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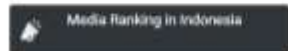
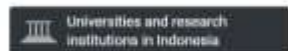
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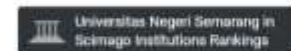
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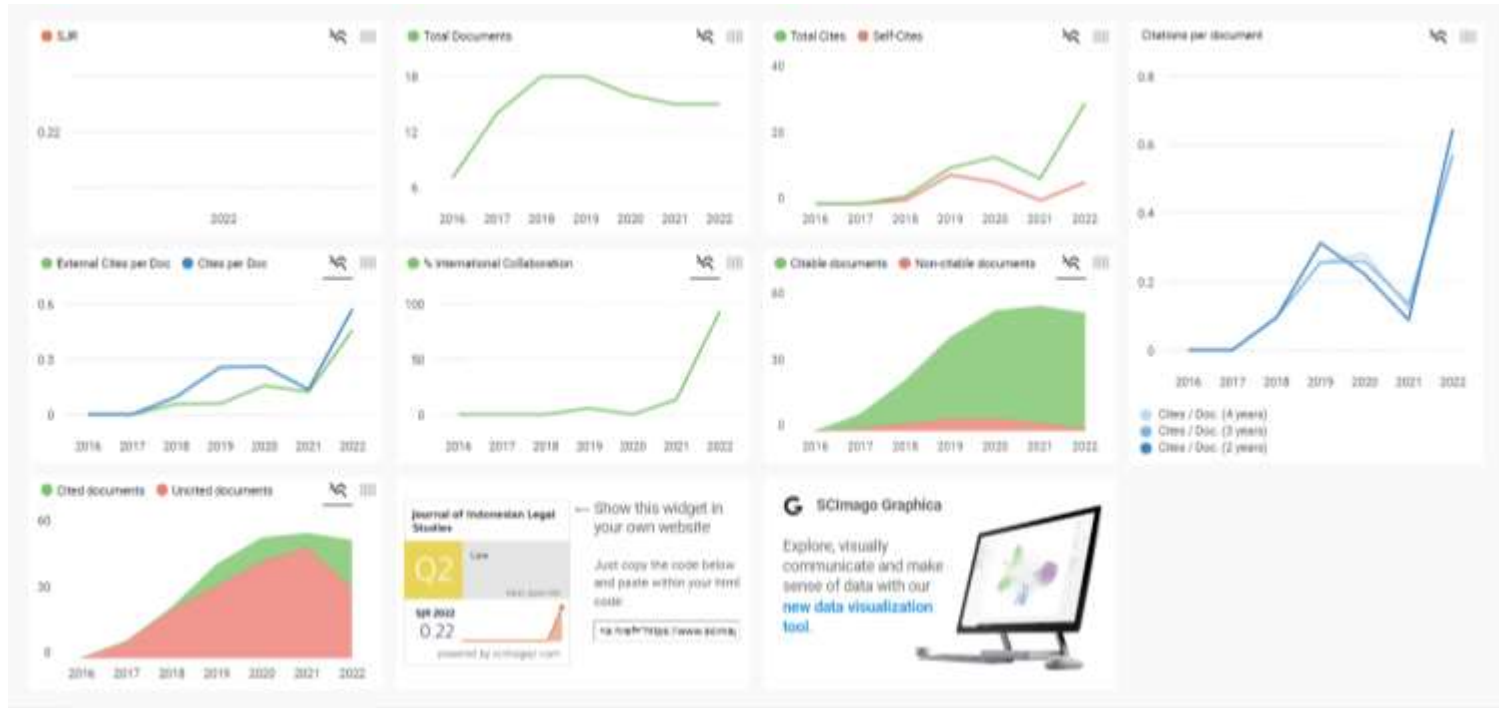
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URGENCY OF ACADEMIC DRAFT OF ORGANIZATION AND WORK PROCEDURES OF LEGAL ENTITY STATE UNIVERSITIES

By:

Dr. Ali Masyhar, S.H., M.H, M. Azil Maskur, SH, MH

Mulyo Widodo,S.Pd, M.M

Abstract

As a dynamic organization, university institutions continue to improve themselves towards better community services, which is as Legal Entity University. The Legal Entity University Institutions have highly positive impact, particularly the autonomy of academic and non-academic organization and management. Having prepared the statute, the next legal order that needs to be prepared is the Organization and Work Procedure (OWP) document.

In order to obtain a realistic OWP formulation that is in line with the vision and mission of the relevant university institution, as well as a follow-up to the statute, studies and analysis are required as outlined in the Academic Draft. Academic draft becomes a kind of presentation of the rationality of a legal document, that they can be rationally justified. This research is aimed at producing Academic draft of OWP Legal Entity State University and OWP Draft as a requirement of the legality document proposed by higher educations as Legal Entity State University.

