and regulations on the national education system. organize higher education in the national education system. The research was conducted at in-service universities. Data collection is done through literature study (normative law) and field research (empirical law). Normative legal research leads to descriptions in the form of exposure, comparison, and interpretation of applicable law or positive law, while empirical legal research (sociological law) was conducted through observation and in-depth interviews with competent sources related to the problem being studied (objects). studied) to obtain primary data. The data were analyzed qualitatively which was empirical (inductive) by conducting interviews, observations and documentation and combining primary and secondary data (deductive). The results of the study indicate several things including the input, process and output mechanisms which are a necessity in the higher education management function, need to be improved by implementing standards, processes, and education. Internal and external regulations have an impact on the management and delivery of education. Graduates must have differences in quality and quantity (output, outcome), compared to other universities so that collaboration with professional institutions can be established. Juridical, sociological, and philosophical governance in higher education in positions within a State Higher Education (PTN) system is a reform in higher education.



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Introduction

The success of the reform movement in 1998 changed the order of social, political, and government life in Indonesia in all fields of administration, including higher education policy (A. S. Rahayu, 2017). The idea of political democratization in the field of education is applied through various laws, including Law Number 20 of 2003 concerning the National Education System (Presiden Republik Indonesia, 2003) and Law Number 12 of 2012 concerning Higher Education (Maghfuri, 2020).

Thus, it is necessary to make improvements regarding the correctness of the creation, content, and application of official higher education law by measuring the legal principles of education into statutory

regulations. The law in question is Article 11 paragraph (5) of Law Number 2 of 1989 (U.-U. R. I. Nomor, 2 C.E.) concerning the National Education System and Articles 15 and 29 paragraphs (1), (2), (3), and (4) Law Number 20 2003 concerning the National Education System. This has encouraged the birth of a new spirit, a new vision, and a new paradigm to build a more democratic national education system (Presiden Republik Indonesia, 2003).

The positive law that regulates higher education service, namely Articles 15 and 29 of Law Number 20 of 2003 concerning the National Education System. The article states that official education is professional education organized by a department or non-departmental government agency. Its function is to improve capabilities and skills in carrying out official duties for employees and prospective civil servants of a department or non-departmental government agency (Darmadi, 2019).

In fact, there is no forum in the form of legislation on the national education system that regulates correctly and properly in accordance with the laws and regulations after the issuance of Law Number 12 of 2012 concerning Higher Education and Law Number 12 of 2011 concerning the Establishment of Legislative Regulations. -Invitation to amend Law Number 10 of 2004 concerning the Establishment of Legislation (Solichin, 2015).

Therefore, the existing legal rules, legal principles, legal systems, legal interpretations, legal arguments, and legal propositions have not been able to resolve these problems before the issuance of Government Regulations concerning ongoing official education. This is because the legal politics of national higher education is dealing with a state system and state administration that is not based on a state of law (Istanto, 2010). National education which regulates as a basic forum for its implementation. The container in the form of legislation in the national education system must show a form of democratic legislation (Wahyudin, 2020). In addition, it must also be based on the laws and regulations regarding the formation of laws and regulations for the national education system. As a result, there is a legal vacuum and legal conflicts, so that there are 57 official universities throughout Indonesia that have problems (Barnadib, 1996).

Government Regulation Number 14 of 2010 concerning Service Education which is closely related to the Legal Education Agency (BHP), on March 31, 2010, the Constitutional Court through Decision Number 11-14-21-126-136/PUU-VII/2009 has stated that Law Number 9 of 2009 concerning Educational Legal Entities is not legally binding. As a result, the lack of clarity in the laws and regulations regarding official higher education has caused many official education policies to be inconsistent with the legal system and inconsistent with the laws and regulations of the national education system (U. Nomor, 9 C.E.).

The problem with official education is actually the incompatibility of official education with Law Number 20 of 2003 concerning the National Education System, amendments to Law Number 2 of 1998 concerning the National Education System and Government Regulation Number 66 of 2010 concerning Amendments to Government Regulation Number 17 of 2010 concerning Management and Implementation of Education Amendment to Government Regulation Number 60 of 1999 concerning Higher Education (Presiden Republik Indonesia, 2003).

This can be seen from the legal arrangements for the administration of official higher education and official higher education made by the relevant Ministries and Non-Ministerial Government Institutions (Soemantri, 2006). This is because the central government sees universities as far from the expectations of the vision and mission of education (philosophy) (Juliansyah, 2017). With the issuance of the legal product of Law Number 12 of 2012 concerning Higher Education Article 1 number 7 which regulates Official Universities (PTK) to be included in State Universities (PTN) and distinguishes them from Private Universities (PTS). Law Number 12 of 2012 concerning Higher Education Article 94 states that "The implementation of Higher Education by other Ministries and LPNKs is regulated by Government Regulation." (A. P. Rahayu, 2019).

