Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education

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MALAPY 2022

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Preface

We are glad to introduce our first proceedings at International Conference on Law, Social Science, Economics and Education 2022 (MALAPY) with issues of Digitalization, management, law, and education for sustainable development the World Post-Covid – 19 pandemic is the present situation that drags down the social welfare in multi-sectoral. Especially in Digitalizing of the Economic, Law, and Education sectoral. These conferences will recover and find the solution with social science contributions. We are pleased to introduce our first proceedings on issues of Digitization, management, law and education for sustainable development in the World. Post-Covid – 19 pandemic is the present situation that drags down the social welfare in multi-sectoral. Especially in Digitalizing of the Economic, Law, and Education sectoral. These conferences will recover and find the solution with social science contributions.

This activity resulted in dozens of articles that focused on digitalization and economic issues as well as legal and educational issues, which we’re developing during the pandemic. We hope that this article, can contribute thoughts in their respective fields, and can be used as a reference for strategic policymaking. The success of this event is also inseparable from the outstanding contributions of the speakers. We say we are grateful to the speakers; Mesfin Menza Mamo (Ph.D.), Dean, College of Business and Economics of Arba Minch University, Ethiopia; Prof. Dr. Sitti Hartinah, D. S, Director of Postgraduate Program, Universitas Pancasakti Tegal, Indonesia; Mr. Youssef Baqil Researcher in Public Law and Political Science, Morocco; Prof Elchin Ghasimov, Vice-Rector of Moscow City University, Russia; Prof.Dr.Pujiono SH. MH Professor at Law Faculty, Sebelas Maret State University, Indonesia.

The extraordinary scientific contribution of the speakers was able to make the forum very useful for participants with backgrounds as researchers, developers, and practitioners to further develop scientific aspects. We also hope that the future MALAPY conference will be more successful and have a greater contribution to the development of science.

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The Role of The Work Environment and Motivation in Mediating The Influence Of The Ministry of Religious Affairs’ Culture Work on Employee Performance Office of The Ministry of Religious Affairs of Brebes Regency

Evin Sudarwati
Child-Friendly School Assessment of Infrastructure Standards for Junior High School

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Abstract. Standardization of Child-Friendly School Infrastructure Facilities is very important because it can ensure and maintain infrastructure facilities in schools that are safe for children to achieve their goals. The research was conducted in two junior high schools in Tegal Regency, namely SMP Negeri 1 Slawi and SMP Negeri 1 Pangkah. Child-Friendly School standardization will be evaluated by referring to one of the components of Child-Friendly School namely facilities and infrastructure. This research uses a descriptive qualitative approach. The subjects of the study are the principal, teacher/education personnel, and school. Data collection techniques using Observation, Documentation, and Interviews. Test the validity of data using Data Triangulation. Analytical techniques use Data Reduction, Data Presentation, and Conclusion Withdrawal. The standardization score of infrastructure facilities in SMP N 1 Slawi and SMP N 1 Pangkah is 56 or 86% of the maximum score. The study results conclude that infrastructure facilities in SMP N 1 Slawi and SMP N 1 Pangkah Meet the Standards to be certified to be Child-Friendly School Bariisan.

Keywords: Child-Friendly School, Infrastructure Facilities, Standardization

1. Introduction

School as a form of formal education unit should be a safe place for children. Most of child's time for 8 hours a day is spent at school. However, various data show that schools are not yet fully safe, clean, healthy, child-friendly, and fun places for children and other school members [1]. Various threats still lurk in children from the surrounding environment, such as violence, discrimination, mistreatment, and natural events [2]. The threat is exacerbated by unfavorable school conditions, inappropriate buildings, infrastructure that does not meet standards, dirty, smelly, arid, unfriendly social environment, acts of violence still being maintained, principals, teachers, students, and other people. Parents who do not understand children's rights and various other vulnerabilities that pose a risk of threatening children's security, safety, and comfort for optimal learning and development at school UNICEF [3]. The mandate to protect children while they are in all places requires a lot of efforts that are carried out comprehensively and involve all sectors, including the children themselves. Government created a policy of protecting children in the education unit called the Child-Friendly School.

According to the Deputy for Fulfillment of Children's Rights Standardization is the process of planning, formulating, establishing, implementing, enforcing, maintaining, and supervising Standards that are carried out in an orderly manner and in collaboration with all Stakeholders [4]. The benefits of Child-Friendly School Standardization, according to the
Deputy for Fulfillment of Children's Rights for parents and students, standardization can increase compatibility between one Child-Friendly School and others who also apply the same standards so that parents or participants students will feel the suitability of services in any Child-Friendly School that they enter and can reduce uncertainty because they can be more certain not to choose other services that are wrong or “non-standard”. For the government, Child-Friendly School standardization facilitates national resource needs through centralized procurement of goods and services with the same specifications to provide a relatively high efficiency level.

Tegal Regency Government is committed and concerned about the success of the Child-Friendly School program, the Tegal Regent Decree Number evidences this: 050/1074 of 2020 concerning the establishment of Tegal Regency child-friendly schools at various levels of education, namely at 222 elementary school, 49 Islamic elementary school, 30 Junior High School, 19 islamic junior high school, 11 senior high school, 7 vocational high school, and 4 islamic senior high school. Junior high school of 1 Slawi, or SMPN 1 Slawi and Junior High School of 1 Pangkah or SMP N 1 Pangkah are schools designated to participate in the Child-friendly School program. The program has been implemented at SMP N 1 Slawi and SMP N 1 Pangkah. However, in the current conditions, an empirical study is still needed between the two schools so that it can be used to achieve ideal conditions by the common conditions and fulfill the six indicators listed in the Regulation of the State Minister for Women's Empowerment and Child Protection of the Republic of Indonesia Number 8 of 2014 concerning Child-Friendly School Policy.

Researchers interest in conducting research in these two schools because they are excellent schools that are the main choice for the surrounding community to send their children to these schools [5]. The next reason is that the two schools are among the schools that received the Adiwiyata award in Tegal Regency and are implementing the Child-Friendly School Program in their schools, In fact, SMPN 1 Slawi has been used as a Model Child-Friendly School School based on the Letter of Determination of the Regional Secretariat of Tegal Regency Number: 005/11/4-638/2021 as a reference and model for other schools that will implement the program. This necessitates the existence of advantages in the Child-Friendly School program at SMPN1 Slawi, including the management side that is applied. It is also different from SMPN 1 Pangkah, although it does not include the Child-Friendly School model school in Tegal Regency, but its presence in the surrounding villages certainly has local characteristics and wisdom in implementing the Child-Friendly School program, and SMPN 1 Pangkah is one of the schools that was the first to implement the Child-Friendly School program based on the head decree. Tegal Regency Education and Culture Office Number 050/04/08981 dated March 29, 2018.

This research hopes that it will be known whether the two schools as formal education units have developed schools according to the standard 6 Child-Friendly School indicators. His research focuses on the Child-Friendly School Infrastructure component in realizing the BARIISAN school, namely Clean, Safe, Friendly, Beautiful, Inclusive, Healthy, Beautiful, and Comfortable for students' learning.

2 Method

This study uses a descriptive qualitative approach [6]. This type of qualitative descriptive approach describes the conditions as they are, without giving treatment or manipulation to the variables studied [6]. Subjects and objects that become the center for obtaining information related to the issue of Standardization of Child-Friendly School Infrastructure Facilities are the principal, teachers/educational staff, and schools. Qualitative research intends to understand
phenomena by describing what is experienced by research subjects in descriptive form in a natural context and utilizing various scientific methods. Data collection techniques using Observation, Documentation, and Interviews. Test the validity of the data using Data Triangulation. The analysis technique uses data reduction, data presentation, and conclusion drawing. The research was carried out in stages, the first stage was carried out for 2 (two) days at SMP N 1 Slawi to be exact starting on Monday - Saturday, January 3 to 8, 2022, then carried out research at SMP N 1 Pangkah on Monday - Saturday, January 10 to 15, 2022.

3. Discussion

Based on the results of observations, documentation, and interviews collected by researchers, it was found that the scores for the availability of infrastructure at SMP N 1 Slawi were: From the 13 points required for the availability of Child-Friendly School infrastructure facilities at SMP N 1 Slawi 10 points got a maximum score of 5, and 2 points that score 3, and 1 point that scores 0. As for those who score 0 because these points are specifically for preschool education units, educational game tools (APE) are labeled with Indonesian National Standard (SNI). The detailed explanation regarding the availability of Child-Friendly School infrastructure facilities at SMP N 1 Slawi is in the following table:

**Table 1. Child-Friendly School Infrastructure Junior High School 1 Slawi**

<table>
<thead>
<tr>
<th>No</th>
<th>Requirement</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name tag</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Symbol</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Healthy Requirement</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>Convenience Requirement</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>Security Requirement</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>Medical Tools Kit</td>
<td>5</td>
</tr>
<tr>
<td>7</td>
<td>Counseling Room</td>
<td>3</td>
</tr>
<tr>
<td>8</td>
<td>Playground</td>
<td>3</td>
</tr>
<tr>
<td>9</td>
<td>Library</td>
<td>5</td>
</tr>
<tr>
<td>10</td>
<td>Educatif Games Space</td>
<td>0</td>
</tr>
<tr>
<td>11</td>
<td>Canteen</td>
<td>5</td>
</tr>
<tr>
<td>12</td>
<td>Media Communication, Information, and Education</td>
<td>5</td>
</tr>
<tr>
<td>13</td>
<td>Inovatif Facilities</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>56</strong></td>
</tr>
</tbody>
</table>


Based on the results of observations, documentation, and interviews collected by the researchers, it was found that the scores for the availability of infrastructure at SMP N 1 Pangkah were: Out of the 13 points required for the availability of Child-Friendly School infrastructure facilities at SMP N 1 Pangkah, there were 10 points that got a maximum score of 5, and 2 points that score 3, and 1 point that scores 0. As for those who score 0 because these points are specifically for preschool education units, there are educational game tools (APE) labeled with Indonesian National Standard (SNI). The detailed explanation regarding the availability of Child-Friendly School infrastructure facilities at SMP N 1 Pangkah is in the following table:

<table>
<thead>
<tr>
<th>No</th>
<th>Requirement</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name tag</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Symbol</td>
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<tr>
<td>3</td>
<td>Healthy Requirement</td>
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<td>6</td>
<td>Medical Tools Kit</td>
<td>5</td>
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<tr>
<td>7</td>
<td>Counseling Room</td>
<td>3</td>
</tr>
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<td>8</td>
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</tr>
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<td>9</td>
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</tr>
<tr>
<td>10</td>
<td>Educatif Games Space</td>
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</tr>
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<td>11</td>
<td>Canteen</td>
<td>5</td>
</tr>
<tr>
<td>12</td>
<td>Media Communication, Information, and Education</td>
<td>5</td>
</tr>
<tr>
<td>13</td>
<td>Inovatif Facilities</td>
<td>5</td>
</tr>
</tbody>
</table>

Total 56

Based on the results of the study, it was found that there were similarities in the availability of infrastructure at SMP N 1 Slawi and SMP N 1 Pangkah including: From the 13 points required for the availability of Child-Friendly School infrastructure facilities at SMP N 1 Slawi and SMP N 1 Pangkah there were 10 points that got a score a maximum of 5, and 2 points that score 3, and 1 point that scores 0. As for those who score 0 because these points are specifically for preschool education units, there are educational game tools (APE) labeled with Indonesian national standards (SNI) so that they are not owned by SMP N 1 Slawi and SMP N 1 Pangkah. In detail it can be explained as follows:

3.1 Junior High School 1 Slawi
The nameplate according to the standard contains information on the school's commitment to implement the requirements of the 6 components of the Child-Friendly School,
placed facing the road in the front yard of the school so that it can be seen and read by the public. The nameplate at SMP N 1 Slawi is in accordance with the agreed standards and designs because it is placed on the road in the school's front yard so it gets a score of 5.

Symbols/signs/signs related to Child-Friendly School that are following the standard are if the education unit has symbols/signs/signs related to Child-Friendly School specifically prohibited smoking/drugs, cleanliness of male and female toilets, as well as additional: education unit plans, evacuation routes, Gathering; anti-bullying; hazardous areas (slippery steep stairs, cracked buildings, etc.); and others. The symbols/signs/signs related to Child-Friendly School at SMP N 1 Slawi are following the standard because it has all the requirements according to the standard plus the addition of 3 (three) symbols or more including anti-violence schools and schools that care about environmental culture as seen in the photo documentation so that it gets a score of 5.

Health requirements following the standard are if the education unit has a clean environment, classrooms and facilities, segregated and closed waste disposal sites. Health requirements such as the environment, clean classrooms and facilities, closed and segregated garbage dump at SMP N 1 Slawi are following the standards because they have a clean environment, classrooms and facilities, closed landfills and are separated between organic and inorganic and have a good place and facility for processing waste as seen in the photo documentation, moreover the school is also implementing a school that cares about environmental culture so that it gets a score of 5.

Comfort requirements through comfortable room arrangement for students according to standards are if the education unit has all of the following requirements: clean and separate toilets and space between male and female toilets; The condition of the toilet is clean, the floor is not slippery, has good lighting and air circulation, other complementary facilities such as a hygiene kit, and is managed by a special officer; tub / water reservoir must be free of larvae; toilet equipment in KB / TK / RA / PAUD using the appropriate size for the user; accommodate the need for toilets for people with disabilities (for education units that have special needs children); adequate hand washing facilities are available for children with clean running water and hand soap; available prayer room; availability of changing rooms; and the availability of storage lockers. The comfort requirement through comfortable room arrangement for students at SMP N 1 Slawi is following the standard because it has all the requirements of the 9 existing requirements so that it gets a score of 5.

Security/safety requirements that are in accordance with the standard are if the education unit has all of the following requirements, the building structure and facilities do not have sharp, rough corners, endanger students, accompanied by warning signs; Education unit buildings minimize empty and dark spaces; an environmental monitoring system is available in the education unit, for example: CCTV ; the door is easy to open and opens outwards; and there are facilities for hazard reduction as well as signs in dangerous places. Example: steep stairs, cracked walls, other dangerous areas or places. The security / safety requirements at SMP N 1 Slawi are in accordance with the standards because they have all the requirements of the 5 existing requirements so that they get a score of 5.

Equipment and medicines in the UKS room that are in accordance with the standards are if the education unit has equipment and medicines in the UKS room that are functioning properly and are monitored. Equipment and medicines in the UKS room at SMP N 1 Slawi are in accordance with the standards because they function properly and are monitored every month so that they get a score of 5.

A counseling room that is comfortable and pays attention to confidentiality according to standards if it has a counseling room that is separate from other rooms so that it is comfortable
and pays attention to confidentiality where the confidentiality aspect in this case includes a room that is soundproof but visible from the outside (transparent). The counseling room at SMP N 1 Slawi has a separate counseling room from other rooms but does not pay attention to confidentiality so that it gets a score of 3.

The education unit has a child-friendly play area/space (location and design with adequate protection, so that all students can use it, including children with disabilities) according to the standard if it has a child-friendly play area/room (location and design with adequate protection), so that it can be used by all students, including children with disabilities) in accordance with the standard requirements of the playroom component. Facilities and infrastructure of the Child-Friendly School program are very important, because with complete and good facilities and infrastructure it will support the achievement of program objectives. Management of educational facilities and infrastructure is tasked with regulating and maintaining educational facilities and infrastructure so that they can contribute optimally and meaningfully to the course of the educational process [7].

There have been many types of research on Child-Friendly Schools win the academic world. It is stated that these various studies have something in common, namely to find out how far the Child-Friendly School program can run as desired. Both from the point of view of management, culture, and education actors, even from the prevention content such as efforts to overcome physical and non-physical violence against students. While the difference in the research point of view is in the research conducted by [8], which emphasizes the success of Child-Friendly School from the point of view of the school community's culture through habituation and etiquette. Meanwhile [1] discussed Child-Friendly School from the point of view of overcoming violence in the school environment through efforts to optimize all supporting factors and eliminate inhibiting factors in the Child Friendly School program at SMPN 1 Pasuruan. The explanation given by [9] in analyzing the implementation of Child-Friendly School through school policies and student character education with applied learning methods and supporting facilities. Dewi conducted similar research [10], who tried to analyze the Child-Friendly School Policy Cycle at MTs N 6 Sleman from program preparation to implementation of Child-Friendly School policies in the school. Meanwhile [11], research explains that the Implementation of Child-Friendly Schools will be evaluated by referring to 6 components: Child-Friendly School policies, curriculum implementation, educators, and trained education personnel on child rights, Child-Friendly School facilities and infrastructure, children's participation, community participation outside school.

The research conducted by the author is different from previous research because the research focus is on the analysis of the standardization of Child-Friendly School Infrastructure in realizing the BARIISAN school, namely Clean, Safe, Friendly, Beautiful, Inclusive, Healthy, Beautiful, and Comfortable for students' learning. The author uses 2 variables, namely 2 schools as a comparison to measure precisely the advantages and disadvantages in terms of providing Child-Friendly School standardized infrastructure in the two schools.

The problem of this research is the Standardization of Child-Friendly School Infrastructure Facilities to the Barisan School in SMP N 1 Slawi and SMP N 1 Pangkah. The purpose of this study was to describe the availability of facilities and infrastructure, to describe the results of the standardization of the availability of facilities and infrastructure and to evaluate the results of the standardization of the availability of Child-Friendly School facilities and infrastructure at SMP Negeri 1 Slawi and SMP Negeri 1 Pangkah. The benefits of this research are expected to add to the scientific treasures, insight, and experience about the standardization of Child-Friendly School Infrastructure Facilities so that if in the future, the researcher becomes a school principal or leader of an institution, he can provide standardized
infrastructure for Child-Friendly Schools professionally and provide corrections and input for related institutions to be better. Ready again in developing Child-Friendly School into Child-Friendly School that is advanced in fulfilling the 6 components of Child-Friendly School, especially in providing standardized infrastructure components.

3.2. Junior High School in 1 Pangkah

The nameplate according to the standard contains information on the school's commitment to implement the requirements of the 6 components of the Child-Friendly School, placed facing the road in the front yard of the school so that it can be seen and read by the public. The nameplate at SMP N 1 Pangkah is according to the agreed standards and designs because it is placed on the road in the school's front yard so it gets a score of 5.

Symbols/signs/signs/related to Child-Friendly School that are following the standard are if the education unit has symbols/signs/signs/related to Child-Friendly School, in particular, no smoking/drugs, cleanliness of male and female toilets, as well as additional: education unit plans, evacuation routes, Gather; anti-bullying; and hazardous areas (slippery steep stairs, cracked buildings, etc.); and others. The symbols/signs/signs/related to Child-Friendly School at SMP N 1 Pangkah are following the standard because it has all the requirements according to the standard plus the addition of 3 (three) symbols or more including the anti-violence school as seen in the photo documentation so that it gets a score of 5.

Health requirements following the standard are if the education unit has a clean environment, classrooms and facilities, segregated and closed waste disposal sites. Health requirements such as a clean environment, classrooms and facilities, closed and segregated garbage dumps at SMP N 1 Pangkah are in accordance with the standards because they have a clean environment, classrooms and facilities, closed garbage disposal sites and are separated between organic and inorganic and have a good place and facility for processing waste as seen in the photo documentation, moreover the school is also implementing a school that cares about environmental culture so that it gets a score of 5.

The requirements for comfort through comfortable room arrangement for students per the standards are if the education unit has all of the following requirements: clean and separate toilets and space between male and female toilets; The condition of the toilet is clean, the floor is not slippery, has good lighting and air circulation, other complimentary facilities such as a hygiene kit, and is managed by a special officer; tub/water reservoir must be free of larvae; toilet equipment in KB / TK / RA / PAUD using the appropriate size for the user; accommodate the need for toilets for people with disabilities (for education units that have special needs children); adequate handwashing facilities are available for children with clean running water and hand soap; available prayer room; availability of changing rooms; and the availability of storage lockers. The comfort requirements through comfortable room arrangement for students at SMP N 1 Pangkah are following the standards because they have all the requirements of the 9 existing requirements so that they get a score of 5.

Security/safety requirements following the standard are if the education unit has all of the following requirements: the building structure and facilities do not have sharp, rough corners, endanger students along with warning signs; Education unit buildings minimize empty and dark spaces; an environmental monitoring system is available in the education unit, for example: CCTV; the door is easy to open and opens outwards; facilities for reducing hazards and signs in dangerous places are available. For example: steep stairs, cracked walls, other dangerous areas or places. The security/safety requirements at SMP N 1 Pangkah follow the standard because it has all the requirements of the 5 existing requirements so that it gets a score of 5.
Equipment and medicines in the UKS room that are in accordance with the standards are if the education unit has equipment and medicines in the UKS room that are functioning properly and are monitored. The equipment and medicines in the UKS room at SMP N 1 Pangkah are in accordance with the standards because they function properly and are monitored every month by the UKS supervisor in collaboration with the PMR coach so that they get a score of 5.

A counseling room that is comfortable and pays attention to confidentiality according to standards if it has a counseling room that is separate from other rooms so that it is comfortable and pays attention to confidentiality where the confidentiality aspect in this case includes a room that is soundproof but visible from the outside (transparent). The counseling room at SMP N 1 Pangkah has a separate counseling room from other rooms but does not pay attention to confidentiality so that it gets a score of 3.

The education unit has a child-friendly play area/space (location and design with adequate protection, so that all students can use it, including children with disabilities) according to the standard if it has a child-friendly play area/room (location and design with adequate protection), so that it can be used by all students, including children with disabilities) in accordance with regulations standard requirements for a child-friendly play room (RBRA) in 2019. SMP N 1 Pangkah has a child-friendly play area / room (location and design with adequate protection, so that all students can use it, but not yet friendly for children with disabilities) because it is not SLB schools are in accordance with the requirements of the 2019 child-friendly playroom standard (RBRA) so that they get a score of 3.

According to standards, library room / reading corner / reading garden must be safe, comfortable, quiet, and have books / information sources that meet the rules of child-friendly information (among others, do not contain pornography, violence, radicalism, SARA, deviant sexual behavior). Comfort in this case is a condition that causes the body to be healthy and fresh and a cool atmosphere. SMP N 1 Pangkah has a safe, comfortable, quiet library room in this case is a condition that causes the body to be healthy and fresh, as well as a cool atmosphere and has books / sources of information that have met the rules of child-friendly information so that they get a score of 5. SMP N 1 Pangkah is not a special school for preschool level education units so there is no available educational game tool (APE) labeled with Indonesian National Standard (SNI) so that it gets a score of 0.

Canteen facilities and food in the canteen are properly monitored in accordance with the principles and standards of a healthy canteen, including: closed trash cans; a sink or hand washing area with running water and soap; display of clean and covered hands; a place to wash food/cooking utensils; clean and safe food utensils; easy-to-clean table; and safe, quality and nutritious food. SMP N 1 Pangkah has all the requirements for canteen and food facilities fulfilled according to requirements 1 to 7 with closed food serving and the availability of drinking water so as to get a score of 5.

The education unit provides communication, information, education (KIE) media related to Child-Friendly School (eg, steps to wash hands with soap, dispose of garbage in its place, slogans which mean an appeal for clean and healthy living behavior) in accordance with the standard, namely the availability of communication media, information, education (KIE) related to Child-Friendly School, active in print and electronic media. SMP N 1 Pangkah has communication, information, education (KIE) media related to Child-Friendly School, active in print and electronic media. Print media uses paper or cloth banners while electronic media uses Whatapps groups, websites and youtube.

Other innovative facilities following standards, namely the existence of other innovative facilities such as: facilities for less healthy children to keep learning; special secretariat room
for alumni; Study room in a religious context; and others. SMP N 1 Pangkah has innovative facilities in the form of a study room in a religious context in the prayer room or in the prayer room, for example, learning the Islamic art of tambourine. Having a Gazebo has a wifi network that is on continuously for fun and fun learning outside of class. Having a place for processing waste into compost and having an online alumni room through Facebook so that it gets a score of 5.

The difference is that SMP N 1 Slawi has a large and representative library room and has a reading corner that is comfortable for students and even in every class there is a reading corner whose function is for reading and student creativity. SMP N 1 Slawi has a counseling room that is not so wide even though it is separated from other rooms and does not yet have a soundproof room for confidentiality assurance in counseling activities, but it is clear that it is safe and comfortable for students to do counseling. SMP N 1 Slawi also has a waste processing unit and a Garbage House into a new commodity and has a waste bank. SMP N 1 Slawi has 20 toilets to meet the needs of all school residents so that they are ideally suited to the needs of school residents.

Meanwhile, SMP N 1 Pangkah has 2 large and representative library rooms with different functions, the first is for reading and student creativity, while the other is for storage. SMP N 1 Pangkah has a large counseling room, although it does not yet have a soundproof room for confidential assurance in counseling activities which are clearly safe and comfortable for students to do counseling. SMP N 1 Pangkah also has a waste processing unit into a new commodity but does not yet have a waste bank. SMP N 1 Pangkah only has 10 toilets to meet the needs of all school residents so it is considered less than what is needed at least 20 toilets.

Based on the Guidelines for Standardization and Certification of the Child-Friendly School SCHOOL, the score for the mandatory requirements for infrastructure consisting of 13 points that must be met in middle and high schools is 33 out of a maximum score of 65 or about 51%.

<table>
<thead>
<tr>
<th>No</th>
<th>School</th>
<th>Score</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SMP N 1 Slawi</td>
<td>56% / 86%</td>
<td>Pass the standard</td>
</tr>
<tr>
<td>2</td>
<td>SMP N 1 Pangkah</td>
<td>56% / 86%</td>
<td>Pass the standard</td>
</tr>
</tbody>
</table>

Based on the table above, the results of the standardization score for the availability of infrastructure at SMP N 1 Slawi are 56 or about 86%. So it can be concluded that the infrastructure of SMP N 1 Slawi meets the standards. Likewise for SMP N 1 Pangkah, the score for standardization of the availability of infrastructure at SMP N 1 Pangkah is 56 or around 86%. So it can be concluded that the infrastructure of SMP N 1 Pangkah meets the standards.

4. Conclusion

Based on the results and discussion above, it can be concluded that the Components of Child-Friendly School Infrastructure Facilities at SMP N 1 Slawi and SMP N 1 Pangkah Meet the Standards for the creation of Child-Friendly School with the concept of Barisan (Clean, Safe, Friendly, Beautiful, Inclusive, Healthy, Beautiful, and Comfortable) for learning learners. The results of the standardization can be followed up by the Related Offices, namely
the KB PP and PA Offices to carry out Child-Friendly School Certification, especially the Infrastructure component in the two schools. This research also needs to be continued for 5 other components besides infrastructure so that a standardized Child-Friendly School can be created and meets the Barisan concept (Clean, Safe, Friendly, Beautiful, Inclusive, Healthy, Beautiful, and Comfortable).

References


Classroom Management for Improving The Learning Process of Online Business

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Abstract. This research is a qualitative descriptive research with a case study approach, sociological, and pedagogic. The data sources of this research consisted of the principal, teachers, and students as informants. The collection techniques used were interview instruments, participatory observation, documentation, and reference tracing. The technique of analyzing/processing qualitative data uses 3 stages, namely 1) data reduction, 2) data display, and 3) data verification. The results of the research are First, the implementation of classroom management, especially educators must be able to create a pleasant learning atmosphere, master the material both knowledge and skills, personal approach, and skills in organizing learning. Second, the form of classroom management implementation by implementing management functions, namely focusing on planning, organizing, acting and controlling, and third, efforts to improve the quality of online business learning through management implementation for quality improvement, especially in activating the class, among others: understanding various types of classes, studying together in groups, conducting social analysis, making effective use of media and learning facilities in class, streamlining student seating positions, developing material mapping, creating a comfortable learning atmosphere. The research implication is that in improving the implementation of classroom management, education and training activities need to be intensified both in terms of quality and quantity. To raise the spirit of competition and all stakeholders, it is recommended that they actively take part in improving the quality of education.

Keywords: Classroom Management, Learning, Online Business

1. Introduction

Online Business in the millennium era as it is currently experiencing significant development. This can be proven by the development of various online buying and selling activities that we can easily find. Supported by advanced technology and also the ease of transactions, this business is chosen by many Indonesians. Of course we are tired of the old ways that seem ineffective.

In addition to reasons of convenience and effectiveness, small capital is the reason why this one business is now more widely chosen. With minimal capital, the benefits obtained can also be very large. This can be proven by the development of e-commerce such as Shopee, Tokopedia, Bukalapak, and e-commerce or other providers of buying and selling facilities that develop and dominate the Indonesian market niche and even the world.

One of the skill competencies in vocational high schools that teach online business is the Online Business and Marketing. Business Online lesson that are included in the competency of
these skills. This lesson are very relevant to the current conditions where online growing so rapidly. Business knowledge and skills online possessed by students, it is hoped that Online Business and Marketing graduates can be successful and independent after graduating from school.

Education in schools is one of the efforts to improve the quality of human life through the development of their potential. Education is a major investment as well as a central issue for every nation, especially for a developing nation, which is actively building its country as in Indonesia [1]. Educational management is a continuous process carried out by educational organizations through the functionalization of these management elements, in which there are efforts to influence each other, direct each other, and supervise each other so that all activities and performance of educational organizations can be achieved in accordance with the objectives [2].

The teacher is the main actor in the learning process [3]. The teacher's ability to manage the classroom is very important because it allows many things to happen in the classroom. A favorable and qualified physical environment will support the increasing intensity of student learning and have a positive influence on the achievement of teaching objectives. Teachers as professionals play a role in implementing the national education system and realizing the goals of national education, namely the development of the potential of students to become human beings who believe and fear God Almighty, have noble character, are healthy, knowledgeable, capable, creative, independent, and become citizens. a democratic and responsible state. Professional teachers are well-educated and well-trained teachers, and have rich experience in their fields.

General definition of classroom management that good classroom management is not only able to directly cooperate with students in reducing deviant behavior and can deal effectively when such behavior occurs, but also supports useful academic activities [4]. And classroom management is a classroom management system as a whole (including not limited to teacher discipline interventions) designed to maximize student involvement in this activity, so it doesn't just reduce deviant behavior. Classroom management is one of the skills that teachers must possess in understanding, diagnosing, deciding and the ability to act towards improving a dynamic classroom atmosphere [5]. Observing this phenomenon shows that there are symptoms among some educators, namely educators carry out their main duties as creators and maintainers of the classroom atmosphere to keep it orderly.

Indonesia requires human resources in sufficient quantity and quality as the main supporters in development [6]. The management functions according to experts varies, but of all the experts who argue about the management functions, there are similarities in functions and the most commonly used is often shortened to POAC (Planning, Organizing, Actuating, and Controlling) [7].

The purpose of classroom management to provide facilities for various student learning activities in the social, emotional, and intellectual environment in the classroom [8]. Meanwhile, another purposes are (1) Creating classroom situations and conditions, both as a learning environment and as a study group. (2) Eliminate various learning barriers that can hinder the realization of learning activities. (3) Provide and arrange learning facilities and furniture that support and enable students to learn according to the social, emotional, and intellectual environment of students in the classroom. (4) Fostering and guiding in accordance with social, economic and cultural backgrounds as well as individual characteristics [9].

Coaching and development of students is done so that students get a lot of learning experiences for the provision of life in the future. The success of coaching and developing students can be measured through an assessment process carried out by educators. Teachers
must realize that the responsibility in teaching, especially to deliver more advanced development and change for students, must not deny and forget the fact that a discipline must initially be forced from the outside towards discipline. independent, especially the discipline that involves activities in the teaching class [10].

This requires the existence of prerequisites in the form of having knowledge of 'classroom management' management by educators, skills, and good attitudes in managing classes. Teachers' duties such as controlling, regulating or disciplining students are actions that are no longer appropriate at this time [11].

2. Method

This study uses a qualitative approach, which describes and discloses existing facts, then explains descriptively with words or descriptions and uses descriptive methods, namely methods that aim to describe the problems that are happening or take place in detail as they are. Judging from the method, this research includes *ex post facto research*, namely examining events that have occurred, so that there is no direct manipulation of the independent variables [12]. The techniques used in data collection are participant observation, interviews and document copying. The stages of analysis carried out are inventory/data unitization, data classification/categorization and data interpretation/analysis.

This study discusses the implementation of classroom management in improving the quality of Online Business learning at the Competency of Online Business and Marketing Skills at State Vocational High School 1 Dukuhturi. It is observed that the results of these observations are described as they are, both in the form of learning strategy problems and their derivation, through a statement of data sources and the research theme itself, relation to learning outcomes and their implementation in the community.

3. Result & Discussion

State Vocational High School 1 Dukuhturi, Tegal Regency continues to strive to participate in the success of national education goals. The school seeks to provide answers to the needs of the community in developing human resources. Civilization of society is changing so fast. Learning becomes a process for strengthening student competence in mastering local wisdom, strengthening national identity in the national context, and strengthening competitiveness in a global context.

Local and global-based education is education that takes advantage of local advantages and the need for global competitiveness in economic, cultural, linguistic, technological, ecological, and other aspects. State Vocational High School 1 Dukuhturi is aware of this and tries to continue to guide its students to fulfill this. With the hope that graduates can succeed after completing their education.

One of the things that is growing rapidly in today's community economic activities is the existence of online trading. There was a shift from before, trading activities were carried out face-to-face between sellers and buyers, now sellers and buyers who are far apart can carry out trade transactions. The business process by conducting online trade is carried out in a simple to well-organized and complex way. From the retail and large scale trade. The existence of this requires our ability to be able to adapt to be able to keep up with existing developments. The science that studies business done online is taught in Vocational High School on the Skill Competency of Online Business and Marketing.

Competencies of online business and marketing skills are required to produce graduates who are reliable in doing business online. Therefore, proper management is needed in learning so that students can really master online business practices. Teachers must be able to create the
right situation in classroom learning activities so that students feel comfortable in class and can absorb the subject matter well. Moreover, online business learning is not just a theory that must be mastered by students but also can apply what has been learned into real life in online trading.