Based on the research objectives, the suitable research method used qualitative research with a policy approach. The object of research was Semarang State University using the method of deep interview and document analysis.

Keyword: Organization and Work Procedure, Legal Entity State Universities, Academic Draft

INTRODUCTION

UNNES declared this year as the year of Independence. It means UNNES is preparing itself to be an independent institution. The referred independent institution is the ability of UNNES to increase the degree of authority in administration and management of higher education as a foothold for acceleration of innovation in the era of disruption. In more concrete form, UNNES desires to achieve the degree of label of the Legal Entity State University. At this point, UNNES is organizing the Financial Management of the Public Service Agency (BLU). The organizing of the management is based on the Minister of Finance Decree Number: 362/KMK.05/2008 dated December 17, 2008 concerning the Establishment of the Semarang State University in the Department of National Education as Government Institution implementing Financial Management of Public Service Agency (PK-BLU). The enactment of the Financial Management of the Public Service Agency (PK-BLU) was effectively carried out in the 2009 fiscal year.

As formulated in the Minister of Education and Culture Regulation of the Republic of Indonesia Number 88 of 2014 concerning the Change of State Universities into Legal Entity State Universities, universities with BLU Working Units are able to apply for an upgrade in the status into Legal Entity State Universities. In order to reach this status, it requires to prepare mandatory documents such as (1) State Universities Self-Evaluation; (2) Long-term Development Plan of Legal Entity State Universities; (3) Draft Statute of Legal Entity State Universities; and (4) Transfer Plan of Legal Entity State Universities. Thus, one

of the mandatory documents that must be compiled is the origin of the UNNES statute as a Legal Entity. Statutory Legal Entity will not be operational without being accompanied by the origin of Organization and Work Procedure (OWP). Thus, OWP becomes an instrument that must also be prepared in order to accompany the prepared statutes.

LITERATURE REVIEW

2.1. Organization

The organization is a vessel that functions as a place of certain communities that are united by one interest. With this organization, the community will be consciously planned and systematic, being active and move dynamically towards shared goals and objectives.

The word of “organization” originates from “Organom” (Greek) or “Organum” (Latin) which means tool, part, member or body. According to Nanang Fatah, as quoted by Saefrudin, stated that the term of organization has two general meanings. First, the organization is defined as an institution or functional group, for example company, school, association, government agency. Second, it refers to the organizing process, which is on how the work is organized and allocated among members, that the goals of the organization can be effectively achieved. Meanwhile the organization itself is defined as a group of people with a system of cooperation in order to achieve a common goal (Saefrudin, 2017: 58).

According to Etzioni as quoted by Agustina (2013:108-109), the characteristics of the organization includes: 1) The existence of the division in work, power, and communication responsibilities as forms of division that are not randomly patterned or arranged according to traditional ways, but deliberately planned to be able to further enhance efforts to materialize certain goals; 2) The existence of one or several centers of power function to oversee the control of the organizational efforts and direct the organization to achieve its objectives, the center of power continuously studies the extent of the results achieved by the organization, and if necessary develops new patterns to improve its efficiency; 3) Replacement of workers of which workers are not deemed working as expected, that they can be replaced by other workers and the organization can combine its members through a transfer or promotion process.

The course of the organization must be operationalized through an established management. As management in general, the main core in organizational management will be measured in 7 main indicators, they are planning, organizing, staffing, directing, coordinating, reporting, and budgeting. The management is steadily established if it is implemented in a measured and directed work procedure. Work Procedure is a method which aims to achieve a maximum and efficient level by carrying out an assignment correctly and successfully in accordance with the defined plan (<http://bangbiw.com/peng- understanding-about-organization-management-and-tata-work/>).

As a follow-up to the statute, the OWP must be based on the provisions outlined in the statute. Therefore, the OWP to be compiled may not be beyond the restrictions as outlined in the statute.

2.2. Legal Entity State University

Legal Entity State Universities, hereinafter abbreviated as legal entity PTN as formulated in Regulation of the Minister of Education and Culture No. 88 of 2014 concerning the Change of State Universities into Legal Entity State Universities is defined as State Universities established by the Government as having the status of being autonomous legal subjects. Therefore, it is a state university with legal entity status, or university with legal entity status. While State Universities, hereinafter abbreviated as PTN, are defined as University Institutions established and/or organized by the Government.

