



# Arrangement of Internal Regulations at UNESA after Status of a State University with A Legal Entity (PTN-BH)

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**Abstract.** The change in status of UNESA from a Public Service Agency (BLU) to the status of a State University with a Legal Entity (PTN-BH) has consequences in various aspects, especially from a legal perspective. The purpose of this article is to analyze how the arrangement of internal regulations in the UNESA after PTN-BH status. The research was carried out using normative research methods by taking inventory and identifying various internal regulations that were owned by UNESA, then analysis and evaluation is carried out using the Guideline for Evaluation of Legislation (6 Dimensions Guideline) which is a standardized instrument based on scientific methods and principles, especially law, so that the resulting evaluation recommendations have a quality that can be accounted for. The 6 Dimensional Guidelines can be used as a tool to detect whether a UNESA'S internal regulation overlapping, disharmony, contradictory, multiple interpretations, ineffective, incurring high costs. The findings show that the internal regulations currently in force within UNESA still have a number of problems including overlapping (3 findings), disharmony (3 findings), contradictory (1 finding), multiple interpretations (2 findings), and ineffective (2 findings). So it is necessary to immediately carry out harmonization and explain the formulation of several pertor.

**Keywords:** Arrangement, Internal Regulations, UNESA.

## 1 Introduction

The preamble to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) has determined the goals of the Indonesian state. This is very reasonable because the UUD NRI 1945 is a legal document and a political document which contains the ideals, foundations and principles of organizing national life [1]. These national goals include: "(a) protect the entire Indonesian nation and all of Indonesia's bloodshed, (b) promote public welfare, (c) educate the society, and (d) implement world order based on freedom, eternal peace, and justice social". One of the most important is the educate to society. Based on this, the government must continue to strive to improve the quality of education delivery in accordance with this mandate. The goal of

educating the society can be achieved by compiling a strategy related to educational problems in Indonesia including issues of education quality, educational equity and education management [2].

One of the efforts to educate the society, the government focuses on building a National Education System based on human resource development [3]. Implementation of higher education which is part of a national education system as stipulated in Article 31 paragraph (3) of the UUD NRI 1945. As part of the national education system, higher education institutions are required to improve the quality of education delivery which is capable of developing science and technology and producing professional educators, educational staff, and scientists who are cultured, have strong characters, and have the courage to defend the truth for the benefit of the nation and compete with other nations in the world. To ensure the quality of higher education delivery, the government evaluates and determines the pattern of management of a tertiary institution to become state university with legal entity (PTN-BH), which has wider autonomy in managing higher education with the aim of being able to organize higher education that has regional and global competitiveness.

UNESA is a State University (PTN) organized by the central government based on Presidential Decree Number 93 of 1999 concerning Changes to the Institut Keguruan dan Ilmu Pendidikan (IKIP) to become Universitas Negeri Surabaya (UNESA). During its existence, UNESA has contributed a lot and experienced progress. In addition to contributing and progressing, UNESA has also achieved many achievements both at the national and international levels in the academic and non-academic fields. UNESA has 3 (three) mainstays, namely sports science, art science, and disability science.

Such a real contribution, the President of the Republic of Indonesia Joko Widodo in 2022 established UNESA as a Legal Entity PTN (PTN-BH). The decision was contained in Government Regulation Number 37 of 2002 concerning UNESA Legal Entity State Universities (PP PTN-BH). The change in status from PTN-BLU to PTN-BH gave UNESA more managerial authority and independence in the areas of assets, finance, and human resources. The change in status of UNESA PTN-BH is hoped that UNESA can more easily and quickly realize its vision, mission and goals, so that it can have a positive impact on achieving national education goals.

One of the important challenges with UNESA PTN-BH status is how to organize internal regulations within UNESA. Regulatory aspects are basically a core component of every movement of life [4], including Unesa's internal regulations. Because it is undeniable that every policy in the Unesa that will be issued requires support, there are at least three main support for each policy, namely Human Resources (HR), Goods Resources, and Regulatory Instruments (internal regulations).