Classroom management is defined as the ability of the teacher or homeroom teacher to utilize the potential of the class in the form of providing the widest opportunity for each individual to carry out creative and directed activities, so that time and available funds can be used efficiently to carry out classroom activities related to curriculum and student development [13]. Apart from that, studies on improving the learning process in the classroom have been widely studied in the context of different spaces and learning systems which show that improving the learning process as a form of improving school quality cannot be separated from classroom management.

Table 1. Students Competency of Online Business and Marketing (OBM)

<table>
<thead>
<tr>
<th>No</th>
<th>Class</th>
<th>Number</th>
<th>Man</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>XII OBM 1</td>
<td>32</td>
<td>0</td>
<td>32</td>
</tr>
<tr>
<td>2</td>
<td>XII OBM 2</td>
<td>34</td>
<td>0</td>
<td>34</td>
</tr>
<tr>
<td>3</td>
<td>XII OBM 3</td>
<td>35</td>
<td>0</td>
<td>35</td>
</tr>
<tr>
<td>4</td>
<td>XI OBM 1</td>
<td>35</td>
<td>3</td>
<td>32</td>
</tr>
<tr>
<td>5</td>
<td>XI OBM 2</td>
<td>34</td>
<td>0</td>
<td>34</td>
</tr>
<tr>
<td>6</td>
<td>XI OBM 3</td>
<td>32</td>
<td>1</td>
<td>31</td>
</tr>
<tr>
<td>7</td>
<td>X OBM 1</td>
<td>36</td>
<td>2</td>
<td>34</td>
</tr>
<tr>
<td>8</td>
<td>X OBM 2</td>
<td>35</td>
<td>2</td>
<td>33</td>
</tr>
<tr>
<td>9</td>
<td>X OBM 3</td>
<td>36</td>
<td>2</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>309</td>
<td>10</td>
<td>299</td>
</tr>
</tbody>
</table>
The competency of online business and marketing skills at State Vocational High School 1 Dukuhturi continues to require improvement in the learning process, especially in the form of classroom management. Quantitative data on the total number of teachers of State Vocational High School 1 Dukuhturi is 77 people with teachers who specifically teach competency materials for online Business and Marketing skills 7 people and 2 people teaching Online Business subjects. The number of classes in the Online Business and Marketing skill competency is 3 study groups in each class (X, XI, and XII), with 32 to 36 students per class as shown in table 1. There needs to be an effort to improve the learning process in class in the form of assistance in understanding classroom management as a form of evaluation of classroom management, as an effort to realize the maximum learning process.

According to Agustina Rahmawati as the Head of Online Business and Marketing Skill Competency at State Vocational High School 1 Dukuhturi, she stated that the implementation of classroom management in schools is as follows: The success of a learning generally begins with several informative activities either from teacher to student or from student to teacher. These informative activities should be carried out in an organized manner at the beginning of the meeting or during the first face-to-face meeting, so that students know exactly what competencies the learner should have after attending the subject in a certain period of time. Activities that need to be organized in the learning process at State Vocational High School 1 Dukuhturi, Tegal Regency, Central Java, are; First, knowing the characteristics of students. Second, convey the outline of the subject program which includes a written content framework, lesson plans, textbooks for learning activities and others. Third, delivery of general learning objectives. Fourth delivery of learning strategies for mastery of subject matter. This is illustrated in the observation that teachers tell students how to technically solidify a subject. The subject in question is the subject of Online Business. Fifth, delivery of the applied assessment system. The presentation of assessment techniques, according to Agustina, is about the rights and obligations in carrying out tasks related to the assessment.

The implications of implementing classroom management in order to improve the learning process of Online Business subjects at State Vocational High School 1 Dukuhturi, cannot be separated from management functions include planning, organizing, actuating, and controlling [14].

3.1 Planning
The steps of the classroom management planning consist of [7]:

1) Check the syllabus and Learning Implementation Plan that have been prepared.
2) Analyze the condition of students who will take part in learning.
3) Measuring the level of ability that has been achieved by students at the previous level.
4) Identify the learning competencies that will be pursued.
5) Prepare materials in the form of a summary of learning materials, information and handouts needed by students.
6) Determine the learning model to be used.
7) Planning the learning method that will be used.
8) Identify and determine the tools and learning media that will be used.
9) Determine the place and time of learning.
10) Determine the learning resources that can be used.
11) Determine how to assess the ability of educators as well as the necessary evaluation tools.

Classroom management planning steps according to Badrudin's theory can be seen in the implementation of classroom management planning carried out by Online Business teachers at State Vocational High School 1 Dukuhturi including compiling a syllabus and lesson plans (Learning Implementation Plan), observing the condition of students who will take part in learning, observing and following up on the level of ability, what students have achieved at the previous level, make materials in the form of a summary of information learning materials and handouts that students need. Principals and Deputy Principals in implementing the curriculum act as policy makers to be implemented by teachers.

Online Business learning activities are carried out when students are in class XI and XII. The curriculum structure in Online Business learning activities in the Online Business and Marketing skill competencies of State Vocational High School 1 Dukuhturi consists of core competencies and basic competencies. The following are the core competencies and basic competencies learned in Online Business learning activities:

<table>
<thead>
<tr>
<th>Basic Competences</th>
<th>Basic Competencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Understanding online business</td>
<td>4.1 Classify the types of online businesses</td>
</tr>
<tr>
<td>3.2 Evaluating the website</td>
<td>4.2 Designing website</td>
</tr>
<tr>
<td>3.3 Implementing website creation</td>
<td>4.3 Creating a website</td>
</tr>
<tr>
<td>3.4 Analyzing SEO On Page keywords</td>
<td>4.4 Making SEO ON Page keywords</td>
</tr>
<tr>
<td>3.5 Implementing Off-Page SEO</td>
<td>4.5 Practicing Off-Page SEO</td>
</tr>
<tr>
<td>3.6 Implementing email creation</td>
<td>4.6 Creating email</td>
</tr>
<tr>
<td>3.7 Implementing OL marketing using email</td>
<td>4.7 Creating OL marketing use email</td>
</tr>
<tr>
<td>3.8 Implementing Social Media</td>
<td>4.8 Creating Social Media Accounts</td>
</tr>
</tbody>
</table>
Students can pass if they have completed all the basic competencies well. Therefore, it is necessary to plan a good learning so that learning objectives can be achieved effectively and efficiently.

### 3.2. Organizing

As an established educational institution, State Vocational High School 1 Dukuhturi has implemented a modern and professional classroom management with a complete organizational structure and a clear and professional division of labor. In addition, fostering cooperation and behavior continues to be a top priority. This is done in order to clarify the scope of work, duties, rights, responsibilities, and authorities of each individual within the organizational body of State Vocational High School 1 Dukuhturi so that all forms of errors such as overlapping authorities and the like can be avoided. This clear division of tasks is very important in the context of empowering all existing human resources as potentials that are expected to jointly carry out the duties and responsibilities of the organization in achieving the goals that have been set together.

The teacher is responsible to the principal and has the task of carrying out teaching and learning process activities effectively and efficiently. The duties and responsibilities of teachers include:

a) Carry out learning activities
b) Carry out assessment activities for the learning process, daily tests, general tests, final exams.
c) Making learning tools, namely, annual/semester programs, weekly programs, unit lesson programs, lesson plans, assessment lists, learning modules, worksheets, and others
d) Carry out daily test results analysis;
e) Develop and implement repairs/remedies and enrichment;

f) Carry out guiding activities (knowledge sharing) to other teachers in the process of teaching and learning activities

g) Create or use learning tools/media.

h) Cultivating an attitude of appreciating the work of art

i) Participate in curriculum development activities

j) Carry out certain tasks at school

k) Carry out the development of teaching programs that are their responsibility

l) Make notes about the progress of student learning outcomes

m) Fill out and examine student attendance lists before starting teaching

n) Organize the cleanliness of classrooms and practicum rooms

According to Agustina Rahmawati, that the job description at State Vocational High School 1 Dukuhturi is only an obligation that each manager must be responsible for on a regular basis, because in carrying out these tasks it still requires cooperation from all school members, so that cohesiveness or togetherness is built in each program implementation, and there is no partition and discrimination between one another. Efforts to instill a commitment to good cooperation in everyday life at State Vocational High School 1 Dukuhturi serve as a tradition and culture that needs to be preserved.

3.3. Actuating

Classroom management is one of the managerial patterns in an effort to respond stakeholders towards rapid and continuous quality improvement. This concept offers a very effective approach in managing educational institutions in an effort to improve the quality of education, especially with regard to the implementation of classroom management at State Vocational High School 1 Dukuhturi, especially in Online Business Skills Competencies and Marketing which have been planned beforehand. Judging from the classroom management functions of each component of education, the development of education in the perspective of classroom management carried out in this school has a paradigm of formism. It is called formism because the management functions of each component of education have different activities ranging from planning, organizing, monitoring and evaluation functions. The four functions illustrate the dichotomy in the implementation of classroom management activities. With formism it shows that the functions in the management of the education component are horizontal and lateral said that horizontal lateral implies that these management functions have an equal but independent relationship and do not have to consult each other but in practice these functions work together with the support of elements of communication, coordination and cooperation to achieve goals. So it can be said that the implementation of these functions has a lateral sequential (management functions have an equal and interdependent relationship). With the objectives to be achieved, the management functions are a unit or as a system, so that the paradigm used is the organism paradigm which is vertical linear.

Based on the information above, it is understood that the development of learning at State Vocational High School 1 Dukuhturi focuses on the implementation of classroom management which emphasizes the implementation of learning through classroom management in reality it is not static but dynamic.

From the objectives of classroom management at State Vocational High School 1 Dukuhturi, Tegal Regency, it prioritizes efforts to create classroom situations and conditions,
both as a learning environment and as study groups that allow students to develop their abilities to the maximum extent possible, eliminate various obstacles that can hinder the realization of teaching and learning interactions, provide and organize facilities as well as learning furniture that supports and allows students to learn according to the social, emotional, and intellectual environment of students in the classroom, Fostering and guiding according to their social, economic, cultural background and individual characteristics. In fact, learning is one of the tools that lead to the achievement of educational goals.

The implementation of classroom management is also related to the division of study groups. The development of study groups in the curricular includes the development of study groups in subjects. Other personal which includes vice principal, supervising teacher, and homeroom teacher have their respective roles and duties in organizing extracurricular activities.

At State Vocational High School 1 Dukuhturi, classroom management is not limited to that. As a facilitator figure, the teacher must be able to reflect the nature of his leadership not only to influence his students to be active in learning but his ability to read the situation and condition of the class so that the teacher is able to create good reciprocal interactions between teachers and students and students and teachers in managing the class. Likewise in teaching and learning activities, the teacher tries to convey the subject matter in a clear voice, using simple language that is easy for students to understand so that it can attract students’ attention, also every subject is always associated with everyday life, for example: the benefits of learning Indonesian in order to be able to speak correct Indonesian, the benefits of chemistry for industry and so on. Besides that, every time students enter class, whether students do assignments or practicum, students are grouped, each group consists of 6-8 students and for children who are good at spreading, which can later be used as peer tutors, and here the teacher functions as a facilitator.

On average, students of State Vocational High School 1 Dukuhturi have high learning motivation, this is what the researchers observed during the teaching and learning process, all students tried to pay attention and follow all activities well, then there was a sense of competition in doing assignments and achieving good grades. Therefore, teachers try to manage learning in the classroom in an interesting way, so that students' learning motivation is maintained properly, which in the end students are able to achieve optimal performance.

To train the leadership spirit of teachers, there are several supportive school activities such as giving teachers the responsibility to lead ceremonies, assigning responsibilities as teacher coordinators who are appointed in rotation and assigning tasks to teachers if there are school activities. Control is a job done by a teacher to determine whether the functions of the organization and its leadership have been carried out successfully in achieving the goals that have been determined [10]. This opinion sees class as a combination of physical and social aspects. To make it real good classroom management, there are several factors that influence it, among others [11]:

3.3.1 Physical Conditions
The physical environment where learning has an important influence on learning outcomes. A favorable physical environment that meets the minimum requirements supports the increasing intensity of the learning process and has a positive influence on the achievement of teaching objectives.

3.3.2 Socio-Emotional
Conditions Socio-emotional conditions in the classroom will have a considerable influence on the teaching and learning process, student enthusiasm and the effectiveness of achieving teaching goals.

3.3.3 Organizational Conditions Organizational
Routine activities carried out at both the class and school levels will prevent classroom management problems. With routine activities that have been clearly regulated and communicated to all students openly so that it is clear to them, good habits will be instilled in every student.

3.4 Controlling
Controlling is a management function that is no less important than other functions. In the world of education, supervision is equated with the term supervision. Supervision or supervision carried out at State Vocational High School 1 Dukuhturi includes administrative supervision, academic supervision and clinical supervision. While conducting supervision is handled by two elements, namely; elements of the school (principals and senior teachers) and elements of functional supervisors from the Education and Culture Office of Central Java Province. According to the results of the study, it was found that the supervision/supervision carried out by supervisors from the Education and Culture Office of Central Java Province had been carried out in accordance with the expectations of the teachers, because the supervision was effective and in accordance with the existing schedule. In addition, the supervision carried out by the Principal of State Vocational High School 1 Dukuhturi is still carried out as usual, even the principal's supervision is deliberately not scheduled, the goal is that teachers are always ready to be supervised at any time.

4. Conclusion
In the implementation of classroom management, especially in online business learning activities on online business and marketing expertise competencies at State Vocational High School 1 Dukuhturi, Tegal Regency, Central Java Province, the teacher as class manager has a major role in it to create an effective class. The implementation of classroom management is technically charged to teachers under the managerial leadership of the Principal and Deputy Principal. The development of classroom management at State Vocational High School 1 Dukuhturi can be seen from several aspects, namely, the academic development of students, student skills, student attitudes, teacher and class manager performance, completeness of class administration, ability to handle obstacles in learning, and other activities related to learning.

The implications of implementing classroom management on online business learning at State Vocational High School 1 Dukuhturi are to focus on planning, organizing, implementing and supervising management. State Vocational High School 1 Dukuhturi emphasizes efforts to achieve the school's mission and vision, so that classroom management that appears is a systematic and structured management process by prioritizing strategic planning that involves all stakeholders in starting various educational activities, especially in terms of planning curriculum implementation and teaching methods.

In an effort to improve the online business learning process at State Vocational High School 1 Dukuhturi, it is poured and implemented into self-development activities called habituation. Factors supporting Classroom Management in improving the learning process at State Vocational High School 1 Dukuhturi include a strategic location, safe, clean environment, competent teachers according to their fields, quite detailed admission selection and supporting infrastructure and character development developed based on information technology.
The results of classroom management in improving the online business learning process at State Vocational High School 1 Dukuhturi can be seen in three aspects, namely the achievement of learning targets, student achievements and the distribution of alumni. All of these aspects have been considered quite optimal in their achievement.

References


The Effect of Applying The Problem-Posing Learning Model with The Virtual Enriched on Mathematics Learning Outcomes

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Abstract. The learning model greatly affects the learning outcomes of students, students will be more interested if they are actively involved in learning. This involvement will build the knowledge and skills of the learners that they constructed themselves so that the results of the material studied will be imprinted longer in memory. However, there are still many teachers who use conventional methods in learning so that students are not interested in learning, plus learning that is carried out remotely or online, which teachers dominate, makes students nervous and not interested in learning. The purpose of this study is to decrypt the influence of problem-posing learning models with enriched virtual strategies on mathematics learning outcomes. This research uses a quantitative approach to experimentation methods with a pretest-posttest design research design. The research samples were students of XI SMK N 1 Adiwerna, SMK N 1 Bumijawa and SMK N 1 Duhturi, with many samples being 216 learners. The instrument in this study used a test of 30 questions consisting of 25 multiple-choice questions and 5 essay questions. Hypothesis testing using a paired sample t-test. Based on the paired test results, the t-test sample shows the sig value. (2-tailed) of 0.000 < 0.05., then Ha is accepted and H0 is rejected, meaning that there is an influence of the application of the problem-posing learning model with virtual enriched strategies on mathematics learning outcomes.

Keywords: Enriched Virtual Strategy, Learning Outcome, Problem Based Learning
1. Introduction

The quality of a nation's human resources (HR) is determined by the quality of education provided. Education is the basis for the progress of a nation, the better the quality of education, the better the human resources born from the educational process.

To realize quality education, it is necessary to have educational interaction between teachers and students through the learning process to achieve learning objectives. Learning objectives are a picture that students must own as a result of learning outcomes that are measured and observed [1]. According to [2] emphasized that the learning objectives are a detailed formulation of what must be mastered by students after they pass the learning activities concerned successfully. The purpose of teaching and learning activities between teachers and students is so that students can understand the knowledge and skills material taught by teachers so as to obtain good learning outcomes in certain subjects. To get optimal learning outcomes, attraction is needed so that students are willing to learn. One of the ways that learners are interested in learning is a learning model that attracts learners.

Learners are more interested in doing than remembering. Then the material that learners independently unearth through a learner-centered learning model is longer remembered than conventional teacher-centered learning. Students actively discussing, collaborating with other students in digging for information and criticizing the learning problems faced will be more enthusiastic in learning because they feel challenged to find the information they need. The existence of interest in learning will affect the outcomes obtained because students who are interested in learning will learn without being forced so that problems or questions related to the material will be solved easily. The increase in learning outcomes due to the involvement of students in learning has been proven by previous research [3].

One student-centered learning model that actively involves students in learning is the problem posing learning model. In this problem posing learning, students will be guided so that they can be involved actively in learning such as communicating and collaborating with other students and being able to think critically, creatively and innovatively in solving problems related to the material being studied.

Problem posing learning is student-centered learning that can involve students actively in learning. In this lesson, the teacher serves as a motivator and facilitator only. This learner-centered learning makes learners actively involved in learning. With the learning of problem posing, student learning activity will increase student learning activity, in line with research from [4] in a journal entitled Problem-posing research in mathematics education: Some unanswered questions. Another research is a journal from [4] entitled Increasing Activeness and Cooperation through the 4C Approach and Problem Posing in History Learning in Class X IPS 2 SMAN 8 Surakarta, the result is an increase in the percentage of activeness and cooperation of students from the pre-cycle stage to cycle II. The increase has exceeded the specified target of 75%. This study concludes that the 4C approach and the Problem Posing learning model can increase activeness and cooperation in class X social studies 2 students of SMA N 8 Surakarta.
The involvement of students in exploring and understanding learning materials makes students better understand the material being taught so that cognitive abilities in the form of knowledge will automatically rise along with better understanding of students. The application of this problem posing learning model, in addition to being able to increase the learning activity of students, will also improve student learning outcomes. This is supported by research in a journal entitled The Influence of Problem Posing Learning Models on Student Learning Outcomes in Thematic Learning [5] with the results of research that there is an influence of the application of problem posing learning models on student learning outcomes in thematic learning. The results showed that the use of problem posing learning models had an effect on student learning outcomes and could improve student learning outcomes.

Another problem that is being faced by the world of education is the emergence of the Covid-19 pandemic, all regions in the world including Indonesia are feeling the impact of the corona virus 19 which came to Indonesia from Wuhan, China since early 2020. The impact of Covid-19 is felt in all sectors of life such as the economic and education sectors. Teaching and learning activities that are usually carried out face-to-face cannot be carried out as usual because schools are closed to avoid crowds.

In addition to being useful during the Covid-19 pandemic, blended learning-based learning can be used when students cannot come directly to the school to learn face-to-face because of other tasks such as industrial work practices (PKL) that must be carried out by SMK students, the existence of a virtual enriched strategy can be a solution to the problem. According to [6], It can be concluded that 54% expressed strongly agree and 46% agreed related to the effectiveness and efficiency of learning using enriched virtual model strategies with edmodo virtual classroom features. The research from Siyamta can be used as a reference regarding the implementation of blended learning with the virtual enriched type.

The active learning of students born from active learning models such as problem posing models will help students be more active in learning because this model requires students to explore, discuss and infer information related to the material taught while the teacher acts as a facilitator who guides students in learning. The activeness of students will make students enthusiastic in carrying out the learning process so that learning outcomes or student scores related to the material studied can also increase. Meanwhile, as a step to prepare for the pandemic period which is not yet clear when it will end or students who cannot learn directly because of tasks outside of school such as PKL, the right learning strategy is needed, namely a virtual enriched learning blended learning strategy so that learning can still be carried out effectively. Based on these considerations, the researcher took the title "The Influence of The Application of Problem Posing Learning Model With Virtual Enriched Strategy on Mathematics Learning Outcomes (Case study at SMK Negeri Se Kabupaten Tegal Academic Year 2021/2022)".

2. Method

Researchers used a quantitative approach with an experiment method given to class XI students of vocational high school in Tegal Regency by taking samples in 3 schools, namely SMK N 1 Adiwerna, SMK N 1 Bumijawa, and SMK N 1 Dukuhuri [7]. The classes used as experimental classes are class XI TKRO 3 SMK N 1 Adiwerna, class XI MM 1 SMK N 1 Bumuijawa and class XI TKJ 1 SMK N 1 Dukuhturi. Each class has 36 students. The control class is class XI TKRO 4 SMK N 1 Adiwerna, class XI MM 2 SMK N 1 Bumuijawa and class XI TKJ 2 SMK N 1 Dukuhturi. Just like the experimental class, the control class also has 36 students in each class. The sample was determined by using purposive sampling, which is to
determine the sample based on the research objectives. The study design used Pretest-Posttest Design. The first stage to provide pre-tests, apply the Problem Posing learning model with virtual enriched strategies in the experimental class and conventional learning in the control class, and the final stage of providing a post-test. After data collection, the research data was processed using a t-test to conclude the results according to the requirements in this study. The research instruments used are multiple-choice tests and essays. Multiple choice questions will be given a value of 1 if you answer correctly and 0 if you answer incorrectly. For essay questions, you will get a score with a range of 0-5.

The instrument was carried out a validity test using the correlation formula of the ct moment program, out of 30 double-selection questions, there were 27 questions with valid categories and 3 invalid questions so that only 25 questions were used, while for the essay questions as many as 5 were declared valid based on validity tests. These questions have also been expertly validated by head of the FPKM study program at Pancasakti University, Tegal. The reliability test of the research instrument uses the Cronbach Alpha formula for multiple-choice questions to get a value of $0.855 > 0.8$ so that it can be said that the questions are reliable and high category. Meanwhile, the reliability test results for essay questions obtained a Pearson moment value of $0.3291$ and a sig value of $< 0.05$. Based on the results of validity tests using SPSS, it was found that all soal descriptions used were valid because the Pearson correlation value $> r$ table.

For the difficulty level test results, multiple-choice questions can be concluded that the number of easy questions is 12, the questions are 11, and the difficult questions are 2. While the difficulty level in the essay questions is 2 easy category questions, and 3 questions are in the medium category.

The distinguishing power test shows that the number of multiple-choice questions with a very good difference is 4, the good is 16, and the medium is 5. While in the essay questions, 4 questions have good differentiation and 1 question with medium differentiation.

3. Result & Discussion

The research began with field observations to document preliminary data such as recording many students who will be used as samples and populations in this study, as well as understanding the characteristics of all state vocational schools to select samples that are in accordance with the objectives of this study. Because in this study, purposive samples were used, namely the sampling method according to the purpose of the study, so the researcher must understand the characteristics of which schools will be used as research samples.

They were chosen because different majors from each other in different location. Namely the central area of Tegal regency, and southern Tegal regency with distinct mountainous areas that dominate its territory. Then, northern of the Tegal district area is directly adjacent to the city of Tegal and has received various modernizations in learning. It is hoped that with these different circumstances, the research results will be more accurate because the research results are not only in one area which of course will more or less affect the characteristics of the school.
After observation, next is the trial of the instrument. Instrument trials are used to determine the questions’ reliability, differentiability and difficulty. The trial was conducted in a class outside the research sample. Furthermore, after the instrument trial, researchers conducted research to obtain pre-test and post-test results. The pre-test is carried out with the Linear Program material, while the post-test uses the series row material questions. These materials are sequential, so they are easy to use in this study.

The results of the analysis of pre-test and post-test data, both control classes and experiments, the results of learning mathematics can be seen in the following table

<table>
<thead>
<tr>
<th>Statistics</th>
<th>Control</th>
<th>Experiment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pre</td>
<td>Post</td>
</tr>
<tr>
<td>Mean</td>
<td>55.278</td>
<td>60.759</td>
</tr>
<tr>
<td>Std Deviation</td>
<td>7.731</td>
<td>8.292</td>
</tr>
<tr>
<td>Minimum</td>
<td>38</td>
<td>44</td>
</tr>
<tr>
<td>Maximum</td>
<td>78</td>
<td>86</td>
</tr>
</tbody>
</table>

From the descriptive statistical results, it was obtained that the control group in the pre-test had an average value of 55.278 with a standard deviation of 7.731 and the minimum and maximum values were 38 and 78 while the post test had an average value of 62.759 with a standard deviation of 8.292 and the minimum and maximum values were 44 and 88. In the Experimental group, the pre-test had an average value of 56.352 with a standard deviation of 10.212 and the minimum and maximum values were 36 and 76 while the post test had an average value of 75.815 with a standard deviation of 9.323 and the minimum and maximum values were 50 and 92.

In table 1, there was an increase in the average in the experimental class from 56.3 to 76.8. Furthermore, the data will be analyzed using the t-test as well as the normality and homogeneity test as prerequisites for the t test.

3.1 Normality Test

The normality test is a test to measure whether the data obtained has a normal distribution or not. In this study, the normality test used the Kolmogorov-Smirnov Test One-Sample test method, where if the sig value > 0.05, it can be concluded that the data are normally distributed. The normality test results based on the pre and post-values in each group are as follows.

<table>
<thead>
<tr>
<th>Statistics</th>
<th>Pre_Kontrol</th>
<th>Post_Kontrol</th>
<th>Pre_Eksperimen</th>
<th>Post_Eksperimen</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>108</td>
<td>108</td>
<td>108</td>
<td>108</td>
</tr>
<tr>
<td>Normal Parameters (^a)</td>
<td>Mean 55.2778</td>
<td>62.7593</td>
<td>56.3519</td>
<td>75.8148</td>
</tr>
<tr>
<td></td>
<td>Std. Deviation 7.73127</td>
<td>8.29240</td>
<td>10.21206</td>
<td>9.32302</td>
</tr>
<tr>
<td>Most Differences Extreme</td>
<td>Absolute .103</td>
<td>.107</td>
<td>.130</td>
<td>.130</td>
</tr>
<tr>
<td></td>
<td>Positive .103</td>
<td>.107</td>
<td>.099</td>
<td>.072</td>
</tr>
<tr>
<td></td>
<td>Negative -.062</td>
<td>-.079</td>
<td>-.130</td>
<td>-.130</td>
</tr>
</tbody>
</table>
Based on the normality test using Kolmogorov Smirnov using SPSS, all sig values were obtained more than 0.05 so it can be concluded that the data are normally distributed.

### 3.2 Homogeneity Test

The homogeneity test is used to test whether the variance of both groups has the same variance or not. In this study, the homogeneity test used the Levene test method, where if the sig value > 0.05, it can be concluded that the data is homogeneous. The homogeneity test results based on the control group and experiments are as follows.

<table>
<thead>
<tr>
<th>Table 3. Test of Homogeneity of Variances</th>
<th>Levene Statistic</th>
<th>df1</th>
<th>df2</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control</td>
<td>.085</td>
<td>1</td>
<td>214</td>
<td>.771</td>
</tr>
<tr>
<td>Experiment</td>
<td>3.477</td>
<td>1</td>
<td>214</td>
<td>.064</td>
</tr>
</tbody>
</table>

Based on the homogeneity test using the levene test using SPSS, all sig values are obtained more than 0.05 so it can be concluded that the data have the same variance (homogeneous).

As for the overall homogeneity test results, the values are as follows.

<table>
<thead>
<tr>
<th>Table 4. Test of Homogeneity of Variances</th>
<th>Value</th>
<th>Levene Statistic</th>
<th>df1</th>
<th>df2</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control</td>
<td>1.349</td>
<td>.085</td>
<td>1</td>
<td>214</td>
<td>.247</td>
</tr>
</tbody>
</table>

Based on the homogeneity test using the levene test using SPSS, a sig value of 0.247 > 0.05 was obtained so it can be concluded that the data have the same variance (homogeneous).

### 3.3 Uji Paired T Test

The Paired T Test is used to compare two data in pairs. The paired T test has test criteria if the score (1.659) then there is a significant difference \(t > t_{\text{table}}\) in the average learning outcomes of students before and after. If you use the sig value, the test criteria is if the sig value < 0.05 then there is a significant difference in the average learning outcomes of students before and after.
Table 5 Paired Samples Test Control Class

<table>
<thead>
<tr>
<th>Pair</th>
<th>Paired Differences</th>
<th>t</th>
<th>df</th>
<th>Sig. (2-tailed)</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Std. Error</th>
<th>95% Confidence Interval of the Difference</th>
<th>Lower</th>
<th>Upper</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Pre_Kontrol - Post_Kontrol</td>
<td>-7.48148</td>
<td>8.46486</td>
<td>.81453</td>
<td>9.09620</td>
<td>-5.86677</td>
<td>9.185</td>
<td></td>
<td>107</td>
<td>.000</td>
<td></td>
</tr>
</tbody>
</table>

From the paired t test results, a t value of 9.185 > 1.659 and a sig value of 0.000 < 0.05 were obtained. So it can be concluded that there are significant differences in the average learning outcomes of learners before and after in the Control class. The average score of the students after the treatment, better than the scores of the students before.

Table 6 Paired Samples Test Experimental Class

<table>
<thead>
<tr>
<th>Pair</th>
<th>Paired Differences</th>
<th>t</th>
<th>df</th>
<th>Sig. (2-tailed)</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Std. Error</th>
<th>95% Confidence Interval of the Difference</th>
<th>Lower</th>
<th>Upper</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Pre_Eksperimen - Post_Eksperimen</td>
<td>19.46296</td>
<td>11.02455</td>
<td>1.06084</td>
<td>-21.56595</td>
<td>-17.35998</td>
<td>18.347</td>
<td></td>
<td>107</td>
<td>.000</td>
<td></td>
</tr>
</tbody>
</table>

From the paired t test results, a t value of 18.347 > 1.659 and a sig value of 0.000 < 0.05. So it can be concluded that there is a significant difference in the average learning outcomes of students before the problem-posing learning model is carried out with the Virtual Enriched Strategy and the average student learning outcomes after the problem posing learning model is carried out with the Virtual Enriched Strategy in the Experimental class. Judging from the average score of the students, the value of the learners after the application of the learning model is greater than the value of the learners before the application of the learning model in the experimental class.

3.4 Independent Test T-Test

The Independent T-Test is a comparative test to compare two mutually free samples. In the independent test T-test, the compared data were the post value of the control class and the post value of the experimental class. The independent T test has test criteria if the score (1,625) then there is a significant difference t>t_tabelin learner learning outcomes between the control class and the experiment. Adapun if using the sig value the test criteria is if the sig value < 0.05 then there is a significant difference in learner learning outcomes between the control class and the experiment. The results of the independent t test are as follows.
Based on the independent t test results, a t value of 10.874 > 1.625 and a sig value of 0.000 < 0.05. So it can be concluded that there is a significant difference in learner learning outcomes between control and experimental classes. When viewed from the average score, the value of the experimental class, which uses a problem posing learning model with a Virtual Enriched Strategy, is greater than the control class that uses ordinary learning. So it can be concluded that the application of using a problem posing learning model with the Virtual Enriched Strategy affects student learning outcomes. Furthermore, the results of research conducted at the sample show a significant increase in learning outcomes in the experimental class, namely, the average score in the pre test was 56.3 while the average value after the post-test was 75.8. The results indicated that there was an increase in the yield of the duty of 19.5. Based on the hypothesis test (t test) showing that Ha is accepted and H0 is rejected, this shows that the problem-posing learning model with the Virtual Enriched Strategy affects student learning outcomes. The application of the problem posing learning model with the Virtual Enriched Strategy has a significant influence on the mathematics learning outcomes of class XI students in Tegal.

According to [2], problem-posing is a learning that can motivate students to think critically as well as dialogically, creatively and interactively which is expressed in the form of questions, the questions are then sought for answers both individually and in groups.

Problem posing learning involves students directly in learning, the involvement of students directly in learning can promote learning activity in students, this cooperative learning will also improve the ability to work together in teams, the characteristic of cooperative learning is that students are grouped into small groups to further cooperate with discussions to complete the ability to complete it's a learning problem. With the involvement of students in this learning

<table>
<thead>
<tr>
<th>Table 7 Independent Sample Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Levene's Test for Equality of Variances</td>
</tr>
<tr>
<td>F Itself</td>
</tr>
<tr>
<td>Equal variances</td>
</tr>
<tr>
<td>Value not assumed</td>
</tr>
</tbody>
</table>

Based on the independent t test results, a t value of 10.874 > 1.625 and a sig value of 0.000 < 0.05. So it can be concluded that there is a significant difference in learner learning outcomes between control and experimental classes. When viewed from the average score, the value of the experimental class, which uses a problem posing learning model with a Virtual Enriched Strategy, is greater than the control class that uses ordinary learning. So it can be concluded that the application of using a problem posing learning model with the Virtual Enriched Strategy affects student learning outcomes. Furthermore, the results of research conducted at the sample show a significant increase in learning outcomes in the experimental class, namely, the average score in the pre test was 56.3 while the average value after the post-test was 75.8. The results indicated that there was an increase in the yield of the duty of 19.5. Based on the hypothesis test (t test) showing that Ha is accepted and H0 is rejected, this shows that the problem-posing learning model with the Virtual Enriched Strategy affects student learning outcomes. The application of the problem posing learning model with the Virtual Enriched Strategy has a significant influence on the mathematics learning outcomes of class XI students in Tegal.
activity, students can reconstruct their own learning experiences so that the material learned can be absorbed properly, finally improving the results of teaching students.

It align with the results of the research on Mathematics Learning Outcomes of Class VIII Students of SMP Negeri 13 Bengkulu City [8]. The results of the study are that the learning model has an effect on the learning outcomes obtained by students. In the posing problem that was used as a model in the study, students who had been grouped into small groups were asked to ask questions according to the material provided by the teacher, students who asked this question must be able to solve the questions asked. This within posing type posing problem guides students to be able to formulate questions into new sub-sub-questions that have a sequence of completion as previously solved.

