

# Document Study of UNNES Legality as Legal Entity State University

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**Abstract**

*Unit of Public Service Agency (PSA Work Unit). UNNES continues to improve itself towards better community service, which is as a Legal Entity State University. Legal Entity State University will have a highly positive impact, especially the autonomy of academic and non-academic administration and management. One of the important efforts in order to achieve the status of UNNES as a Legal Entity State University, it is necessary to form a legal document that is the basis of an organization in the form of a Statute. In the preparation of the Statute, it will not be likely to obtain a suitable Statute without the study and analysis outlined in the Academic Document. Based on this background, this research was based on the formulation of the problem on what is the rationality of the Academic Document that needs to be built, in order to produce a Statute of Legal Entity State University that is suitable for UNNES? And what is the formulation/draft of the Statute of UNNES as a Legal Entity State University in order to materialize the vision of UNNES, which is the Conservation Vision-Based University and International Reputation? Based on the formulation of the problem it is intended to produce an Academic Document of the Statute of UNNES as a Legal Entity State University and the legality document of UNNES as a Legal Entity State University, especially in the form of a constitutional Draft Statute. Based on the research objectives, the research method used qualitative research using policy approach. The object of research is Semarang State University using the method of deep interview and document analysis.*

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**INTRODUCTION**

UNNES is a state university in Indonesia that is inseparable from the national higher education system. Based on the Act Number 12 of 2012 on Higher Education, non-academic autonomy management for state universities is provided with the choice as a State University for Financial Management of Public Service Agency (SU-FM PSA), or as a State University of Legal Entity. At present UNNES is organizing Financial Management of Public Service Agency (PSA). The work procedures management is based on the Decree of

the Minister of Finance No. 362/KMK.05/2008 dated December 17, 2008 on the Establishment of Semarang State University at the Ministry of National Education as a Government Institution that implements Financial Management of Public Service Agency (FM-PSA). Enforcement of Financial Management of Public Service Agency (FM-PSA) is effectively implemented in the 2009 fiscal year.

Since it was established as a Government Agency with FM-PSA, improvements in various fields such as academics, organizations, work procedures, financial management and other fields in supporting the duties of the university's *tridharma*. Organizational improvement and work procedures in the financial sector become a necessity after the change of status of the regular Government Agencies' Working Unit into Government Agencies with FM-PSA. This improvement is aimed at realizing the management of universities that adhere to the principles of Good University Governance management, which are the principles of transparency, accountability, responsibility, independence and fairness. In line with the principles of Good University Governance, the Regulation of the Minister of Education and Culture of the Republic of Indonesia Number 88 of 2014 concerning Changes in State Universities into Legal Entity State University that the principles of good governance in universities consist of (1) principle of accountability, (2) principles of transparency, effectiveness and efficiency, (3) nonprofit principles, (4) principles of adherence to regulations, and (5) principles of periodization, accuracy, and time compliance in the preparation and delivery of academic and non-academic reports.

**After being established as the Work Unit of Public Service Agency (PSA Work Unit), UNNES continued to improve itself towards better community service, which is as a Legal Entity State University.** Institutional of State University Legal Entity brings a highly positive impact, especially the autonomy of academic and non-academic administration and management.

Based on Regulation of the Minister of Education and Cultural No. 88 of 2014 concerning Changes in State Universities into State Universities Legal Entity, State University of PSA Work Units can apply for Legal Entity State University by **compiling a number of complete and appropriate documents in order to measure the feasibility of their increasing status.** Article 3 Regulation of the Minister of Education and Cultural No. 88 of 2014 on the Changes of State Universities into Legal Entity State Universities formulated that in order to recognize the feasibility of State Universities into a State University legal entity, the State University must compile several documents, including (1) Self-Evaluation Documents; (2) Documents of Long-Term Development Plan of the State University Legal Entity; (3) Draft Statute Document of the State University legal entity; and (4) Documents for Transition Plan of PSA to State University legal entities.

Based on Article 3, the preparation of Statute of State University Legal Entity is an important prerequisite for recognition of State University PSA into a State University Legal Entity. Moreover, in light of the legal term, the

position of the Statute in a university constitutes a basic constitution underlying the operation of all kinds of management of the university. **In order to obtain the results of the precise and established preparation of the Statute it needs to be preceded by the preparation of an Academic Document that provides rationality in the preparation of the material substance, which will be regulated in the statute.**

## LITERATURE REVIEW

### a. Statute

The Great Dictionary of the Indonesian Language defines the statute as the constitution of an organization (such as university). From this definition, the Statute can be defined as a **basic regulation of University Management, which is used as a basis for** drafting regulations and operational procedures in a University. If it is identified with a state organization, statute is such a constitution (the Constitution) which serves to provide a foundation in the administration of government.