All of these things are incorporated into the national education system. The problem that arises is that in the laws and regulations concerning the national education system it opens up opportunities to make government regulations in the form of new legal arrangements (*ius constituendum*). This study discusses the problem in terms of incompatibility between official colleges and official education which are vocational, academic and professional education in the national education system. How is the process of administering official higher education in the national education system in terms of the concept/system approach?

Method

This research is a combination of empirical legal research and normative legal research. Normative legal research leads to descriptions in the form of exposure, comparison, and interpretation of applicable law or positive law. Empirical legal research (sociological law) was conducted through observation and in-depth

interviews with sources competent related to the problem being studied (objects studied) to obtain primary data. The application is carried out by case studies at the Department of Communication & Informatics, the Multimedia Expert Training Service College, and the Broadcasting Study Program at the Yogyakarta Multimedia College for the Broadcasting Study Program, STTN BATAN in the Nuclear Profession, National Land Agency, STPN College, Yogyakarta in the Land Profession.

The author also conducts additional research on various institutions and universities purposively, for example at the Ministry of Social Affairs, Department of Education, STKS Bandung, and Social Welfare Study Program (S1). Ministry of Home Affairs, Institute of Government IIP Jakarta, Government Science Study Program, ESDM, Akamigas Service College and ST Migas Cepu Central Java Oil and Gas Study Program, Ministry of Industry, and Yogyakarta PTKI Service Education Study Program Leather Engineering (DIII).

To get solutions to issues legal that have been formulated, 4 (four) models of problem-solving approaches are used, namely the historical approach, the statutory approach, the conceptual approach, and a comparative approach (Mahmud Marzuki, 2005).

Furthermore, the legal materials were analyzed normatively to obtain a comprehensive picture of the answers to problems in legal dogmatic research, theory legal, and legal philosophy regarding whether or not the status of Service Colleges and the Implementation of Service Higher Education with the National Education System and prospects for regulations and administration of Higher Education Service in the National Education System.

Results and Discussions

The Process of Implementing Higher Education in the National Education System

The process of official higher education includes the decision-making process, institutional management process, program management process, teaching and learning process, and monitoring and evaluation process after the issuance of Law Number 12 of 2012 concerning Education Tall. In this regard, the process of administering official higher education in the National Education System (Pemerintah Republik Indonesia, 2012).

The teaching and learning process has the highest level of importance compared to other processes. The process will be said to have high quality if it is coordinated and adjusted and blended inputs (teachers, students, curriculum, money, equipment, etc.) are carried out in harmony so as to create a pleasant learning situation (enjoyable learning) (Gafur, 2004).

The meaning of the Process in the Higher Education Service System is the management and implementation in one system, including patterns of time use, curriculum, teaching staff, methods and infrastructure, teaching, services to students and participants, community service is carried out based on the National Education System Legislation (Kadir, 2015). The implementation of higher education at the Yogyakarta "MMTC" MultiMedia High School, Nuclear Technology College (STTN), National Land College (STPN) is part of the national education system which prepares students to have jobs with special skill requirements to improve their abilities. and skills in carrying out official duties for civil servants and prospective civil servants from the Ministry of Information Communications, other ministries, and the general public.

Service Universities are higher education institutions that have two powers, namely the juridical technical field of education programs under the Director General of Higher Education (DIKTI), while the authority in the field of organization is under the authority of the ministry concerned. For implementation, currently there are two systems of dualism of authority, namely the authority of the relevant ministry and higher education (Bodenheimer, 1962).

Output of Service Higher Education Implementation in the National Education System Educational

Output is school performance, while school performance is school achievement resulting from school processes or behavior. School performance can be measured by quality, effectiveness, productivity, efficiency, innovation, quality of work life, and work morale (Gafur, 2004).

The quantity of input is in the form of labor, capital, materials, and energy, while the quantity of output is the number of goods or services. Which depends on the type of work. Output Schools Can be said to be of high quality and quality if student achievement shows high achievement in the fields of academic achievement and achievement non-academic. School quality is influenced by many stages of interrelated activities (processes). Output of the Higher Education Management System for the Yogyakarta "MMTC" MultiMedia

High School, the Nuclear Technology College (STTN), the National Land College (STPN) in the National Education System (Connell, 1951).

The authority of the Director General of Higher Education (DIKTI) is the authority to open higher education programs at the Yogyakarta "MMTC" MultiMedia High School, Nuclear Technology College (STTN), and the National Land College (STPN). Juridical higher education program. However, the supervision has not implemented Government Regulation No. 19 of 2005 on National Education Standards optimally, because the supervision and implementation of national education standards has not been effective in official higher education institutions at the Yogyakarta "MMTC" MultiMedia High School, Nuclear Technology College (STTN), and the National Land College (STPN) (Nasional, 2005).