The enriched virtual strategy was chosen because the research was during a pandemic that limited face-to-face, in addition enriched virtual strategy was chosen to attract students to learn. This virtual enriched strategy makes it easier for students to learn. If the pandemic ends, this strategy is still useful considering that in the independent curriculum, students must take PKL for 5 months so that in order for learning to continue, students can use distance learning as a solution.

4. Conclusion

Based on the research results, it was concluded that the model of teaching posing problems with virtual enriched states affects mathematics learning outcomes. This is evidenced by the average pre-test result of 56.3 to 75.8 on the average value of the post test result. This shows an increase in student learning outcomes after being given the treatment of a learning model. The application of the problem posing learning model with a virtual enriched strategy can involve students to be active in learning so that they can significantly influence their learning outcomes.

References

The Improvement of Education to Become a Center of Excellence (COE) in Vocational High Schools

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Abstract. : This research aims to describe the improvement of education quality to become Center of Excellence at SMKN 1 Adiwerna Tegal Regency such as the concept, quality assurance, and strategy of vocational high school as a Model Center of Excellence. This research uses a qualitative approach use descriptive qualitative. Data collection is drawn from observations, interviews, and documentation. The results of this study are (1) Improving the quality of education by revitalizing vocational schools in human resources and focusing on developing their company relation. On other hand, vocational high schools' development can be seen by their development to build and certification institute in their. However quality assurance framework of Vocational High Schools towards the Center of Excellence is based on inputs, processes, outputs, outcomes, and impacts. The strategic steps in developing the quality of vocational schools through the Center of Excellence are training center, elevate their innovation improvement, develop student career centers, improve and expand company relation, then renewal of facilities and infrastructure..

Keywords: Education Quality, Vocational High School, Center of Excellence

1. Introduction

Vocational High School is one of the institutions that organize vocational training that must be able to provide the best educational services to its students even though the conditions of the facilities are very diverse. Vocational High School's job is to do what's best for its students by utilizing all available internal and external resources. Competency-based training learning patterns are expected to help Vocational High Schools gradually improve their programs' quality and relevance. By providing the best educational services to its students, vocational high schools also mean that they have done the best for the business industry and the world of work and society[1].

Vocational High School / Madrasah Aliyah Vocational, called SMK / MAK is a formal educational institution designed to prepare its graduates directly into work. Vocational high schools must produce graduates as expected by schools, society, the business industry, and the world of work[2,3].

The competencies of vocational education graduates as a sub-system of the national education system, according to the [4], are: producing graduates who have skills and mastery of science and technology with fields of expertise level per development (2) producing graduates who have productive abilities, producing themselves, changing the status of
graduates from burden status to independent national assets, (3) producers of drivers of the
development of Indonesian industry that are competitive in facing competitive global market,
(4) graduate generation and a solid mental attitude to be able to develop itself sustainably

These competencies can be obtained through education at SMK. Furthermore, vocational
education is an institution that can carry out the learning process of specific skills along with
competency-based evaluation. It can prepare students to become workers at the level of its
graduates, to be directed to become an educated, trained, and skilled workforce needed in the
industrial sector of the business world and the world of work, to hope to reduce unemployment
that is not educated, untrained and does not have Skills. Another thing that can be expected is
that SMK can compete in the business and industrial world, especially in entering the Asian
Economic Community (AEC), becoming the government's concern for employment in
Indonesia and Asia

Based on the demands of the constantly developing science, authority holders in
Vocational Schools seek to realize a dream of making a school a Center of Excellence.
However, schools face many obstacles, one of which is the limitation of improving the quality
of schools, limitations in meeting the school education process based on the Center of
Excellence so that it can make its students absorbed in the business and industrial world
quickly and correctly. Therefore, many schools compete to realize it optimally in various
ways. This requires an accurate strategy to realize it. In line with [5] opinion on "The
Principal's Strategy in Improving the Quality of Education in Vocational High Schools (Case
Study of SMKN 1 Mojokerto), it is stated that the quality of education is a pillar to producing
good and reliable human resources so that efforts to improve it must always be carried out
continuously so that the quality of education is getting better. Therefore, it is necessary to
carry out a special policy for improvement. One of them is to innovate education management
through the concept of Internal Quality Assurance Standards as a requirement to become a
Center of Excellence school.

SMK as a Center of Excellence (SMK Center of Excellence) is a SMK development
program with certain expertise competencies in improving quality and performance, which is
strengthened through partnerships and alignment with the business world, the industrial world,
the world of work, which eventually becomes a vocational reference school that can function
as a driving school and a center for improving quality and performance. SMK Center of
Excellence (SMK Center of Excellence) is school that can produce graduates who are
competent in certain skill competencies and are absorbed in the business world, the industrial
world, and the world of work. It can continue to the higher education level, through a
systematic and comprehensive vocational education alignment program with the business
world, the industrial world, and the world of work.

In line with the Regulation of the Director General of Vocational Education Number 24
of 2020, concerning Vocational High Schools which are developed into Centers of Excellence
(Centers of Excellence) priority for the creative economy sector, it is conveyed that the
development and development of Vocational High Schools (SMK) is currently facing
multidimensional challenges, especially in seeking the suitability of graduates with the
dynamics of existing employment needs, both at the regional, national and international levels.

Globalization, especially the impact of the Industrial Revolution with a touch of
advanced ICT, has spread and applied rapidly throughout the world to become a trending
emergence of a new era called the Industrial Revolution or RI 4.0. The structure of the
employment needs of all countries is affected and directly affected at least in the
manufacturing industry sector with the increasing use of automation and robotic systems,
which replace the position of a large number of skilled operators who are generally Vocational High School graduates.

Domestically, due to the onslaught of economic development programs carried out by the government, the dynamics of labor needs are not much different. National priority programs, development and acceleration of the government's economy in 6 (six) sectors or fields, manufacturing, agribusiness, tourism, health workers, creative economy and migrant workers as well as a program of 10 (ten) tourism destinations, special economic zones (SEZ), as well as various government programs at the district / city and provincial levels to support, develop and improve and explore the advantages and wisdom of each local, obviously all require workers with different skill competencies to support them [4].

Thus, the qualifications of Indonesian Human Resources, especially the middle level, most of whom are vocational high school graduates, must be prepared in order to be able to anticipate the dynamics of labor needs at the regional, national, international or global / international levels. The revitalization of Vocational High Schools with programs and strategies implemented starting in 2020 aims to solve all obstacles, shortcomings and problems that exist in schools until they are completed or called "multiple treatments", so that in the end they are able to improve the quality of the teaching and learning process that produces graduates in accordance with the demands of the employment dynamics mentioned above.

SMKN 1 Adiwerna is five of the SMKs located in Central Java that have received high trust from region IV Central Java which is mandated to organize a Center of Excellence, when viewed from the internal conditions of the school, the readiness and requirements that must be met or owned by the school in order to get it as a Center of Excellence are; 1) There is a proposal for submitting assistance approved by the Education Branch Office, 2) a decree for the appointment of a definitive principal, 3) a decree for the CoE development/development team, 4) a decree for the technical team of planners and supervisors, 5) a decree for the inspection team and recipients of equipment procurement results, 5) a decree for strengthening the industrial-based learning process, 6) Permission for the establishment of school operations, 7) Certificate of accreditation of at least B, 8) Land ownership, 9) Photos of land conditions, 10) Site plan / master plan, 11) layout of mechanical and electrical network equipment / furniture, 12) availability of electrical power, 13) Aerial photos of school locations, 13) Analysis of renovation needs, 14) Number of students, 15) Certificate of managerial training of the head of SMK from the Ministry of Education and Culture, 16) Certificate of teacher competence from company at least 2 teachers, 17) Cooperation with active and credible industries, and 18) Evidence of previous TAKOLA uploaded reports. The readiness and requirements mentioned above have been owned by SMKN 1 Adiwerna.

This research uses a qualitative approach with a qualitative descriptive type of research. The data collection techniques are obtained based on the results of observations, interviews and documentation. Then check the validity of the data using triangulation techniques. The data analysis techniques used by researchers start with data collection, data reduction, presenting data and finally verification (drawing conclusions).

2. Method

This research is a qualitative descriptive study. Descriptive research seeks to describe and explore, to explain and predict a symptom that applies, based on data findings in the field. This research uses a qualitative approach that according to Lexy J. Moleong (2012: 6) qualitative research is research that intends to understand phenomena about what the research
subjects experience, for example: 1) behavior; 2) perception; 3) motivation; and 4) action holistically in a descriptive way in the form of words and language in a special, natural context and by utilizing various scientific methods.

This study uses qualitative descriptive research to describe a systematic, factual and accurate picture of the phenomenon being investigated. The phenomenon investigated in this study is the implementation of the Center of Excellence, the important idea is that the researcher goes to the field to make observations about a phenomenon in a scientific state. So during this research process, researchers will have more contact or contact with research subjects at SMK Negeri 1 Adiwerna, Tegal Regency.

This research was carried out at SMK Negeri 1 Adiwerna, located at Jalan Raya II Po.Box 24 Pesarean, Adiwerna District, Tegal Regency. The selection of the research site is because this school is one of the schools designated as the Center of Excellence School for the Creative Economy Sector in 2020 based on a letter from the Ministry of Education and Culture of the Director-General of Vocational Studies Number 24 of 2021 in Annex Number: 9557 / D2.3 / TU / 2020 by the Director of SMK that SMK Negeri 1 Adiwerna.

The subjects of this study were all residents of SMK Negeri 1 Adiwerna in general and students of SMK Negeri 1 Adiwerna in particular. The research time was conducted for 2 months, namely January 2022 to February 2022.

In this study, the populations and samples are: 1) the principle, 2) the vice-principal for curriculum, 3) Head of School Committee, 4) human affairs, 5) school committee head, 6) Network Computer Engineering and Welding Engineering productive/vocational instructor, (7) SMK Negeri 1 Adiwerna Network Computer Engineering and Welding Engineering students While the data used in this study comes from two (two) different sources: primary data and secondary data.

This study's data collection techniques and strategies used two methods: observation and Interviews. The data was obtained by observations, researchers directly observe at the location and object of study. An important data source is a human being who is positioned as a source or informant. The second data collection is interview. The interviews focused on questions related to the opinions, assessments and experiences of the research subjects, and the decision-making officials.

The researcher identify the documents during the study, in the form of photos, videos, archives, recordings of interviews with the concerned informant and other data related to research problems. The research approach used is qualitative. Thus, the main instrument of this study is the researcher himself (key instrument) who goes directly into the field, as explained by [6]

Triangulation was considered relevant to test the validity. The triangulation technique means that researchers use different data collection techniques to obtain data from the same source [7]. In carrying out data processing and analyzing data, steps are carried out including: data collection, data reduction, presenting data (display data), verification.

3. Result & Discussion
Based on the results of assessment data in the realization of improving the quality of education towards Center of Excellence at SMK Negeri 1 Adiwerna has done various things including revitalization of 1) the main office to support public activities and services, 2) human resources to improve the managerial capability of the head of an industry-based vocational school internship teachers in industry, and industrial class activities in each expertise competency, 3) Collaborated by sign in Memorandum of Understanding (MoU) with company, 4) curriculum synchronizaition with company, 5) teaching factory-based learning activities, 6) professional certification test, 7) facilities and infrastructure, in each expertise competency has been arranged and approached with company standards, 8) the school has implemented a Mou with the kaliwadas village government with SMK mbangun desa, with various activities, 9) the school has implemented a program of caring and cultured schools for the environment and green schools, 10) academic achievements have been achieved by many students in several events of activities.

The concept of Vocational High School as a model at SMKN 1 Adiwerna Tegal Regency for the 2021/2022 Academic Year Based on the results of research data, in preparing SMK as a model the school has developed a learning model with a Teaching Factory. The activity has collaborated with seven competencies of expertise in learning. In addition to develop teaching factory, the school has also carried out a partnership with the company with the competencies of expertise it has, namely the competence of DPIB expertise, Welding Engineering, Machining Engineering, Electrical Power Installation Engineering, Audio Video Engineering, Automotive Light Vehicle Engineering, Network Computer Engineering, which is marked by (Mou) in writing.

The school already has Professional certification institution established by the school through the Steering Board Decree NO.800/0439/2016 dated April 13, 2016 and declared licensed on May 31, 2017, with the id BNSP-LSP-747-ID, which functions as a BNSP supporting institution responsible for carrying out professional competency certification as well as a forum to synergize with schools in student certification.

Quality assurance of Vocational High Schools is the Center of Excellence at SMKN 1 Adiwerna Tegal Regency for the 2021/2022 Academic Year. The implementation of quality assurance of SMK CoE has been carried out verification of Quality Assurance of SMK Center of Excellence by verification officers of the Directorate of SMK and supervisors of SMK Tegal Regency on November 20, 2020. From the results of quality assurance verification, the results of; Input: 75.24 (Good), Process: 88.57 (Excellent), Output: 80 (Good), Outcome: 55.20 (Enough), Impact: 54.00 (Sufficient), so that if on average the overall quality assurance obtained by SMKN 1 Adiwerna is 79.27 and the category is good.

Principal's Strategy in Improving the Quality of Education Towards a Center of Excellence at SMK N 1 Adiwerna, Tegal Regency, Academic Year 2021/2022. The strategic steps taken by the principal in improving the quality of education towards the Center of Excellence at SMKN 1 Adiwerna are broadly speaking, making policies, including; 1) Training of teachers according to their competencies, 2) Developing innovations in learning, 3) Development of BMW student career centres (Work, Continue, Entrepreneurship), 4) Improve and expand cooperation with company, 5) Renewal of facilities and infrastructure.

4. Conclusion

Based on the results of the research above, the conclusions of the study "Improving the Quality of Education Towards SMK Center of Excellence (CoE) at State Vocational High School 1 Adiwerna Tegal Regency academic year 2021/2022" are as follows: Improving the quality of education towards the SMK Center of Excellence at SMK Negeri 1 Adiwerna,
various things are done including: 1) revitalization program with the face of the main office as a means of supporting public activities and services, 2) revitalization of human resources starting with the training of the principal in the field of improving the managerial capability of the head of an industry-based Vocational School internship teachers in industry, and industrial class activities in each expertise competency, 3) seven expertise competencies have collaborated Mou (link and match) with company, 4) the curriculum used in the seven expertise competencies has been aligned with company, 5) teaching factory-based learning activities have been carried out with a block schedule in seven skill competencies, both services, or products, 6) students based on schemes and klisters in each expertise competency have been carried out professional certification tests with LSP-P1 SMKN 1 Adiwerna, 7) facilities and infrastructure, in each expertise competency has been arranged and approached with company standards, 8) the school has implemented a Mou with the kaliwadas village government with SMK mbangun desa, with various activities, 9) the school has implemented a program of caring and cultured schools for the environment and green schools, 10) academic and academic achievements have been achieved by many students in several events of activities.

In preparing the Vocational High School Concept as a model at SMKN 1 Adiwerna Tegal Regency Academic Year 2021/2022 the school developed a learning model with a Teaching Factory (Tefa) and collaborated with seven competencies of expertise in learning, carrying out company partnerships with the competencies of the expertise it has, namely dpib expertise competencies, welding techniques, machining techniques, electrical power installation engineering, audio video engineering, automotive light vehicle engineering, network computer engineering, which is marked by (Mou) in writing, then the school has an LSP-P1 (Professional certification body) which functions as a supporting institution for BNSP which is responsible for carrying out professional competency certification as well as a forum to synergize with schools in student certification.

The principal has an important role in the strategies applied to improve the quality of education towards the SMK Center of Excellence in schools through the preparation of superior school programs that implement the quality of education in schools. Of course, the strategy of each principal and other principals to improve quality in schools is different both because of experience factors and the ability of insight into school management. It may be that what is applied at SMK Negeri 1 Adiwerna Tegal Regency will be different from other schools, so that the study of the principal's strategy in improving the quality of education of the SMK Center of Excellence in schools through school superior programs needs to be studied in depth because the uniqueness of each school which of course between one school and another school is different.

References

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Implementation of Teaching Factory Learning Based on Mockup Products on Competency of Modeling Design and Building Information Skills at SMK Negeri 1 Adiwerna

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Abstract. Teaching factory learning is basically an integration of work experience into the school curriculum. So that all equipment and materials as well as educational actors are arranged and designed to carry out the production process with the aim of producing products (goods or services). Teaching factory based on mock-up products is a combination of production-based learning with competency-based learning with products that can be sold. In mock-up production-based learning, students are directly involved in the production process, so that their competencies are built based on production needs. In teaching factory learning, schools carry out production activities or services that are part of the teaching and learning process. Teaching Factory learning based on mock-up products can be implemented with a good predicate on the competency of Modeling Design and Building Information Skills at SMK N 1 Adiwerna, so there are several parameters for the implementation of teaching factory indicators that must be met, including aspects of management, aspects of workshops and labs, aspects of learning patterns, aspects of marketing and promotion, aspects of products produced, aspects of human resources, and aspects of industrial involvement. All of these aspects must be measurable with the achievement indicators that have been determined in the research method.

Keywords: Factory Teaching Learning, Mockups, Implementation Indicators

1. Introduction

The purpose of this research is for students in learning to be in line with the needs of the industrial world. Because most of the successful people in this world have strong motivations that drive their actions. They know well what motivates them and maintain that motivation in their every action [1]

[2] stated that the teaching factory concept was found due to three factors, namely: (1) ordinary learning is not enough; (2) the benefits of students are obtained from direct practical experience; and (3) experiential, team-based learning involving students, teaching staff and industry participation enriches the educational process and provides tangible benefits for all parties. Teaching factory is a learning that requires students to produce products that are in accordance with market/consumer demands [3]. Knowing the implementation of The implementation of teaching factory learning is based on the vision and mission of the Directorate General of Vocational High School Education (DPSMK) as stated in the
2014-2019 DPSMK roadmap. The vision is the realization of vocational high schools (SMK) that can produce entrepreneurial-minded graduates who are ready to work, smart, competitive, and have national identity, as well as being able to develop local advantages and be able to compete in the global market. The achievement of this vision can be realized operationally in the form of a mission.

[4] revealed that the teaching factory has a goal, namely to make students aware that teaching students should be more than just what is contained in books. Students not only practice soft skills in learning, learn to work in teams, practice interpersonal communication skills, but also gain hands-on experience and work training to enter the world of work later.

Furthermore, [5] reveals that in the teaching factory, schools carry out production activities or services that are part of the teaching and learning process. Thus schools are required to have a factory, workshop or other business unit for learning activities. In accordance with [6] where vocational schools will be effective if the learning process is carried out in an environment that is an imitation or replica of the actual work environment. So the teaching factory program aims to bring the business/industrial environment into the school environment. Students directly carry out production activities similar to those carried out in the business/industrial world. Thus students follow the same learning process as what will be experienced in the real world of work.

Teaching factory learning teaches students how to find problems, build prototypes, learn to make business proposals, and learn to present their solutions. In the teaching factory learning process, students learn about skills that are important to master, such as how to meet the time level and assumptions that may arise, build and work in teams and work together with the various abilities that each individual has.

The first teaching factory model that is most often applied in SMK. Teaching factory is a learning model for students based on industry. The production unit in teaching factory activities has a legal basis, namely Government Regulation Number 29 of 1990 article 29 paragraph 2, namely "to prepare vocational high school students to become workers, at vocational high schools can be established work units that operate professionally. The Directorate of Vocational Development (2017: 109) states that "the teaching factory learning model is formatted to improve the competence of students in productive subjects".

The main components of the teaching factory learning model according to the technical guide of the teaching factory in 2017 consist of: 1) Products, 2) Job sheets, 3) Block schedules. The three components are interrelated and inseparable from the planning stage to the implementation stage of the teaching factory learning model. Educational institutions that have just implemented the teaching factory learning model need to pay attention to the sequence/stages that must be carried out so that the implementation of this model takes place as planned.

Teaching factory is an innovative learning technology and productive practice which has a concept of educational method that is oriented towards student management in learning so that it is in line with the needs of the industrial world. Teaching factory is a new idea that aims to become a new paradigm of academic and industrial learning. The concept of "factory in the classroom" aims to transfer knowledge and the actual production/manufacturing environment to the classroom [7].
CBT is a vocational learning system that focuses on defining different skill systems but must be accessible externally, as a standard for competency assurance. This approach first appeared in the UK and then quickly became popular in the Commonwealth of Nations and was then continuously promoted and introduced in developing countries as a “best practice”. In addition, CBT is a competency-based training, which is a learning approach that emphasizes the development and improvement of students' skills and knowledge according to job requirements. Students who have succeeded in achieving competence will have the skills and knowledge needed to complete work activities in various conditions and different environments according to industry standards. Competency-based training generally refers to the competencies and performance standards set by the industry. In this method, student assessment is designed in such a way as to ensure that each student has achieved the skills and knowledge required for each unit of competency taken. Competency-based training allows students to complete their studies faster because learning is divided into competency units.

When students have fulfilled the competencies in a competency unit, they can move on to the next competency unit. The direction of the implementation of CBT is that students have skills in a competency stated in a certification. PBET is a production-based learning approach. Competencies that have been possessed by students need to be strengthened and their skills confirmed by providing experience in making real products needed by the world of work (industry and society). Implementing PBET production-scale equipment and machinery support is required. However, it can also be fulfilled by collaborating with industry in the context of student internships in the industrial world. This internship is a transfer of a number of practices (job sheets) to the industry directly according to real practice conditions in the industry (job orders).

Mockups are an addition to architectural designs and a primary way of conveying ideas and drawing layouts. The motivation for making mockups is to allow the designer to test the quality of the design on a small scale and to assist the designer in developing a touch of space, aesthetics, and materials [8]. Mockup is a form of miniature models of building designs that are designed or can be built, development projects, both buildings (residential buildings, office buildings and so on) or the development of an area. But now, the model of the building which was originally identical to the building design of a project, can now become a souvenir or souvenir to be traded which is an object of art. Actually this is less common among architects, but mockups are also interesting souvenirs or displays. Along with the times, the shape and quality of the mock-up has increased rapidly, and it really helps someone in presenting the shape of the building and helps consumers to see clearly in buying buildings such as mock-ups of housing or office buildings for example. The existence of mockups actually has quite a lot of functions, which are taken from one example when you want to create a residential or office building. Mockups can be a very practical and effective medium for giving information and presentations to potential buyers or consumers. Because prospective buyers or consumers get a clearer picture of the details of the building they will own.

The use of mockups can also be an attraction as property in addition to brochures and other media that are often used in sales. Because brochures can only show in one-dimensional form such as pictures, mockups can show the visual form of buildings in three dimensions in a complete form, not separated. The design and architecture of the building from the outside as well as the interior inside can be seen at the same time.

Therefore, mockups can be said to be the easiest communication tool for sellers and potential buyers. Because usually prospective buyers are ordinary people who don't really understand the world of architecture if you want to ask something you can do it by pointing to a certain part of the mockup. A good mockup is a mockup that does not only describe the
shape of the building from its interior, but also has to be complete with the environmental conditions around it. For example, whether the house is on the edge of a major road or located in the middle of the city or on the bank of a river and so on. All of these can be explained through mockups, so that potential consumers can get an idea of the environmental conditions. The most important part in making a mockup is the scale. Count each part of the building carefully so that there are no size errors. From this scale the original shape of the building can be depicted in a mockup.

The parameters for the success of teaching factory implementation according to the Directorate of Vocational Development include: Management, Workshops and Labs, Learning Patterns, Marketing and Promotion, Products, Human Resources, and Industrial Involvement. Where the program contains indicators for the implementation of the teaching factory program.

a. Management
Management in teaching factory occupies an important role in supporting the implementation of the teaching factory according to the original purpose of the teaching factory, namely increasing the competence of graduates while meeting the needs of DU/DI in the form of products/services. To achieve this goal, commitment and management functions are at the forefront of teaching factory management. The management functions in question include planning, organizing, actuating, and controlling (POAC).

b. Workshop and Lab
Workshops or labs are places where practical learning is carried out, so a good workshop/lab must meet workshop and laboratory standards according to the standard for vocational school infrastructure based on Permendiknas Number 40 of 2008 which regulates the minimum criteria for facilities and minimum infrastructure criteria.

c. Learning Pattern
The learning pattern implemented is directed at industry-based learning.

d. Marketing and Promotion
Marketing and Promotion relates to the implementation of the teaching factory in the clarity of targets and market segments as well as market reach, as well as adjusting the methods and actors of promotional activities.

e. Product
Products in the teaching factory are in the form of goods and services, which are media to deliver competence and are part of the learning process.

f. Human Resources (HR)
Human resources in the teaching factory are people who provide their energy, talent, creativity and effort in carrying out the objectives of the teaching factory. The implementation of the teaching factory must have experienced human resources in production and teaching factories.

g. Industry Engagement
Involvement or collaboration between SMK and Industry is the key to success in running a teaching factory.

Vocational High School is one of the institutions that organize vocational training that must be able to provide the best educational services to its students even though the conditions of the facilities are very diverse. Vocational High School's job is to do what's best for its students by utilizing all available internal and external resources. Competency-based training learning patterns are expected to help Vocational High Schools gradually improve their programs' quality and relevance. By providing the best educational services to its students,
vocational high schools also mean that they have done the best for the business industry and
the world of work and society[9].

Vocational High School / Madrasah Aliyah Vocational, called SMK / MAK is a formal
educational institution designed to prepare its graduates directly into work. Vocational high
schools must produce graduates as expected by schools, society, the business industry, and the
world of work[10,11].

The competencies of vocational education graduates as a sub-system of the national
education system, according to the [12], are: producing graduates who have skills and mastery
of science and technology with fields of expertise level per development (2) producing
graduates who have productive abilities, producing themselves, changing the status of
graduates from burden status to independent national assets, (3) producers of drivers of the
development of Indonesian industry that are competitive in facing competitive global market,
(4) graduate generation and a solid mental attitude to be able to develop itself sustainably.

These competencies can be obtained through education at SMK. Furthermore, vocational
education is an institution that can carry out the learning process of specific skills along with
competency-based evaluation. It can prepare students to become workers at the level of its
graduates, to be directed to become an educated, trained, and skilled workforce needed in the
industrial sector of the business world and the world of work, to hope to reduce unemployment
that is not educated, untrained and does not have Skills. Another thing that can be expected is
that SMK can compete in the business and industrial world, especially in entering the Asian
Economic Community (AEC), becoming the government's concern for employment in
Indonesia and Asia

Based on the demands of the constantly developing science, authority holders in
Vocational Schools seek to realize a dream of making a school a Center of Excellence. However, schools face many obstacles, one of which is the limitation of improving the quality
of schools, limitations in meeting the school education process based on the Center of
Excellence so that it can make its students absorbed in the business and industrial world
quickly and correctly. Therefore, many schools compete to realize it optimally in various
ways. This requires an accurate strategy to realize it. In line with [13] opinion on "The
Principal's Strategy in Improving the Quality of Education in Vocational High Schools (Case Study of SMKN 1 Mojokerto), it is stated that the quality of education is a pillar to producing
good and reliable human resources so that efforts to improve it must always be carried out
continuously so that the quality of education is getting better. Therefore, it is necessary to
carry out a special policy for improvement. One of them is to innovate education management
through the concept of Internal Quality Assurance Standards as a requirement to become a
Center of Excellence school.

SMK as a Center of Excellence (SMK Center of Excellence) is a SMK development
program with certain expertise competencies in improving quality and performance, which is
strengthened through partnerships and alignment with the business world, the industrial world,
the world of work, which eventually becomes a vocational reference school that can function
as a driving school and a center for improving quality and performance. SMK Center of
Excellence (SMK Center of Excellence) is school that can produce graduates who are
competent in certain skill competencies and are absorbed in the business world, the industrial
world, and the world of work. It can continue to the higher education level, through a
systematic and comprehensive vocational education alignment program with the business
world, the industrial world, and the world of work.
In line with the Regulation of the Director General of Vocational Education Number 24 of 2020, concerning Vocational High Schools which are developed into Centers of Excellence (Centers of Excellence) priority for the creative economy sector, it is conveyed that the development and development of Vocational High Schools (SMK) is currently facing multidimensional challenges, especially in seeking the suitability of graduates with the dynamics of existing employment needs, both at the regional, national and international levels.

Globalization, especially the impact of the Industrial Revolution with a touch of advanced ICT, has spread and applied rapidly throughout the world to become a trending emergence of a new era called the Industrial Revolution or RI 4.0. The structure of the employment needs of all countries is affected and directly affected at least in the manufacturing industry sector with the increasing use of automation and robotic systems, which replace the position of a large number of skilled operators who are generally Vocational High School graduates.

Domestically, due to the onslaught of economic development programs carried out by the government, the dynamics of labor needs are not much different. National priority programs, development and acceleration of the government's economy in 6 (six) sectors or fields, manufacturing, agribusiness, tourism, health workers, creative economy and migrant workers as well as a program of 10 (ten) tourism destinations, special economic zones (SEZ), as well as various government programs at the district / city and provincial levels to support, develop and improve and explore the advantages and wisdom of each local, obviously all require workers with different skill competencies to support them [12].

Thus, the qualifications of Indonesian Human Resources, especially the middle level, most of whom are vocational high school graduates, must be prepared in order to be able to anticipate the dynamics of labor needs at the regional, national, international or global / international levels. The revitalization of Vocational High Schools with programs and strategies implemented starting in 2020 aims to solve all obstacles, shortcomings and problems that exist in schools until they are completed or called "multiple treatments", so that in the end they are able to improve the quality of the teaching and learning process that produces graduates in accordance with the demands of the employment dynamics mentioned above.

SMKN 1 Adiwerna is five of the SMKs located in Central Java that have received high trust from region IV Central Java which is mandated to organize a Center of Excellence, when viewed from the internal conditions of the school, the readiness and requirements that must be met or owned by the school in order to get it as a Center of Excellence are; 1) There is a proposal for submitting assistance approved by the Education Branch Office, 2) a decree for the appointment of a definitive principal, 3) a decree for the CoE development/development team, 4) a decree for the technical team of planners and supervisors, 5) a decree for the inspection team and recipients of equipment procurement results, 5) a decree for strengthening the industrial-based learning process, 6) Permission for the establishment of school operations, 7) Certificate of accreditation of at least B, 8) Land ownership, 9) Photos of land conditions, 10) Site plan / master plan, 11) layout of mechanical and electrical network equipment / furniture, 12) availability of electrical power, 13) Aerial photos of school locations, 13) Analysis of renovation needs, 14) Number of students, 15) Certificate of managerial training of the head of SMK from the Ministry of Education and Culture, 16) Certificate of teacher competence from company at least 2 teachers, 17) Cooperation with active and credible industries, and 18) Evidence of previous TAKOLA uploaded reports. The readiness and requirements mentioned above have been owned by SMKN 1 Adiwerna.
This research uses a qualitative approach with a qualitative descriptive type of research. The data collection techniques are obtained based on the results of observations, interviews and documentation. Then check the validity of the data using triangulation techniques. The data analysis techniques used by researchers start with data collection, data reduction, presenting data and finally verification (drawing conclusions).

2. Method

This research is a qualitative descriptive study. Descriptive research seeks to describe and explore, to explain and predict a symptom that applies, based on data findings in the field. This research uses a qualitative approach that according to Lexy J. Moleong (2012: 6) qualitative research is research that intends to understand phenomena about what the research subjects experience, for example: 1) behavior; 2) perception; 3) motivation; and 4) action holistically in a descriptive way in the form of words and language in a special, natural context and by utilizing various scientific methods.

This study uses qualitative descriptive research to describe a systematic, factual and accurate picture of the phenomenon being investigated. The phenomenon investigated in this study is the implementation of the Center of Excellence, the important idea is that the researcher goes to the field to make observations about a phenomenon in a scientific state. So during this research process, researchers will have more contact or contact with research subjects at SMK Negeri 1 Adiwerna, Tegal Regency.

This research was carried out at SMK Negeri 1 Adiwerna, located at Jalan Raya II Po.Box 24 Pesarean, Adiwerna District, Tegal Regency. The selection of the research site is because this school is one of the schools designated as the Center of Excellence School for the Creative Economy Sector in 2020 based on a letter from the Ministry of Education and Culture of the Director-General of Vocational Studies Number 24 of 2021 in Annex Number: 9557 / D2.3 / TU / 2020 by the Director of SMK that SMK Negeri 1 Adiwerna. The subjects of this study were all residents of SMK Negeri 1 Adiwerna in general and students of SMK Negeri 1 Adiwerna in particular. The research time was conducted for 2 months, namely January 2022 to February 2022.

In this study, the populations and samples are: 1) the principle, 2) the vice-principal for curriculum, public relations, infrastructure, student affairs, and SPMI, and 3) LSP-P1 head, 4) school committee head, 5) company, 6) Network Computer Engineering and Welding Engineering productive/vocational instructor, (7) SMK Negeri 1 Adiwerna Network Computer Engineering and Welding Engineering students While the data used in this study comes from two (two) different sources: primary data and secondary data. In this study, the populations and samples are: 1) the principle, 2) the vice-principal for curriculum, public relations, infrastructure, student affairs, and SPMI, and 3) LSP-P1 head, 4) school committee head, 5) company, 6) Network Computer Engineering and Welding Engineering productive/vocational instructor, (7) SMK Negeri 1 Adiwerna Network Computer Engineering and Welding Engineering students While the data used in this study comes from two (two) different sources: primary data and secondary data.

This study's data collection techniques and strategies used two methods: observation and Interviews. The data was obtained by observations, researchers directly observe at the location and object of study. An important data source is a human being who is positioned as a source or informant. The second data collection is interview. The interviews focused on questions related to the opinions, assessments and experiences of the research subjects, and the decision-making officials.
The researcher identify the documents during the study, in the form of photos, videos, archives, recordings of interviews with the concerned informant and other data related to research problems. The research approach used is qualitative. Thus, the main instrument of this study is the researcher himself (key instrument) who goes directly into the field, as explained by [14]

Triangulation was considered relevant to test the validity. The triangulation technique means that researchers use different data collection techniques to obtain data from the same source [15] In carrying out data processing and analyzing data, steps are carried out including; data collection, data reduction, presenting data (display data), verification.