The term of constitution originates from two words, they are *cum* and *statuere* (Moh. Kusnardi and Harmaily Ibrahim, 1980: 58). *Cum* is defined into 'together with.' While *Statuere* means making something to stand or establish/set forth. Thus, *Constitutio* (single form) or *constitutiones* (plural) is to set something together or things that have been determined.

According to Dahlan Thaib, Jazim Hamidi and Ni'matul Huda (Dahlan Thaib, et al, 1999: 15), the constitution has several meanings, they are (1) a collection of rules that provide restrictions on power to the authorities; (2) a document about the division of tasks and at the same time its officers of a political system; (3) a description of state institutions; (4) a description on human rights issues.

Based on this understanding, the constitution is a national document containing a state identity, as well as a political and legal document, which contains the formation of a political system and the state legal system. In addition, the Constitution can also be referred to as a state birth certificate (a birth certificate).

Regarding the significance of the word, the meaning and definition of the constitution, it can be used as a basis for preparation and formation of statutes in universities. As an organization, UNNES also requires a constitutional basis for operation of the organization. **Matte regulated in the statutory statute of PTN Legal Entity has been outlined in Regulation of the Minister of Education and Cultural No. 88 of 2014 on the Changes of State Universities into Legal Entity State University.**

Article 6 paragraph (2) **Regulation of the Minister of Education and Cultural No. 88 of 2014 on the Changes of State Universities into Legal Entity State Universities** states that the Draft Statute of the Legal Entity State

Universities contains at least, *first*, element in legal entity State University organization. This element consists of policy makers, academics implementer, supervisory board and quality assurance, academic support or learning resources; and administration implementer. *Second*, the substance of statute of the legal entity State University originating from the State University consists of at least general provisions, identity, and administration of the University's Tridharma, management system and accountability framework, internal quality assurance system, form and procedures for establishing regulations, funding and wealth, transitional provisions, and closing provisions. In addition, the draft statute of legal entity State University must also be completed with an Academic Document of the statutes prepared based on the legal entity State Universities' Long Term Development Plan.

#### b. **Legal Entity State University**

Legal Entity State University, as referred to as legal entity State University as formulated in Regulation of the Minister of Education and Cultural No. 88 of 2014 on the Characteristics of State University into State University Legal Entity are defined as State University established by the Government as autonomous legal subjects. Thus, it is a state university with a Legal Entity status, or a university with a Legal Entity. As for State University, hereinafter is abbreviated as SU, are defined as University established and/or organized by the Government.

University itself is defined as an educational unit that organizes Higher Education, which is education level subsequent to secondary education which includes diploma programs, undergraduate programs, graduate programs, doctoral programs, and professional programs, as well as specialist programs, organized by Higher Education based on Indonesian culture (Governmental Regulation No. 4 of 2014 on the administration of Higher Education and Higher Education Management).

Martias Gelar Imam Radjo Mulano (Martias Gelar Imam Radjo Mulano, 1982: 181), defined that a legal entity is a group of people or a form of organization, which is recognized as having a legal subject. Chidir Ali restricts legal entities as legal subjects to include associations of people (organizations), capable of carrying out legal actions (*rechtshandeling*) in legal relations (*rechtsbetrekking*), have their own properties, have their executive boards, and have rights and obligations, can sue or be sued before the court (Chidir Ali, 1991: 21)

In law studies, it is distinguished between private and public legal entities. Chidir Ali distinguished public legal entities and civil or private legal entities based on the following criteria (Chidir Ali, 1991: 62): (1) In terms of the means of establishment/occurrence, the legal entity is set up with public legal constructs that is established by the authority (state) with other laws or regulations; (2) In terms of the work setting. In carrying out its duties the legal entity generally conduct civil or public legal actions; (3) In terms of its authority, whether the legal entity established by the (state) authority is

authorized to make general binding or non-binding decisions, decree, or regulations.

<sup>3</sup>Based on the above criteria, the State Universities as regulated in the Act No. 12 of 2012 on Higher Education and Governmental Regulation No. 4 of 2014 on Implementation of Higher Education and Higher Education Management which states that the State University is established by the Government, and manage public actions, it can be categorized as a public legal entity.

## RESEARCH METHOD

<sup>65</sup>**BASED on the focus of the problem, this study** used sociological/empirical/nondoctrinal research methods, although it still does not leave the normative realm. This is because perfect legal research always synergizes various disciplines (Nawawi Arief, 1995: 6).