University is defined as an education unit that organizes Higher Education, that is the level of education after secondary education which includes diploma programs, undergraduate programs, master programs, doctoral programs, and professional programs, as well as specialist programs, as organized by Higher Education based on Indonesian culture (Government Regulation) No. 4 of 2014 on Implementation of Higher Education and Management of Higher Education).

Martias Gelar Imam Radjo Mulano (1982: 181), defined legal entity as a group of people or one form of organization, which is recognized as having characteristic as legal subject. Chidir Ali gave legal entity restriction as legal subjects including the following matters (Chidir Ali, 1991: 21):

1. association of people (organization);
2. capable for conducting legal actions (*rechtshandeling*) in legal relations (*rechtsbetrekking*);
3. have its own assets;
4. have its managers;
5. have its rights and obligations;
6. able to get sued or make a claim before the court.

In the legal studies, private (civil) legal entities and public legal entities are distinguished. Chidir Ali made difference between public and private legal entities based on the following criteria (Chidir Ali, 1991: 62):

1. Viewed from its method of establishment/occurrence

The legal entity is organized by the construction of public law that is established by the (state) authorities with laws or other regulations.

2. Work environment

In order to carry out their duties, the legal entity generally performs private or public legal acts.

3. Authority

Whether or not the legal entity established by the (state) authorities is given the authority to make decisions, decrees or regulations that are binding publicly.

Based on the above criteria, State Universities as regulated in Law No. 12 of 2012 on Higher Education and Government Regulation No. 4 of 2014 on the Implementation of Higher Education and Management of Higher Education which stated that State Universities was established by the Government, and concerned with public actis, that it can be categorized as public legal entity.

Academic Draft of OWP UNNES as a Legal Entity State University

This Academic Draft serves to provide rationality in the formation of the OWP UNNES Legal Entity Draft. Later, the OWP will be approved by the Board of Trustees (MWA) when UNNES has changed its status into a Legal Entity State University.

Specifically, the OWP academic draft is intended to:

1. Provide and present the OWP philosophical, sociological and juridical basis as operationalization in the UNNES organization as a Legal Entity State University.
2. Presenting the OWP UNNES formulation/draft as a Legal Entity State University in order to materialize the visionary vision of UNNES.
3. Describe the organizational scope, extent, and framework as well as governance of the Regulation Draft of MWA UNNES when it has become a Legal Entity State University.

3.1. Philosophical Basis

According to Attamimi (2006: 171), the philosophical basis is the fundamental foundation of an idea. Generating a legal product is inseparable from a noble philosophical values, which are three main values in law, such as justice, expediency and certainty. A regulation must be made in order to materialize justice for the community, give benefit the maximum extent of the community, and create legal certainty. The making of a law and regulation must also be based on the Indonesian *grundnorm*, which is Pancasila.

It affirms that the Pancasila is the foundation of the nation's philosophy. It is because all the legal products below must be based on the philosophy of Pancasila. This is confirmed in Law Number 12 of 2011 on Formation of Laws and Regulations, explaining the hierarchy of legal products including:

1. The 1945 Constitution of the Republic of Indonesia;
2. Decree of the People's Consultative Assembly Law/Government Regulation in Lieu of Law;
3. Government Regulations;
4. Presidential Regulation;
5. Provincial Regulations;
6. Regency/City Regulations.

Article 8 of Law Number 12 of 2011 provided guidance on legal products stipulated by the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, the Supreme Court, the Constitutional Court, the Supreme Audit Board, the Judicial Commission, Bank Indonesia, Ministers, agencies, institutions, or commissions at the same level as formed by the Law or Government on the orders of the Law, Provincial Representatives Council, Governors, Regency/City Representative Council, Regent/Mayor, Village Head or equivalent, is a legally binding product. In the following, the existence is recognized and has binding legal force insofar as it is ordered by higher Regulations or formed based on authority.

3.2. Sociological basis

The sociological basis concerns with empirical facts regarding the development of problems and the

needs of society and the state. Another consideration related to this sociological foundation is the effort to fulfill the expectations of the people of Central Java, particularly in order to reach higher education, which in the capacity of BLU PTN cannot be maximally fulfilled, yet with the approach of Legal Entity PTN is expected to be more widely accommodating to the wishes of the community.

3.3. Juridical Basis

Some of these legal issues include, among others, outdated regulations, inharmonious or overlapping regulations, types of regulations below the Law that it has insufficient applicable power, existed but inadequate regulations, or totally non-existent regulations.

Based on the principle of the hierarchy of laws and regulations as regulated in Law Number 12 of 2011 on Formation of Regulations, the lower level of the material is actually implementing the provisions as contained in the higher Regulations.