3. Result & Discussion

Based on the results of assessment data in the realization of improving the quality of education towards Center of Excellence at SMK Negeri 1 Adiwerna has done various things including revitalization of 1) the main office to support public activities and services, 2) human resources to improve the managerial capability of the head of an industry-based vocational school internship teachers in industry, and industrial class activities in each expertise competency, 3) Collaborated by sign in Memorandum of Understanding (MoU) with company, 4) curriculum synchronization with company, 5) teaching factory-based learning activities, 6) professional certification test, 7) facilities and infrastructure, in each expertise competency has been arranged and approached with company standards, 8) the school has implemented a MoU with the kaliwadas village government with SMK mbangun desa, with various activities, 9) the school has implemented a program of caring and cultured schools for the environment and green schools, 10) academic achievements have been achieved by many students in several events of activities.

The concept of Vocational High School as a model at SMKN 1 Adiwerna Tegal Regency for the 2021/2022 Academic Year. Based on the results of research data, in preparing SMK as a model the school has developed a learning model with a Teaching Factory. The activity has collaborated with seven competencies of expertise in learning. In addition to develop teaching factory, the school has also carried out a partnership with the company with the competencies of expertise it has, namely the competence of DPIB expertise, Welding Engineering, Machining Engineering, Electrical Power Installation Engineering, Audio Video Engineering, Automotive Light Vehicle Engineering, Network Computer Engineering, which is marked by (Mou) in writing.

The school already has Professional certification institution established by the school through the Steering Board Decree NO.800/0439/2016 dated April 13, 2016 and declared licensed on May 31, 2017, with the id BNSP-LSP-747-ID, which functions as a BNSP supporting institution responsible for carrying out professional competency certification as well as a forum to synergize with schools in student certification.

Quality assurance of Vocational High Schools is the Center of Excellence at SMKN 1 Adiwerna Tegal Regency for the 2021/2022 Academic Year. The implementation of quality assurance of SMK CoE has been carried out verification of Quality Assurance of SMK Center of Excellence by verification officers of the Directorate of SMK and supervisors of SMK Tegal Regency on November 20, 2020. From the results of quality assurance verification, the results of; Input: 75.24 (Good), Process: 88.57 (Excellent), Output: 80 (Good), Outcome: 55.20 (Enough), Impact: 54.00 (Sufficient), so that if on average the overall quality assurance obtained by SMKN 1 Adiwerna is 79.27 and the category is good.

Principal's Strategy in Improving the Quality of Education Towards a Center of Excellence at SMK N 1 Adiwerna, Tegal Regency, Academic Year 2021/2022. The strategic
steps taken by the principal in improving the quality of education towards the Center of Excellence at SMKN 1 Adiwerna are broadly speaking, making policies, including; 1) Training of teachers according to their competencies, 2) Developing innovations in learning, 3) Development of BMW student career centres (Work, Continue, Entrepreneurship), 4) Improve and expand cooperation with company, 5) Renewal of facilities and infrastructure.

4. Conclusion

Based on the results of the research above, the conclusions of the study "Improving the Quality of Education Towards SMK Center of Excellence (CoE) at State Vocational High School 1 Adiwerna Tegal Regency academic year 2021/2022" are as follows: Improving the quality of education towards the SMK Center of Excellence at SMK Negeri 1 Adiwerna, various things are done including; 1) revitalization program with the face of the main office as a means of supporting public activities and services, 2) revitalization of human resources starting with the training of the principal in the field of improving the managerial capability of the head of an industry-based Vocational School internship teachers in industry, and industrial class activities in each expertise competency, 3) seven expertise competencies have collaborated Mou (link and match) with company, 4) the curriculum used in the seven expertise competencies has been aligned with company, 5) teaching factory-based learning activities have been carried out with a block schedule in seven skill competencies, both services, or products, 6) students based on schemes and klsters in each expertise competency have been carried out professional certification tests with LSP-P1 SMKN 1 Adiwerna, 7) facilities and infrastructure, in each expertise competency has been arranged and approached with company standards, 8) the school has implemented a Mou with the kaliwadas village government with SMK mbangun desa, with various activities, 9) the school has implemented a program of caring and cultured schools for the environment and green schools, 10) academic and academic achievements have been achieved by many students in several events of activities

In preparing the Vocational High School Concept as a model at SMKN 1 Adiwerna Tegal Regency Academic Year 2021/2022 the school developed a learning model with a Teaching Factory (Tefa) and collaborated with seven competencies of expertise in learning, carrying out company partnerships with the competencies of the expertise it has, namely dpib expertise competencies, welding techniques, machining techniques, electrical power installation engineering, audio video engineering, automotive light vehicle engineering, network computer engineering, which is marked by (Mou) in writing, then the school has an LSP-P1 (Professional certification body) which functions as a supporting institution for BNSP which is responsible for carrying out professional competency certification as well as a forum to synergize with schools in student certification

The principal has an important role in the strategies applied to improve the quality of education towards the SMK Center of Excellence in schools through the preparation of superior school programs that implement the quality of education in schools. Of course, the strategy of each principal and other principals to improve quality in schools is different both because of experience factors and the ability of insight into school management. It may be that what is applied at SMK Negeri 1 Adiwerna Tegal Regency will be different from other schools, so that the study of the principal's strategy in improving the quality of education of
the SMK Center of Excellence in schools through school superior programs needs to be studied in depth because the uniqueness of each school which of course between one school and another school is different.

References


A Development of Flowchart Media Model Stimulated Images Containing Character Values and Regional Culture for Writing Text Learning in Junior High School

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Abstract. This study was motivated by the low learning outcomes of students in writing various kinds of texts, lack of teachers' innovation in designing learning media, lack of motivation of students in learning, lack of love and students' awareness of regional culture, and the lack of introduction and preservation of regional culture. This deficiency is expected to be improved by learning media and teachers' innovation in writing text learning with flowchart media that stimulates images with character values and regional culture. The results obtained from this study are the 1) analysis of the condition of the learning flowchart media for writing text in circulation, 2) analysis of media needs is needed flowchart media containing messages/information that can provide an overview of the skills process (flowchart/scheme) in writing text learning of Junior High School; 3) principles in the development of instructional media; 4) development of graphic media design includes determining basic competencies (KD) as reference for the development of learning media; determining the suitable media to be made; determining the aspects of local wisdom (regional culture) to be published and how to publish them; determining the appropriate drawing; and compiling/producing media that are loaded with regional cultural content.

Keywords: Cultural Conservation Facilities, Character Values, Image-Stimulated Flowchart Media, Indonesian Language Learning In Junior High Schools, Text, Regional Culture
1. Introduction

Learning is a communication process, namely the process of delivering messages from message sources to message recipients through certain media. Through this learning, the process of adding new information and capabilities that is constantly evolving. In addition, the learning process is a process of cultivating character, introducing culture, and preserving culture. In every learning, including Indonesian learning, aspects, namely lesson plans, teaching materials, learning media, worksheets, and evaluation tool that must be available and have good quality. The aspects of the learning tools must be ready before the learning process takes place. It is because the aspects of the media will be used or utilized in the learning process.

Learning media is an aspect of learning tools that is important in the Indonesian language learning process. Moreover, a competency-based curriculum learning, namely the 2013 Curriculum. It is expected that the use of learning media can support the implementation of the curriculum and the vision of education. Learning media is one of the supporting factors for the success of Indonesian learning in the 2013 curriculum text-based. In text-based Indonesian learning, teachers are expected to facilitate the learning process with appropriate learning media to help students in mastering these competencies. Through the media that helps students, it is expected that the learning objectives can be achieved effectively. Some examples of learning media that can be used to help students in mastering basic competency are: changing the interview text into a narrative text, using graphic media in the form of a flowchart that change the interview text into a narrative text contained with regional culture. Through such media, low cost, but provides many benefits, namely developing love cultivation, introduction, and preservation the regional culture.

However, in reality, such learning media are rarely available. Moreover, learning media that contain local wisdom, namely regional culture, including Indonesian language learning media are rarely found. Even though such media can help the learning process, help achieve the vision of education, and encourage the creation of the character of love, introduction, and preservation of regional culture. Based on the description above, the researcher attempted to examine a text-based image-stimulated flowchart media model for writing text learning contained character value and local culture. Learning that is carried out by the teacher must be able to create learning in an active, creative, fun learning atmosphere and develop the characteristics of students to be love, care, know, and conserve the culture of their area. However, there are many problems that arise related to the above explanation, regarding to the quality of learning outcomes, problems with teaching material facilities, learning media, teacher quality problems, and the relationship of each component in the school. Learning media is a tool that can help the teaching and learning process and functions to clarify the meaning of the message conveyed so that it can achieve the learning objectives better and perfectly[1]. The use of media in this learning can stimulate the learning process to be more optimal. It is also can be said that the use of learning media is one of the teachers' efforts to achieve the expected learning objectives.

One of the main functions of learning media is as a teaching tool that contributes to the atmosphere, conditions, and learning environment that are organized and created by teachers. Image is a form of graphic media. An image is defined as a visual representation of a person, place, or object that is manifested on canvas, paper or other materials, either by means of paintings, drawings or photographs. The size of photos and images can be enlarged or reduced so that they can be used for certain learning purposes. The use of images in the learning process is very helpful for the lecturer in several ways as stated by Hackbarth[2], namely attracting attention, providing a real picture of an object which is not easy to observe, unique, clarifies things that are abstract, and able to illustrate a process.
Culture is a whole system of ideas, actions, and human work in the context of community life which is part of the property of humans by learning[3]. Meanwhile, culture is the accumulation of all beliefs and faith, norms, activities, institutions, and communication patterns of a group of people[4]. From both of opinions, it can be concluded that culture is the accumulation of a whole system of ideas, beliefs and faith, actions, and the work of humans in the life of community groups that are part of the property of humans by learning.

Culture is a heritage that humans have after habituation. This habit is carried out from one generation to another who is the next generation. A generation will not understand its culture if it is not taught by the previous generation. Culture will be concluded to be extinct when there is no generation that continues it. Therefore, culture needs to be taught to the next generation.

In this study, the learning media creator to be experimented with was given a cultural content. The giving content is intended as an effort to teach about culture, especially regional culture to students. The regional culture chosen as content in this learning media is the regional culture of Semarang.

Based on the identification of the problems above, the problems to be solved in this study include various things related to learning media, especially text-based learning media in Junior High School which are text-based stimulated images and containing the character values and regional culture detailed: 1) what is the need for a graphic media model for writing text learning in Junior High School of Semarang City which can be made with text based stimulated images containing character values and regional culture?; 2) what are the principles of developing a graphic media model for writing text learning of Junior High School in Semarang City that can be made based on text based on regional culture?; 3) how is the prototype of a graphic media model for writing text learning of Junior High School in Semarang City that can be made by using text based stimulated images containing regional culture?

2. Research Method

The research approach used in this study is R & D (development research), namely a research that is followed up with the development and dissemination of a model [5]. The research process is conducted by ten steps, as conducted by Borg and Gaal [6]. The object of this study is a graphic-based Indonesian language learning media model stimulated images containing character values and regional culture as a media of conservation. This learning media model is based on the results of needs analysis both theoretically and practically.

The data source of this study consists of four things, namely 1) the data on learning media needs from teachers and students of Junior High School in Semarang City, 2) the data on characteristics of text-based flowchart media model containing regional culture, 3) the data on expert assessment based on learning media, and 4) the response data learning media models from teachers, students, and lecturers.

3. Results and Discussion

3.1 Feasibility of Using Media in Writing Text Learning of Junior High School

There are 4 indicators of the feasibility of using media in the writing text learning that was carried out by the teacher, namely 1) the learning media used in delivering of writing text material, 2) the type of learning media used by the teacher, 3) the obstacles of students in receiving writing text material, and 4) whether or not writing media is needed in another text. The data from a questionnaire about the feasibility of the media used by the teacher in writing text learning are as follows. the conditions level of feasibility of the media in the implementation of teaching and writing text in junior high school was obtained that for all aspects of the
feasibility of the media used in the writing text learning used by the teacher was not appropriate. The aspects of the feasibility of the media as follows.

1) In the implementation of learning to compose text, the teacher had not fully used the learning media because 52.87% were still rarely used in the learning media. It means that teachers who used learning media in writing text are still lacking. When used a minimum size of 75%, it is still far from the criteria or it is classified as had not been good criteria. This means that the use level of teacher learning media had not been good.

2) The accuracy of the media used by the teacher in the implementation of writing text learning was not appropriate because 95% stated that they had not used the media that described the stages of writing with sample text. It was not as expected as a professional teacher.

3) The type of media used in learning to compose text were mostly using audio (voice) type media 17.24%, audio-visual (voice and image only) 45.98%. It showed that the use of textual learning media used by the teacher was not appropriate with what should be used in the writing text learning, namely the media that describes the flowchart.

4) The visual media used are in the form of describing the stages of writing with examples of text, who answers (in the form of chart of writing with examples) were not appropriate because 95% still used power point teaching materials 90%, and the other was 5%. It showed that the media used by the teacher in the writing text learning had not been appropriate (90%) with the theoretical concept of writing that describes a stage.

5) The obstacles found in delivering the writing text material were not conducive because students were not quick to capture material 72.7%, students were noisy when learning was 3.3%, and reference material was 23.6%. It showed that the textual learning process was still constrained. The conducivity of learning to get students in mastering the material still had not reached was 76%, in addition, it was still increased with 23.6% of lack of references.

6) Obstacles faced by students in receiving writing text learning, the delivery of teacher material was not conducive because they were not clear 29.8%, there was no media 42.2%, less attractive media26.4%, and others 1.06%. It shows that the learning of text that students receive was still constrained, especially in terms of the media used because the teacher was not available and if there is media, the media was not interesting as much as 72%.

7) Need other media to help the writing text learning, respondent stated that 80.8% very needed, 19.2% needed, and 0% was not necessary. It shows that teachers still need assistance in media procurement, namely 100%.

3.2. Analysis of Needs Development of Flowchart Media Stimulated Images Containing Regional Culture

The writing text learning in Junior High School, a profile for the development of learning media for writing text with aspects of development were obtained as follows.

1. The stimulated image aspect used namely a) the image as an interesting stimulation is the appropriate image and correct color choice was 98.1%, 2) the appropriate image for stimulation were adjusted to the topic and type of text was100%; 3) images that were attractive and easy to identify was color images, it was 76.4%; and 4) it is necessary to include the names of the authors and illustrators in the image was 89.1%

2. The physical aspects of the media used, namely 1) the steps that must be followed in the writing media was (98.2%); 2) the steps of writing text and examples at each step are displayed or written on the learning media in the media was (100%); 3) the steps and explanation with examples at each step in writing text along with the media in the media was (96.4%); 4) if the
learning media of writing text which contains steps and examples at each step were displayed in an analogous form, it was (96.4%); 5) if the instructional media is writing text which contains steps and examples at each step were shown in the form of an analysis as well as a picture at the beginning as a system of stimulation, it was (96.4%); and 6) the teacher's response when the media description for writing a picture-simulated text was displayed with a prototype model was (94.6).

3. Writing aspects of the media titles used, namely 1) writing the appropriate titles for the flowchart media for writing text are written at the top, in capital letters was (76.4%); 2) which type of letter that was suitable for writing media titles for image-simulated analysis was the MT black body (50.9%); and 3) which font size was suitable for media titles for image stimulated analysis is 18 pt (38.2%).

4. The use of color aspect was the suitable color is blue (63%).

5. The design/display aspects of the flowchart media used, namely 1) the design/display of the flowchart media for the analysis of the simulated image to write text easy to understand (100%); 2) displaying text analysis and sample text at each step was (94.5%); and 3) display/media design for simulated image to write text is a display according to the topic, color combination and image comparison was (94.5%).

6. The size aspect of the media used was large (A3) (60%).

7. Aspects of writing media was obtained in the following results: 1) which type of letter was suitable for writing/message in the media for text-stimulated analysis, namely writing the module in MT black (56.4%) and 2) the size of the letter 12 pt (63.6%).

3.3. The Principles of Developing a Graphic Media Model for Writing Text Learning of Junior High Schools in Semarang City that Can Be Made by Using Text Based Containing Regional Culture

Based on the analysis of the needs of students and teachers for the flowchart media model for writing text learning in Junior High School Semarang city, the principles of developing a media model for writing text learning were obtained, namely a) simple, means that the learning media arranged in a simple, uncomplicated manner so that the information/message was easy to be understood clearly; b) completeness, means that the media model includes a unity of message/information that provides a unity of information to facilitate student learning; c) effectiveness, means that the media model could effectively presented messages/information that could be captured easily by students in an effective and efficient time so that it could help in mastering the maximum competence. The effective use of time could support the improvement of the quality of better learning outcomes; d) fun, means that the media model could create an atmosphere that was pleasant, comfortable, enjoy, and not boring for students. Learning media could create a learning atmosphere that is not tense; e) motivating, means that the learning media model could encourage students to have the enthusiasm to keep going and increase the motivation for good learning practices so that they could say "I can master the material well". Thus, in the learning process students would continue to be motivated to be enthusiastic and concentrate in their learning, f) vary, means that learning media models could be made with variations in the use of techniques and methods that encourage students to have various activities so that students had a lot of experience in learning activities. In addition, variations could be made with individual group patterns or practices and theories, and so on.
Through these factors students are expected to have a lot of knowledge and practical skills; g) **guidance**, means that a learning media model with an emphasis on guiding students to master competencies, both individually and in groups. Guidance was carried out by presenting in a simple manner with a description of a concept or process of a skill. Through this guidance, students are expected to gain understanding of learning material, clarity of concepts, and skills so that mastery of the material/ minimum learning completeness is measurable and well programmed; and h) **integrative**, means that the learning media model was carried out by integrating the value content of local wisdom. It is expected that the values of local wisdom will always be internalized in every learning media. The integrated local wisdom values include regional culture, namely reog, etc.

### 3.4. Shape Design (prototypes) of Graphic Media Models for Writing Text Learning of Junior High Schools in Semarang City that Can Be Made by Using Text-Based Images Containing Regional Culture

Based on the principles of development a learning media model in the section above, the researcher made a media model prototype. Prototypes a development of flowchart learning media stimulated images containing character values and regional culture with profiles as in table below.

**Table 1. Profiles Shape Design of Flowchart Media Model of Simulated Images Containing Culture Values Regional and Character**

<table>
<thead>
<tr>
<th>Aspect/Indicator</th>
<th>Description</th>
</tr>
</thead>
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| Stimulation Image                | Images as an interesting stimulation are appropriate images and the right color choices  
Suitable images for stimulation are adapted to the topic and type of text  
Images that are attractive and easy to identify are color images  
It is necessary to include the names of the author and illustrator in the image |
| Writing the Media Title          | The title is written at the top center in capital letters  
The font used is Bodoni MT black  
The font size used is 18 pm |
| The form of media                | There are many steps needed to be followed  
There are many steps needed in writing text and examples at each step displayed or written on the learning media  
There are many steps and explanations with examples at each step in writing text and accompanied by media  
The learning media is writing text that contains the steps and examples for each step shown in the form of a flowchart  
Learning media of writing text learning containing steps and examples at each step that were displayed in the form of a flow chart accompanied by an image at the beginning of the chart as stimulation the teacher's response when the flowchart media of writing text image-stimulated displayed with an approved prototype model. |
| The Use of color                 | The color used is blue |
| Media display / design           | Design/ Image-stimulated flowchart media display for writing text that is easy to understand  
Design / display of a flowchart media of writing text and sample text at every step  
Display/ media design of flowchart stimulated Image for writing text are display that is appropriate with topic, color combinations, and appropriate images |
| The size of media                | The size of media used is big (A3) |
4. Conclusion

Based on the description of the research results above, the conclusions of the results of this study can be formulated. The conclusions of the results of this study are 1) the conditions and feasibility of implementing learning in Junior High School are summarized as follows. The condition of the implementation of writing text learning in Junior High School, from 6 aspects, 2 aspects (33.3%) are in good condition (33.3%) and 4 aspects (66.7%) are not in good condition. The condition of the feasibility of the media in the implementation of writing text learning in Junior High Schools used by the teacher was not feasible; 2) the condition of the need for stimulated image flowchart media model of writing text learning that carried out by the teacher, namely the need to develop writing text learning media in accordance with the concept of writing text theory, namely flowchart media especially stimulated images in order to facilitate students in writing text learning well; 3) principles in the development of learning media, namely a) simple, b) completeness, c) effectiveness, d) fun, e) motivating, f) varied, g) guidance, and h) integrative; 4) the design of the flowchart media developed by paying attention to 7 aspects/profile indicators, namely a) the stimulation images used, b) the writing of media titles, c) the form of the media, d) the use of blue color, e) the design/display of the flow chart writing text and sample text at each step, f) the media size used is large (A3); and g) the writing of content/message of the media, namely a) the font used is bodoni MT black and b) the font size used is 12 pm;

References

The Effectiveness of Social Media at Uny Gunungkidul as A Promotional Media for New Students

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Abstract. The UNY Gunungkidul campus was built in 2020 with the aim of leveling and improving the quality of high school education in DIY. The opening of the UNY vocational campus in Gunungkidul shows an opportunity because there is no public campus in the district. In the midst of the COVID-19 pandemic, UNY used several media to carry out promotional activities with all limitations. Despite the various limitations, UNY has intensively promoted through social media. This research used a qualitative descriptive approach. The technique of determining the informants was selected using purposive sampling. Researchers conducted research through the stages of observation and interviews. From the research results, it can be seen that UNY Gunungkidul uses 5 social media platforms in conducting promotions, namely Instagram, Twitter, Youtube, WhatsApp and Facebook. WhatsApp, Instagram Live and Youtube Live are the platforms most often used by students to find more information.

Keywords: Social Media, Promotional Media, New Students

1 Introduction

The activity of new student admissions is one of the annual routine activities as a medium to get prospective new students. Yogyakarta State University (UNY) is one of the universities in Yogyakarta that opens a pathway for student admissions through achievement and written exams. The UNY Gunungkidul campus was built in 2020. The newly established campus is located in Kepuh, Semanu, Gunungkidul aims to equalize and improve the quality of high school education in DIY. The opening of UNY vocational campus in Gunungkidul shows an opportunity because there is no public campus in the district. In the first batch of 2020, campus UNY Gunungkidul has a capacity of around 600 students. UNY Gunungkidul opened 6 study programs, namely Teknik Elektronika, Tata Boga, Tata Busana, Akuntansi, Administrasi Perkantoran dan Manajemen Pemasaran. In the midst of the COVID-19 pandemic, UNY used several media to carry out promotional activities with all limitations.

Harold D. Laswell describes the function of the media can be divided into three. First, the media has a function as a provider of information to the public at large about things that are beyond their reach. Second, the media functions to select, evaluate, and interpret the information obtained. Third, the media functions to convey socio-cultural values and heritage to the community [1–3].

One of the media used for promotion is through social media. In the midst of the limitations of the COVID-19 pandemic, UNY is aggressively promoting through social media.
Currently, most universities and educational institutions have carried out promotions using digital marketing through social media in a certain capacity [4,5]. Some of the social media used are WhatsApp, Facebook, Instagram, Twitter and Youtube. This was done to introduce the campus located in Gunungkidul and to attract the attention of new students. Location of UNY Gunungkidul dictionary which is relatively far from the city center of Yogyakarta makes social media also used as a forum for information for new students who are confused about obtaining registration information, activities, and the latest information related to UNY Gunungkidul. This is what attracts researchers to find out the effectiveness of social media at UNY Gunungkidul as a promotional media for new students.

1.1. Social Media

This social media application, if classified differently according to its scope and function, such as: a site that focuses on professional networking, focuses on sharing photos and videos, and sharing knowledge [6]. The following is data on social media users in Indonesia in 2020:

![Figure 1. Social media user data in 2020](image)

The types of social media that are most often used in Indonesia are:

1. Youtube

   Youtube itself is a social media that allows its users to view, send, and share videos. Based on data compiled from We Are Social, it has been recorded that 88% of Indonesians have used the social media Youtube.

2. WhatsApp

   In second place, the type of social media most widely used by Indonesians is WhatsApp. Whatsapp or commonly referred to as WA is a social media chat without using a fee, but it is enough to only use an internet connection. Compiled from We Are Social data, it has been recorded that 83% of Indonesians have used WhatsApp social media.

3. Facebook

   Facebook is a social media application that can be said to be complete because we can communicate with other people, share videos, create a group or association, make a schedule
together, and so on. Based on data compiled by We Are Social, there are 82% of Indonesians who use Instagram social media.

4. Instagram
The next type of social media used by Indonesians is Instagram. Instagram or Indonesian people often call it by the abbreviation IG is a social media that allows users to share photos and videos and create short stories on the stories feature. Based on data compiled by We Are Social, it was recorded that 79% of Indonesians use Instagram social media.

5. Twitter
The type of social media that most Indonesians use is Twitter. Twitter is a social media that allows its users to send and read text messages of up to 200 characters or more commonly known as chirps or tweets. Based on data compiled by We Are Social, it has been recorded that 54% of Indonesians use Twitter as a social media.

6. Tik Tok
Tiktok is a social networking service where you can share short videos that feature music in the background and can be edited such as speed up, slow down, or add new filters. As an application that has 25% of Indonesian active users, Tik tok can not only be used to make personal videos. But you can also do a duet with friends you choose to make interesting videos.

7. Line
The next type of social media is Line. Line is an original Japanese social media that allows users to communicate, create a group or association, save images and videos, and the sticker feature in this application makes Line social media more attractive.

Promotion
Sales promotion is a marketing activity that proposes the added value of a product or service within a certain period of time in order to encourage consumer purchases, sales effectiveness, or encourage the efforts of the sales force [7]. Promotion is part and process of marketing strategy as a way to communicate with the market by using the composition of the promotion mix "promotional mix" namely Advertising, Sales Promotion, Public Realation and Publicity (public relations), personal selling, and direct marketing.

Promotion Purpose
The objectives of the promotion are:
• To disseminate information on the company's goods or services to the market
• To get new customers and maintain customer loyalty to buy and use the company's products or services.
• To increase sales so that the company's revenue will increase,
• To differentiate and excel the company's products compared to competitors' products.
• To form the image of the product or service as well as the company's name in the eyes of consumers.
• To change consumer behavior and opinions

Therefore, this study was made to determine the effectiveness of social media as a promotional medium for the vocational campus of UNY Gunungkidul. This is related as a reference for university managers in formulating promotional strategies related to the admission of new students to the vocational campus in Gunungkidul

2. Method
This research use descriptive qualitative approach. Descriptive qualitative research is basically only to examine one variable whose result is a description of the phenomena that occur in the field. The data collected is in the form of words, pictures, and not numbers [6].
This method is used to provide guidance to researchers when they are in the field. The purpose of qualitative research is to describe the situation in the field empirically so that the phenomenon under study can be analyzed in detail and depth. Qualitative descriptive research is used because it is considered the most appropriate to describe the reality in the field. In this study, the informant determination technique was selected using purposive sampling. This can be seen from the sample selected as informants based on certain considerations who are able to provide data and information needed by researchers. The informants selected in this study were the Admissions section of UNY, students and media promotion staff of UNY Gunungkidul. Because the results and discussion are rather difficult to distinguish, the researchers used several stages to obtain them, including:

a. Observation

Before the researcher went into the field, the researcher decided to interview an informant. From there, the researchers made initial observations so that researchers would know more about the object, condition and how the conditions in the field were.

b. Interview

After knowing the conditions in the field, the researchers conducted interviews with respondents. Researchers have prepared several questions related to the things studied. After obtaining data in the field, it is processed using data triangulation so that the results are obtained in accordance with those in the field.

This study uses a descriptive qualitative approach [8]. This type of qualitative descriptive approach describes the conditions as they are, without giving treatment or manipulation to the variables studied [8]. Subjects and objects that become the center for obtaining information related to the issue of Standardization of Child-Friendly School Infrastructure Facilities are the principal, teachers/educational staff, and schools. Qualitative research intends to understand phenomena by describing what is experienced by research subjects in descriptive form in a natural context and utilizing various scientific methods. Data collection techniques using Observation, Documentation, and Interviews. Test the validity of the data using Data Triangulation. The analysis technique uses data reduction, data presentation, and conclusion drawing. The research was carried out in stages, the first stage was carried out for 2 (two) days at SMP N 1 Slawi to be exact starting on Monday - Saturday, January 3 to 8, 2022, then carried out research at SMP N 1 Pangkah on Monday - Saturday, January 10 to 15 2022.

3. Discussion

This shows that the promotion of digital marketing plays an important role for a campus to be able to attract the interest of prospective students. With promotion from a good social media side, it will result in student decision making who chooses the campus, especially UNY. In the journal User Participation of Social Media, five main characteristics of social media are mentioned:

a. Participation is an action oriented towards user involvement in using social media, in the form of frequency of visits and duration of use.

b. Openes, a condition when social media access information and share certain content seamlessly.

c. Conversation, is the rapid spread of conversation due to the ease of access to the net that occurs on social media.

d. Community, which is an alternative mechanism for individuals or organizations to form communities that have the same interests that are formed in social society.
e. Connectedness, social information has viral characteristics, this condition makes it easy for users to connect with one another.

Based on this theory, it is known that the characteristics of the most effective social media as a promotional media are those that have these five characteristics. Of the five characteristics, it is then adjusted to the various features that each social media has. This is because each social media has its own characteristics to convey messages to followers, in the form of short messages or messages that contain selling or promotional value. The following will explain the various social media used by campus UNY Gunungkidul:

a) Facebook is a social networking site that makes it easy to share with friends or family. Facebook has the advantage where users can upload photos or videos. This is the main attraction of Facebook, so that many users use various application facilities on Facebook to make friends, establish work partners, create community groups, to promote goods or services. Facebook is also used as a promotional media to introduce UNY Gunungkidul. One of them is by uploading the UNY Gunungkidul pamphlet on the Facebook platform. Then the content is added to the paid features of Facebook Ads so that it appears automatically on Facebook users' pages.

b) Instagram is a photo and video sharing application that allows users to take photos, videos and apply digital filters and share them to various social networking services, so that many users use it as a medium for promoting goods or services. Not to be outdone, UNY Gunungkidul also uses social media Instagram as a promotional media. Although UNY Gunungkidul's Instagram account is not regularly active, prospective students can see the latest updates about UNY Gunungkidul through the @unyofficial Instagram account. In addition to sharing the latest info, the @unyofficial Instagram account also often uses Instagram Live features as a means of closer discussion with followers.

c) Youtube is a website that contains various kinds of video sharing in order to accommodate its users so that they can load, watch, and share video clips for free. The Youtube platform is also used by UNY Gunungkidul as a means of information media. Currently, UNY Gunungkidul does not yet have its own official account, so media promotions are usually done through UNY Official account. UNY Official, which has 33,900 subscribers, often shares videos aimed at promoting campus activities. One of the programs used as a media to promote new student admissions is UNY Wae Talk. Even though UNY Gunungkidul does not yet have a Youtube account, if you look more specifically, you can see that there are already many accounts showing the situation on campus UNY Gunungkidul. One of them is Gick Sugiyana's account. Gick Sugiyana's account uploaded a video about the situation on the campus located in Semanu, Gunungkidul. The video uploaded on March 31, 2021 has been viewed more than 11,400 times. In addition, there are other videos uploaded by Anggi Namara and Inside Gunungkidul accounts. Anggi Namara's account also uploaded a video about the situation on the UNY Gunungkidul campus. The video, which was uploaded on January 12, 2022, has been viewed 580 times. The latest upload from the Inside Gunungkidul account uploaded a video on April 5, 2022 with more than 493 views.

d) WhatsApp is social media in the form of chat is one of the most effective media as a promotional medium. WhatsApp users can ask directly about information about campus UNY Gunungkidul to the contact person listed on the pamphlet. This social media can also be private because conversations on WhatsApp occur between 2 users only. In addition, this social media is considered the most effective because it has a feature that can carry out group conversations so that in one conversation room it can accommodate many users. This makes it easier for users to be more flexible in providing and obtaining
information. WhatsApp groups are also used as a means to gather new students who have problems getting information about the UNY Gunungkidul campus.

e) Twitter is an application part of a blog that is designed for users to answer "what's happening" questions contained in the Twitter timeline (screenplay). Twitter users can write anything in their posts with a limit of 140 characters. In addition, Twitter is also often used as a medium for promoting a product or service. Although UNY Gunungkidul does not yet have its own twitter account, promotion media usually uses the @unyofficial twitter account. This account, which has more than 22,000 followers, is active in sharing the latest info on campus activities. According to the results of the study, Twitter is still considered less effective as a promotional medium. This is because the Twitter features are limited so that there is less 2-way interaction with their followers. So far, my Twitter @unyofficial has only been limited to uploading information on campus activities, promotional brochures and answering questions from followers through the comments column.

In this study, it is known that Instagram is considered the most easily accepted social media among young people. However, in terms of account ownership, UNY Gunungkidul's Instagram social media does not appear to be managed properly. The appearance is still very simple and neglected. So far, prospective new students are looking for more information through the official UNY Instagram account @unyofficial. Accounts that are followed by 170,000 followers (as of April 30, 2020) are considered to have more up-to-date information regarding new student admissions. This is because a lot of the latest information has been uploaded by the @unyofficial account rather than the @unygunungkidul account. In addition, from the results of the study, it was found that many students of UNY Gunungkidul were less aware of the campus's social media accounts. They admit that more information is obtained from friends, relatives, teachers, schools or even from the @unyofficial account. The lack of management of the social media account @unygunungkidul can be seen from the number of followers, only 113 followers with 2 posts. Respondents acknowledged that this account had minimal information regarding New Student Admissions (PMB), class schedules, and other activities.

The results also show that new students get a lot of information about lectures and campus activity schedules through WhatsApp groups. The group was deliberately created by seniors to make it easier to distribute various information to new students. The students also revealed that information via WhatsApp groups was more effective than via Instagram direct messages. This is because they are more able to share information more widely with other students. According to the research results, the limitations of features on Instagram are the reason new students get more info from WhatsApp groups. On the other hand, the students acknowledged that social media has a role to play in getting initial information about campus UNY Gunungkidul which was just opened in 2020. Unfortunately, the official account of campus UNY Gunungkidul is still not managed properly, so students get more information from their accounts. @unyofficial and their batch whatsapp group. In addition, the role of the environment is also considered as a factor for students to choose campus UNY Gunungkidul. Environmental factors in question are friends, family, teachers and schools.