Non-doctrinal/empirical research was used to produce theories about the existence and function of law in society and the ongoing changes in processes of social change (Wignyosobroto, 2002: 90). In relation to the subject matter of this research, empirical/non-doctrinal research was used to **obtain/compile Academic Documents and draft statutes of UNNES as Legal Entity State University to be in accordance with the reality and needs of Unnes vision as an International Reputable and Conservation Vision-Based University.**

The applied empirical/non-doctrinal research is included in the category/type of qualitative research, and then the conclusion will be carried out inductively. Inductive conclusions rely on synthetic ways of thinking that are based on specific/certain individual knowledge or facts arranged to draw general conclusions (Fajar ND: 2010: 113). **From the study of existing documents and interviews, conclusions <sup>21</sup> will be drawn and formulated in Academic Document and draft statutes of UNNES as Legal Entity State University.**

## RESULT *and* DISCUSSION

### **a. Preparation of Academic Document**

In general, the preparation of the Academic Document is directed to provide rationality in the formation of the Draft Government Regulation on the Statute of State Universities of the UNNES Legal Entity.

Whereas specifically, this academic paper is aimed at (1) Provide and present philosophical, sociological and juridical foundations in the Statute of the UNNES Legal Entity State University to be consistent with the vision of UNNES as a Conservation Vision-Based University and International Reputation. (2) Present formulation/draft Statute of UNNES as a Legal Entity State University in order to crystallize the vision of UNNES as a

Conservation Vision-Based University and International Reputation. (3) Outline the scope, range and direction of the Draft Government Regulation concerning the Statute of the UNNES Legal Entity State University.

**Philosophical foundation** is the fundamental foundation of thought. The making of a legal product is inseparable from philosophical noble values, which are three main values in law including justice, expediency and certainty. A regulation must be made in order to materialize justice for the community, benefit the greatest possible community, and create legal certainty. The making of a law must also be based on the Indonesian's *grundnorm*, which is Pancasila (Attamimi in Jimly, 2006: 171).

Pancasila, besides being the basis of the Indonesian state, is also the foundation of philosophy of the nation, as all the legal products at the lower level must be based on philosophy of Pancasila. The Act Number 12 of 2011 on Establishment of Legislation, explains hierarchy of legal products, among others: the 1945 Constitution of the Republic of Indonesia, the Decree of the People's Consultative Assembly of Act/Government Regulation in Lieu of the Act, Government Regulations, President Regulations, Provincial Regulation, District/City Regional Regulation.

The regulation concerning Education Legal Entity will be in the form of a Ministerial Regulation that is ordered by law. is regulated in connection with those higher referred to in Article 8 of Act Number 12 of 2011, which reads "(1) Types of laws and regulations other than those referred to in Article 7 paragraph (1) including the regulations stipulated by the People's Consultative Assembly, the House of Representatives, Regional Representative Council, Supreme Court, Constitutional Court, Audit Board, Judicial Commission, Bank Indonesia, Ministers, agencies, institutions or commissions of the same level established by the Law or Government on the orders of the Act, Provincial People's Representative Council, Governor, Regency/City Regional Representative Council, Regent/Mayor, Village Head or equivalent; (2) Laws and Regulations as referred to in paragraph (1) are recognized as having their existence and have binding legal force insofar as they are ordered by a higher law or are formed based on authority."

The hierarchy indicates that there is a connection between the rules of the Educational Legal Entity that will be formed with the philosophical foundation of the nation, which is Pancasila. Pancasila itself as a philosophical foundation of the nation regulates highly noble values. The Pancasila precepts are philosophical references to the lower rules. Hence, the policy education remains based on the values of Pancasila, which is the value of Divinity, Humanity, Unity, Consultative/Mutual Cooperation, and Social Justice Value.

Education must prioritize divinity values, meaning that it is in accordance with God's guidance. In the guidance of God, education must be carried out from birth to death. Therefore, the State in taking education policy must provide opportunities for all people. Education must also prioritize the value of unity, through education there must be cultivating national values,



which is Indonesian values. Education must have the value of mutual cooperation that this is where the participation of the community must be opened as broadly as possible in managing education. Education must have a principle of social justice that all communities are no exception to be entitled to obtain quality education, regardless of wealth or poverty.<sup>14</sup>

The embodiment of the values of Pancasila in education is further elaborated in the nation's constitution, which is the 1945 Constitution. Some regulate the philosophical foundation and direction of the nation in the administration and management of education including:

1. Paragraph 4 of The 1945 Constitution<sup>20</sup>

Paragraph 4 of the 1945 Constitution states that the aim of the Indonesian people is to protect the entire Indonesian nation and the entire homeland of Indonesia, in order to advance social welfare, educate the life of the nation and participate in carrying out world order. Education is one of the efforts to educate the life of the nation, thus this is clearly the goal of the Indonesian people.

2. Article 28 C

Article 28C is part of the rights of Indonesian citizens, this article states that everyone has the right to develop themselves through the fulfillment of their basic needs, the right to obtain education and benefit from science and technology, art and culture, in order to improve the quality of life and for the welfare of the mankind and in paragraph (2) also states that everyone has the right to advance him/herself in fighting for his rights collectively to build his/her community, nation and country. From this article, it provides an understanding that education is the right of every citizen.