Related to this principle, the existence of UNNES Official Documents as Legal Entity PTN as a sub-part of Government Regulations and Ministerial Regulations which is a further elaboration of the higher level legislation.

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

Article 28 C

- (1) Every person shall have the right to develop him/herself through the fulfillment of his/her basic needs, the right to get education and to benefit from science and technology, arts and culture, for the purpose of improving the quality of his/her life and for the welfare of the human race.
- (2) Every person shall have the right to improve him/herself through collective struggle for his/her rights to develop his/her society, nation and state.

Article 28E

- (1) Every person shall be free to choose and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to subsequently return to it.
- (2) Every person shall have the right to the freedom to believe his/her faith, and to express his/her views and thoughts, in accordance with his/her conscience.
- (3) Every person shall have the right to the freedom to associate, to assemble and to express opinions.

Article 31

- (1) Every citizen has the right to receive education.
- (2) Every citizen has the obligation to undertake basic education, and the government has the obligation to fund this.
- (3) The government shall manage and organise one system of national education, which shall increase the level of spiritual belief, devoutness and moral character in the context of developing the life of the nation and shall be regulated by law.
- (4) The state shall prioritise the budget for education to a minimum of 20% of the State Budget and of the Regional Budgets to fulfil the needs of implementation of national education.
- (5) The government shall advance science and technology with the highest respect for religious values and national unity for the advancement of civilization and prosperity of humankind.

Second, Law Number 20 of 2003 on the National Education System (State Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 4301); all laws in the National Education System Law constitute a large protection for education. For the implementation of higher education, it is specifically regulated in the Fourth Section on Higher Education

from Article 19 to Article 25. However, all general regulations turn into a protection, for example regulations on the basis, functions and objectives of education. Article 3 stated that the function of education is national education serves to develop capabilities and shapes the character and civilization of a dignified nation in order to educate the life of the nation, aiming at developing the potential learners into human beings who have faith and be devoted to God Almighty, having good morality, healthy, knowledgeable, capable, creative, independent, and become a democratic and responsible citizen. Whereas in Article 4 paragraph (6) it is stated that one of the principles of education is that Education is organized by empowering all components of community through participation in the administration and quality control of educational services.

Third, Law Number 12 of 2012 on Higher Education. All the legal grounds for organizing higher education are regulated in this law. In the fourth section concerning higher education administering organization, Article 61 to Article 68 regulates the autonomy of higher education management and one of them is a management system with a legal entity university model (Article 65 paragraph (1)).

In addition to the three laws and regulations as mentioned above, there are derivative regulations in their implementation in the form of Presidential Regulations and Government regulations, in addition, there are also regulations related to the form of laws, among others: (1) Law Number 14 2005 on Teachers and Lecturers; (2) Law Number 14 of 2008 on Openness of Public Information; (3) Presidential Regulation Number 4 of 2014 on Implementation of Higher Education and Management of Higher Education; (4) Government Regulation Number 19 of 2005 on National Education Standards; (5) Government Regulation Number 48 of 2008 on Education Funding; (6) Government Regulation Number 37 of 2009 on Lecturers; (7) Government Regulation Number 58 of 2013 on Funding Forms and Mechanisms for Legal Entity Higher Education;

4. Preparation of the OWP UNNES Draft as a Legal Entity State University

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

1. Board of Trustees (MWA)

Board of Trustees has the Duties and Obligations as follows:

- a. establishing UNNES general policy after obtaining consideration from the Academic Senate and the Boards of Professor;
- b. supervise the UNNES financial condition;
- c. ratify the Long Term Development Plan (RPJP), Strategic Plan (Renstra), and RKA as well as evaluate its implementation;
- d. provide input to the Chancellor (Rector) on the management of UNNES and the implementation of laws and regulations;
- e. conduct an assessment of the Chancellor's performance once a year together with the Academic Senate and the Boards of Professor;
- f. appoint and dismiss UNNES Chancellor; and
- g. deal with UNNES unresolved problems by other divisions after going through the consideration of coordination meeting between divisions.

The MWA can form an Audit Committee and Risk Committee, each of which has the task of:

a. Audit Committee

The duties of the Audit Committee are:

- 1) review the UNNES internal audit policy;
- 2) provide recommendations to MWA to designate and appoint external audit personnel;
- 3) request and review the internal audit report regularly;
- 4) monitor the follow-up process of the external audit report;
- 5) study and assess the results of internal and external audits to be submitted to MWA; and
- 6) conduct risk management analysis as a consideration for MWA in giving approval to agreements relating to the use of UNNES assets.

b. Risk Committee

The Risk Committee is tasked with:

- 1) review UNNES risk guidelines;
- 2) examine the risk aspects of UNNES development policy and cooperation;
- 3) ensure that UNNES carries out risk analysis of significant development and collaboration plans; and
- 4) evaluate risk analysis of the UNNES proposed development and cooperation.