This shows that social media contributes to purchasing decisions. At the same time, this can be a special concern for campuses that want to be more widely known and chosen by prospective students by increasing promotion from the social media side.

4. Conclusion
In this study, it can be concluded several things regarding the effectiveness of social media at UNY Gunungkidul as a promotional media for new students that UNY Gunungkidul uses 5 social media platforms in its promotions, namely Instagram, Twitter, Youtube, Facebook and WhatsApp. Furthermore, WhatsApp, Instagram Live and Youtube Live are considered as promotional media that are considered the most effective in conveying information. Then Gunungkidul's social media that has not been managed properly is considered an obstacle for new students in obtaining the latest information.

References


The Effect of Professional Competence and Pedagogic Competence of Teachers on Numeracy Literacy

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Abstract. The purpose of this study is to test (1) teacher professional competence towards student numeracy literacy, (2) teacher professional competence towards student numeracy literacy. This research was conducted on students of class XI MAN 1 Tegal for the 2021/2022 academic year, data obtained from questionnaires and documentation of student numeracy test results. The results of the study (1) the professional competence of teachers has a significant positive effect on the numeracy literacy of students; (2) the pedagogical competence of teachers has a significant positive effect on the numeracy literacy of students; (3) professional competence and pedagogical competence of teachers have a significant positive effect together with the numeracy literacy of students. Based on the results of the study as a whole, it can be seen that professional competence and pedagogical competence of teachers can affect the numeracy literacy of students.

Keywords: Numeracy Literacy, Pedagogic Competence, Professional Competence

1. Introduction

Education has a very strategic role in improving the quality of human resources and efforts to realize the nation’s ideals. Indonesia in realizing good and quality education requires quality Human Resources (HR) in order to educate the nation’s generation in the future and be able to compete in the world. Improving the quality of education in Indonesia has begun to be launched since the last few years. This can be seen by the government’s attention to reforms in the field of education. 21st century education is an education that associates or integrates knowledge skills, attitudes, and skills with IT mastery so that the 21st century learning system from teacher centered learning to student centered learning (SCL). The principle of learning must be learning to know, learning to do, learning to be, and learning to live together. 21st century education is projected on 3 factors, namely character, competence or skills known as 4C, and literacy.

Literacy in the 21st century consists of 6 literacies, namely literacy, numeracy literacy, digital literacy, financial literacy, science literacy, and cultural literacy. Literacy skills as a prerequisite for 21st century life skills are developed through integrated education in both family, school, and community environments. As part of literacy skills, numeracy literacy is important for everyone to have. Numeracy literacy skills are necessary to solve everyday problems by using mathematical knowledge of both symbols and numbers[1–6]. Numerical literacy requires logical thinking so that it makes it easier for someone to understand mathematics, so that by having numerical abilities, one will be helped both in understanding the material, analyzing problems, and solving problems. Numeracy literacy is defined as the
ability to apply the concept of numbers and numeracy operation skills in everyday life and the ability to interpret quantitative information that exists in the student's environment.

In fact, the numeracy literacy of Indonesian students at the national level is still relatively low. This is seen based on the PISA test results, in 2015 Indonesia obtained a PISA score of 386 for mathematics from the average score of each country which is 487. Meanwhile, in 2018, the results of the PISA math test in Indonesia decreased, namely 379 from an average score of 489 [7] The test results of PISA (2015) and TIMSS (2016), two organizations under the OECD (Organisation for Economic Co-operation and Development) show that Indonesia is ranked at the bottom, even below Vietnam, a small country in Southeast Asia that has just become independent. The results of the math test organized by PISA between Vietnam and Indonesia are very far apart. Vietnam got a score of 495 (with an average score of 490), while Indonesia got a score of 387. Meanwhile, from the TIMSS results, Indonesia got a score of 395 out of an average score of 500. Likewise, what happened in MAN 1 Tegal, it seems that not all students are proficient in mastering numeracy literacy skills. Based on the results of the 2021 ANBK try-out which was attended by a total of 430 students, data was obtained as many as 125 students (31.49%) were declared proficient, 114 students (28.72%) were declared capable, 136 students (34.26%) were in the basic category, and 55 students (13.85%) were in the category of needing special intervention.

Some of the causes of the above problems by researchers can be inventoried as follows:
1. Professional competencies in the existing field only have mastery of the material, contain formal abilities, do not yet have the ability to other scientific materials that have a relationship with the subject matter of a particular subject (enrichment material).
2. New pedagogic competencies include planning, implementing, and assessing learning that has not mastered the science of education.
3. The lack of awareness of teachers that professional kompetensi and pedagogic k ometensi have an influence on numeracy ability.
4. The numeracy literacy ability of students is still low.

Based on the description above, the purpose of this study is to determine the significant influence of professional competence and pedagogical competence of teachers together on the numeracy literacy of students of class XI MAN 1 Tegal. Given the many developments that can be found in this problem, it is necessary to have clear boundaries of the problem regarding what is made and solved in this study. The limitations of the problems in this study are as follows:
1. Influence is a force that exists or arises from something.
2. Competence is a combination of knowledge, skills, values, and attitudes that are reflected in the habits of thinking and acting.
3. Professional competencies is the ability to master learning material broadly and deeply that allows it to guide learners to meet established competency standards.
4. Edagogic competence is the ability to understand students in depth and the implementation of educational learning including the ability to design ajaran, implement learning, assess the learning outcome process, and make continuous improvements.
5. A teacher is someone who has devoted himself to teaching a science, educating, directing, and training his students to understand the knowledge he teaches.
6. Literacy is the ability to use numbers, data, and mathematical symbols, as well as knowledge and skills in making decisions related to real problems in everyday life.
7. The population of this study was 454 students of class XI MAN 1 Tegal.

There is an interesting problem formulation that is worthy of scientific research, namely that there is no mastery of educational science, including about the professional competence of teachers. It is not enough for a professional teacher to have a formal mastery of the material but also to have the ability to other scientific materials. Pedagogic competence not only includes planning, implementing, and assessing learning but also mastering the knowledge of education and numeracy literacy of students who are still low. Based on this, the problem questions that can be formulated are as follows:

1. Is there an influence of teacher professional competence on the numeracy literacy of class XI MAN 1 Tegal students?
2. Is there an influence of teacher pedagogic competence on the numeracy literacy of class XI MAN 1 Tegal students?
3. Is there a significant influence of professional competence and pedagogic competence of teachers together on the numeracy literacy of class XI MAN 1 Tegal students?

In line with the above problem questions, the objectives of this study are as follows:

1. To be able to find out the influence of teacher professional competence on the numeracy literacy of students of class XI MAN 1 Tegal.
2. To be able to find out the influence of teacher pedagogic competence on the numeracy literacy of class XI students at MAN 1 Tegal.
3. To be able to find out the influence of professional competence and pedagogic competence of teachers together on the numeracy literacy of students of class XI MAN 1 Tegal.

2. Method

In accordance with the above framework of thought scheme, the hypotheses proposed in this study are as follows:

1. Ha1: There is a significant influence of professional competence with the numeracy literacy of class XI MAN 1 Tegal students for the 2021/2022 Academic Year.
2. H01: There is no significant influence of professional competence with the numeracy literacy of class XI MAN 1 Tegal students for the 2021/2022 Academic Year.
3. Ha2: There is a significant influence of pedagogic competence with the numeracy literacy of class XI MAN 1 Tegal students for the 2021/2022 Academic Year.

4. H02: There is no significant influence of pedagogic competence with numeracy literacy of class XI MAN 1 Tegal students for the 2021/2022 Academic Year.

5. Ha3: There is a significant influence of professional competence and pedagogic competence of teachers together on the numeracy literacy of class XI MAN 1 Tegal students for the 2021/2022 Academic Year.

6. H03: There is no significant influence of professional competence and pedagogic competence of teachers together on the numeracy literacy of students of class XI MAN 1 Tegal academic year 2021/2022.

The kind of data, how the data is collected, with the instruments by which the data is collected and how it is collected. The data collection technique that the author used in this study was by the questionnaire collection method for data on professional competence and pedagogic competence as well as documentation for numeracy literacy data which was taken from the results of the ANBK tryout numeracy literacy. To calibrate the instrument of professional competence and pedagogic competence of teachers used by testing the validity of each question item, and the reliability of the instrument.

In this study, the data analysis used was descriptive statistical analysis, analysis prerequisite tests (normality test, linearity test, multicholinearity test, heteroskedasticity test) and hypothesis test (simple correlation analysis, simple regression analysis, multiple correlation analysis, multiple regression analysis, F-test).

3. Result

Respondents in this study were 213 students. The proportion of sampling uses the proportional random sampling formula or the multilevel sampling formula.

<table>
<thead>
<tr>
<th>No</th>
<th>Class</th>
<th>Number of Learners</th>
<th>Number of Samples</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>XI Science</td>
<td>222</td>
<td>222/454 x 213 = 104</td>
</tr>
<tr>
<td>2</td>
<td>XI Social Science</td>
<td>164</td>
<td>164/454 x 213 = 77</td>
</tr>
<tr>
<td>3</td>
<td>XI Religion</td>
<td>68</td>
<td>68/454 x 213 = 32</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>454</td>
</tr>
</tbody>
</table>

Statistical descriptive analysis gives an overview of a data. Descriptive analysis describes a summary of research data seen from the average value (mean), standard deviation, variance, maximum value, minimum value, sum, and range. Dissemination of questionnaires on 213 research samples of class XI MAN 1 Tegal with items of 20 statements about professional competence and pedagogical competence of teachers.

This study aims to test the influence of free variables on bound variables. The prerequisite tests in this study consist of data normality tests, data linearity tests, data multicholinerita tests, and data heteroskedasticity tests. The Normality Test aims to find out whether the data is distributed normally or not. Data normality is a mandatory condition that must be met in parametric analysis. Data normality is important because with normally distributed data, the data is considered to be representative of the population. In this study, normality testing uses the SPSS 26 program, which is used to make it easier to calculate data. In this study, the
The author used the Liliefors test for normality tests. The results of the normality test can be seen in the output test of normality, in the Kolmogorov-Smirnov column on the Sig value (significant). Based on the calculation results of the Kolmogorov-Smirnov column on the sig column (significance), it is known that professional competency data and teacher pedagogical competency data and student numeracy literacy are normally distributed.

The linearity test is used to determine whether the two variables have a linear relationship or not. This test is performed by looking for the equation of the regression line of a free variable against a bound variable. The author uses the SPSS version 2.6 program for linearity tests that "testing on SPSS using tests for linearity at a significance level of 0.05". If the significance value at linearity is less than 0.05 (Sig < 0.05), then the two variables are said to have a linear relationship.

The final analysis results in this study consist of the results of simple correlation analysis, simple regression analysis, double regression analysis, double correlation analysis, determination test, and coefficient test regression together (test F). Relationship analysis (correlation) is a form of data analysis in research that aims to find out the strength or shape of the direction of the relationship between two or more variables, and the magnitude of the influence caused by one variable (free variable) against another variable (bound variable). Priyatno (2016:39) states a simple correlation analysis is used as a way to find out the relationship between two or more variables that indicate significant closeness, direction and relationship or not. The basis for making correlation decisions is that if the value of Sig. > 0.05, then H0 is accepted. Conversely, if the sig value < 0.05, then H0 is rejected. A simple regression analysis is a regression analysis that involves only two variables, namely one free variable and one bound variable. Testing this regression coefficient using the t-Test. Simple regression analysis is used to answer hypotheses number 1 and 2.

Double correlation analysis is used to determine the relationship between two or more free variables (X) and bound variables (Y) together. To perform the double correlation analysis, the authors used the help of the SPSS program version 26. Based on the calculation of multiple correlation analysis obtained the value of double correlation R located between 0.60–0.799 so that it can be stated that there is a strong relationship between professional competence and pedagogical competence of teachers with the literacy ability of students.

Multiple regression analysis is a linear relationship between two or more free variables and bound variables. In this study, the analysis was used to determine the influence of professional competence and pedagogic competence of teachers together on the numeracy literacy of students. Multiple regression can be analyzed because it is based on a functional relationship or causal (causal) relationship between two variables (X1) and (X2) with one bound variable (Y). To perform a double correlation analysis, the author uses the help of the SPSS version 2.6 program, based on the results of data processing, it can be analyzed as follows:

\[ \hat{Y} = a + b1X1 + b2X2 \]

where:
\( \hat{Y} \) : projected bound variable
X: free variable
a: the value of the price constant Y if \( X=0 \)
b: directional value as a determinant of the forecast of the value of the variable Y

1. The value of the regression coefficient of the professional competency variable (X1) is positive, meaning that there is a positive relationship between professional competence...
(X1) and the numeracy literacy of students (Y). The more the professional competence of teachers, the more numeracy literacy results of students increase.

2. The value of the regression coefficient of the pedagogic competency variable (X2) is positive, meaning that there is a positive relationship between pedagogic competence (X1) and the numeracy literacy of students (Y). The more pedagogical competence of teachers increases, the more numeracy literacy results of students increase.

**Regression Coefficient Test (F Test)**

The F test aims to find out whether the free variables together have a significant effect on the bound variables. Based on the calculation of the F value data, calculate $F_{table}$ and the significance of the $< 0.05$, $H_0$ is rejected, which means that professional competence and pedagogical competence of teachers are together have a significant effect on the numeracy literacy of learners.

4. **Conclusion**

Based on the result above, researcher conclude that.

1. There is a significant influence between the professional competence of teachers and the numeracy literacy of students of class XI MAN 1 in the 2021/2022 Academic Year. This is proved from the first hypothesis testing obtaining the calculated $t$ value $> t$ of the table.

2. There is a significant influence between the pedagogical competence of teachers and the numeracy literacy of class XI MAN 1 students in the 2021/2022 Academic Year. This is proved from the first hypothesis testing obtaining the calculated $t$ value $> t$ of the table.

3. Testing the professional competency variables (X1) and pedagogic competency variables (X2) together on the numeracy literacy variables of students (Y) obtained results that there was an influence which is significant between professional competence and pedagogical competence with numeracy literacy of students of class XI MAN 1 Tegal Academic Year 2021/2022.

From this research, the following suggestions can be proposed: teachers should increase their intensity in developing ways of managing the learning process, developing knowledge about the latest literacy phenomena both reading literacy, numeracy literacy or science literacy, and fostering the interest of students to be motivated to learn, especially in the formal education environment. Madrasahs can provide learning facilities and infrastructure to support the learning process, for example by providing IT networks and the internet so that teachers and students can always update information. The head of the madrasa can obtain information about the professional competence and pedagogical competence of the teacher, so that he can periodically evaluate and take appropriate actions to improve competence of his fostered teachers. For further research, you can develop another one by adding variables or other explanatory variables.

**References**


Improving Students' Communication Skills Through Pedagogic Competence at Junior High School of Islamic Boarding School

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Abstract. The aim of this research is to evaluate the pedagogical competence of the teachers at SMP Al-Qur'an Zaenuddin, along with to identify the challenges they confront in helping students improve their communication abilities. Both primary and secondary data were used in this investigation. This study used qualitative research methodologies as its primary research strategy. The findings revealed that: (1) the curriculum and syllabus, which incorporate the analysis of learning materials, have served as a reference for instructors. (2) Different aspects of the pedagogical competence of teachers in the educational process (3) There are still challenges at the Al-Qur'an Zaenuddin Junior High School Based on Pesantren to enhance the teachers' pedagogical, such as teachers who don't involve pupils in learning implementation activities. The challenges listed above can be used to assess teachers. Teachers at SMP Al-Qur'an Zaenuddin must therefore look for strategies to enhance students' communication skills. According to Pesantren, this can be done by giving students the chance to ask questions, clarifying any points that are unclear, rewarding active learners with higher grades, and having groups present.

Keywords: Pedagogy Competence, Student Communication Skill

1. Introduction

Communication is very useful in a wide variety of areas of life. Starting from communication in the social, cultural, economic and educational fields. In the field of communication education is very beneficial for teachers and learners. However, the development of the times, of course, the more complex the problems and challenges that must be faced in the world of education. Entering the 21st century, teachers must have more abilities and must be developed to be able to transfer their knowledge to students in the classroom and outside the classroom. Especially with the changes that occurred in the era of the industrial revolution 4.0, we have to make adjustments to human resources (Human Resources) in order to meet what is needed by industry 4.0. To be able to face the increasingly fierce competition in industry 4.0, we must improve the skills needed now.

A professional teacher must be competent, Competence is a set of knowledge, skills, and behaviors that must be possessed, lived, and mastered by teachers or lecturers in carrying out professional duties. Teacher competencies as referred to in Article 8 of the Law of the
Republic of Indonesia Number 14 of 2005 include pedagogical competence, personality competence, social competence, and professional competence obtained through professional education.

A strong national character can be obtained from a good education system and not only attaches importance to intellectual intelligence factors, but also education based on faith and piety and produces outputs that are not only able to compete in the world of work, but also able to produce works that are useful for society, religion, nation, and state [1,2]. To realize this, education is needed that includes two main elements, namely academic excellence and nonacademic excellence (including spiritual excellence).

Pesantren-Based Schools (SBP) as one of the Islamic education models that can combine two social systems, namely the pesantren social system and the school social system[3–5]. This Islamic education model aims to create human resources that are religionists as well as scientists as a whole, so that they can play a complete role in the social system of society. Pesantren-Based Schools (SBP) is one of the social facts, which arises due to human awareness, the results of thoughts, discussions between institutions in this case the Ministry of Religion, The Ministry of National Education, the Center for Educational Development (CERDEV) UIN Syarif Hidayatullah Jakarta, Pesantren, and Schools [6,7].

Based on the observations of researchers, in the learning process in the classroom the teacher has not been able to improve the communication skills of students. This is shown by the lack of discussion activities during learning and the more dominant use of the lecture method carried out by the teacher to students. According the problems, it can be concluded that the teacher is someone who has an important role in improving students' communication skills. Therefore, the author is interested in studying the pedagogical competence of teachers in improving students' communication skills in Islamic boarding schools, especially students at Al-Qur'an Zaenuddin Junior High School, Tegal Regency[8–10].

Based on the problems described above, the purpose of this study is to determine the pedagogical competence of teachers at SMP Al-Qur'an Zaenuddin; to find out the obstacles faced by teachers in improving students' communication skills at Zaenuddin Qur'an Junior High School; to identify teachers' efforts or ways of improving students' communication skills at Zaenuddin Qur'an Junior High School; and to find out the advantages of students' communication skills at Zaenuddin Qur'an Junior High School.

2. Method

Research on "Pedagogic Competence of Teachers in Improving Students’ Communication Skills at Al-Qur'an Zaenuddin Junior High School Based on Pesantren is included in qualitative research. Therefore, the approach taken is through a qualitative approach. This research was conducted at a pesantren-based school in Tegal Regency, namely SMP Al-Qur'an Zaenuddin which is located at Jalan Raya Pantura Tegal – Pemalang KM. 09 Maribaya Village, Kramat District, Tegal Regency.

In this study, the data sources used were divided into two, namely Primary Data which came from the following sources, the Head of Al-Qur'an Junior High School Zaenuddin; Deputy head of Al-Qur'an Junior High School Zaenuddin; Teachers of Al-Qur'an Junior High School Zaenuddin and Participants didik Junior High School Al-Qur'an Zaenuddin. Meanwhile, the secondary data in this study comes from the History of The Qur'an Zaenuddin Junior High School; Vision and Mission of Al-Qur'an Junior High School Zaenuddin; Schedule of activities at Zaenuddin Qur'an Junior High School; and Data on teachers and students of Zaenuddin Qur'an Junior High School. To obtain truly valid data in this qualitative
This research was conducted using a case study design. A case study is a research design that examines two or more subjects, settings, where research data is stored. In analyzing data, it is carried out in two stages, namely the stage of analyzing individual case data and analyzing data across cases. In this study, researchers used the first criterion, namely the degree of trust (creadibility). Credibility is a data that proves the compatibility between the results of an observation and the reality in the field. In fulfilling the achievement of credibility, researchers in this study used several examination techniques. These techniques include the extension of participation, persistence of observations, triangulation, peer discussion, adequacy of references, analysis of negative cases, and checking members.

3. Result & Discussion

In the discussion of the results of this study, efforts will be made to interpret the findings of research in the field that have been obtained. It is based on a perception that the main purpose of qualitative research is to obtain meaning for the reality that occurs. Furthermore, systematically discussing the results of this study will be presented as follows:

3.1 Pedagogic Competence of Teachers in Learning Planning at SMP Al-Qur'an Zaenuddin Based on Pesantren

The results of the study prove that the pedagogical competence of teachers in learning planning at the Al-Qur'an Zaenuddin Junior High School Based on Pesantren has been guided by the curriculum and syllabus. The learning planning contains an analysis of learning materials which contains core competencies, basic competencies, indicators and subject matter. With a reference to the learning plan, it is believed that the learning taught by teachers will be more directed, sustainable and more flexible.

Related to learning planning which is the responsibility of teachers in the teaching and learning process, there are several ways related to the planning of lesson materials, including that teachers must complete it with annual programs, semester programs, syllabuses, lesson plans, minimum completion criteria, student attendance lists and grade books. For teachers, the most important planning is unit planning, weekly planning and daily planning. Therefore, learning planning at the education unit level is a preparation that must be carried out by the teacher as the first step in a process of teaching and learning activities. In its implementation, the first step that must be carried out by a teacher is the study of the curriculum developed in the form of a syllabus.

Furthermore, it is developed into an active, creative, innovative and fun teaching and learning process. Good planning will also have a good impact on the teaching and learning process. Learning planning is a preparation that must be carried out by the teacher and is the first step of a learning activity.

3.2 Pedagogic Competence of Teachers in the Learning Process at SMP Al-Qur'an Zaenuddin Based on Pesantren Adiwerna
The results of other studies prove that the pedagogical competence of teachers in the learning process at SMP Al-Qur'an Zaenuddin Based on Pesantren can be observed through several aspects, namely:

1. Mastering the characteristics of learners
   The results of the study prove that the pedagogical competence of teachers in the learning process at the Al-Qur'an Zaenuddin Junior High School Based on Pesantren in terms of the aspect of mastering the characteristics of students is carried out by means of the learning process in the classroom, teachers actively observe the movements of students, attitudes and behaviors during learning both interactions with the teacher himself and with his peers. In addition, the teacher also invites students to actively communicate both in conveying the results of the discussion and in providing questions related to the material taught at that time.

2. Mastering learning theory and educational learning principles
   The results of the study prove that the pedagogical competence of teachers in the learning process at the Al-Qur'an Zaenuddin Junior High School Based on Pesantren is viewed from the aspect of mastering learning theory and educational learning principles, namely by the way teachers actively learn about learning theory and learning principles through social media and other media both online and offline.

3. Develop a curriculum
   The results of the study prove that the pedagogical competence of teachers in the learning process at the Al-Qur'an Zaenuddin Junior High School Based on Pesantren is reviewed from the aspect of curriculum development related to the subjects that are capable of being carried out by holding In House Training (IHT) activities which are carried out before the new Academic Year begins, this activity aims to make one activity the next year is well designed by prioritizing good curriculum quality.

4. Educational learning activities
   The results of the study prove that the pedagogical competence of teachers in the learning process at the Al-Qur'an Zaenuddin Junior High School Based on Pesantren is in terms of aspects of educational learning activities, namely through the steps of the teacher teaching in accordance with the learning material, the teacher acts as a facilitator and the teacher communicates information according to the age or ability of students.

5. Developing the potential of learners
   The results of the study prove that the pedagogical competence of teachers in the learning process at Al-Qur'an Zaenuddin Junior High School Based on Pesantren is reviewed from the aspect of developing the potential of students through two steps. The first step is to get to know or identify the potential that students have, can be with the help of filling out questionnaires (for example, filling in questionnaires carried out by teachers in class or extracurricular specialization questionnaires). Then, the second number is that after knowing the potential of students, the teacher provides motivation and as much as possible facilitates students to develop their potential through learning activities in class yang adjusted to the potential of students and extracurricular activities.

6. Communicate with learners
The results of the study proved that the pedagogical competence of teachers in the learning process at SMP Al-Qur'an Zaenuddin Based on Pesantren is in terms of communication with students, namely teachers using good language, polite, friendly and avoiding words that seem to blame students and teachers try to be good listeners for students.

7. Assessing and Evaluating
The results of the study prove that the pedagogical competence of teachers in the learning process at Al-Qur'an Zaenuddin Junior High School Based on Pesantren is reviewed from the aspect of assessing and evaluating, which is carried out by identifying the development of students through learning evaluation activities both using test assessments, assignments, portfolios, observations, product and project assessments.

3.3 Pedagogic Competence of Teachers in Improving Students' Communication Skills at SMP Al-Qur'an Zaenuddin Berbasis Pesantren

The results of the study proved that the pedagogical competence of teachers in improving students' communication skills at the Al-Qur'an Zaenuddin Junior High School Based on Pesantren still experienced obstacles such as teachers not involving students in learning implementation activities. This obstacle occurs because the teacher is more dominant in delivering the material, and the students are only listeners. The second obstacle is that there are still students who are embarrassed, especially with the opposite sex. Especially this happens in classes where students are heterogeneous, that is, in one class it is incorporated between male and female students.

The above obstacles can be used as an evaluation for teachers. So that teachers must strive for ways that can be used to improve students' communication skills at SMP Al-Qur'an Zaenuddin Based on Pesantren, namely by providing opportunities to ask students, asking questions if there are difficulties in understanding the material, giving rewards in the form of additional grades to active students, and in presentation groups.

4. Conclusion
From the results of the research findings, there are several things that the author can conclude the pedagogical competence of teachers in learning planning at SMP Al-Qur'an Zaenuddin Based on Pesantren has been guided by the curriculum and syllabus. The learning planning contains an analysis of learning materials which contains core competencies, basic competencies, indicators and subject matter. With a reference to the learning plan, it is believed that the learning taught by teachers will be more directed, sustainable and more flexible.

In addition, the pedagogical competence of teachers in the learning process at Al-Qur'an Zaenuddin Junior High School Based on Pesantren can be observed through several aspects, namely teachers master the characteristics of students, teachers master learning theories and principles of educational learning, teachers develop curricula, teachers carry out educational learning activities, teachers develop the potential of students, teachers communicate with students and teachers assess and evaluate.

Then, the pedagogical competence of teachers in improving students' communication skills at SMP Al-Qur'an Zaenuddin Based on Pesantren still experiences obstacles such as
teachers not involving students in learning implementation activities. This obstacle occurs because the teacher is more dominant in delivering the material, and the students are only listeners. The second obstacle is that there are still students who are embarrassed, especially with the opposite sex. Especially this happens in classes where students are heterogeneous, that is, in one class it is incorporated between male and female students.

The result of this research can be used as an evaluation for teachers. Thus teachers must strive for ways that can be used to improve students’ communication skills at SMP Al-Qur’an Zaenuddin Based on Pesantren, namely by providing opportunities to ask students, asking questions if there are difficulties in understanding the material, giving rewards in the form of additional grades to active students, and in presentation groups.

References


Implementation of Character Education in The Application of Work Culture

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Abstract. In planning character education in the application of work culture, namely by planning programs, goals, and setting goals Character education that is made long-term, and short-term. The implementation of the character education process in the application of work culture is carried out as a whole through learning activities both in the classroom and in workshops, school culture, extracurricular activities, religious activities. Control of character education in the application of work culture is carried out internally and externally. Internally in the form of orderly and school culture, support and cooperation that can attract school residents, as well as externally support between the school and the community. The inhibiting factor is the character of students with different family backgrounds. The advice of all school residents can create environmental conditions that support the creation of character education and the application of work culture to students properly.

Keywords: Character Education, Management, Work Culture

1. Introduction

Character in human life from the past until now is an important issue. This moral crisis is no longer a simple problem but has a serious impact among students, even though to build a developed country requires a young generation with noble character and character. The problem of character can be seen from the deviations and negative behaviors that occur in our education, with the fact that in school students there is a moral crisis that has occurred recently, namely there are still students who lack discipline over time, make noise, low respect for teachers and others who are older and various other negative attitudes and behaviors shown by students and other deviant actions. Character values such as honesty, unity, togetherness and discipline are less considered. These problems arise because of the fading of the character values of students. Finally, the child's character turns into fragile, easily hit by the waves, falls into a booming cultural trend, and thinks about the consequences.

Character education can help overcome the moral crisis in our country. The moral crisis in question is in the form of rampant rates of violence among children and adolescents, delinquency towards friends, theft, cheating habits, drug abuse, pornography, and destruction of other people's property. These things are forms of social problems that until now have not been completely overcome, and are an indication that character education is still an important need. Character education is expected to be implemented synergistically in schools, at home, and in the community in general [1].

Character education is an education that is not only oriented to cognitive aspects, but is more oriented to the process of fostering the potential that exists in children, developed through habituation of good qualities, namely in the form of teaching good character values. In
character education, each individual is trained to maintain good qualities in themselves (fitrah) so that the character will be firmly attached to training through education so that akhlakul karimah will be formed.

Schools that are notabennya as a formal education path until now are still trusted to realize the goals of national education. But over time there are many fundamental problems faced by schools, namely moral issues. The other issues stem from this issue. Even academic reform depends on how one puts character first. However, the school that became the hope in the cultivation of character values was not able to run optimally.

Character education where the abilities that must be developed in students through school are as abilities that will make students divine beings and develop certain values so that they are manifested in the behavior of children, both during the school process and after the school process (after graduating from school). This is related to the formation of the character of students so that they are able to compete, be ethical, moral, polite and interact with the community environment. Character education has the goal of straightening out various negative child behaviors into positive ones [2].

Work culture is a philosophy based on the view of life as values that become traits, habits and driving forces, cultivating in the life of a community or organization, then reflected from attitudes into behavior, beliefs, ideals, opinions and actions that manifest as "work" or "culture" [3]. Work culture is an abstract concept of individual behavior in a community in the form of values that are important when a person faces work. Cultural values and logic should be as the most strategic abstraction of personal deeds as the main messaging system in education to start work in the industry.

The implementation of character education in the application of work culture at SMK Negeri 1 Adiwerna is based on the observations of school researchers with a background in public schools in general. The school has a mission to provide a learning climate that is industrially cultured, integrated with environmental values and rooted in the nation's cultural values and Pancasila, and makes SMK Negeri 1 Adiwerna an industrial partner by providing a place for industry or other partners to produce products/services according to industry standards. The application of disciplinary and religious character education is also carried out at SMK Negeri 1 Adiwerna to improve spiritual character in students, the application of this character education has grabbed the attention and response of the community, especially parents of students who are looking for schools that instill character education and industrial culture, so that graduates can be accepted into companies that parents and students expect.

A workforce that is competitive, characterful, and skilled, one of which is born from a quality vocational school and is relevant to the demands of the world of work that continues to develop. Smk students should have good character, have qualified power, and have a good work culture for this nation. The character can be trusted and believed to be of great importance because the values that make it up are very useful for life, such as honesty. Honesty can foster workers' trust. On the contrary, lies will foster suspicion and can hinder any work affairs.

Vocational High School as one of the educational institutions has the responsibility to produce graduates who are expected to be ready to work by having competencies according to their fields. Currently, the world of work really hopes for the world of education to be able to educate its students, including preparing for work, not only providing basic provisions in the form of strength, physical power, and science, technology, art and sports, teapi must also provide basic provisions in the form of heart power or strong work character. Currently, the condition of the working character of students in most educational institutions is less related and less commensurate with the work character that the world of work covets.
2. Literature Review

Law Number 20 of 2003 concerning the National Education System, Article 3 the purpose of national education is to develop the potential of students to become human beings who have faith and piety in God Almighty, have a noble character, are healthy, knowledgeable, capable, creative, independent, and become democratic and responsible citizens. In national education, students have extraordinary potential and need to be facilitated through the educational process to develop their potential.

Education has an important and central role in the development of human potential, including mental potential. Through education, it is hoped that there will be a transformation that can foster positive character development, as well as change the disposition from bad to good [4]. Education is a fundamental phenomenon in human life so, it can be said that where there is human life, there must be education even in a simple form.

2.1. Character Education

Education plays an important role in the growth and development of the character of Indonesian people, this can be seen in one of the goals or functions of national education is to improve the quality of every Indonesian human being, namely as a man of faith, devotion, and noble character to God Almighty and filial piety for the nation and state of Indonesia (Article 3 of Law No.20 of 2003)

Character is the disposition of a person, or ahlak obtained from internalization with his environment. A person's character will be good if it is based on moral and ethical values that apply and are agreed upon in society [5]. "emphasizes the importance of the three components of good character, namely moral knowing or knowledge of morals". Good character will appear after when the components of the character can be fulfilled in the learner. Furthermore [6], states character is a blend of morals, ethics, and morals. Morals focus more on the quality of human actions, actions or behaviors or whether they can be said to be good or bad, or right or wrong. On the contrary, ethics gives judgments about good and bad, based on the norms prevailing in a particular society, whereas the morals of its order emphasize more that in essence in the human being it has been embedded the belief in which both (good and bad) exist. These factors are interrelated and supportive of each other in shaping a child's personality [7].

Character education is an education about character values consisting of operative values, values that function in practice and experience growth that makes a value ethical, an inner disposition that can be relied upon and used to respond to various situations in a moral way [8]. According to ([9]:37) character education is a system in the cultivation of good character values to all school residents so that they have knowledge and actions that are in accordance with the value of kindness. Character education leads learners to the recognition of values cognitively, the passion of values affectively, and finally to the real experience of values. Character education aims to improve the quality of education implementation and results in schools which leads to the achievement of building the character and noble character of students as a whole, integrated and balanced, according to graduate competency standards. Through character education, it is hoped that students will be able to independently improve and use their knowledge, study and internalize and personalize character values and noble morals so that they are manifested in daily behavior.