3. Article 28 E<sup>1</sup>

Every person is free to embrace religion and worship according to his/her religion, decide on education and teaching, select a job, choose citizenship, pick out a place to live in the territory of the country and leave it behind, and have the right to return. Everyone has the right for freedom of belief, expressing thoughts and attitudes, in accordance with his/her conscience. Everyone has the right for freedom of association, assembly, and issuing opinions. This article also provides confirmation that education, in addition to the right of every Indonesian citizen, is also the freedom to choose from everyone in getting education. There is no compulsion to enter certain educational institutions.

4. Article 31

Article 31 is the main article used as the basis for the direction of Indonesian education. A chapter specifically discussing about Culture and Education precedes this article. This article reads:

- (1) Every citizen has the right to education;
- (2) Every citizen must take basic education and the government is obliged to finance it;

- (3) The Government endeavors and organizes a national education system, which increases faith and piety as well as noble character in the contest of educating the life of the nation, which is regulated by law;
- (4) The State prioritizes the education budget of at least twenty percent of the state revenue and expenditure budget as well as from regional income and expenditure budgets in order to meet the needs of national education;
- (5) The Government promotes science and technology by upholding religious values and national unity for advancement of civilization and the welfare of humanity.

Through this constitutional basis, the implementation of education in Indonesia must be carried out by considering the rights of the community and the obligations of the State. The community has the right for education, they are entitled to choose appropriate education, they also have the right to participate in the educational management, the state is obliged to provide space to play an active role in the educational management, and it must provide guarantees to the community to access quality education. Crossing with community rights and the obligations of this state, the establishment of a State University of Legal Entity (SU-LE) becomes a solution that has a philosophical foundation. Through SU-Legal Entity, higher education will become quality, widely open community participation, and available access to those who cannot afford it.

**Sociological foundation** is a reason and consideration describing that a policy in regulations is formed to meet the needs of the community in various aspects. This sociological foundation concerns with empirical facts on the development of problems and the needs of society and the state. Another consideration related to the sociological foundation is the effort to fulfill the expectations of the people of Central Java, especially to obtain higher education, which in the capacity of SU-PSA cannot be fulfilled optimally, but with the approach of SU-LE, it is expected that it will accommodate the community's desires more broadly.

Sociologically, UNNES lies in the Central Java community, which is influenced with Javanese culture. This Javanese culture is inseparable from the history of Central Java, which since the seventh century many kingdoms have been established, such as the Kingdom of Buddha Kalingga (Jepara 674 AD), the Hindu Kingdom in Medang Kamulan, Central Java (732 AD), which built the Rorojoggrang Temple or Prambanan Temple under the rule of Rakai Pikatan from the Sanjaya Dynasty. Then the Buddhist Mataram Kingdom was established, which built temples such as Borobudur Temple, Sewu Temple, Kalasan Temple and other temples during the Syailendra Dynasty era.

In the 16th century, the first Islamic empire emerged in Demak. Since then Islam was spread in Central Java. There were also the kingdom of Pajang in Jepara and the Islamic Mataram Kingdom, led by the king who

held the title of Panembahan Senopati. In the mid 16th century, Portuguese and Spanish came to Indonesia in order to locate spices for trade in Europe. At the same time, the British and then the Dutch also came to Indonesia. With its Dutch East India Company (VOC), the Dutch oppressed the Indonesian people, including the people of Central Java in both politics and economics (jatengprov.go.id, accessed in June 1, 2018).

Two large provinces, which are West Java and East Java, geographically flank Central Java. It is 5040' and 8030' South Latitude and between 108030' and 111030' East Longitude (including Karimunjawa Island). The farthest distance from West to East is 263 Km and from North to South is 226 Km (not including Karimunjawa island).

Central Java Province was administratively divided into 29 Regencies and 6 Cities. The area of Central Java is 3.25 million hectares or around 25.04 percent of the total area of Java (1.70 percent of the area of Indonesia). The area consists of 1.00 million hectares (30.80 percent) of paddy fields and 2.25 million hectares (69.20 percent) of non-paddy fields. The largest area of paddy fields is technically irrigated (38.26 percent), besides those with semi-technical, rainfed irrigated and others. With good irrigation techniques, the potential of paddy fields to cultivate with rice is more than twice by 69.56 percent. Then, 34.36 percent of the total area of non-paddy fields in the form of dry land is used for moor land/garden/field/huma (cleared land for cultivation). This percentage is the largest one, compared to the percentage of land use for other non-paddy fields (jatengprov.go.id, accessed in June 1, 2018).

Central Java besides being important in the review of Academic Documents towards the direction of UNNES policy towards SU-LE as the position of UNNES is in Central Java, also because the people of Central Java dominate most UNNES students.