The Board of Trustees consists of:

- a. Minister
- b. Governor
- c. Chancellor
- d. Head of the Academic Senate
- e. Chairman of the Board of Professors
- f. 3 people of the Community
- g. 1 Alumni
- h. 1 Educational Staff
- i. 13 Lecturers
- j. 1 Student

2. Chancellor (Rector)

The Chancellor's duties and obligations are:

- a. prepare a strategic plan for MWA approval;
- b. prepare RKA and its modification for MWA approval;
- c. manage education, research, dedication/service to the community in accordance with RKA;
- d. appoint and dismiss officials under the Chancellor, head of the Faculty, chairman of the School, and heads of other units under it in accordance with applicable regulations;
- e. appoint and dismiss non-civil servants employees in accordance with the provisions of laws and regulations;
- f. carry out a good UNNES management functions;
- g. manage UNNES property and optimally utilize it for the benefit of UNNES;
- h. fostering and developing good relations with UNNES environment and community in general;
- i. following up recommendations and decisions of the elements of the UNNES organization according to their functions and roles;

- j. establish, merge, and/or dissolve Faculties, Schools, Departments and/or study programs as deemed necessary, with the approval of the Academic Senate; and
- k. convey UNNES performance and financial accountability to MWA.

3. Academic Senate (AS)

AS has duties and obligations:

- a. stipulate academic norms and conditions and oversee their application;
- b. provide consideration/input to the Chancellor in preparing and/or modifying RPJP, Strategic Plan (Renstra), or RKA in the academic;
- c. give consideration to the Chancellor regarding the opening, merging, or closing of Faculties, Schools, Departments, and study programs;
- d. supervise the policies and implementation of the *Tridharma* of Higher Education at UNNES which has been stipulated in the Strategic Plan (Renstra);
- e. supervise the policies and implementation of educational quality assurance; and
- f. give consideration to the MWA on the performance of the Chancellor in the academic.

Academic Senate consists of:

- a. Chancellor
- b. Deputy Chancellor
- c. Dean/Director of Postgraduate/Chairman of the School
- d. Deputy Professor
- e. 2 Deputy Lecturer
- f. Chairman of the Institute
- g. BPM

4. Boards of Professors

The Board of Professors numbered 39 people who were representatives from each faculty of 3 people respectively.

The duties of the Board of Professors are:

- a. fostering academic life as well as moral and ethics integrity of the academic community;
- b. establish and ensure the implementation of the academic community code of ethics;
- c. provide consideration and direction in the development of science at UNNES both in certain disciplines, as well as towards the direction of multi-disciplinary and cross-disciplinary development;
- d. ensuring the application of the regulations for implementing academic freedom, academic pulpit freedom, and scientific autonomy;
- e. conducts an assessment and gives approval on the functional promotion of the chief chancellor and Professor to be followed up by the Chancellor;
- f. examine and prepare recommendations for sanctions against violations of norms and ethics by academic community that the Chancellor shall determine and implement;
- g. propose the granting or revocation of an honorary degree and academic award to be determined by the Chancellor;
- h. coordinate and consult with the Boards of Faculty Professor;

- i. conduct monitoring, development and assurance of scientific autonomy at UNNES; and
- j. provide consideration/input to the Chancellor in the preparation and/or modification of the RPJP, Strategic Plan, or RKA in the academic.

The Chancellor in managing the Tridharma of Higher Education leads the Academic Implementing Elements, Administrative Implementing Elements, and Supporting Elements.

1. Academic Implementing Elements consist of:
 - a. Faculty of Language and Art;
 - b. Faculty of Math and Science;
 - c. Faculty of Education and Psychology;
 - d. Faculty of Sport Science;
 - e. Faculty of Engineering;
 - f. Faculty of Social and Political Science;
 - g. Faculty of Law;
 - h. Faculty of Economics and Business;
 - i. Faculty of Public Health and Medicine;
 - j. School of Tourism and Hospitality;
 - k. Vocational Schools;
 - l. Graduate School.
2. Administrative Implementation Element consists of:
 - a. University Secretariat;
 - b. Directorate of Education and Teaching;
 - c. Research Directorate;
 - d. Directorate of Community Service;
 - e. Directorate of Student Affairs;
 - f. Directorate of Planning;
 - g. Directorate of Finance;
 - h. Directorate of Human Resources;
 - i. Directorate of Assets;
 - j. Directorate of Partnerships and Alumni;
 - k. Directorate of Business and Incubation;
 - l. Directorate of Information Systems and Resources; and
3. Supporting Elements consist of:
 - a. library;
 - b. museums and archives;
 - c. hospital;
 - d. primary service clinic;
 - e. cultural center;
 - f. innovation center;
 - g. field laboratory;
 - h. integrated laboratory;

- i. language center;
- j. hostels;
- k. publishing agency;
- l. campus security and safety;
- m. procurement and logistics; and
- n. other required supporting elements.