The first objective of character education is to facilitate the strengthening and development of certain values so that they are manifested in the child's behavior, both during the school process and graduating from school. The second goal of character education is to
correct the behavior of learners who do not correspond to the values developed by the school. The third goal in school-setting character education is to build harmonious connections with the family and society in acting out the responsibility of character education together.

Character education can be implemented through several strategies and approaches, including (1) integrating values and ethics in each subject, (2) internalizing positive values instilled by all school residents (principals, teachers, and parents), (3) habituation and practice. With the commitment and support of various parties, school institutions can implement positive activities such as smiles, greetings, greetings, courtesy and courtesy (5S) every day when children come and go home from school, (4) providing examples / examples, (5) creating a character atmosphere in schools and (6) cultivating education has a very large influence in the formation of a person's character, participating in maturing personality so that his behavior is in accordance with the education that has been received (No. 10:42).

The process of implementing character education, several main components are needed as support for the achievement of goals. In the managerial aspect, school processing is needed, which includes the creation of a school culture and climate that is conducive to learning activities.

From these presentations, opinions and analysis, it can be concluded that efforts to convey character education, ethics, morals, values, and other forms of character education that are carried out in a directed and systematic manner, are carried out so that a person can develop his thinking and feeling skills so that he is able to do good values, take appropriate actions, and decide things based on positive values such as responsibility, be honest, as well as respect others. The formation of a person's character is actually not absolutely only obtained from school, but there are other factors that are part of the process of forming one's own character, namely habits, instincts, will, education, and the environment. Character education is a moral or ethical education system that is used to instill and develop good character values in a person, so that they have noble knowledge and actions after having it, they can apply it in daily life both at home, at school and in society. A value that is embodied in the form of the character of the learner will be attached reflecting extraordinary morals or behaviors reflected in the life of each learner.

2.2. Work Culture

Work culture is the embodiment of life encountered in the workplace. More specifically, work culture is a system of meanings related to work, work and work interactions that are mutually agreed upon and used in everyday life. The work culture leads to a system of shared meanings embraced by members of the organization that distinguishes that organization from other organizations. ([11]:721). The work culture contained in an organization is a place to hone the members of the organization to work in the organization. It is this quality of the character of the work culture that will shape the magnitude of the will, passion, and passion of the members of the organization to bring out and utilize their human potential to contribute to the process of creating organizational performance.

According to [12] Work culture is a habit in work that is cultured in a group as a form of work that is reflected in their behavior from the time they work so that behaviors or habits are automatically embedded in themselves. Social values or a whole pattern of behavior related to human reason and mind in doing a job.

According to [13] Work culture is a group of basic thoughts or mental programs that can be utilized to improve work efficiency. That a successful work is rooted in the values possessed and the behaviors that become habitual. These values start from customs, religions, norms and rules that become beliefs and become habits in work or company behavior. At the
conceptual level, the attitudes and behaviors of workers according to Ndraha include components: (1) attitudes towards work, (2) basic assumptions about work, (3) behavior when working, (4) work environment and work equipment, (5) work ethic. These five components can be interpreted as a bridge between the design of the SMK curriculum and the demands and needs of the workplace which is commonly called a work institution.

Vocational High School (SMK) is a form of vocational secondary education in Indonesia. This vocational education institution has the task of educating and preparing students to enter and pursue their careers in the world of work. Thus, SMK is a special school that emphasizes its learning process in an effort to provide knowledge, skills, attitudes to students so that they have the ability to maintain their existence in life in their world of work. Kujuruan education aims to produce productive human beings, namely work people, not burden people for their families, communities, and nations. Work is an Act to express independence.

[14] says the character of work is the basic values of work which are the essence of the spiritual qualities of one's work whose dimensions include intrapersonal and interpersonal work. Intrapersonal quality is a human inner quality that comes from the bottom of the human heart whose dimensions include, work ethics, high curiosity, self-discipline, honesty, responsibility, self-respect, hard work, integrity, perseverance, work motivation, initiative, moral courage, craft, self-control, fast learners, willingness to learn new things, know how to learn, flexibility, humility, trustworthiness, and an entrepreneurial spirit.

Work culture is a habit that is carried out repeatedly and the beliefs adopted by each individual about the meaning of work and its reflection in the activity of achieving organizational goals and in fact the work culture has long been known to humans, but it has not been realized that work success is rooted in the values possessed and behaviors that become habits. These values originate from customs, religions, norms and rules that become beliefs in the self-practitioners and organizations. The values that become a habit are called work culture.

3. Method

This research uses a qualitative descriptive approach with a phenomenological type of research that aims to explore information and provide an overview of the Implementation of Character Education in the Application of Work Culture. This research was conducted using qualitative methods with a phenomenological approach. This method is on the grounds that the focus in this study is the Implementation of Character Education in the Application of Work Culture.

While the phenomenological approach aims to describe the meaning of the life experiences experienced by some individuals about certain concepts or phenomena by exploring the structure of human consciousness. In other words phenomenological research seeks to seek the psychological meaning of an individual to a phenomenon through in-depth research in the context of the daily life of the subject under study [15].

This research will be carried out in several stages, namely as follows. Choosing the destination topic, determining the research focus, conducting preliminary surveys, conducting literature reviews, developing research focuses, developing research instruments, collecting data, data processing, describing and discussing research results, making conclusions, conducting data validity tests and reporting research results.

In this study, researchers acted as instruments as well as data collection. In this study, the role of the researcher as a participant observer and was known by informants. Researchers Act as human instruments that function to establish the focus of research on selecting informants
as data sources, collecting data, assessing data quality, analyzing data, interpreting data and making conclusions on their findings. This is in accordance with the opinion ([16]: 222) of qualitative research as a human instrument, functioning to establish the focus of the research, selecting informants as data sources, conducting data collection, data analysis, interpreting data and making conclusions on their findings.

This study used observation methods, interviews and documentation, therefore the instruments used in this study were observation guidelines, stationery, recording devices, cameras, and some data or documents at SMK Negeri 1 Adiwerna. While the presence of the researcher is as a full observer and has the status of a researcher who compiles, uses, and develops research instruments to be analyzed then concluded as a research result.

4. Discussion

4.1. Character Education Planning in the application of work culture

At the planning stage, it is known that the school has made a vision and mission that contains character education and work culture. The principal has made plans by compiling a plan of activities for the implementation of character education and the application of work culture to learning activities and daily activities at school to students and teachers of productive subjects. This can be connected with the theory written by ([17]:49) Planning is the process of determining the goals or objectives to be achieved and setting the paths and resources necessary to achieve those goals as efficiently and effectively as possible.

The results of an interview with the principal about character education planning that the school has compiled an educational program in order to create an integrative, effective and efficient education system, each of which has a very close relationship in producing a younger generation who can be placed in any industry or company as the main goal, this will excel in terms of the character of students because in addition to cognitive can also directly practice it with teachers in the field of studies and productive teachers who have been scheduled, then will be qualified in the field of science and technology, it can all be ascertained because 10 hours remains in the educational environment. Students participate in learning activities at school with various rules that must be obeyed during learning activities. All forms of rules and values that are applied will be able to make a positive contribution to the development of the personality of students or further expected to improve the quality of learning of students who are fully, not divided personalities.

Character education planning in the application of work culture is carried out in several steps, namely the first is the determination of the goals to be achieved in the form of vision, mission, goals, and school rules in the implementation of character education. The second is the determination of Human Resources (HR) as implementers of steps to achieve the goals that have been formulated. The third is in the form of program planning and how to achieve predetermined goals. One of them is by holding a teacher service meeting to discuss the structure of the organization, annual programs, discussion of long-term programs, to curriculum planning and educational programs for the next year.

4.2. Implementation of Character Education in the Application of Work Culture

At the stage of implementing character education in the application of work culture through example and habituation. This is in accordance with the results of observations made by researchers about the activities of students in learning activities both in class and in practical learning. The implementation of the disciplinary character education program for students in schools is carried out in several steps. Namely through a habituation approach,
Efforts to build character in accordance with the culture of this nation, of course, are not only carried out in schools through a series of teaching and learning activities and outside of school, but also through habituation in life, such as religious, honest, discipline, tolerance, hard work, peace-loving, responsibility, and so on.

This habituation not only teaches knowledge of right and wrong things, but is able to feel good and bad values, and is willing to do it in the slightest scope.

Based on the results of the analysis of the implementation of character education in the application of work culture at SMK Negeri 1 Adiwerna in the implementation is in the form of activities: (1) worship / carrying out dhuhur prayers congregation, praying before and after class learning, and devotional work doing cleaning activities in his classroom environment; (2) giving and answering greetings, apologizing, thanking, throwing garbage in its place, helping people who are in distress, and reprimanding friends politely if there are students who violate school rules in accordance with existing conditions are and have been running according to existing conditions are being and have been running in accordance with the established goals of character education; (3) the teacher's performance in setting an example, picking up scattered garbage, polite speech, saying thank you, apologizing, respecting the opinions of others, providing opportunities for different opinions, prioritizing opportunities to elders, obeying school rules, giving greetings when meeting, dressing neatly and cleanly, keeping promises, giving appreciation to outstanding students, good manners, good self-control, praising honest learners, acknowledging the truth of others, admitting one's own mistakes, daring to make decisions, daring to say right, patiently listening to others, visiting sick friends, defending the honor of the nation, returning goods that do not belong to him, queuing, and reconciling according to existing conditions are already and are going well; (4) on programmatic activities: (a) scouting extracurricular activities: democratic, discipline, cooperation, sense of nationality, tolerance, social and environmental care, peace-loving, hard work according to existing conditions has gone very well; (b) The Juvenile Red Cross (PMR), MCC (School Security Patrol) and PASKIBRA: social care, tolerance, discipline, and communicative according to existing conditions have gone very well. From the results of the research and discussion carried out, the management of the implementation of the school character education program carried out by SMK Negeri 1 Adiwerna has been very clear in its implementation and is running well and according to the established program.

These values need to be developed by students which will eventually become a mirror of students' lives. Therefore, schools have a big role in the development of character education because of the role of schools as centers of cultivation through the approach of developing school culture.

4.3. Control

Control is synonymous with supervision. Supervision of character education is carried out periodically. Supervision includes supervision of the implementation of character education in classroom learning and the implementation of character education in the application of work culture to productive learning activities.

School supervision with character is closely related to character education services which are currently becoming hot in academic studies on education in schools. Character supervision is an absolute requirement for students because it is related to the learning process of the environment.

Implementing all his attitudes and actions carrying out the duties of supervision of a school superintendent must be able to be a tauladan / example for all school residents, in their attitude and action. To realize this, a supervisor can implement all his attitudes and actions
through the actualization of the crystallization of cultural educational values and the character of the nation.

Control of the field of evaluation of character education is important in the stages of a program implementation, because evaluation means conducting an assessment of the implementation process in order to measure and trace what results have been achieved and their various causes. According to ([18]:69) periodic evaluations are carried out on the implementation of character education in schools by involving teachers and related staff, so that obstacles are known and improvements are made to the program design that have not been implemented. Furthermore ([18]:71) schools are authorized to conduct evaluations, especially self-evaluations carried out by school residents to monitor the implementation of character education. This evaluation must be carried out honestly and transparently in order to reveal the real information. Based on the results of research conducted by researchers, the control of character education in the application of work culture regarding the evaluation of character education in the application of work culture has been carried out in accordance with the formulation in the character education work program and the industrial curriculum that schools have implemented.

5. Conclusion

The implementation of Character Education in the application of work culture is carried out in such a way by the school to achieve school goals at the planning stage, the school plans the school program by making a plan of program development activities, in the implementation stage the school not only has a general organizational structure, but also the organizational structure in the character education program and work culture at SMK Negeri 1 Adiwerna. At the implementation stage, the school carries out several character education program activities that have been made, and in the control stage, the school is controlled and supervised by internal supervisors, namely the principal, the community and the smk supervisor.

So it is specifically stated as follows:
1. The planning of character education in the application of work culture has been well planned.
2. The implementation of character education in the application of work culture is well implemented.
3. The control of character education in the application of work culture has gone well.

Based on the conclusions of the study, the authors in this section put forward suggestions to:
1. Principal
   In order to create school conditions that support the creation of character education in the application of a good work culture so that when students are involved in the industrial world, they can apply the knowledge gained from school properly and optimally.
2. Teachers/Educators
   Can be an example for students and actively communicate with students so that students and educators can establish a good relationship and it is hoped that the character education process in the application of work culture in the school environment can run well. Set an example to students by having good character.
3. Learners
   Can undergo the character education process in the application of work culture well, and can apply character education not only in schools but also in the family environment or community environment.
Reference

The Rights of Students According to National Education Standards at SMK N 1 Dukuhturi Tegal

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Abstract. Education units have their own way of realizing good quality education. The strategies implemented by educational units are very diverse. This strategy is very dependent on the resources owned by each educational unit. One of them is by applying national education standards optimally. The national education standard regulates the elements of students. Indirectly, this national education standard is a form of effort to ensure the fulfillment of the rights of students. If the eight national education standards are applied optimally, directly or indirectly, the rights of students can be well fulfilled. However, what will be discussed in this study is the fulfillment of the rights of students in vocational schools when viewed from national education standards. This study uses a descriptive method with a qualitative approach. Thus, research results will be obtained in the form of descriptions of school strategies in the context of fulfilling the rights of vocational school students by optimizing the application of national education standards.

Keywords: National Education Standards, Strategy, Student Rights, Vocational Schools

1. Introduction

Education is one way to educate the nation's life. Good education will create a better nation's life. All kinds of ways are taken to create a good education. An important element in education is the existence of educators/educational staff, students, and facilities and infrastructure. These three elements are contained in a container called the National Education Standards (SNP). National Education Standards in Indonesia are contained in Government Regulation Number 57 of 2021 concerning National Education Standards, as well as Government Regulation Number 4 of 2022 concerning Amendments to Government Regulation Number 57 of 2022.

Of the three elements, which will be highlighted in this study is the element of students. Each student has the rights and obligations of each. Success in educational units can be measured by fulfilling the rights of students. When students have carried out their obligations well, students deserve their rights. The rights of students in schools include the right to security, comfort, to voice opinions, and the right to proper learning for students. Students as part of society must fulfill their rights and welfare because they are the next generation of the nation's ideals[1].

According to research conducted by[2] states that education based on children's rights by involving the participation of parents will give positive results to the achievement of learning targets. The rights of students are also regulated in the Convention on the Rights of the Child organized by the United Nations in 1989 [3]. Students when at school ideally will feel safe and comfortable so that parents will also feel calm. Students and parents do not feel worried about
their children being at risk when they are at school. Whether it's an accident, physical injury, or psychological violence and bullying.

Right is a power to do something that should be accepted or done. Rights are also a gift from God that cannot be transferred, even if they are transferred, there must be a power of attorney for the delegation of rights. So the right is an absolute for each individual. Meanwhile, students are members of the community who are not yet mature who have nature (potential), both physically and psychologically, who need the effort, assistance and guidance of others who are more mature, to develop themselves through the educational process at certain levels and types of education[4].

Participants carry out teaching and learning activities accompanied by professional and competent teachers in their fields so that learning objectives will be achieved properly and students feel happy. Students are in an adequate classroom, not too narrow and not too wide. Classrooms are illuminated with adequate lighting and good air circulation. Good electrical installation, as well as an evacuation route in the event of a disaster.

In the context of vocational schools, schools must also provide adequate equipment and practical equipment. Practice equipment that complies with industry standards. Starting from the practice laboratory space and workshops that are in accordance with standards, standardized practice tools.

In reality on the ground, there are still many discrepancies. There are students who are taught by teachers who are not in accordance with their competencies[5]. The students use improvised practice tools. The study room does not meet standards, is too narrow, and lacks lighting. This happens because the classroom is forced. There is a practice room which is divided into two classes. Not to mention there are several cases of bullying that occur between students or even by teachers to students. Conditions like this if left unchecked will lead to students being harmed because their rights are not being fulfilled properly. Therefore, if the rights of students are not fulfilled, it will result in a decrease in the quality of children's education [6]

Seeing conditions in the field, it can be assumed that schools as educational units are still vulnerable to the rights of students who do not maximally fulfilled during the learning process. The fulfillment of the rights of students in vocational schools is not fully guaranteed. Even though there is a government regulation by setting National Education Standards, one of which is to ensure the fulfillment of the rights of students in accordance with those stipulated by the government. This research will discuss the rights of students in vocational schools in terms of the National Education Standards (SNP).

There have been many studies on the rights of students, one of which is research conducted by [7] which states that the rights of students are a shared responsibility between parents and the school, even though the child is in conflict with the law, the rights must be protected and fulfilled. -his rights. Then a similar research was also conducted by [7]entitled Implementation of Child Friendly School Programs in High Schools. This research specifically focuses on the fulfillment of children's rights based on government programs, namely in child-friendly schools. None of the two studies have highlighted the fulfillment of the rights of students in vocational schools. So moving from here can be used as an opportunity to conduct research on the fulfillment of the rights of students in vocational schools. In this study, research subjects will be taken at the Tegal Regency State Vocational School in the 2021/2022 academic year.
2. Method

This research uses a descriptive method because it will describe and reveal facts about a phenomenon that occurs in the field in the form of fulfilling the rights of students at public vocational schools in Tegal Regency. The approach used is a qualitative approach. The data to be taken for analysis is not data in the form of numbers but in the form of words and human behavior so that it cannot be analyzed by statistical methods. The research subjects to be studied were taken from students, educators, school principals, vice principals, extracurricular coaches, and parents and guardians along with the school committee. Determination of research subjects using purposive sampling and snowball sampling.

The data collection technique used interview and observation techniques. The results of interviews and observations will be combined and compared so that they can be analyzed and then draw the right conclusions.

3. Discussion

Educational standards have been set by the government and are contained in Government Regulation Number 4 of 2022 concerning Amendments to Government Regulation Number 57 of 2021 concerning National Education Standards (SNP). The National Education Standards include Graduate Competency Standards, Content Standards, Process Standards, Educational Assessment Standards, Education Personnel Standards, Facilities and Infrastructure Standards, Management Standards, and Financing Standards.

The purpose of this National Education Standard is to guarantee the quality of national education in the context of educating the entire nation's life as well as forming a dignified national character and civilization in accordance with Pancasila and the 1945 Constitution. These standards will later be used as a basis for planning, implementing, and supervising education in line with The goal is to create quality Indonesian education. The function of the national education standard is as a basis for planning, implementing, and supervising education in the context of improving the quality of education.

The application of the National Education Standards is set in order to realize good quality education and fulfill the rights of students in accordance with the standards set by the government.

3.1 Graduate Competency Standards

Standards Graduate competency standards at the Level Education Unit Vocational secondary education is focused on skills to improve the competence of students so that they can live independently and participate in further education according to their profession. In the standard aspect of graduate competence, every student has the right to obtain competence according to his field. These competencies are expected to be used by students as a provision to be independent, able to develop competencies and be entrepreneurship. And also the competencies possessed by students as capital if they will follow further education. Competence of students includes aspects of knowledge, skills, and attitudes.

Competency standards for SMK/MAK graduates are developed from national education goals and graduate profiles in the formulation of competency areas. SMK/MAK is part of the national education system which has the aim of vocational education, namely to produce skilled workers who have the ability in accordance with the demands of the business/industry world, and are able to develop their potential in adopting and adapting to the development of science, technology, and the arts. Every student has the right to obtain skills that are in
accordance with the needs of the world of work and are able to develop their potential according to the demands of the times.

Competency areas for SMK/MAK graduates are based on national education goals by considering: (1) Indonesian character and culture who have faith and devotion to God Almighty and the values of Pancasila; (2) 21st (twenty-first) century learning and skills, such as critical thinking and being able to solve problems, be creative, be able to work together, and communicate; (3) increasing the competence of graduates through language literacy, mathematics, science, technology, social, culture, and other basic skills needed in facing future challenges; (4) preparation of human resources to have the knowledge, skills, and attitudes as middle-level skilled workers; and (5) the provisions of the Indonesian national qualification framework (KKN) and applicable national and international work standards.

3.2 Content Standards

Standards Content standards are criteria that cover the scope of the material and the level of competence used to achieve graduate competency standards that have been determined at certain levels of education. The graduate competency standards formulated include attitudes, knowledge, and skills. Students have the right to receive material according to their level. That is, every material that will be received by students along with their level of competence has been formulated into the standard content of each subject. The material and level of competence will later affect the attitudes, knowledge, and skills of the students.

The formulation of content standards aims to improve the quality of education through developing the potential of students in line with the development of science, technological progress, arts, and culture, so that it is expected to achieve national education goals. One of the ways to improve the quality of education in Indonesia is by updating content standards[8]. Content standards serve as a reference for teachers when providing material in learning activities. Thus, the material given to students is always oriented to graduate competency standards. As part of the National Education Standards (SNP), the benefits of content standards are that it makes it easier for curriculum developers to formulate an appropriate curriculum at each level of education.

3.3 Process Standards

Standards Process standards are national education standards related to the implementation of learning in educational units to achieve graduate competence. The process standard contains the minimum criteria for the learning process (learning process planning, implementation of the learning process, assessment of learning outcomes, and supervision of the learning process) in primary and secondary education units throughout the jurisdiction of the Unitary State of the Republic of Indonesia. This process standard applies to primary and secondary education levels in the formal pathway, both in the package system and in the semester credit system.

The implementation of learning includes preliminary activities, core activities and closing activities, in this case the highlight is the implementation of core activities. The implementation of core activities is a learning process to achieve KD which is carried out interactively, inspiring, fun, challenging, motivating students to participate actively, and providing sufficient space for initiative, creativity, and independence according to the talents, interests and physical and psychological development of participants. educate.

In the standard aspect of this process, students are entitled to participate in all learning activities that have been determined by the educators. From the process of planning, implementation to assessment and evaluation of learning. Learners have the right to be
involved in lesson plans made by educators. It is hoped that this will open up a discussion space about the learning methods desired by students so that fun learning can be achieved. If there are students who do not follow the learning process, they are also entitled to follow-up.

3.4 Assessment Standards

Systematic process to collect data or information about an attribute, person or other object, both qualitatively and quantitatively [9]. Assessment of student learning outcomes is carried out based on nationally applicable educational assessment standards. Educational assessment standards are national education standards relating to mechanisms, procedures, and instruments for assessing student learning outcomes.

From this understanding, it shows that the assessment of learning outcomes is basically not just evaluating students, but also all components of the learning process, such as teachers, methods, and learning media. So, the purpose of the assessment is to provide comprehensive input of information about student learning outcomes, both when viewed when learning activities take place and in terms of the final results, using various methods of assessment in accordance with the competencies that are expected to be achieved by students.

Students have the right to take part in assessments both organized by the government and educational units. Students who do not take the educational assessment may submit a follow-up assessment of learning outcomes. And if there is a case that a student gets an unsatisfactory predicate, the student has the right to apply for improvement. In this aspect, students are entitled to get satisfactory assessment results and in accordance with the norms set by the education unit.

In certain cases, students can file an appeal or rebuttal if the predicate/value obtained at the time of the final assessment is not in accordance with what it should be. This of course must be supported by strong evidence. After taking daily tests and other tests, students are entitled to get proof of correction from the educator. This evidence is collected properly, later it can be used as evidence if the scores that appear in the learning outcomes report do not match the values in the student history. In the case of students who are declared not to go to class/stay in class, they are also entitled to file an appeal or rebuttal to the education unit.

3.5 Standards of Educators and Education Personnel

Educators must have academic qualifications and competence as learning agents, be physically and mentally healthy, and have the ability to realize national education goals. The academic qualification referred to above is the minimum level of education that must be met by an educator as evidenced by a diploma and/or certificate of relevant expertise in accordance with the provisions of the applicable legislation. Competence as a learning agent at primary and secondary education and early childhood education.

Students have the right to be mentored by professional and competent educators in their fields. Educational units must be able to facilitate students with educators who have four teacher competencies, namely pedagogic competence, professional competence, social competence, and personality competence.

Pedagogic competence is basically the teacher's ability to manage student learning. Pedagogic competence is one type of competence that must be mastered by teachers. Pedagogic competence is a distinctive competence, which will distinguish teachers from other professions. Mastery of Pedagogic Competence accompanied by professionals will determine the level of success of the process and learning outcomes of students. Teachers who do not have adequate pedagogic competence will have a fatal impact on students. The impact that can
be felt the most is that knowledge and materials will not be conveyed properly. Learning objectives will not be fully achieved.

Pedagogic competence is obtained through continuous and systematic learning efforts, both in the pre-service period (teacher candidate education) and while in office, which is supported by the talents, interests and other teacher potential of each individual concerned. With the pedagogic competence possessed by an educator, it is expected to be able to create a pleasant learning situation for students. Students will feel comfortable when receiving the subject matter, free from feeling pressured by the burden of the material. Educators are able to apply learning with the right method so that learning is not boring and students do not feel bored. Because if learning is boring and boring, it will result in students being depressed and the worst thing that happens is that students skipping lessons do not participate in learning.

Seven aspects of pedagogic competence that must be mastered by teachers are recognizing the characteristics of students, mastering learning theory and learning principles, being able to develop curriculum, creating educational learning activities, developing student potential, communicating with students, assessing and evaluating learning.

Professional Teacher Competence is one of the important elements that must exist after students. If a teacher does not have a professional attitude, it will be difficult for students to grow and develop properly. Professional Competence is mastery of learning material broadly and deeply, which includes mastery of curriculum material for school subjects and the scientific substance that overshadows the material, as well as mastery of the structure and scientific methodology.

With the professional competence of teachers, students will get scientific development and their potential. There are many cases where students are taught by teachers who are not in accordance with their competencies, thereby reducing the rights of students. For example, the subject of Citizenship Education is taught by a history teacher, Indonesian language subjects are taught by an English teacher, and so on.

3.6 Standards of Facilities and Infrastructure

Implementation of national education must ensure equity and improve the quality of education in the midst of global changes so that Indonesian citizens become human beings who fear God Almighty, have noble character, are intelligent, productive, and highly competitive in national and international relations. To ensure the realization of this, it is necessary to have adequate facilities and infrastructure. Adequate facilities and infrastructure must meet the minimum requirements set out in the standard of facilities and infrastructure.

Practical infrastructure is a physical facility that must be available as a place for practical teaching and learning interactions to occur in schools, such as theory rooms, library rooms, skills practice rooms, laboratory rooms. With adequate practical infrastructure, students are expected to obtain optimal learning achievement.

Students have the right to obtain and use school facilities and infrastructure that are in accordance with standards. Vocational schools aim to produce skilled graduates. If the facilities and infrastructure are not up to standard, it will have an impact on the competence and skills of students which are far from standard. Vocational school graduates must comply with the demands of the business world and the industrial world. Practical equipment used by students must comply with industry standards and eligibility standards set by the government. If vocational schools have cooperation with the industrial world abroad, they must also apply international standard practice equipment, not local standards. The standard of equipment used will greatly affect the quality of work of vocational school graduates.
The classrooms used are standard sized for high school age students. This relates to the right of students to get comfortable. Narrow classrooms will disrupt the learning atmosphere of students. So it is also necessary to regulate the number of students in one classroom. The maximum number of students in one class is thirty-six students. A good layout and the selection of building paint colors also affect the mood of the students. The ratio of the number of toilets to the number of students must also be considered, especially if the school is dominated by female students.

From the security aspect, every classroom and laboratory/workshop must also have security equipment such as light fire extinguishers, electrical installations that comply with PLN standards in order to avoid the risk of fire and electric shock. There are evacuation routes and gathering points in anticipation of a natural disaster. For schools that are predominantly inhabited by female students, students also have the right to be mentored by female sports teachers. As well as female security officers / security guards. This is to prevent sexual harassment of female students.

3.7 Education Management Standards

Management Standards are criteria regarding the planning, implementation, and supervision of educational activities at the level of the education unit, district/city, province, or national level in order to achieve efficiency and effectiveness of education administration. Management Standards are national education standards relating to planning, implementation, and supervision of educational activities at the level of education units, districts/cities, provinces, or nationally in order to achieve efficiency and effectiveness in the administration of education.

The management of education units at the primary and secondary education levels applies school-based management which is indicated by independence, partnership, participation, openness, and accountability. School management is based on program planning, implementation of work plans, monitoring and evaluation, school leadership, and management information systems. The school develops program planning starting from setting the vision, mission, goals, and work plans.

In management standards, students have the right to be involved in it. The active participation of students in planning school programs needs to be prioritized. In meetings to determine school policy, the role of students is always involved. This is in accordance with the principles of transparency and democracy. Students have the right to voice their opinions for the progress of the educational unit. Students’ voting rights may be directly or through a legitimate organization, namely the Intra-School Student Organization (OSIS). OSIS is a forum for students to contribute thoughts and ideas for the development of educational units in the future. Forming a child-friendly school team as a forum to ensure a safe and comfortable school situation for students. In managing students, they always prioritize the principles of democracy and deliberation for consensus.

To develop potential talents and interests, students must take part in one of the mandatory extracurricular activities, namely Scouting. And follow at least one extracurricular option to develop their talents and interests. In the event that the school does not have an extracurricular branch that students are interested in, the school will facilitate in the form of bringing in guest teachers or forming a forum or community that aims to pioneer extracurricular activities which can further develop the talents and interests of students.

3.8 Financing Standards
The education financing system is the process by which revenues and available resources are used to formulate and operate schools. The education financing system varies greatly depending on the conditions of each country such as geographical conditions, education level, educational political conditions, education law, education economics, government financing programs and school administration. Meanwhile, there are several factors that need to be considered in order to determine whether the system is compatible with state conditions. Any decisions on school financing will affect how resources are acquired and allocated. Therefore, it is necessary to see who will be educated and how much educational services can be provided, how they will be educated, who will pay the tuition fees. Likewise, what kind of government system is most suitable to support the education financing system.

In this case, the funding for education units comes from funds from the central government, regional governments, and non-governmental organizations. Funds sourced from the central and regional governments are calculated based on the number of students. So logically every student has the right to get financial assistance from the central and regional governments without exception. In the standard of financing that is managed independently by the school, students who are less fortunate must be facilitated and are entitled to a fee waiver. The financing system with the cross subsidy method is a manifestation of the actualization of the principle of fairness for students who can and cannot afford it so that there are no gaps.

4. Conclusion

From the description of the discussion above, it can be concluded that the optimally applied national education standards can be used as a strategy in fulfilling the rights of students in vocational schools. In the national education standard, there are eight aspects of educational standards set by the government in order to realize good quality education. Good quality education is education that can fulfill the rights of students so that they are able to graduate vocational school graduates in accordance with the needs of the business world and the industrial world.

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References


Strategies for Improving The Quality of Graduates

Through Productive

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Abstract. This study aims to describe the implementation of productive subject learning to improve the quality of graduates in the competence of DPIB expertise of SMK Negeri 1 Adiwerna. This type of research is descriptive research with a qualitative approach. Data collection uses interviews, questionnaires, observations, and documentation. The data analysis technique uses descriptive analysis of percentages. The results of this study show that the quality management of graduation at SMK Negeri 1 Adiwerna is carried out by improving the learning process according to the demands of the curriculum, the function of school management, learning facilities, the quality of education personnel, the quality of education personnel, the welfare of teachers and employees as well as the needs of students, improving the quality of school management in a structured manner, adequate learning facilities, improving the quality of education personnel, improving the welfare of teachers and employees as well as the needs of students, improving the quality of quality students, creating community support for all activities in schools, and improving character and literacy education in schools. Then the graduation rate is 100%, the competency test results of competent students are 100%, the absorption of graduates at IDUKA in 2019 is 83%, in 2020 it is 60%, in 2021 it is 67%. The absorption of graduates experienced fluctuations in the decline in 2020 due to the conditions of the Covid-19 Pandemic but in 2021 it increased by 7%.

Keywords: Strategy, Quality Of Graduates, Productive Subjects.

1. Introduction

To develop human resources to be able to follow the modernization of the times, of course, it is more effective through education both formal and non-formal so that a massive and controlled system will be formed in accordance with applicable regulations. Education as one of the tools in human resource management has the aim of developing the potential of students to become human beings who have faith and piety in God Almighty, have a noble character, are healthy, knowledgeable, capable, creative, independent, and become democratic and responsible citizens (Law No. 20 of 2003).

Efforts to improve the quality of Human Resources (HR) are always carried out by the government with various innovations in education and training programs. One of them is carried out through Vocational High Schools (SMK) both public and private. SMK as one of the educational institutions to produce graduates who can be absorbed by Industry, the Business World and the World of Work (IDUKA). The high competition to enter IDUKA is a tough challenge for SMK, therefore the SMK curriculum must be mixed between theory and practice which is applicable, with the hope that SMK graduates have competencies that are in accordance
with the needs of the world of work and numbers The absorption of SMK graduates in IDUKA has increased so that it can reduce the unemployment rate[2].

Various efforts to improve the quality of VOCATIONAL SCHOOLS have been stated in Presidential Instruction Number 9 of 2016 concerning the Revitalization of VOCATIONAL SCHOOLS to Improve the Quality and Competitiveness of Indonesian Human Resources. The efforts in question include making a roadmap for the development of vocational schools, developing and aligning the curriculum. In addition, innovations in the fulfillment and improvement of the professionalism of teachers and educators, school cooperation with the business world and industry and universities, increasing access to graduate certification and SMK accreditation, as well as the establishment of smk development working groups[3]).

Referring to data from the Central Statistics Agency, in 2017 the Open Unemployment Rate (TPT) for Vocational High Schools (SMK) dominated among other levels of education, namely 11.41%. Even though the TPT for high school graduates is only 7,955 [4]. Furthermore, the unemployment rate of SMK graduates in Central Java province is 13.20% (BPS Prov. Central Java 2020) then for the open unemployment rate of SMK graduates in Tegal Regency as many as 71,346 people with a composition of 25.17% are SMK graduates and 17.12% are college graduates (Radar Tegal.com 2021). The number of students in 2019/2020 was 49,379 high school and vocational high school students as many as 60,805 students. Vocational High School (SMK) graduates are recorded the highest among graduates from other levels of education. The alleged high unemployment rate of SMK graduates is caused by four things: 1) Terjadi oversupply, namely that there are more smk graduates of certain majors than in other majors; 2) Jaffairs at SMK are not in accordance with the needs of the industry which: 3) The quality of graduates who are not in accordance with industry standards, and 4) Usia graduates who are on average only 17 years old, so they have to wait another 1 year to work[6].