Other empirical facts show that UNNES is an ex-IKIP university that is now a Public Service Agency (FM-PSA). Until 2018, the number of UNNES students is 36,241 spreading across 8 Faculties.

No	Faculty/Program	Number of Study Program	Number of Students
1.	Faculty of Education	7	5.175
2.	Faculty of Language and Art	16	5.959
3.	Faculty of Social Science	9	3.269
4.	Faculty of Math and Science	11	3.962
5.	Faculty of Engineering	17	4.202
6.	Faculty of Sport Science	5	4.238
7.	Faculty of Economics	8	4.507
8.	Faculty of Law	1	1.672
9.	Graduate Program	27	3.257
<b>Total</b>		<b>101</b>	<b>36.241</b>

The large number of students is inseparable from management of UNNES, which is excellent and trusted by the community. Trust can also be seen from the list of specializations for UNNES, which for the third year in a row entered the top 10 most favorite students.

Institutionally, UNNES has obtained Institutional A "Superior" accreditation. In addition, it has implemented a modern institutional system, and has even received several (1) TELKOM's *Tesca Smart Campus Award* as a university that maximizes ICT functions in the educational process in 2014, (2) it becomes the 3rd green university in Indonesia according to *UI Greenmetrics* in 2013 and 2014, and 4th in 2015, (3) it was ranked 20th in the *Aicu* ranking<sup>42</sup> (4) it was ranked 17th based on the ranking of universities released by Ministry of Research, Technology and Higher Education in 2016, (5) UNNES received the KONI Award in 2016, (6) Awards from State Ministry of Youth and Sports and LEPRID as initiators of mass drug testing in 2015, (7) it won the first prize in the Ministry of Education and Culture in 2014, (8) it received A ranking in PSA's financial and non-financial management from the Minis<sup>61</sup> of Finance, (9) the Rector obtained Kalpataru from the President of the Republic of Indonesia as a *Higher Education of Environmental Conservation Pioneer*. These achievements prove that UNNES is one of the leading universities in Indonesia.

Other empirical facts are good in terms of Human Resources, as highly adequate lecturers and educational staff support UNNES. Facilities and infrastructure of UNNES both from academic and non-academic equipment, to the support of UNNES information technology tools are significantly adequate. This was proven by the acquisition of Superior accreditation from the National Higher Education Accreditation Board.

UNNES has also implemented international standard <sup>67</sup>services. Certification for this service was obtained from URS, which is *Quality Management System Certification (QMS) ISO 9001: 2008* and *IWA 2: 2007*. Completely, empirical facts as sociological basis for the making of the UNNES Statute as a BH PTN have been explained in CHAPTER II.

From these sociological conditions, both from UNNES region in Central Java, the dominance of students from Central Java, and the matured institutional conditions, it needs to be a middle ground, how to create quality higher education with institutional readiness and reach all layers and desires as well as the needs of the people of Central Java, both from the middle to upper economic class, and the lower middle class, that the capacity improvement policy from FM-PSA to Legal Entity State University (SU-LE) is greatly necessary. Through SU-LE, UNNES will be able to answer the challenges of people who desire quality education, and will reach the accessibility of the lower middle class to be able to continue to higher education. Universities can share income, as there are cross subsidies between rich and poor people. Through this strategy, all people will be well-served. Quality education and accessibility will reach all community.

**Juridical foundation** is consideration or reason that describes the established rules to address legal issues or fill legal void by considering existing rules, which will be amended or will be revoked to ensure legal certainty and a sense of community justice. The juridical foundation concerns with legal issues relating to the regulated substance or material that new legislation need to be established. Some of the legal issues are, among others, non-harmonious, overlapping regulations, which are the outdated regulations, types of regulations lower than the Act that the applicable force is implausible, the rules are inadequate, or the regulations have not yet exist.

Based on the principle of the hierarchy of laws and regulations as regulated in the Act Number 12 of 2011 concerning the Establishment of the Laws and Regulation, the lower regulatory material is in fact carrying out the existing provisions in the higher regulations. Regarding this principle, the existence of the UNNES Statute as a SU – LE is a sub-section of Government Regulation and Ministerial Regulation, which is a further elaboration of the higher-level laws and regulations.

First, the 1945 Constitution of the Republic of Indonesia. In the 1945 Constitution it is mentioned in the opening, Article 28 C and E, and Article 31. Article 28 C reads:

Article 28 C

- (1) Everyone has the right to develop him/herself through the fulfillment of his/her basic needs, the right for education and benefit from science and technology, art and culture, in order to improve the quality of their lives and for the welfare of humanity.
- (2) Everyone has the right to advance him/herself in fighting for his rights collectively in order to build up his/her community, nation and country.