PP PTN-BH is impossible to implement or operate without technical regulations (executing regulations) set by the leadership within UNESA. The internal regulations that are currently still valid are the regulations prior to the status of UNESA PTN-BH, which had many substantial changes and needed to be accommodated in the current regulations. Formation of a regulation, of course, requires a concept in the plan to form a good regulation [5], one of the indicators of which is a regulation that has a basis or basis from the regulations above it.

This article aims to analyze how the arrangement of internal regulations in the UNESA after PTN-BH status. Research on structuring internal regulations on campus is relatively still very limited. Research related to the arrangement of regulations, among others, was carried out by Jeffri Arlinandes in 2022 who conducted an analytical study regarding the formation of laws and regulations in Indonesia in realizing systematic, harmonious and integrated laws and regulations [6]. Another study in 2021 conducted by Yuniarto Wiryo Nugroho position and material content of the rector's regulations and senate regulations in the perspective of legislation in Indonesia [7]. Kurniatun has conducted similar research in 2019 by conducting a study on how the process of making the Rector's Regulation at Universitas Gadjah Mada (UGM) regarding Classification of Archives in the UGM Environment [8]. Munawar in 2021 has conducted research related to analysis in the process of forming a work copyright law from the perspective of law number 12 of 2011 concerning the formation of laws and regulations [9]. Based on several previous studies, there is no research on the arrangement of higher education regulations that have changed status.

Research on regulatory arrangements at Unesa is very important, for several reasons. First, that internal regulations are the legal basis for taking action in carrying out activities on campus which must provide legal certainty. Second, that several other public tertiary institutions later had legal problems due to poor regulatory arrangements. One of these problems is the existence of disharmony in a number of regulations that violate the provisions and disharmony with other regulations. Therefore, Unesa needs to be careful and learn how problems that occur on other campuses do not happen to Unesa.

The research was carried out using normative research methods by taking inventory and identifying various internal regulations that were owned by UNESA, then analysis and evaluation is carried out using the Guideline for Evaluation of Legislation (6 Dimensions Guideline) which is a standardized instrument based on scientific methods and principles, especially law, so that the resulting evaluation recommendations have a quality that can be accounted for. The 6 Dimensional Guidelines can be used as a tool to detect whether a UNESA'S internal regulation overlapping, disharmony, contradictory, multiple interpretations, ineffective, incurring high costs, especially with the legal umbrella for Government Regulation Number 37 of 2022 as the legal basis for PTN -BH UNESA.

## **2 Discussion**

One of the goals of the Indonesian state is to educate the society. The state is responsible for the goals that have become the consensus of the founding fathers, because the people have entrusted power to the state. In an effort to achieve this goal, the Government is carrying out a lot of educational development at the elementary, middle and high levels. One form of effort to reach the higher education level is by carrying out development in tertiary institutions with a change in status from BLU to PTN-BH.

PTN BH is a state university established by the government and has the status of an autonomous public legal entity, both in the academic and non-academic fields [10]. UNESA as one of the state universities has been transformed into PTN BH with the promulgation of PP PTN-BH, Unesa's status changed from PTN BLU to PTN BH. These changes have various changes in status from PTN-BLU to PTN-BH making Unesa have more managerial authority and independence in the areas of assets, finance, and human resources. This is in line with what was expressed by Ahmad Darlis who stated that PTN-BH does not only manage institutions independently in the academic field but also in non-academic autonomy, including financial management autonomy [11].

The change in the status of UNESA PTN-BH is hoped that UNESA can more easily and quickly realize its vision, mission and goals, so that it can have a positive impact on achieving national education goals. Article 3 of Law Number 20 of 2003 concerning the National Education System emphasizes the objectives of education: *The development of students to become human beings who believe and fear God Almighty, have noble character, healthy knowledge, ability, creative, independent, and become democratic and responsible citizens.* Conceptually, the face of the Indonesian nation in the future can be read from the formulation of national education goals. Because the formulation of the goals of national education has been stated in the article of law, it is binding on all elements of the Indonesian nation to carry it out, especially as education providers [12].