The main obstacle to the unemployment rate is that the number of vocational schools and the number of industries is currently not balanced, but the border on the number of teachers and the competence of teachers is also alleged to be the cause of the problem. Guru who do not master the competence in their field will eventually produce quality graduates who have uncompetitive competitiveness. The qualifications of personnel and parties involved in the implementation of education determine the level of success, therefore quality human resources (personnel) are needed in accordance with the needs of the field. Quality resources will encourage economic development so that the community will be more prosperous[7].

The learning process at SMK there is a learning of productive subjects (productive programs). This learning contains a set of subjects (training) which specifically aims to equip students to have productive competencies through practical learning in schools and / or in the business / industrial world, in accordance with the Indonesian National Work Competency Standards (SKKNI). The strategic position of learning the productive program of SMK is basically a benchmark which should be a reference for quality in the implementation of education in SMK, but nevertheless in its efficacy it has not been utilized optimally [8]. Productive program learning at SMK is still more oriented towards debriefing and achieving hard competence, namely technical competencies/skills according to work competency standards (SKKNI).
Learning from the large number of SMK graduates who are not absorbed in employment if it is associated with limited employment, while the number of graduates increases sharply every year, the development of mental attitudes or practices of SMK graduates has strategic value. This is because character development means that the implementation of education at SMK is not only focused on preparing graduates to become business/industrial workers, but also focuses on building the character of graduates[8].

The need for character development is actually in line with the results of research at Harvard University in the United States, which states that it turns out that a person's success is not determined solely by technical knowledge and skills (hard skills) alone, but rather by the ability to manage themselves and others (soft skills). This research reveals that a person's success is only determined by about 20% by hard skills and the remaining 80% by soft skills (Samsudi 2014).

The link and match between SMK and IDUKA has not been a big problem because the competence of students will be formed from equipment that is in accordance with the equipment in IDUKA so that there must be an analysis of competency needs between SMK and IDUKA which is the basis for developing the SMK curriculum so that SMK graduates can master the competencies needed by IDUKA. Curriculum alignment requires a strategy from the principal as a leader in establishing a cooperative relationship with IDUKA[9].

The matter of finding a job for SMK graduates is a striking phenomenon and deserves serious attention. The principal, teachers, parents, and students themselves admit that schools at SMK are indeed the focus for obtaining jobs. In Winarno's research (2009) it was concluded that the teaching materials and learning strategies provided at SMK are currently not effective enough in developing the character values of students. Similarly, the understanding and experience of the managers (homeroom teachers, teachers and mentors) has not fully supported the achievement of character development goals.

Upon the background description in the introduction, the purpose of this study is described as follows. First, describe the principal's strategy in improving the quality of graduates, Second, describe the learning model in productive subjects in order to improve the quality of graduates. Third, describe the constraints and solutions taken by the productive learning process model that integrates teaching materials, learning methods, and evaluation of the learning outcomes of the SMK productive program to improve the quality of graduates.

2. Literature Review

Vocational High Schools are essentially a subsystem of the education system. Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System Article 18 explains that vocational education is secondary education that prepares students to work in certain fields. Therefore, the purpose of providing SMK education is intended to prepare students: 1) enter certain jobs and develop a professional attitude; 2) have the provision and ability to choose a career, be able to compete, and be able to develop themselves; 3) become a middle-level workforce that is independent and/or fills the needs of the business world and industry in the present and future. Thus, the existence of SMK is intended to create a workforce that has competencies according to their respective expertise programs and is able to compete globally.
SMK is said to be successful if all its graduates can be absorbed by IDUKA according to their respective expertise programs and expertise competencies. The competence of SMK graduates is required to align with the needs of IDUKA as a provider of employment by formulating a syllabus or curriculum that is oriented towards competencies and demands of the world of work according to the needs of their respective regions in the present and future. Therefore, every SMK must strive to adjust the curriculum in accordance with the development of knowledge and technology and the needs of IDUKA. However, this does not mean that SMK is only for preparing a ready-to-use workforce, but SMK also acts as a formal educational institution in charge of preparing Indonesian human resources (HR) with character, able to follow the development of knowledge and technology and become productive human beings[4].

According to the Regulation of the Minister of Education and Culture Number 34 of 2018 concerning National Standards for Vocational High School and Madrasah Aliyah Education, it is stated that productive / vocational teachers are SMK teachers who teach groups of subjects grouped in the Basic Competence of Expertise and Competence Expertise that has a Qualification Professional competence of vocational teachers SMK / MAK refers to competence as a teacher and work competencies that apply in the business and industrial world. The continuous competency development of productive teachers of industry-based vocational schools concerns several important issues, namely increasing the competence of productive teachers to suit the needs of IDUKA, the pattern of school cooperation with IDUKA, and teacher internships to industry. In terms of teacher development, according to Law Number 23 of 2014, it has been given a transfer of smk authority to the provincial government to formulate patterns or models for managing and developing vocational schools effectively and efficiently.

In addition to improving the competence of productive teachers, certification of student competencies is urgently needed today to equip students in competition in the world of work in line with this statement, the Chairman of the Certification and Competency Committee of the Chamber of Commerce and Industry, Iftida Yasar, stated that competency standards are a precarious need for the industry today amid the trend of free trade. "Labor certification is the current urgency in addition to increasing the competitiveness of domestic workers," (Bisnis.com, Monday 13/2/2020).

In addition to the above, schools must have a vision, mission, creative and innovative and quality-oriented. This strategy is a systematic effort by the principal to continuously improve the quality of services so that his focus is directed at teachers and other education personnel so that the educational institutions he leads can run well. As a leader and supervisor in schools, the role and responsibility of the principal is very strategic in improving the performance of teachers and other educational personnel[12].

Professional principals in the new paradigm of education management must have a positive impact and fundamental changes in the renewal of the education system in schools, these impacts include the effectiveness of education, strong school leadership, effective management of educational resources oriented towards quality improvement, compact, intelligent and dynamic team work, independence, participatory with school residents and the community environment, openness, managerial, innovative, continuous evaluation and improvement, responsiveness, and anticipation of needs and prioritizing accountability[13].

3. Methods

The type of research used in this study is descriptive research with a qualitative approach, where this research intends to make descriptions, images, systematically, factually and accurately regarding the facts, properties and relationships between the phenomena investigated. The purpose of this study is that the researcher wants to explain, explain objectively about
Qualitative data is data from verbal word explanations that cannot be analyzed in the form of numbers or numbers. In this study, qualitative data is in the form of an overview of the object of study. Qualitative data provide and indicate the quality of the object of the study conducted. The data used in this research study are secondary data obtained from SMK Negeri 1 Adiwerna. The data displayed is in the form of vocational teacher data based on expertise competencies and expertise programs at SMK Negeri 1 Adiwerna. Teacher calculations are carried out based on the number of teachers who have active status and teach subjects in schools and do not include principals who are no longer teaching / guiding, productive subject data on DPIB expertise competencies, learning implementation plan documents (RPP) and a list of values of DPIB productive subjects.

Data Sources are obtained from primary data and secondary data, data collection techniques by means of wawancara, field observation and document observation, resource persons are principals, vice principals, chairmen of DPIB expertise competencies, dpib productive subject teachers, dpib class XII learners. Data triangulation is carried out in the selection and curation of data in order to obtain valid data and then presented in the form of descriptions or sentence exposures obtained from the source.

4. Results and Discussion
4.1. Principal strategy
School quality improvement management is one form of education reform. The goal is for the school to provide a better and adequate education for the learners. Autonomy in management is a potential for schools to improve teacher performance, offer direct participation of related groups, and increase community understanding of education. School quality improvement management is adopted from school-based management that was first developed in other countries (Mutohar 2016).

Strategies carried out by the principal in an effort to improve the quality of graduates include making a SMK roadmap, aligning the curriculum with IDUKA on a national and international scale, procurement of practical equipment in the implementation of link and match with IDUKA in order to adjust competency needs in the field, development of human resources (teachers) for upskilling and reskilling with relevant iduka, program evaluation and follow-up are carried out regularly every semester so that existing obstacles can be identified quickly and solutions can be taken carefully and accurately that can be followed by all school residents.

4.2. School facilities and infrastructure
Standards of facilities and infrastructure are the minimum criteria that must be met related to places of study, places of exercise, places of worship, laboratories, libraries, workshops, playgrounds, and other places in an educational institution such as schools. The minimum criteria for facilities, include furniture, educational equipment, educational media, books and other learning resources, information and communication technology, and other equipment. Meanwhile, the minimum criteria for infrastructure include land, buildings, spaces, and installations of power and services owned by schools / madrasahs (Usman and Darmono 2020).

The number of students in the Competency of DPIB expertise SMKN 1 Adiwnera class X, XI and XII has 4 parallel classes with the number of students in each class 36 so that the total number is 432 students. Learning facilities and infrastructure that exist in the DPIB expertise competency at SMKN 1 Adiwerna has 8 theoretical classrooms, 2 computer
laboratory rooms as a drawing studio, one teaching factory room, and one teaching factory room. Industrial classrooms with a capacity of 36 learners for each classroom and practice room. Supporting facilities for learning drawing practice with software are provided by 36 units of laptops and printers in each drawing studio so that the practice process runs well and effectively. However, there are still some facilities that are not sufficient for the practical needs of students, including soil measuring equipment, three-dimensional printers and server blocks for drawing application LMS. Therefore, it can be said that the available facilities and infrastructure are not proportional to the number of existing students.

Based on the experience of Teaching Work Practices (PKM). The smoothness of learning activities in schools is not only supported by qualified facilities, of course, it is also supported by the adequacy of the space to accommodate each study group. Sarifah (2017) stated that practical learning activities require flexibility to move indoors so that the learning process runs smoothly. Elviana (2015) also stated that the sufficient area of space, teaching staff, and supporting infrastructure greatly determines the comfort of student learning interaction. Based on the results of observations and analysis of the suitability of facilities and infrastructure on the competence of DPIB expertise with Permendikbud No. 11 of 2020 concerning Standar Sarana and Prasarana Schools with new Industrial Standards have a conformity of 86% hal this means that there are several equipment that still needs to be worked on in order to support the practice of students in schools (Sarpras Data smkn 1 Adiwerna 2020).

The fulfillment of school facilities and infrastructure does require very large costs so this has always been an obstacle at SMKN 1 Adiwerna even in all hampir schools all complained about the procurement of facilities and infrastructure while funding hammering school funds could not be sufficient because with consideration for balance with other needs related to school progress as well. Solving problems regarding the fulfillment of infrastructure at SMK Negeri 1 Adiwerna can be done by: 1) submitting facilities and infrastructure assistance to the central government and provincial governments for procurement funds and in the form of practical equipment for students, 2) using school operational assistance funds (BOS) and provincial operational assistance (BOP), 3) establishing cooperation with IDUKA for the process of implementing student practices through the Prakerin program or internship so that students get experience in accordance with the competencies required by IDUKA.

4.3. Teachers of productive subjects

Educators are professionals as mandated in Article 39 paragraph 2, Ri Law No. 20 of 2003 concerning Sistim Pendidikan Nasional, Article 2 paragraph 1, RI Law No. 14 of 2005 concerning Teachers and Lecturers, and Article 28 paragraph (1) of PP RI No. 57 Year 2021 on Standar Nasional Pendidikan. Referring to the juridical and policy foundations, it expressly shows the seriousness and high commitment of the government in an effort to improve professionalism and appreciation for teachers who ultimately lead to improving the quality of national education. Teachers are professional educators who have pedagogical competence, personality competence, social competence, and professional competence.

As formal proof that SMK teachers are professional educators, teachers need to have a certificate issued by a certification body appointed by the government. If the teacher's academic qualifications are proven by a diploma, then mastery of teacher competencies is evidenced by teacher certification.

Especially for SMK teachers, a certificate of productive teacher expertise is required for all skill packages in SMK. Productive teacher competency certification is the process of providing competency certificates to productive smk teachers who meet the requirements. Competency certification is followed by improving teacher welfare. The form of welfare
Improvement is in the form of professional allowances for productive SMK teachers who have competency certificates for both public and private vocational productive teachers. This is reaffirmed in Article 28 paragraph (1) of PP RI No. 57 of 2021 concerning National Education Standards; and Article 8 of the Law of the Republic of Indonesia Number 14 of 2005 which mandates that teachers must have academic qualifications of at least D4/S1 and competence as learning agents, which include personal, pedagogical, professional, and social competencies. The competence of teachers as learning agents is formally evidenced by an educator certificate. The minimum academic qualification is obtained through higher education, and the educator's certificate of competence is obtained after passing the certification exam.

The number of productive subject teachers on DPIB expertise competencies is 12 people consisting of 11 guru PNS and 1 honorary teacher. The number of teachers who already have an educator certificate is 11 teachers and those who do not have an educator certificate are 1 teacher. The total load of teaching hours in the 202 academic year 2022 for teachers of productive subjects is between 32 to 40 class hours per week while for the 2022/2023 academic year the total burden of teacher teaching hours ranges from 25 hours of lessons per week to 34 hours of lessons per week. This is already above the minimum number of teaching expenses based on the 2016 peraturan of the Director General of GTK, which is 24 hours of lessons per week. The reference teaching load 24 hours per week is also used as a basis for disbursement of professional allowances for teachers who already have an educator certificate and meet teaching qualifications and linearity. which was taped by the Director General of GTK.

In productive subjects, they are grouped into two groups, namely group C2 basic expertise program and group C3 competence expertise. The teaching system in DPIB productive subjects for the basis of the expertise program is supported by one teacher because the number of class hours of each competency in group C2 is 3 hours lessons while the competence of expertise is taught by two teachers (time teching) because the number of hours is more than 4 hours of lessons. So that the number of productive teachers of DPIB can be said to be ideal. (Regulation of the Director General of GTK 2016)

In addition to teaching teachers from internal schools for the learning process in productive subjects at SMK Negeri 1 Adiwerna bringing in guest teachers from industry practitioners as many as 50 hours of lessons scheduled for five times meeting in one semester this is to foster a culture of work and discipline and provide experience for students directly. The industry chosen is an industry with a national and international scale in accordance with government regulations. On the competence of modeling design expertise and building information establish cooperation with CV. Skalatis Semarang which is engaged in contracting planning and implementing buildings.

4.4. Productive Subject Learning

Learning at SMK is learning that is the nature of implementing or applying practical knowledge in accordance with the world of work in each department, thus learning at SMK must be effective so that Basic Competencies (KD) and Competency Standards (SK) are met. Clarke & Winch in Siti Nurbaya and Moerdijanto states that:

“Vocational education is about the social development of labour, about nurturing, advancing and reproducing particular qualities of labour to improve the productive capacity of society”.

100
That is, vocational education is an effort to develop social employment, maintenance, acceleration and improvement of certain quality of labor in order to increase community productivity. Therefore, vocational education must be able to provide sufficient competence provisions for graduation. The quality of the learning process means that the ability of school resources to transform multi-types of inputs and situations to achieve a certain degree of added value from students. In other words, it is the occurrence of changing something into something else (Sukarji and Umiarso 2014). The educational process can be said to be of high quality if it is able to create an active, creative and innovative and fun learning atmosphere so that educational goals can be achieved properly (Mutohar 2018).

The curriculum is a set of plans and arrangements regarding the objectives, content, and learning materials as well as the method used as a guideline for the implementation of learning activities to achieve certain educational goals. Curriculum development is carried out by referring to the National Education Standards to realize the objectives of national education. (PP No. 57 of 2021). Research and actual facts in the field show that soft skills have an important role in determining a person's success at work. Hard skills are a minimum requirement for a person to enter a certain field of work, while soft skills will determine self-development in the job. Therefore, it is a challenge for the world of education, including SMK, to integrate the two kinds of components in an integrated and unbiased manner in order to be able to prepare complete human resources who have the ability to work and develop in the future. There are at least three fundamental aspects in integrating soft skills in the educational/learning process, including in VOCATIONAL SCHOOLS, namely: (a) integration of soft skills in curriculum development, (b) integration of soft skills in the learning process, and (c) integration of soft skills in the school climate and culture. Through these three aspects, it is hoped that SMK will be able to produce plenary graduates who have complete abilities in the form of hard skills that are integrated with the soft skills needed in their lives[14].

Husaini & Darmono (2016) recommends good vocational learning referring to Prosser & Quigley's theory with five characteristics of vocational education as follows. (1) prepare learners to work more efficiently; (2) provide specialized training in terms of useful skills and knowledge for each specific job; (3) granted to those who are prepared for a particular model of work or have worked in the affairs; (4) using experience as the main method. Experience in doing a job to develop skills and in thinking about performance in a job, so as to gain full understanding and initiative in solving job problems; and (5) is the basis of the concept of psychology that the mind is a habit-forming machine that is taught through the practical habits of action and thought to achieve the goals that the learner is interested in.

On the results of data collection from respondents (principals, productive teachers, and Du / Di instructors) on dpib expertise competencies, it can be described that: (1) productive learning materials so far contain more technical (productive) skills by emphasizing the creation / creation of products or services, (2) productive learning methods that are more chosen by teachers are lectures and assignments; (3) students carry out practice in schools and at IDUKA through the pre-employment program, (4) assessment of productive program learning outcomes emphasizes less process assessment, and emphasizes more assessment of results (products), (5) character education has been integrated into each subject.

4.5. Scheduling Lessons with a Block system

The block system is a grouping of effective learning hours in units of time that is summarized allowing students to follow and receive learning materials optimally and completely Suwati, 2008: 89. According to Asril Majid in the journal of technology and vocational studies 2011, the block system is a learning that combines study hours in each face-
to-face subject which was previously carried out once a week to completion into a full week or more until the subject is completed, with the benchmark of the material can be delivered optimally and in accordance with the demands of the curriculum. According to LAB of Governer 1998, Block scheduling organizes the day into fewer, but longer, class periods to allow flexibility for instructional activities. The expressed goal of block scheduling programs is improved student academic performance. Some other rewards of these programs are heightened student and teacher morale, encouragement for the use of innovative teaching methods that address multiple learning styles, and an improved atmosphere on campus. According to the LAB of Governer, block scheduling or block systems set the class period to be fewer, but longer thus allowing for more flexible learning activities. The purpose of this block system is to improve the academic performance of students. Other benefits of this system, in order to make the morale of teachers and students higher, the encouragement to use innovative learning methods with several learning styles, and so that the school atmosphere is better.

The learning process at SMK Negeri 1 Adiwerna uses a block schedule so that students can carry out practice at school in a continuous manner for one week without being interrupted by other subjects in the hope that students' skills can be formed and grow a good work culture as a provision in facing their future. The learning model applied is Project Based Learning so that students can do tasks tailored to the demands of the industry or booker. In addition to practice in schools, students also carry out practice in the field through the industry work practice program (Prakerin) at IDUKA which is relevant so that students are able to adapt directly to IDUKA.

Assessment of productive subjects is carried out on aspects of attitudes, aspects of knowledge, and aspects of students' skills with a minimum completion mission (KKM) of 70. Productive subjects that become a reference in the world of work on DPIB expertise competencies are subjects of Software Application and Building Interior Planning (APLPIG), Construction Cost Estimation (EBK), Building Construction and Utilities (KUG).

From the learning process with a block schedule model can be presented the results of the assessment by the teacher of productive subjects as in the diagram below:

![Figure 1. List of average scores of productive subjects DPIB Expertise Competencies](image)

### 4.6. Learner Competency Test
Based on the Minister of Education and Culture Number 34 of 2018 concerning National Standards for SMK / MAK Education, the Expertise Competency Test (UKK) is an assessment held specifically for SMK students to measure the achievement of student competencies equivalent to qualifications of level 2 (two) or 3 (three) in the KKNI. UKK is carried out at the end of the study period by the Professional Certification Institute or accredited education units with partners in the business / industry world. Ukk results for students will be an indicator of the achievement of graduate competency standards. Meanwhile, for stakeholders, the results of UKK are used as a source of information on the competencies of prospective workers.

The implementation of the Expertise Competency Test (UKK) aims to: (1) Measure the achievement of the competence of SMK students who have completed the learning process according to the competence of the expertise taken; (2) Facilitating SMK students who will complete their education to obtain competency certificates and/or competency test certificates; (3) Optimizing the implementation of competency certification oriented towards the achievement of competencies of SMK graduates in accordance with the Indonesian National Qualifications Framework; (4) Facilitating smk cooperation with the world of work in the context of implementing competency tests according to the needs of the world of work.

In the implementation of UKK, SMK can choose one or several of the following 6 (six) types of examination schemes: Exams through the certification system of partners in the world of work or Professional Associations, Examinations through LSP One Party (LSP-P1), Exams through Second Party LSPs (LSP-P2), Exams through Third Party LSPs (LSP-P3) or Skill Certification Bodies (LSK), Examinations through the Competency Test Technical Committee (PTUK) according to regulations issued by BNSP, Independent UKK.

The expertise competency test at SMK Negeri 1 Adiwerna is carried out by LSP-P1 SMK Negeri 1 Adiwerna because each expertise competency already has a competency assessor and a competency test place (TUK) that is already standardized, a certificate of competence of a Building Draftsman with the Garuda logo issued by BNSP, then the cost of the competency test is budgeted from the School Operational Cost (BOP) fund so that it does not become a burden for students. The number of participants in the expertise competency test on DPIB expertise competencies in 2019 was 123 participants passed / competent 100%, in 2020 the number of participants 141 passed / competent 100% and in 2021 the number of participants 141 passed/competent 99.7%. The expertise competency test data can be seen in the following diagram:

![Figure 2. List of Competency Test Participants DPIB Expertise Competencies](image-url)
For UKK in 2022, it is planned to start from class XI using cluster schemes 1 and 2, then for class XII clusters 3 and 4. In 2022, it has not implemented UKK because dpib expertise competencies are still in the process of consolidation between BNSP and the Ministry of PUPR through the National Construction Services Guarantee Agency (LPJKN) region IV Surabaya and the Ministry of Manpower that LSP-P1 which will hold the Expertise Competency Test (UKK) must receive a recommendation letter from LPJKN as an extension of the Ministry of PUPR.

4.7. Quality of Graduates

In the Minister of Education and Culture Number 34 of 2018, it is stated that the definition of Graduate Competency Standards (SKL) is a criterion regarding the qualifications of graduates' abilities which includes attitudes, knowledge, and skills. More specifically, in Article 35 of Law Number 20 of 2003 (Article 35) it is explained that the Graduate Competency Standard is a qualification of graduate ability which includes the attitudes, knowledge, and skills of students that must be met or achieved from an educational unit at the primary and secondary education levels. This Graduate Competency Standard is used as the main reference for the development of content standards, process standards, educational assessment standards, standards for educators and education personnel, standards for facilities and infrastructure, management standards, and financing standards[15].

Broadly speaking, graduates from SMK Negeri 1 Adiwerna have: a) loved themselves and appreciated sesame; b) express and be proud of their identity and culture; c) show an active attitude to encourage caring and sharing behaviors, as well as the ability to collaborate with the environment; d) demonstrate responsible behavior; e) demonstrate cultured behavior by conveying original ideas, making actions and creative works; f) demonstrating the ability to analyze complex problems and ideas; g) demonstrating the ability and passion for literacy; h) using mathematical concepts, procedures, facts and tools to solve practical problems relevant to its vocational field; and i) demonstrate the ability of expertise in accordance with its vocational to strengthen independence and readiness to enter the world of work.

The following author presents the number of graduates and the availability ofapan graduates at IDUKA from dpib expertise competencies for 3 years terakhir

![](image.png)

**Figure 3. Graduation And Catchability List DPIB Expertise Competencies**
5. Conclusion

Based on the results of the research above, several conclusions can be drawn as follows: first, the principal implements a strategy by establishing cooperation into the (school environment), and establishing outgoing cooperation with policymakers above it for school funding and with relevant national and international scale IDUKA in order to establish cooperation with schools in terms of curriculum alignment and validation, teacher internships, student pre-employment programs and graduate recruitment. Second, improving teacher competence is carried out optimally through work certification bodies and IDUKA. Third, the procurement of practical equipment is aligned with IDUKA. Fourth, the process of learning productive subjects is carried out with intensive planning, implementation, evaluation and supervision so as to produce students who are competent in their fields and have a good work culture and work ethic. Fifth, UKK is carried out strictly through LSP-P1 in collaboration with BNSP and related parties. Sixth, funding is provided as needed with accountable accountability. Seventh, character education is integrated into each subject. Eighth, the evaluation of the school program is carried out every semester to find out the obstacles that occur as early as possible, in determining solutions, discussions are carried out with all relevant parties so that the policies taken can be accepted by all parties.

References

The Influence of Mastering The Information and Communication Technology (ICT) on Improving Teacher Performance at State Vocational Schools in Tegal Regency

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Abstract. Mastering the technology and information is the ability to understand in using the information technology tools, especially on computers. Expertising or mastering the use of information technology can be interpreted as a person's ability to operate it that supported by adequate intellectual abilities on both obtainable through independence study and educational and training ICT-based learning has many advantages, including more effective using of time, material lessons will become more accessible, interesting and students can develop the creativity in their own way, and students have more opportunities to explore them because they are motivated by the present of ICT in the learning process. The purpose of this study was to determine the influence on mastering the information and communication technology (ICT) in improving teacher’s performance at State Vocational Schools in Tegal Regency. This study uses a quantitative approachment by collecting the data methods using a questionnaire (questionnaire). The research sample was Teachers of State Vocational Schools throughout Tegal Regency with a large sample of 167 teachers. The hypothesis test is using partial test or t-test. Based on the results of the t-test will show on the value of sig. of 0.000 <0.05 so Ha is accepted and Ho is rejected, it’s concluded that there is an influence of ICT mastery on teacher performance

Keywords: ICT, Teacher Performance, Vocational High School

1. Introduction

The use of information and communication technology (ICT) has become an inseparable part of human life. Various aspects of human life have been influenced by the development of ICT, it’s ranging from individuals to government and educational institutions. In addition, ICT can encourage changes in human civilization from the industrial era to the information age.

Information and Communication Technology (ICT) is all activities are related to processing, managing and delivering or transferring information between facilities/media. Information and communication technology combines electronic technologies and techniques that used to manage the information and knowledge, such as information handling tools use to produce, store, process, distribute, and exchange information.

The development of advances in Information and Communication Technology (ICT) today has had a major influence in all aspects of life, including the world of education. The development and the use of ICT in education can make the education system reforms better. Various extraordinary ICT capabilities should be utilized in the world of education in the
framework of giving birth to a better education system, both in terms of infrastructure and to increase the professionalism of the quality of human resources of educators (teachers) as well as producing the quality of students.

Problems that arise along with the use of ICT in the world of education are the factors on mastering the ICT by teachers as well as incomplete learning facilities and infrastructure. In the learning process, ICT is a tool that can help the task of teachers so that the teaching and learning process both inside and outside the classroom becomes better. Therefore, mastery of ICT by teachers is a must in order to improve teacher professionalism. Mastering of ICT among teachers, especially teachers who have been teaching for a long time (senior teachers) is a problem that must be found a solution. Therefore, teachers and other educators are required to be able to master information and communication technology because the use of technology and information can support the online and offline learning process.

Along with the development of technology from time to time, education is one part that is affected. Especially during the COVID-19 pandemic, which causes the learning process to become online learning. So like it or not, the learning process must be carried out by utilizing information and communication technology (ICT). Based on these problems, the researchers took the title: "The influence of mastering The information and communication technology (ICT) on improving teacher performance at State Vocational Schools in Tegal Regency ".

The information and communication technology in English is commonly referred to as information and communication technology (ICT). In general, information and communication technology can be interpreted as all technologies related to the retrieval, collection, processing, storage, dissemination, and presentation of information [1–4]. The information and communication technology includes two inseparable aspects, namely information technology and communication technology. It includes everything that relates to the process, the tools and its manipulations in the management of information. While communication technology is related to the use the tools to process and transfer data from one device to another.

According to [5] defines that "information and communication technology (ICT) as a medium or a tool in obtaining knowledge from one person to another". Furthermore, the Ministry of Research and Technology states that information and communication technology (ICT) as part of science and technology is generally all technologies related to the retrieval, collection, processing, storage, dissemination and presentation of information. The information and communication technology is a combination of a set of technologies, especially computer microelectronics, communication technology that helps the process of collecting, storing, processing, delivering, and also presenting information data through various media including text, audio, video, graphics, and images [6–9]

Furthermore, according to [10] explains that "information and communication technology is a technology that is used to process, processing, obtaining, compiling, and manipulating data in various ways so that quality information is produced". The quality information is an information that is relevant, accurate, and timely. The information is used for personal and group purposes such as business, government, and organizations that are used for strategic steps in decision making. Based on some of the descriptions above, it can be concluded that Information and Communication Technology (ICT) is a technology used in the process of obtaining, compiling, storing, manipulating, and processing data or information in order to produce relevant, accurate, and timely data for individuals and groups.

Meanwhile the mastering of technology and information is the ability to understand and use information technology tools, especially computers. Mastery or expertise is a synonym (synonym), which refers to a person's proficiency in a field. Expertise or mastery in the use of
information technology can be interpreted as a person's ability to operate it that supported by adequate intellectual abilities both obtained through innate talent and by learning [11]. The information technology itself according to [12] is "the facilities and infrastructure (hardware, software, useware) systems and methods for obtaining, transmitting, processing, interpreting, storing, organizing and using data meaningfully". Therefore, information technology provides many conveniences in managing information in terms of storing, retrieving and updating information. Furthermore, that mastery of technology and information is the skill that a person has towards the use of technology and information, especially devices on computers related to processing, packaging, and displaying data both in audio, visual, audiovisual, even multimedia.

The teachers must believe that ICT has a use in facilitating student learning processes and that ICT will not replace their position as a teacher, but help them to, at the very least, storing and presenting the concepts, principles and procedures they want to teach. The strategic effort that needs to be done is that teachers need to increase their confidence and be involved and participate in their development, namely the development of ICT for learning in order to improve the quality of the process and student learning outcomes.

Learning can be done anytime and anywhere. This encourages students to analyze and synthesize knowledge, explore, process and utilize information, produce their own writings, information and knowledge. Students are stimulated to explore science. Facilities that can be used by students to learn through E-Learning include: E-Books, E-Library, interaction with experts, email, mailing lists, News Groups, and others. Utilization of ICT in learning can be divided into two roles, namely: (1) as a learning presentation media, for example in the form of power point slides and animation with flash programs; (2) as an independent learning media or E-Learning, for example students are given the task of reading or searching for sources from the internet, sending answers to assignments, even trying and doing learning materials. Through E-Learning, learning is no longer limited by space and time[13].

Meanwhile, according to [14], the benefits of using ICT in order to support the implementation of learning are: 1) improving the quality of learning, 2) expanding access to education and learning, 3) helping visualize abstract ideas, 4) facilitating understanding of the material being studied, 5) displaying learning materials to be more interesting, and 6) enabling interaction between learning and the material being studied.

According to [1] that ICT-based learning will run effectively if it applies student-learned (student learned centered) learning, namely: 1) developing the ability of students to solve problems in real life (contextual), so that education becomes relevant and responsive to the demands of everyday life, 2) fostering reflective and creative thinking, 3) assisting the development and active involvement of students in the learning process.

The information and communication technology (ICT) provides opportunities for the development of creativity and independence of students. Learning by utilizing ICT services makes it possible to produce new works that are original, have high value, and can be developed further. Through ICT, students will get a variety of information in a broader and deeper scope so that they can increase their knowledge. This provides an opportunity to develop and utilize ICT in learning. According to [5] the use of ICT to support educational activities includes: (1) Obtaining various information from various sources of computer information with the internet as a result and application of ICT which has been widely used as a source of information that is easy, inexpensive, and fast to support education. (2) Disseminating of information Internet has been used to disseminate information to many people who can cover almost all areas around the world. Information can be accessed without being limited by distance, space, and time, can be anywhere and anytime. (3) Consulting
with tutors in distance education teaching learners are physically separated because there is no direct face to face, so the learning process is assisted by tutors. The internet can be used to consult with tutors who are in different places. For example, using e-mail services, chatting and mailing lists. (4) digitalling library (digital library); With this digital library, learners can access online sources of knowledge or information sources easily and quickly without being limited by distance and time. (5) Online learning is a learning process by utilizing computer and internet services. Using the internet allows teachers to give lessons and students receive presentations of these lessons without having to gather in one classroom. Online learning also allows students to exchange ideas, ask questions, or discuss with students, tutors, or with teachers. Online learning materials are made interactive, communicative, and interesting to improve the quality of learning, so that the results can be the same or even exceed the quality of learning that is carried out conventionally with face to face in class.

Based on the opinions of several experts above, it can be concluded that the use of ICT in education is an urgent demand in the current era of globalization. Therefore, it is necessary to use ICT to support educational activities. 21st century teachers are required to be creative and able to integrate the use of information technology, especially computers. Teachers must have an understanding that lessons in schools must be delivered as attractive as possible. For this reason, the presence of technology and information in the classroom is an obligation and need that must be mastered by the teacher. This is because 21st century students are those who are very familiar with computer-based multimedia or equipment.

To be able to use the information technology equipment in learning, teachers are required to have a standard of mastery of technology and information as described by [10] as follows: 1) Can operate and understand computers or laptops, 2) master various software such as Microsoft office or the like, 3) can operate a video camera, because bringing recordings or photos into the classroom can help students learn, 4) able to edit pictures or videos (can make simple films for learning purposes), 5) can make presentations and have expertise to give interesting presentations, 6) can write essays or simple stories, 7) familiar with social networking and the internet and 8) know the world of blogging or have their own blog.

The influence of technology and information as mentioned above for a teacher is very important and teachers are required to have standardization of competence in the learning process. According to [15], teacher competency standards in mastering technology and information, namely: 1) operating personal computers and peripherals 2) assembling, installing, setting-up, maintaining, and tracking, and solving problems (troubleshooting) on computers 3) performing computer programming with one of the object-oriented programming languages 4) word processing with a personal computer 5) processing spreadsheets and graphics with a personal computer 6) managing data rank (database) with a personal computer or server computer 7) creating interactive presentations that meet the rules of visual and interpersonal communication.