Article 28E

- (1) Every person is free to embrace religion and worship according to his/her religion, choose education and teaching, select a job, decide on citizenship, pick a place to live in the territory of the country and leave it behind and have the right to return.
- (2) Everyone has the right to freedom of belief, expressing thoughts and attitudes, in accordance with his/her conscience.
- (3) Everyone has the right to freedom of association, assembly, and issuing opinions.

Article 33

- (1) Every citizen has the right to education.
- (2) Every citizen is obliged to attend basic education and the government must reimburse it.
- (3) The Government endeavors and organizes one single national education system, which increases faith and piety as well as noble

character in the context of educating the life of the nation, which is regulated by the l.

- (4) The State prioritizes education budget of <sup>14</sup> least twenty percent of the state's revenue and expenditure budget as well as from the regional <sup>16</sup> budget and revenues to meet the needs for national education.
- (5) The Government promotes science and technology by upholding religious values and national unity for the advancement of civilization and the welfare of humanity

*Second*, Act Number 20 of 2003 on the National Education System <sup>43</sup>ate Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 4301); All of the Acts in the <sup>68</sup>Act of National Education System are a huge covering for education. The implementation of higher education is specifically regulated in the Fourth Section on Higher Education from Article 19 to Article 25. However, all the <sup>16</sup>rules are general in nature, becoming a covering, for example the regulation on the basis, functi<sup>13</sup> and purpose of education. Article 3 states that the function of education is that national education functions to develop capabilities and form dignified national character and civilization in order to educate the lives of the nation, aiming to develop the potential students into godly and God-fearing, noble character, healthy, knowledgeable, capable, creative, independent, democratic and responsible citizens. Whereas, in <sup>30</sup>article 4 paragraph (6) stated one of the principles of education is that Education is organized by empowering all components of society through participation in implementation and quality control of education services.

*Third*, the Act Number 12 of 2012 on Higher Education. All juridical grounds for administration of higher education are regulated in this law. In the fourth section about higher education organization, Article 61 to Article 68 regulates the autonomy of higher education management and one of which is a management system with a model of a legal entity (Article 65 paragraph (1)).

<sup>31</sup>In addition to the three laws and regulations as mentioned above, there are derivative regulations in the implementation in the form of a Presidential Regulation and Government regulations. In additi<sup>52</sup>, there are related regulations in the form of legislation including: (1) Act Number 14 of 2005 on Teachers and Lecturers; (2) Act Number 14 of <sup>3</sup>2008 on Public Information Openness; (3) Presidential Regulation Number 4 of 2014 on Implementation of Higher Education and Higher Education Management; (4) Government Regulation Number 19 of 2005 on National Education Standards; (5) Government Regulation Number 48 of 2008 on Education Funding; (4) Government Regulation Number 37 of 2009 on Lecturers; (6) Government Regulation Number 58 of 2013 on Forms and Mechanisms of Legal Entity Funding;

The juridical foundation directly, both implicitly and explicitly mandates that education must have quality and competitiveness as well as

accessibility for disadvantaged people. Therefore, universities are given with autonomy to regulate them through mechanism of Legal Entity State Universities.

#### **b. Preparation of Draft Statute of UNNES as Legal Entity State University**

The draft statute to be prepared covers the scope of the following limitations:

1. Semarang State University hereinafter referred to as UNNES is a university that organizes academic education and vocational education in various clusters of science and/or technology and if eligible, it can hold professional education in accordance with the provisions of the laws and regulations.
2. The UNNES Statute is the basic management regulation of UNNES used as the basis for drafting regulations and operational procedures at UNNES.
3. Academic Education is a higher education undergraduate program and/or postgraduate program directed at the mastery and development of branches, especially in mastering the discipline of Science and Technology.
4. Vocational education is education that prepares students into professionals with high skills/workability.
5. Professional Education is a higher education following undergraduate program that prepares students for work that requires special skills requirements.
6. Academic Community is an academic community consisting of lecturers and students.
7. The Senate is a Senate of UNNES that carries out the functions of determining, considering and supervising implementation of academic policies.

The materials contained in the Government Regulation Plan concerning the Statute of the UNNES as a Legal Entity State University are as follows:

#### **1. General Provisions**

General provisions contain:

- a. Limitations of understanding or definition;
- b. abbreviations or acronyms used in statutes;
- c. vision, mission, function and purpose; and
- d. other general matters that apply to the following articles in the statute, including provisions reflecting the principle, aim, and purpose.

Limitations of understandings or definitions, abbreviations, and acronyms contained in general provisions only for words or terms used in subsequent articles.

## 2. Identity

It explains the identity of universities which include:

- a. name, status, place of residence, and anniversary;
- b. emblem;
- c. flag of university/faculty;
- d. hymns and/or march;
- e. academic clothing for university leaders, professors, and graduates (hats, togas and necklaces);
- f. student attributes; and
- g. other identities as considered necessary.