5. Conclusions and Suggestions

a. Conclusions

From the results of the research conducted can be concluded as follows:

1. The drafting of the UNNES OWP Academic Draft as a Legal Entity PTN is based on 3 main basis, they are philosophical, sociological and juridical basis. These three main foundations form the basis for the preparation of UNNES OWP as a Legal Entity PTN.
2. The draft of UNNES OWP as a Legal Entity PTN is projected to regulate 4 main organizations of UNNES Legal Entity PTN which is Board of Trustees (MWA), Chancellor, Academic Senate (SA), and Board of Professors.

b. Suggestion

The suggestions that can be delivered are:

1. In the drafting of the OWP, a synchronization study with the statute must be carried out in line with UNNES vision, mission and goals.
2. The drafters of the OWP UNNES Legal Entity PTN should synergize with the compiler of the UNNES Statute.

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Peraturan Pemerintah Nomor 19 Tahun 2005 tentang Standar Nasional Pendidikan;

Peraturan Pemerintah Nomor 48 Tahun 2008 tentang Pendanaan Pendidikan;

Peraturan Pemerintah Nomor 37 Tahun 2009 tentang Dosen;

Peraturan Pemerintah Nomor 58 Tahun 2013 tentang Bentuk dan Mekanisme Pendanaan Perguruan Tinggi Badan Hukum.

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The screenshot displays the OJS interface for a document titled "Document Study of UNNES Legality as Legal Entity State University" by Ali Masyhar, Muhammad Azil Maskuz, and Mulyo Widodo. The interface is divided into several sections:

- Navigation:** Metadata, Editorial History, Submission Library, and a Help icon.
- Document Info:** Title and authors.
- Process Tabs:** Submission, Review (active), Copyediting, Production.
- Round 1:** Round 1, New Review Round.
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- Review Files:** Search, Upload/Select Files. File: 199296-1 Article Text, ed Article_305-326_JLS_Vol3(2)_Ali.pdf (Article Text).
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- Revisions:** Search, Upload File. File: 199297-1 Article Text, 27605-Article Text-60971-1-2-20181209.pdf (Article Text).
- Review Discussions:** Add discussion. A table with columns: Name, From, Last Reply, Replies, Closed. The table is currently empty, showing "No Items".
- Right Sidebar:** Request Revisions, Accept Submission, Decline Submission, Participants (Assign), Journal editor, Author (Ali Masyhar).

URGENCY OF ACADEMIC DRAFT OF ORGANIZATION AND WORK PROCEDURES OF LEGAL ENTITY STATE UNIVERSITIES

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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.

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.

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. Institution 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 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, *Constituo* (single form) or *constituciones* (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. Matters 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. The 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 Changes 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 Univeristy established and/or organized by the Government.

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.

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

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 (Wignyosoebroto, 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 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. It 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 on 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.

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

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

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's 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 Rorojonggrang 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
Total		101	36.241

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, (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 Ministry 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 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 a 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 31

- (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 1.

- (4) The State prioritizes education budget of at least twenty percent of the state's revenue and expenditure budget as well as from the regional 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 (State 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 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 rules are general in nature, becoming a covering, for example the regulation on the basis, function 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 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)).

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 addition, 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 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 of academic freedom and scientific autonomy in universities 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

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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The screenshot displays the OJS interface for a document titled "Document Study of UNNES Legality as Legal Entity State University" by Ali Masyhar, Muhammad Azil Masikah, and Mulyo Widodo. The interface is divided into several sections:

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URGENCY OF ACADEMIC DRAFT OF ORGANIZATION AND WORK PROCEDURES OF LEGAL ENTITY STATE UNIVERSITIES

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Keywords:
Statute, Legal Entity
State University,
Academic Document

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.

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. Institution 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, *Constituo* (single form) or *constitusiones* (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. Matters 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. The 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 Changes 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 Univeristy 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.

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

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 (Wignyosoebroto, 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 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. It 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 on 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.