The authority of the state ministries after the amendment to the 1945 Constitution of 1999 has been clarified with the issuance of the legal products of Law Number 39 of 2008 concerning State Ministries and Law Number 12 of 2012 concerning Higher Education (R. Indonesia, 2004), (Pemerintah Republik Indonesia, 2012). Thus, an understanding of the higher education administration system is needed, namely the systems approach and problem solving approach. Thus, the background of the emergence of community aspirations for a change from Multimedia Expert Training to Higher Education, Academy to Nuclear Technology College (STTN), and National Land College Academic (STPN) originated from the National Education System and Higher Education in which there are arrangements regarding the requirements for the formation of Colleges, Institutes, and Universities. The requirements regarding the formation of the Education and Training Center into a Master Plan for Higher Education Curriculum Development, teaching staff, student data on the cost of the budget plan, facilities and infrastructure have been fulfilled and have been approved by the P5D.

Multimedia Expert Training becomes Higher School, Academy becomes Nuclear Technology College (STTN), and Academic becomes National Land College (STPN) is interpreted as formal and material law forming official higher education because it has opened a D IV program which has been approved by the Director General of Higher Education on the name of the Minister of National Education. In addition, it is strengthened by the issuance of the relevant Ministerial Decree concerning the Determination of Organizational Structure and Multimedia Expert Training officials to become Colleges, the Academy to become the College of Nuclear Technology (STTN), and Academics to become the National Land College (STPN). The Director General of Higher Education of Higher Education does not object to the change in status of Multimedia Expert Training to Higher Schools, Academy to Nuclear Technology College (STTN), and Academics to National Land Colleges (STPN) which is a legal matter. 2 of 1989 concerning the National Education System, namely Article 16 paragraph (4) (5) and Law no. 20 of 2003 concerning the National Education System Article 20 paragraph (1), namely: "Polytechnics provide vocational education in a number of special knowledge areas." And "High schools provide academic and/or vocational education within the scope of one particular discipline and if they meet the requirements, they can provide professional education." (Presiden Republik Indonesia, 2003).

According to Law Number 20 of 2003 concerning the National Education System, these are: official education is education that seeks to improve the ability to carry out official duties for employees or prospective employees of a government department or non-departmental government agency) (Presiden Republik Indonesia, 2003). In Law Number 20 of 2003 concerning the National Education System, it is stated that professional education is education that is directed primarily at the readiness to apply certain skills (Presiden Republik Indonesia, 2003). Thus, official education is in contrast to professional education in higher education after a bachelor's degree. The results of the study found that official and professional education were closely related to the implementation of official education policies organized by other ministries or non-ministerial government agencies.

The meaning of the official higher education policy reflects the implied and explicit meaning that the method of legal interpretation and legal arguments, as well as legal explanations (propositions) in Articles 20 and 29 of Law Number 20 of 2003 concerning the National Education System in the legal perspective of providing official education in the National education system, is the first and foremost in solving the problem of official education (President of the Republic of Indonesia, 2003). However, in practice, the legal interpretation of official higher education in the national education system and its application to concrete events providing service education organized by ministries, other ministries, or non-ministerial government agencies is not clear. To be able to understand the policy requires participation and advice from the academic community and people who care about official education to criticize official higher education policies. With the issuance of the legal product Government Regulation Number 66 of 2010 concerning Amendments to Government Regulation Number 17 of 2010 concerning the Implementation and Implementation of Education and Government Regulation Number 60 of 199 concerning Higher Education and because Article 5 paragraph (2) of the Law is the Constitution of the Republic of Indonesia Indonesia Year 1945 which is

regulatory, should pay attention to procedures for making laws and policies for higher education services properly and correctly (President of the Republic of Indonesia & BAHANA, 2010). These laws and regulations can be followed up by not forgetting the legal principles of applicable laws and regulations, the principles of clean and solid government and the principles of governance, as well as the principles of administering and managing the Indonesian state government (Utrecht, 1957).

Conclusions

Based on the results of research and discussion of research problems, it can be concluded that management arrangements by the central government greatly affect the higher education process. Meanwhile, the process of implementing higher education in several Ministries and Non-Ministerial Government Institutions (LPNK) which were sampled in the study had different characteristics. These differences indicate unclear management arrangements in the process of providing higher education. Management arrangements have an impact on the process of providing higher education. For this reason, it is necessary to monitor the quality and quantity of BAN-PT optimally in coordination with relevant ministries and eliminate social class discrimination. Because of that, the official higher education curriculum is the main benchmark in determining the form of official higher education.

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