One important aspect regarding the change in UNESA'S status is regarding the existence of internal regulations within UNESA that existed before the change in status. Government regulations which then need to be delegated to higher education internal regulations so that they can then be operationalized. In preparing/structuring regulations, it is necessary to consider to the theory or science of legislation so that regulations do not overlap one another. Internal regulations as the basis/legal basis in implementing higher education tri dharma need to be harmonized/synchronized through legal analysis and evaluation. As an educational institution that is subject to applicable laws and regulations [13], it is important to ensure that the institution has carried out its main duties and functions within the framework of procedures and applicable laws and regulations. The results of the analysis and evaluation carried out on UNESA'S internal regulations are in the form of recommendations whether these regulations need to be changed, revoked or maintained. In a larger framework, this analysis and evaluation activity is part of an effort to organize UNESA'S internal regulations.

Internal regulations at UNESA can generally be classified into two, namely regulatory regulations which are usually preceded by the diction/word "rules (peraturan)" and stipulating regulations which are usually preceded by the diction "decision (keputusan)". Hierarchically, internal regulations can be classified as regulations at the university level and regulations at the faculty/institution/directorate level. Regulations at the university level are regulations issued at the institutional level, including: Rector Regulations/Decisions, Majelis Wali Amanat (MWA) Regulations/Decisions, Academic Senate Regulations/Decisions. While internal regulations at the faculty/institution level are regulations issued at the

faculty/institution/directorate level, for example Regulations/Decisions of the Director of Research and Community Service Institutes, Regulations/Decisions of the Faculty Dean.

Evaluation of regulations in UNESA'S internal environment is carried out specifically on the rector's regulations (pertor). Pertor is one of the legal products of the number of existing legal products. The rector's regulations contain general and abstract legal norms. It is general in nature because existing legal norms apply to every legal subject in general. While being called abstract lies in the nature of legal norms which are not concrete in regulating legal events which are the object of regulation.

Analysis and evaluation is carried out using the Guideline for Evaluation of Legislation (6 Dimensions Guideline) which is a standardized instrument based on scientific methods and principles, especially law, so that the resulting evaluation recommendations have a quality that can be accounted for. The 6 Dimensional Guidelines can be used as a tool to detect whether a statutory regulation (which in this case is Unesa's internal regulation) overlapping, disharmony, contradictory, multiple interpretations, ineffective, incurring high costs.

This analysis and evaluation took samples from 5 pertors at UNESA, including: Pertor No. 37 of 2022 concerning Alumni Relations, Pertor No. 39 of 2022 concerning Guidelines for Conducting Research, Dissemination of Research Results, Utilization of Research Results, Protection of Research Implementation, and Protection Research Results, Pertor Number 42 of 2022 concerning Intellectual Property Management, Pertor Number 53 of 2022 concerning Research Management, Pertor Number 54 of 2022 concerning Implementation of Community Service, Pertor Number 59 of 2022 concerning the Internal Quality Assurance System (SPMI).

**Table 1.** Matrix of Analysis and Evaluation

No	Pertor	Analysis and Evaluation
1	Pertor 37/2022	<p>Disharmony</p> <ul style="list-style-type: none"> <li>- The preamble considers letter a which refers to Article 75 paragraph (2) and (5) which does not regulate alumni matters but student affairs.</li> <li>- Consideration Given that point 3 regarding the SNPT has been revoked</li> <li>- Some of the nomenclature is not in accordance with the latest organization and work procedures (OTK)</li> <li>- general provisions that are not in accordance with the concept of general provisions because there are some that are not regulated in the article, for example numbers 8, 9, 11, 12, 14, 15, 16</li> </ul> <p>No Effective</p> <ul style="list-style-type: none"> <li>- Provisions on the basis/principle are not necessary in the article</li> <li>- Alumni activities are carried out for more than three years and this can run ineffectively</li> </ul>
2	Pertor 39/2022	<p>Disharmony</p> <ul style="list-style-type: none"> <li>- The provisions of Article 102 PP PTN BH do not regulate research guidelines</li> </ul>