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

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

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's 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 Rorojonggrang 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
Total		101	36.241

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, (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 Ministry 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 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 a 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 31

- (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 1.

- (4) The State prioritizes education budget of at least twenty percent of the state's revenue and expenditure budget as well as from the regional 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 (State 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 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 rules are general in nature, becoming a covering, for example the regulation on the basis, function 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 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)).

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 addition, 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 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 of academic freedom and scientific autonomy in universities 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

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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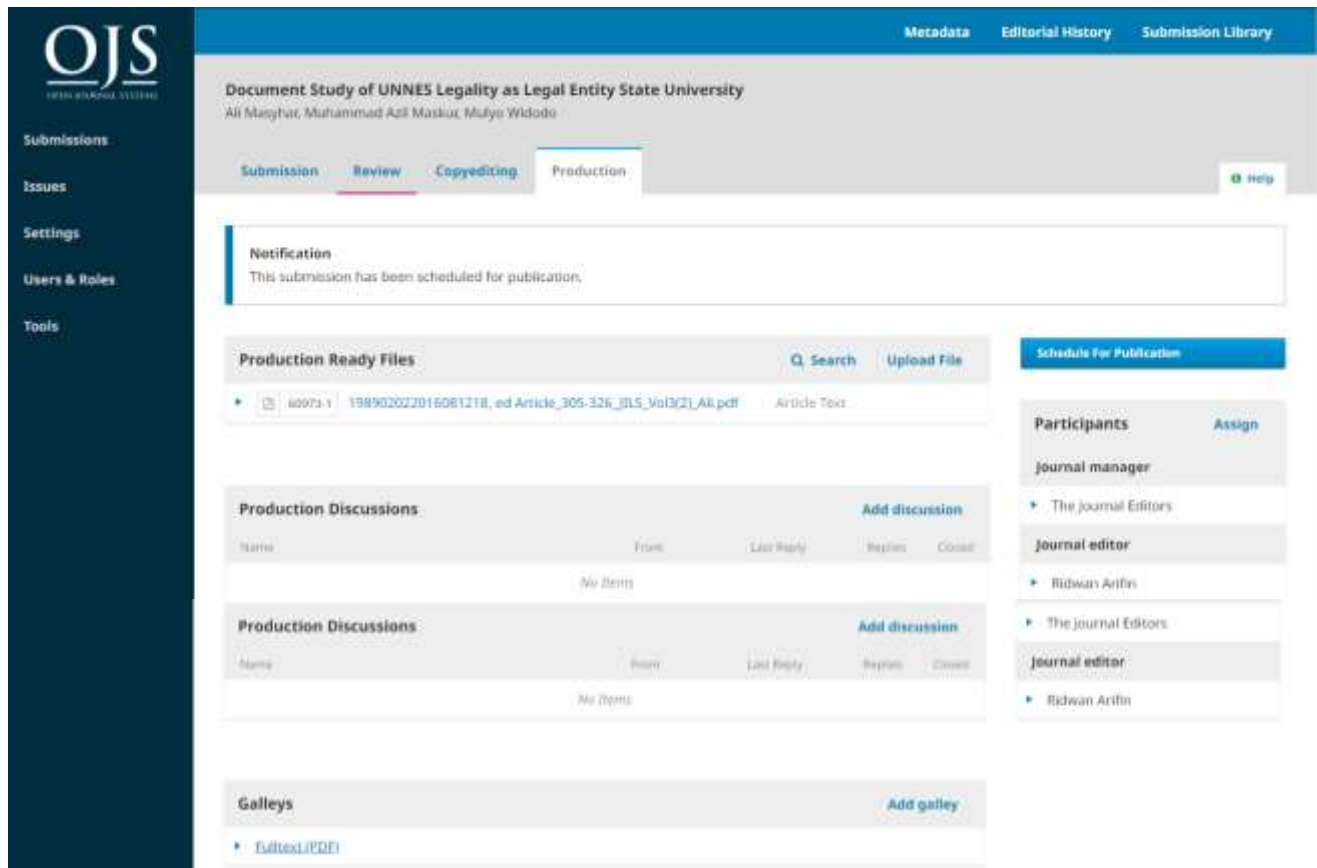
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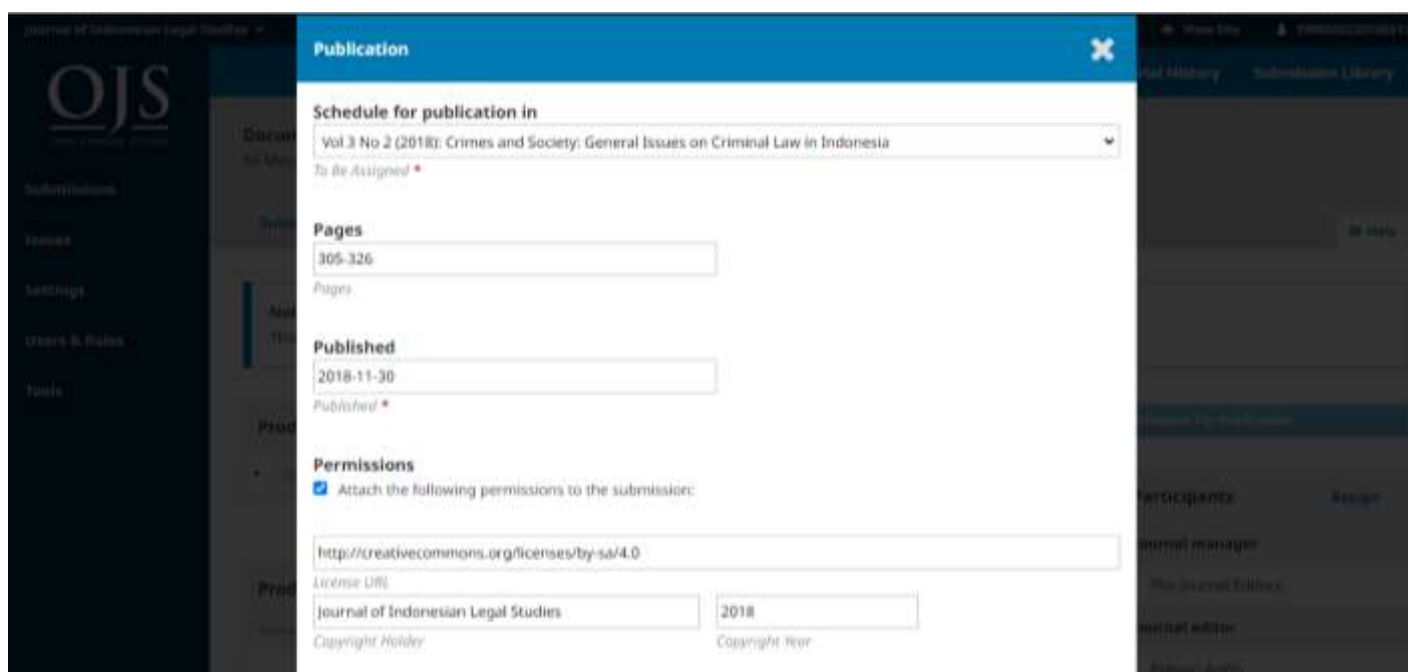
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The screenshot shows the OJS Production History page for the article "Document Study of UNNES Legality as Legal Entity State University" by Ali Maqshur, Muhammad Azil Maskur, and Mulyo Widodo. The page is divided into several sections:

- Notification:** A message stating "This submission has been scheduled for publication."
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- Pages:** A text input field containing "305-326".
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URGENCY OF ACADEMIC DRAFT OF ORGANIZATION AND WORK PROCEDURES OF LEGAL ENTITY STATE UNIVERSITIES

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Article Info**Abstract**

Keywords:

Statute, Legal Entity
State University,
Academic Document

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.

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. Institution 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 *constituciones* (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. Matters 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. The 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 Changes 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 Univeristy 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.

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

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 (Wignyosoebroto, 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 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. It 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 on 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.

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

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

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's 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 Rorojonggrang 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
Total		101	36.241

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, (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 Ministry 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 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 a 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 31

- (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 1.

- (4) The State prioritizes education budget of at least twenty percent of the state's revenue and expenditure budget as well as from the regional 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 (State 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 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 rules are general in nature, becoming a covering, for example the regulation on the basis, function 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 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)).

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 addition, 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 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 of academic freedom and scientific autonomy in universities 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

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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GENERAL TOPIC

Document Study of UNNES Legality as Legal Entity State University

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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. Institution 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 *constituciones* (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. Matters 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. The 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 Changes 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 Univeristy 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.

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

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 (Wignyosoebroto, 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 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. It 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 on 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.

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

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

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's 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 Rorojonggrang 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
Total		101	36.241

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, (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 Ministry 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 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 a 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 31

- (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 1.

- (4) The State prioritizes education budget of at least twenty percent of the state's revenue and expenditure budget as well as from the regional 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 (State 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 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 rules are general in nature, becoming a covering, for example the regulation on the basis, function 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 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)).

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 addition, 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 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 of academic freedom and scientific autonomy in universities 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

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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