## 3. Administration of the university's tridharma

Administration of the University's Tridharma contains description on:

- a. implementation of educational activities, including the organized educational programs (academic, vocational, professional), containing academic calendars, curricula, procedures for organizing lectures, assessment of learning outcomes (form, time, mechanism, and procedures for assessment), academic administration, language of instruction and other matters relating to the administration of education;
- b. conducting research, including research programs, involvement of lecturers and students, publication of research results, utilization of research results, intellectual property rights (IPR), and other matters related to conducting research;
- c. organizing community service, including, among others, type and procedures for administration, involvement of lecturers and students, and publication of community service activities;
- d. academic ethics/code of ethics, containing academic ethics/code of ethics that apply in SU-LE environment;
- e. academic freedom and scientific autonomy contain a description in accordance with the provisions of the laws and regulations.
- f. titles and awards contain:
  - 1) requirements for the granting and use of academic, professional, or vocational titles, and awards in the academic field.
  - 2) form, criteria and procedure for rewarding someone or institution that is considered to have very prominent achievements in the non-academic field.

## 4. Management system and accountability framework

Management system regulates the governance of universities, which contains:

- a. university organization;



- b. human resource Management;
- c. students and alumni;
- d. budget management;
- e. management of facilities and infrastructure;
- f. implementation of cooperation; and
- g. internal control and supervision system.
- h. cooperation includes:
  - 1) objectives and principles of cooperation in the context of organizing education, research and community service activities and other cooperation activities in order to develop higher education programs and institutions;
  - 2) the form and mechanism of cooperation with local and foreign universities and other parties;
  - 3) other things that are deemed necessary: understanding, form, mechanism of cooperation in the context of organizing academic and non-academic activities, research, and community service with universities and other domestic and foreign parties.

The organizational structure of UNNES as a Legal Entity State University is projected as follows:

1. The Board of Trustees (MWA), which consists of the Minister, Governor, Chancellor, Chairman of the Academic Senate, Chairman of the Board of Professors, 3 people of the Community, 1 person of Alumni, 1 person of Education Staff, 13 people or Lecturers, and 1 person of Students.

The Board of Trustees has Tasks and Obligations:

- a. establish UNNES' general policy after obtaining consideration from the Academic Senate and the Board of Professors;
- b. supervise UNNES' financial condition;
- c. ratify the Long Term Development Plan (RPJP), Strategic Plan (Renstra), and RKA and evaluate its implementation;
- d. provide input to the Rector for UNNES' management and implementation of laws and regulations;
- e. provide assessment to the Rector's performance once a year together with the Academic Senate and the Board of Professor;
- f. appoint and dismiss the UNNES' Rector; and
- g. resolve the UNNES' problems which other organs cannot solve after going through consideration of coordination meetings between organs.

2. Rector

The Rector's duties and obligations are:

- a. prepare a strategic plan to be approved by the MWA;
- b. prepare the RKA and its amendments to be approved by the MWA;

- c. manage education, research, dedication/service to the community in accordance with RKA;
- d. appoint and dismiss officials under the Rector, Faculty chairmans, School Chairmans, and chairman of other lower units in accordance with applicable regulations;
- e. appoint and dismiss employees who are non-civil servants in accordance with the provisions of the laws and regulations;
- f. conduct good management functions of UNNES;
- g. managing the wealth of UNNES and optimally utilizing it for the benefit of UNNES;
- h. fostering and developing good relations with UNNES with the environment and society in general;
- i. follow up on recommendations and decisions of UNNES organizational elements according to their functions and roles;
- j. establish, combine, and/or dissolve Faculties, Schools, Departments and/or study programs as deemed necessary, with the approval of the Academic Senate; and
- k. convey the accountability of UNNES performance and finance to the MWA.

The Rector in managing the implementation of the University's *Tridharma* led to the Academic Executing Element, the Administrative Executing Elements, and the Supporting Elements. **First**, Academic Executing Elements consist of (a) Faculty of Language and Arts, (b) Faculty of Mathematics and Natural Sciences, (c) Faculty of Education and Psychology, (d) Faculty of Sports Science, (e) Faculty of Engineering, (f) Faculty of Social and Political Sciences, (g) Faculty of Law, (h) Faculty of Economics and Business, (i) Faculty of Public and Medical Health, (j) Faculty of Tourism and Hospitality, (k) Vocational School, (l) Graduate School.

**Second**, Administrative Executing Elements consist of (a) University Secretariat, Education and Teaching Directorate, (b) Research Directorate, (c) Community Service Directorate, (d) Student Affairs Directorate, (e) Planning Directorate, (f) Finance Directorate, (g) Human Resources Directorate, (h) Asset Directorate, (i) Partnerships and Alumni Directorate, (j) Business and Incubation Directorate, (k) Information Systems and Resources Directorate.