		<p>Contradictory</p> <ul style="list-style-type: none"> <li>- The title of the pertor sets the subject Guidelines for Implementation of Research Implementation, Dissemination of Research Results, Utilization of Research Results, Protection of Research Implementation, and Protection of Research Results but in the explanation in the article it is not described in detail but only research.</li> <li>- Does not represent the meaning of the GENERAL PROVISIONS, because some are not in the article but appear in the general provisions, for example. AUDIT COMMITTEE, MINISTRY, UNESA STATUTES, ASSEMBLY OF TRUSTEES, ACADEMIC SENATE etc.</li> </ul>
3	Pertor 42/2022	<p>Overlap</p> <ul style="list-style-type: none"> <li>- The PUSAT HKI nomenclature is no longer relevant to the new OTK and may overlap with the Directorate of Ratings and Publications where there is a sub-directorate regarding Intellectual Property Management.</li> <li>- The title of Chapter IV may not be equated with the title PERTOR</li> </ul> <p>Disharmony</p> <ul style="list-style-type: none"> <li>- Article 1 numbers 5 - 34 are not appropriate when placed on general provisions</li> </ul> <p>Multiple Interpretations</p> <ul style="list-style-type: none"> <li>- There is no legal basis link yet</li> <li>- It is necessary to look again at the concepts of IP and IPR (because these two things are two different concepts and have different legal implications).</li> <li>- the use of the terms HKI, Industrial and Non-Industrial HKI still needs to be clarified again so that there are no multiple interpretations</li> <li>- There has been no explanation regarding UNESA, the Chancellor, the academic community, etc., according to the next articles</li> <li>- It is not appropriate when CHAPTER III Regulates the details of the IPR CENTER</li> </ul>
4	Pertor 53/2022	<p>Overlap</p> <ul style="list-style-type: none"> <li>- This Pertor is relatively similar in substance to the provisions in Pertor 39 of 2022, so there is potential for overlap between the two.</li> </ul>
5	Pertor 59/2022	<p>Overlap</p> <ul style="list-style-type: none"> <li>- The consideration of weighing the letter b has been withdrawn and stated not to apply but is still used</li> <li>- Preamble given that number 6 has been revoked and declared invalid but is still in use</li> </ul> <p>Multiple interpretations</p> <ul style="list-style-type: none"> <li>- pertor SPMI while inside it is still discussing SPME (BAN PT and LAM) even though it is not Unesa's authority, but outside Unesa.</li> </ul> <p>Ineffective</p> <ul style="list-style-type: none"> <li>- Government Regulation Number 8 of 2020 concerning</li> </ul>

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Amendments to Government Regulation Number 26 of 2015 concerning Forms and Mechanisms of Funding for State Universities Legal Entities  
 - CHAPTER Title PURPOSE AND FUNCTIONS SPMI but only one article in the CHAPTER

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### 3 CONCLUSION

Based on the results of legal analysis and evaluation of the Pertor regarding Alumni Relations, the Pertor regarding Guidelines for Implementation of Research, the Pertor regarding Intellectual Property Management, the Pertor regarding Research Management, the Pertor regarding the Implementation of Community Service, and the Pertor regarding the Internal Quality Assurance System (SPMI) it can be concluded that In the arrangement of internal regulations at Unesa there are several problems including overlapping (3 findings), disharmony (3 findings), contradictory (1 finding), multiple interpretations (2 findings), and ineffective (2 findings). So it is necessary to immediately carry out harmonization and explain the formulation of several pertor.

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