**Third**, the Supporting Elements consist of: (a) libraries, (b) museums and archives, (c) hospitals, (d) primary service clinics, (e) cultural centers, (f) innovation centers, (g) field laboratories, (h) integrated laboratory, (i) language center, (j) dormitory; (k) publishing agency, (l) campus security and safety, (m) procurement and logistics; and, (n) other required supporting elements.

3. Academic Senate (AS)

AS have duties and obligations:

- a. establish academic norms and provisions and supervise their application;
- b. provide consideration/input to the Rector in preparing and/or modifying the RPJP, Renstra, or RKA in the academic;
- c. giving consideration to the Rector related to the opening, merging, or closing of Faculties, Schools, Departments, and study programs;
- d. supervise policies and implementation of the *Tridharma* of Higher Education in UNNES as established in the Strategic Plan;
- e. supervise policies and implementation of educational quality assurance; and
- f. giving consideration to the MWA regarding the Rector's performance in the academic.

Academic Senate consists of:

- a. Rector
  - b. Vice Chancellor
  - c. Dean/Director of Postgraduate School/Chairman
  - d. Deputy Professor
  - e. Deputy Lecturer of 2 people
  - f. Chairperson of the Institute
  - g. BPM
4. Board of Professors

The Board of Professor consists of 39 people who are representatives of each faculty of 3 people. The duties of the Board of Professor are:

- a. fostering academic life as well as moral and ethical integrity of academics;
- b. establish and ensure implementation of the code of ethics of the academic community;
- c. provide consideration and direction in the development of knowledge in UNNES both in certain disciplines and leading towards multi-disciplinary and interdisciplinary development;
- d. ensure the application of regulations on implementation of academic freedom, freedom of academic pulpit, and scientific autonomy;
- e. conduct an assessment and give approval to the functional position of the lecturer's head and Professor to be followed up by the Rector;
- f. administer inspections and make recommendations for sanctions against violations of norms and ethics by academics to be determined and implemented by the Rector;
- g. propose granting or revocation of honors and academic awards to be determined by the Rector;
- h. coordinate and consult with the Faculty's Board of Professor;

- i. monitoring, developing, and ensuring scientific autonomy at UNNES; and
- j. provide consideration/input to the Rector in the preparation and/or amendment of the RPJP, Renstra, or RKA in the academic.

#### 5. Internal quality assurance system

Assurance system contains a description of:

- a. the applicable internal quality assurance system and is applied to universities in accordance with the provisions of the laws and regulations;
- b. procedures/mechanism for implementing internal quality assurance;
- c. reporting on the results of the implementation of internal quality assurance;
- d. accreditation containing a description of evaluation and accreditation of academic and administrative implementation within the context of the university quality assurance system; and
- e. other matters considered necessary.

#### 6. Form and procedure for establishing regulations

The form and procedure for establishing regulations contains materials regarding:

- a. form of regulation to be applied in universities;
- c. order of regulation; and
- d. procedures/mechanisms for drafting regulations in universities.

#### 7. Funding and wealth

Regarding funding and wealth, it regulates:

- a. funding sources for administration of higher education by Legal Entity State University, which is revenue of Legal Entity State University and is managed autonomously, including the community, educational costs, management of endowments and Legal Entity State University efforts, *tridharma* cooperation, management of the state assets provided by the government and regional government for the benefit of developing higher education, and/or other legitimate sources.
- b. funding mechanism;
- c. wealth of Legal Entity State University, including the initial wealth value and wealth reporting in accordance with the provisions of the laws and regulations; and
- d. other matters considered necessary.

#### 8. Transitional provisions

It contains provisions regarding transitional period for implementation of certain provisions in this Ministerial regulation.

#### 9. Closing Provision

It contains provisions concerning enactment of regulations on new statutes and revocation of regulations regarding old statutes.

## CONCLUSION *and* SUGGESTION

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### a. Conclusion

From the results of the accomplished research, the following conclusions can be drawn:

1. Preparation of Academic Document of the UNNES Statutes as Legal Entity State University is based on 3 main bases, they are philosophical, sociological, and juridical basis. These three main bases in the future become the support for the need to formulate the UNNES Statute as a Legal Entity State University.
2. Draft of UNNES Statute as Legal Entity State University covers 9 content materials, they are General Provisions, Identity, Implementation of Universities' Tridharma, Management System and Accountability Framework, Internal Quality Assurance System, Forms and Procedures for Determination of Regulations, Funding and Wealth, Transitional Provisions, and Closing Provisions.

### b. Suggestion

The suggestions that can be submitted are:

1. In preparing the Statute, special studies are required in sufficient time that the Statute can be obtained in accordance with the vision, mission and objectives of UNNES.
2. In preparing the Statute, it requires an active involvement of the members of UNNES and Stakeholders.

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**“Study without  
desire spoils the  
memory, and it  
retains nothing  
that it takes in”**

—

**Leonardo da Vinci**

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