The description of the indicators above can be concluded that the indicators of mastery of technology and information for professional teachers are teachers who act as useware or brainware for the use of information technology, especially computers related to mastery of computer hardware and software packages, which can produce a data or information that can then be stored, displayed or disseminated.

Along with the advancement of ICT, like it or not, teachers are required to master and utilize ICT in teaching their students. This level of mastery of ICT should be carried out gradually and continuously, either through independent efforts or through training organized by other competent institutions in the field of ICT for education and training.
Therefore, in addition to having the ability to teach in the classroom, teachers must also be able to integrate the use of ICT in learning. Teachers who integrate ICT in learning activities for their subjects at school will make learning activities more interesting and students more optimally understand learning materials and result in improving the quality of student learning outcomes. There are 4 levels of ICT competence possessed by teachers, namely: (1) mastering the basics of ICT (ICT Literacy); (2) deepening knowledge through ICT; (3) having the ability to create knowledge with ICT; and (4) sharing knowledge using ICT, both to students and other teachers [16].

So it can be concluded that teacher ICT competence is the ability of teachers to develop learning innovations by utilizing ICT both in planning, implementing, and evaluating learning, both in terms of pedagogical, personal, professional, and social competence aspects. ICT competence for teachers has at least two functions, namely ICT as self-development and ICT as a supporter of the learning process.

Marwan's research, in his thesis entitled "The Influence of the Use of Information Technology and School Organizational Culture on the Performance of Islamic Religious Education Teachers in High Schools in Palu City in 2017". The results of the research are: 1) The use of information technology has a significant effect on performance with a value of sig. 0.006 < 0.05 and t count 3.122 > t table 2.019. 2) the implementation of organizational culture has a significant effect on teacher performance with a value of sig. 0.000 t table 2.019. 3) The use of information technology and organizational culture simultaneously has a significant effect on teacher performance with a value of sig. 0.000 f table 3.22. 4) Qualitative data on the use of information technology and teacher performance strengthens, deepens, and expands quantitative data. 5) Qualitative data on the implementation of organizational culture and teacher performance strengthen and deepen quantitative data. 6) Qualitative data on the effect of simultaneous use of information technology and implementation of organizational culture on the performance of Islamic religious education teachers strengthen quantitative data. 7) Other variables outside the research that affect the performance of Islamic religious education teachers are teacher discipline, teacher creativity, availability of facilities, and awards. The magnitude of the influence of the use of information technology and the implementation of organizational culture on teacher performance either partially or simultaneously is 40.5%, while the remaining 59.5% is influenced by other variables outside of this study.

2. Method

Researchers used a quantitative approach with data collection techniques using questionnaires that given to teachers at State Vocational High Schools throughout Tegal Regency. This research was conducted at 7 state vocational schools in Tegal Regency, namely: SMK Negeri 1 Adiwerna (140 teachers), SMK Negeri 2 Adiwerna (95 teachers), SMK Negeri 1 Dukuhturi (80 teachers), SMK Negeri 1 Slawi (89 teachers), SMK Negeri 2 Slawi (89 teachers), SMK Negeri 1 Bumijawa (80 teachers) and SMK Negeri 1 Warureja (88 teachers). So that the population of State Vocational High School teachers throughout Tegal Regency is 661 teachers.

In this study, the sample was taken using the proportional stratified random sampling technique. According to [17] what is meant by proportional stratified random sampling is "a sampling technique to obtain a representative sample, taking subjects from each stratum is determined to be balanced and proportional to the number of subjects in each stratum". Because the population is above 100 people, the sampling is 20% - 25% of the total population[17]. So the number of samples in this study were 167 teachers.
The research design used in this study is a survey type. According to [18] said that the survey was used to find out a general description of the characteristics of the population. In this, the authors conducted a survey using quantitative research with proportional random sampling technique. With simple linear regression analysis, it aims to examine the effect of variable X on variable Y. This analysis technique was chosen by the researchers because to determine: The effect of ICT mastery (X) on improving teacher performance (Y) in State Vocational Schools throughout Tegal Regency. The instruments of questionnaires in this study that will be used in the form of statements that describe the indicators of each research variable. The questionnaire are used to strengthen the data that has been obtained, especially regarding the response of educators (teachers) to the mastery of information and communication technology (ICT) and organizational culture to improve the performance of teachers in State Vocational Schools in Tegal Regency. The questionnaire used contains 60 questions, each variable is ICT mastery and teacher performance. To determine the validity of the instrument in this study using the product moment correlation with the deviation formula which is notated as follows:

\[ r_{YX} = \frac{N\Sigma XY - (\Sigma X)(\Sigma Y)}{\sqrt{N\Sigma X^2 - (\Sigma X)^2} \sqrt{N\Sigma Y^2 - (\Sigma Y)^2}} \]

With : \( r_{YX} \) = correlation of Y to X

While the reliability coefficient calculation technique used in this study is using the alpha- cronbach method. A set of questions in the questionnaire can be accepted if it has a reliability coefficient value greater than or equal to 0.7 [19].

To find out whether all independent variables simultaneously affect the dependent variable, as well as to test whether the regression model used is correct using the F statistic test. While testing the hypothesis in this study using a partial test or t test. The t-test is carried out by looking at the significance value, then compared with the value of \( \alpha = 5\% \) (0.05) with the following decision-making provisions: (1) if the significant value is less than 0.05 then the hypothesis is accepted, meaning that the independent variable significantly affects the dependent variable, (2) if the significant value is more than 0.05 then the hypothesis is accepted, meaning that the independent variable significantly affects the dependent variable with a 95% confidence level (\( \alpha = 5\% \)).

3. Result & Discussion

The stages in the research are the first step the researcher conducts quantitative research by giving research permission to the head or principal of the school where the teachers work in State Vocational Schools throughout Tegal Regency, namely SMK Negeri 1 Adiwerna, SMK Negeri 2 Adiwerna, SMK Negeri 2 Dukuhurti, SMK Negeri 1 Slawi, SMK Negeri 2 Slawi, SMK Negeri 1 Bumijawa and SMK Negeri 1 Warureja. The next step is to distribute questionnaires or questionnaires to respondents, because the places or locations are far apart and there are a lot of respondents, namely 167 people, the questionnaire is given in the form of a google form. Then prepare the data that has been collected from the results of the questionnaire in the form of Microsoft Excel and perform quantitative data analysis with the
statistical tool SPSS 22.0. From the data analysis, findings are produced to answer the existing problem formulation and problem discussion.

The number of samples used in this study were 167 teachers with the distribution of respondents' characteristics as presented in the following table:

Table 1. Characteristics of Respondents

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>89</td>
<td>53%</td>
</tr>
<tr>
<td>Female</td>
<td>78</td>
<td>47%</td>
</tr>
<tr>
<td>Last education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sarjana (S1)</td>
<td>124</td>
<td>74%</td>
</tr>
<tr>
<td>Pasca Sarjana (S2)</td>
<td>43</td>
<td>26%</td>
</tr>
<tr>
<td>Doktor (S3)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Years of service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-10 year</td>
<td>27</td>
<td>16%</td>
</tr>
<tr>
<td>11-20 year</td>
<td>58</td>
<td>35%</td>
</tr>
<tr>
<td>20-30 year</td>
<td>82</td>
<td>49%</td>
</tr>
</tbody>
</table>

The table above shows that the proportion of male respondents is 53% and female respondents are 47%. Respondents with the last education of S1 are 74% and S2 are 26%. Most of the respondents are respondents with a period of work in the range of 20-30 years with a proportion of 49%.

The validity test is carried out with the criteria that if the calculated \( r \) value < \( r \) table value, it can be stated that the statement items used as research instruments are declared invalid or cannot be used as measuring instruments or research instruments. Meanwhile, if the value of \( r \) count > the value of \( r \) table is valid as a measuring tool so that it can then be used in retrieval of research data. The results of the analysis of the validity test data from the 60 question items obtained the lowest calculated \( r \) value = 0.526 and the highest calculated \( r \) = 0.880, and the average \( r \) value = 0.749, while \( r \) table = 0.374. Because \( r \) arithmetic > \( r \) table, it can be concluded that all research questionnaire questions are valid so that they can be used in collecting research data.

The method is used to test the reliability or reliability is the alpha-cronbach method. A construct is said to be reliable if it gives a Cronbach alpha value > 0.700 (Ghozali, 2016). The results of reliability testing can be seen in the following table:

Table 2. Research Variable Reliability Test

<table>
<thead>
<tr>
<th>Research variable</th>
<th>Cronbach Alpha</th>
<th>Reliable Minimum Limit</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mastery ICT (X)</td>
<td>0.969</td>
<td>0.700</td>
<td>Reliable</td>
</tr>
</tbody>
</table>
From table 2 above, the results of reliability testing show that the value of Cronbach's alpha for all research variables is greater than the minimum limit value of 0.700 so it can be stated that the measuring instrument for each variable is reliable. After testing the research instrument, then testing the hypothesis as presented as follows:

3.1 Partial test or t test

Hypothesis testing using the partial test method or t-test is carried out using the criteria if the t-count value > the t-table value is 1.974 (0.05; 167) then the proposed research hypothesis is accepted, otherwise if the t-count value <t-table value then the research hypothesis is declared rejected. The results of hypothesis testing with the t-test method are presented in the following table:

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Constant)</td>
<td>18.653</td>
<td>3.855</td>
<td>4.83</td>
<td>0.00</td>
</tr>
<tr>
<td>mastery</td>
<td>.261</td>
<td>.045</td>
<td>5.84</td>
<td>0.00</td>
</tr>
</tbody>
</table>

Based on table 3 above, it is concluded that: the standard coefficient value on the ICT mastery variable is known to be 0.344 with a t count of 5.848 which means the t count > t table so that the proposed research hypothesis, namely that there is an influence of the ICT mastery variable on teacher performance, is declared accepted. A significance value of 0.000 indicates that the influence of the ICT mastery variable has a significant effect on the significance level or confidence level of 95% with a degree of error of 0.05 or 5%.

3.2 F test

Hypothesis testing using the F-test method is carried out using the criteria if the F count value > F table value of 3.050 (0.05; 167) then the proposed research hypothesis is accepted, on the contrary if the F count value < F table value, the research hypothesis is declared rejected. The results of hypothesis testing with the F-test method are presented in the following table:

<table>
<thead>
<tr>
<th>Model</th>
<th>Sum of Squares</th>
<th>df</th>
<th>Mean Square</th>
<th>F</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regression</td>
<td>5441.778</td>
<td>2</td>
<td>2720.889</td>
<td>92.59</td>
<td>0.00</td>
</tr>
<tr>
<td>Residual</td>
<td>4819.300</td>
<td>16</td>
<td>29.386</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>10261.078</td>
<td>18</td>
<td>578.448</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 3. Test Results t-test

Table 4. Test result F-test
Based on table 4 above, it is known that the F count coefficient value is known to be 92.591, which means the F count value > F table so that it can be stated that teacher achievement is influenced by the independent variable of ICT mastery. The significance value of 0.000 indicates that the influence of the ICT ruler variable and organizational culture has a significant effect on the significance level or confidence level of 95% with a degree of error of 0.05 or 5%.

c. Coefficient of Determination Test

Testing the coefficient of determination is carried out to determine the extent to which ICT mastery and organizational culture are able to explain teacher performance with the criteria that if the adjusted R square value is more than 0 and approaches 1 then the proposed research model is a good model. The results of testing the coefficient of determination are as presented in the following table:

<table>
<thead>
<tr>
<th>Mode</th>
<th>R</th>
<th>R Square</th>
<th>Adjusted R Square</th>
<th>Std. Error of the Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>.728</td>
<td>.530</td>
<td>.525</td>
<td>5.421</td>
</tr>
</tbody>
</table>

Based on table 5 above, it is known that the adjusted R square value is 0.525 or 52.5%, which means that the performance of State Vocational School teachers in Tegal Regency can be explained by the ICT mastery variable of 52.5%, while the remaining 47.5% is explained by other variables besides the independent variables studied in the study.

Discussion

The findings in this study indicate that there is an influence of mastery of information and communication technology (ICT) on improving teacher performance in State Vocational Schools throughout Tegal Regency, as evidenced by the arithmetic value on the partial test or t-test with a t count of 5.848 which is greater than a t table of 1.974. Because the value of t arithmetic is greater than t table, it can be concluded that the proposed research hypothesis has a positive influence between the variables of mastery of communication information technology (ICT) on the teacher performance variable in State Vocational Schools throughout Tegal Regency.

The mastery of Information and Communication Technology (ICT) is the ability to understand and use information technology tools, especially computers. Expertising or mastering in the use of information technology can be interpreted as a person's ability to operate it, supported by adequate intellectual abilities, either obtained through independent study or through education and training.

To be able to use information technology equipment in learning, teachers are required to have a standard of mastery of technology and information, including: the ability to operate and understand computers or laptops, master various software such as Microsoft office or the similarity that can operate video cameras, because they bring recordings or photos to the...
computer. In the classroom, it can help students learning, able to edit pictures or videos (can make simple films for learning purposes), to present and have the expertise to give interesting presentations, able to write simple essays or stories, familiar with social networking and the internet and get to know the world blogging or have your own blog. Mastering of ICT can lead to an increase in teacher performance which is invested in the learning process of students so that learning outcomes can be maximized.

Research according to Utari (2016) at SMK 2 Sewon and Faisal Nur Iman (2015) at SMP Negeri 1 Ungaran showed that ICT mastery had an effect on teacher performance. Thus, the results of this study support previous research.

4. Conclusion

Based on the results of the research that has been done, it can be concluded that there is a significant influence on the mastery of Information and Communication Technology (ICT) on teacher performance, this is shown by the t-count value of 5.848, which is greater than the t-table of 1.974. Because the t-count value is greater than t-table, it can be concluded that there is an influence of the ICT mastery variable on teacher performance.

Mastering the technology and information is the ability to understand and use information technology tools, especially computers. Expertise or mastery in the use of information technology can be interpreted as a person's ability to operate it, supported by adequate intellectual abilities, either obtained through independent study or through education and training. The information and communication technology (ICT)-based learning has many advantages, including the use of time used to be more effective, subject matter materials to be more accessible, attractive, and inexpensive. In addition, students can develop creativity in their own way, and students have more opportunities to explore because they are motivated by the presence of ICT in the learning process.

References


The Influence of Logical Thinking, Work Place, Work Achievement, Work Motivation on Employee Performance through Innovation as Middle Variables in Regional Secretariat of Brebes Regency

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Abstract. Innovation encourages employees to have solutions, introduce something new and superior, be creative and make updates, and solve problems with appropriate solutions. Innovation can only grow in a space full of differences, diverse perceptions, and rich in scenarios. Everyone must dare to be different and do not have to be of the same mind but when the final decision has been taken and determined, then everyone must unite in solidarity and collaboration to make the decision come true. Good employee performance is supported by having the ability and knowledge of the characteristics of his work so that it will help employees in completing their work. Thus, based on the results of the analysis and study, it can be concluded that logical thinking, workplace, work performance, work motivation has a positive effect on employee performance in the organization and is proven to be significant.

Keywords: logical thinking, workplace, work performance, work motivation, innovation, employee performance

1. Introduction

The Regional Secretariat of Brebes Regency needs staff to carry out activities on a regular basis to achieve the desired goals. Therefore, employees are required to provide maximum quality of performance to achieve these goals. Employees must be able to think logically when analyzing a situation as expected will emerge an acceptable solution because the workplace here can directly affect the performance of employees in doing their work so that the results can ultimately improve organizational performance with high innovation and initiative, work performance is the work done by an employee can be achieved in carry out their duties based on skills and accuracy in the use of time, work motivation is the desire of employees to achieve organizational goals to the fullest, innovation can have a positive and meaningful effect, Judging from employee performance, innovation is the description of a new idea or idea with the aim of solving a problem in order to improve employee performance. [1] Employee Performance is a record of the results produced for certain job functions or activities over a certain period of time. (Bernardin, 2001). [2] Innovation is the ability to apply creativity in order to solve problems and opportunities to improve and enrich life (Zimmerer
Logical Thinking is think sensibly and think systematically, or also known as system thinking (Andriawan, 2014:1). [4] The workplace or work environment is everything that is around employees and can affect the performance of the tasks assigned to them, for example with air conditioner (AC), adequate lighting and so on (Afandi, 2018:65). [5] Work Performance is the result of work in quality and quantity achieved by an employee in carrying out his duties in accordance with the responsibilities given to him (Anwar Prabu Mangkunegara, 2009: 67). [6] Work Motivation is is something that creates enthusiasm or work motivation, where the strength or weakness of an employee's work motivation contributes to determining the size of the achievements achieved (Waxley and Yukl, 1992: 75).

It can be seen from the amount of quality and quantity that is less or even unsatisfactory. This is shown that there are still civil servants who are less responsible for their work due to factors that influence them, including: a. low logical thinking where there are several employees who have not been able to complete their work, b. low workplace, namely there are still employees who are not comfortable in the room while working, c. low work performance that is still found employees who are less able to achieve work results both quality and quantity of tasks assigned by superiors, d. low motivation, namely there are still employees who cannot complete the work on time, e. The low level of innovation is that there are still many employees who come up with new ideas to solve the problems they face at work. The five factors mentioned above can affect the performance of employees at the District Secretariat. Brebes. Placement of resources, especially human resources, cannot be considered easy because employees must have a sense of belonging to the organization where they work. In other words, if an employee's performance is good, individual performance is likely to affect the performance of a company, the company's performance is also good. An employee's performance can be good if it is supported by the abilities and knowledge possessed regarding the characteristics of his work, so that it will help employees in completing their work.

2. Method

The population is all the elements whose characteristics will be estimated, the population in this study are employees at the Regional Secretariat of the Brebes Regency considering the total population of 115 people, the researchers did not take samples.

The sample is part of the records taken from the entire object of research and is considered to represent the correct picture of the population. According to (Sugiyono, 2014:68), the meaning is: a technique for determining research samples with certain considerations at making the data obtained more representative. That: the saturated sampling technique is a sampling technique when all members of the population are used as samples. So that the samples taken later in accordance with the research objectives can solve research problems and can provide more representative values. So that the technique taken can meet the actual purpose of doing research. So that the sample used by taking all the population at the Regional Secretariat of Brebes Regency is 115 people.

3. Result and Discussion

This chapter presents an overview of research data obtained from the results of respondents' answers, data processing and analysis of the results of data processing. The results of data processing will then be used as a basis for analysis and answer the proposed research hypothesis. Descriptive data analysis is used to describe the condition of respondents' answers for each variable. The questionnaires given to the respondents were 115 questionnaires. The results of these answers are then used to obtain the tendency of respondents' answers regarding the condition of each research variable.
3.1. Respondent's Education Level
The education level of the respondents in this study can be seen in the table as follows:

<table>
<thead>
<tr>
<th>No</th>
<th>Education</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Elementary School</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>JUNIOR HIGH SCHOOL</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>3</td>
<td>SENIOR HIGH SCHOOL</td>
<td>25</td>
<td>22</td>
</tr>
<tr>
<td>4</td>
<td>Diploma</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>5</td>
<td>Bachelor Degree</td>
<td>65</td>
<td>56</td>
</tr>
<tr>
<td>6</td>
<td>Master Degree</td>
<td>13</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td><strong>Total number</strong></td>
<td><strong>115</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Table 1 shows that the education level of respondents who have elementary school as many as 3 people (3%), junior high school as many as 7 people (6%), high school as many as 25 people (22%), bachelor degree as many as 65 people (56%), master degree as many as 13 people (11%). This means that the majority of respondents in this study have an undergraduate education level.

3.2. Respondent's Age
The age of the respondents in this study can be seen in the table as follows:

<table>
<thead>
<tr>
<th>No</th>
<th>Age</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>&lt; 30 years old</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>2</td>
<td>31 – 40 years</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>41 – 50 years</td>
<td>47</td>
<td>41</td>
</tr>
<tr>
<td>4</td>
<td>&gt; 51 years old</td>
<td>37</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td><strong>Total number</strong></td>
<td><strong>115</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Table 2 shows that the age of respondents who are < 30 years is 10 people (9%), 31-40 years is 21 people (18%), 41-50 years is 47 people (41%), > 51 years is 37 people (32%). This means that the majority of respondents in this study are 41-50 years old.
3.3. Respondents Working Period

The working period of respondents in this study can be seen in the table as follows:

<table>
<thead>
<tr>
<th>No</th>
<th>Years of service</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>&lt; 10 years</td>
<td>16</td>
<td>14</td>
</tr>
<tr>
<td>2</td>
<td>11 – 20 years</td>
<td>70</td>
<td>61</td>
</tr>
<tr>
<td>3</td>
<td>21 – 30 years old</td>
<td>20</td>
<td>17</td>
</tr>
<tr>
<td>4</td>
<td>&gt; 31 years old</td>
<td>9</td>
<td>8</td>
</tr>
</tbody>
</table>

Table 3 shows that the working period of respondents who are < 10 years is 16 people (14%), 11-20 years is 70 people (61%), 21-30 years is 20 people (17%), > 31 years is 9 people (8%). This means that the majority of respondents in this study have a working period of 11-20 years.

3.4. Respondent Group

The group of respondents in this study can be seen in the table as follows:

<table>
<thead>
<tr>
<th>No</th>
<th>Group</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>I</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>II</td>
<td>26</td>
<td>23</td>
</tr>
<tr>
<td>3</td>
<td>III</td>
<td>74</td>
<td>64</td>
</tr>
<tr>
<td>4</td>
<td>IV</td>
<td>12</td>
<td>10</td>
</tr>
</tbody>
</table>

Table 4 shows that the working period of respondents in group I is 3 people (3%), group II is 26 people (23%), group III is 74 people (64%), group IV is 12 people (10%). This means that the majority of respondents in this study have group III.
3.5. Validity Test and Reliability Test

Confirmatory factor analysis (CFA) in the construct validity test is used to test the unidimensionality of the dimensions that explain the latent factors of exogenous constructs and endogenous constructs. To see the correlation of each exogenous variable and endogenous variable, it can be seen from the loading factor value of each indicator. The data is said to be valid, if the loading factor value has been above 0.5. The following are the results of the exogenous construct validity test and the endogenous construct test results.

![Exogenous Confirmatory Factor Analysis Test](image)

It can be seen in Figure 4.1. The results of the confirmatory factor analysis (CFA) for exogenous variables show the values of the Chi-Square, RMSEA, GFI, CMIN/DF, TLI and CFI indexes that meet the criteria for goodness of fit index. Meanwhile, Probability and AGFI meet the requirements marginally. It can be said that overall this exogenous construct model meets the requirements and is accepted.

<table>
<thead>
<tr>
<th>Estimate</th>
<th>Criteria</th>
<th>X1.1</th>
<th>Logical Thinking</th>
<th>0.686</th>
<th>Valid</th>
</tr>
</thead>
<tbody>
<tr>
<td>X1.2</td>
<td>Logical Thinking</td>
<td>0.986</td>
<td>Valid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X1.3</td>
<td>Logical Thinking</td>
<td>0.695</td>
<td>Valid</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Meanwhile, seen from the results of testing the exogenous construct model in Table 4.5 it shows that all indicators of exogenous variable questions have a value of more than 0.5. So that it can be said that all indicators of exogenous variable questions are declared valid.

Figure 2. Endogenous Confirmatory Factor Analysis Test
In Figure 2 the results of the confirmatory factor analysis (CFA) of endogenous variables show the values of the Chi-Square, RMSEA, GFI, CMIN/DF, TLI and CFI indexes that meet the criteria for goodness of fit index. Meanwhile, Probability and AGFI meet the requirements marginally. It can be said that overall this endogenous construct model meets the requirements and is accepted.

Table 6. Endogenous Confirmatory Factor Analysis Test

<table>
<thead>
<tr>
<th>Item</th>
<th>Estimate</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y.1</td>
<td>0.731</td>
<td>Valid</td>
</tr>
<tr>
<td>Y.2</td>
<td>0.762</td>
<td>Valid</td>
</tr>
<tr>
<td>Y.3</td>
<td>0.899</td>
<td>Valid</td>
</tr>
</tbody>
</table>
Meanwhile, seen from the results of testing the endogenous construct model in Table 4.6, it shows that all indicators of endogenous variable questions have a value of more than 0.5. So that it can be said that all indicators of exogenous variable questions are declared valid.

### a. Construct Test Reliability

Confirmatory factor analysis (CFA) in construct test Reliability is used to indicate the extent to which a measuring instrument can provide relatively the same results when measurements are made twice or more on the same subject. Furthermore, to find out the results of the construct reliability test, the Construct Reliability formula is used as follows:

\[
\text{Construct Reliability} = \frac{(\sum \text{standardized loading})^2}{(\sum \text{standardized loading})^2 + \sum \varepsilon_j}
\]

Information:
- **Standard loading** is obtained from the results of the estimated standardized loading for each indicator obtained through the amos output.
- \( j \) is the measurement error of each indicator, the measurement error can be obtained 1indicator reliability.

### Table 7. Reliability Test

<table>
<thead>
<tr>
<th>Variable</th>
<th>Indicator</th>
<th>Standard Loading</th>
<th>Standard Error</th>
<th>Reliability construct</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Performance</td>
<td>Y.1</td>
<td>0.736</td>
<td>0.018</td>
<td>0.994857789</td>
<td>Reliable</td>
</tr>
<tr>
<td></td>
<td>Y.2</td>
<td>0.763</td>
<td>0.017</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y.3</td>
<td>0.895</td>
<td>0.011</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y.4</td>
<td>0.853</td>
<td>0.013</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y.5</td>
<td>0.635</td>
<td>0.021</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y.6</td>
<td>0.582</td>
<td>0.023</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Innovation</td>
<td>Z.1</td>
<td>0.655</td>
<td>0.013</td>
<td>0.994023715</td>
<td>Reliable</td>
</tr>
</tbody>
</table>
Based on the results of the calculation of the reliability construct test in Table 4.7 shows the value of construct reliability on the Employee Performance variable is 0.994857789, Innovation is 0.994023715, Logical Thinking is 0.989579081, Workplace is 0.994682442, Work Performance is 0.990152922 and Motivation Work is 0.985292022. According to Hair (2017), if an indicator with a construct reliability index of more than 0.7 is declared acceptable or reliable. Thus, the results of the reliability construct test show that all indicators are acceptable or reliable with a value > 0.7.

**Table 8. Hypothesis Test Results**

<table>
<thead>
<tr>
<th>No</th>
<th>Hypothesis</th>
<th>P</th>
<th>Limit</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Influence of Logical Thinking on innovation</td>
<td>0.01</td>
<td>≤ 0.05</td>
<td>there is influence</td>
</tr>
<tr>
<td>2.</td>
<td>Influence of the Workplace on innovation</td>
<td>0.01</td>
<td>≤ 0.05</td>
<td>there is influence</td>
</tr>
<tr>
<td>3.</td>
<td>The Effect of Job Performance on Innovation</td>
<td>0.59</td>
<td>≥ 0.05</td>
<td>No influence</td>
</tr>
<tr>
<td>4.</td>
<td>The Influence of Work Motivation on Innovation</td>
<td>0.72</td>
<td>≥ 0.05</td>
<td>No influence</td>
</tr>
<tr>
<td>5.</td>
<td>The Effect of Logical Thinking on Employee Performance</td>
<td>0.13</td>
<td>≥ 0.05</td>
<td>No influence</td>
</tr>
<tr>
<td>6.</td>
<td>The Effect of Workplace on Employee Performance</td>
<td>0.02</td>
<td>≤ 0.05</td>
<td>there is influence</td>
</tr>
</tbody>
</table>
7. The Influence of Work Performance on Employee Performance
   - Parameter: 0.87
   - Standardized Regression Weight Coefficient
   - Relationships: ≥ 0.05
   - Conclusion: No influence

8. The Effect of Work Motivation on Employee Performance
   - Parameter: 0.57
   - Standardized Regression Weight Coefficient
   - Relationships: ≥ 0.05
   - Conclusion: No influence

9. The Effect of Innovation on Employee Performance
   - Parameter: 0.00
   - Standardized Regression Weight Coefficient
   - Relationships: ≤ 0.05
   - Conclusion: There is influence

a) To test the hypothesis that logical thinking has an influence on innovation.

The parameter estimated value of the standardized regression weight coefficient between logical thinking and innovation is 0.013, testing the relationship between the two variables shows a probability value of 0.013 (p ≤ 0.05) from the estimate value of 0.226, thus H1 is supported because there is a significant positive relationship between logical thinking and innovation. This is reinforced by the results of data processing which shows the probability value of 0.013 has met the requirements ≤ 0.05 and the positive direction is seen from the estimate 0.226, so it can be concluded that logical thinking has a significant positive effect on innovation, so that the higher the logical thinking possessed by employees, the innovation will be higher. The results of this study support the study conducted by (Novia Sari, 2020), (Noviani et al., 2020). Shows that logical thinking affects innovation, logical thinking ability is an activity in drawing conclusions, drawing conclusions, and solving problems. The habit of questioning things in detail will also make you know which information is clear sources, facts, or just assumptions, when you are able to understand something from many points of view it will certainly make it easier to make a decision even in difficult circumstances so that it can affect employees in carrying out their duties, duties and work to create new innovations.

b) To test the hypothesis that four jobs have a direct effect on innovation.

The estimated parameter value of the standardized regression weight coefficient between the workplace and innovation is 0.01, the test of the relationship between the two variables shows a probability value of 0.01 (p ≤ 0.05) from the estimate value of 0.234, thus H2 is supported because there is a significant positive relationship between workplace with innovation. This is reinforced by the results of data processing which shows the probability value of 0.01 has met the requirements ≤ 0.05 and the positive direction is seen from the estimate 0.234, so it can be concluded that the workplace has a significant positive effect on innovation, so that the more comfortable the employee's workplace is, the more comfortable the employee will be. innovation will increase. The results of this study are in accordance with previous research conducted by (Sazly & Permana, 2020). Shows that the workplace has an effect on innovation, if the employee likes the work environment in which he works, the employee will feel at home in his workplace to carry out activities so that work time is used effectively and optimistically that employee work performance is also high and can improve organizational performance in making innovations to help fluency in the field of tasks and work.

c) To test the hypothesis that job performance becomes an influence in innovation.

The parameter estimated value of the standardized regression weight coefficient between work performance and innovation is 0.592. The test of the relationship between the two variables shows a probability value of 0.592 (p ≥ 0.05) from the estimate value of -0.035, thus H3 is not supported because work performance does not have a significant effect. towards
innovation. This is reinforced by the results of data processing which shows the probability of 0.592 not meeting the requirements $< 0.05$. So it can be concluded that the hypothesis which states that work performance has no significant effect on innovation, so that the higher a person's achievement, the innovation of the employee is not proven. The results of this study are not in accordance with previous research conducted by (Dwi Mardiyanti, 2019). Shows that work performance affects innovation, a person's work based on the burden of responsibility given to him produces quality work that is expected to produce new innovations and can be used in carrying out daily routine activities.

d) To test the hypothesis that work motivation affects innovation.

The estimated parameter value of the standardized regression weight coefficient between work motivation and innovation is 0.726, testing the relationship between the two variables shows a probability value of 0.726 ($p \geq 0.05$) from the estimated value of 0.038, thus H4 is not supported because there is no significant effect between work motivation with innovation. This is reinforced by the results of data processing which shows the probability value of 0.726 does not meet the requirements $\leq 0.05$ and can be seen from the estimate 0.038, so it can be concluded that work motivation has no significant effect on innovation, so the higher the work motivation of employees, the innovation of an employee is not proven. The results of this study are not in accordance with previous research conducted by (Noor, 2012), (Mujahidah, 2019). Shows that work motivation affects innovation, motivation means all things that can encourage or move someone to do or not do an activity in the form of an innovation.

e) To test the hypothesis that logical thinking has to do with performance.

The estimated parameter value of the standardized regression weight coefficient between logical thinking and employee performance is 0.136. The test of the relationship between the two variables shows a probability value of 0.136 ($p \geq 0.05$) from the estimate value of 0.16, thus H5 is not supported because logical thinking has no effect which is significant to employee performance. This is reinforced by the results of data processing which shows the probability value of 0.136 does not meet the requirements $\leq 0.05$ and the results can be seen from the estimate 0.16, so it can be concluded that the hypothesis that logical thinking has a significant effect on employee performance is not proven. The results of this study are not in accordance with previous research conducted by (Auniyah et al., 2020). Shows that logical thinking affects employee performance, by thinking logically means having to be able to analyze each data carefully and draw conclusions without having to involve emotional feelings. So that it can improve employee performance in the tasks and jobs assigned by superiors.

f) To test the hypothesis that the workplace affects employee performance.

The estimated parameter value of the standardized regression weight coefficient between the workplace and employee performance is 0.028, testing the relationship between the two variables shows a probability value of 0.028 ($p \leq 0.05$) from the estimate value of 0.244. Thus, H6 is supported because the workplace has a significant positive influence on employee performance. This is reinforced by the results of data processing which shows the probability of 0.028 has met the requirements $\leq 0.05$. So it can be concluded that the hypothesis that the workplace has a significant effect on employee performance will be higher. The results of this study are in accordance with previous research conducted by (Sihaloho & Siregar, 2019). Shows that the workplace has an effect on employee performance, work has a
direct influence on employees in completing work which in turn can improve the performance of both employees and the organization.

g) To test the hypothesis that work performance can affect performance.

The estimated parameter value of the standardized regression weight coefficient between work performance and employee performance is 0.87, testing the relationship between the two variables shows a probability value of 0.87 ($p \geq 0.05$) from the estimated value of -0.014, thus $H_7$ is not supported because of work performance does not have a significant effect on employee performance. This is reinforced by the results of data processing which shows a probability value of 0.87 not meeting the requirements $\leq 0.05$ and the results can be seen from the estimate 0.014, so it can be concluded that the hypothesis that states work performance does not have a significant effect on employee performance. The results of this study are not in accordance with previous research conducted by (Novianty, 2015). Shows that the workplace has an effect on employee performance, a work result achieved by a person in carrying out the tasks assigned to him based on skill and sincerity and time can improve the performance of both employees and the organization.

h) To test the hypothesis that work motivation has an effect on employee performance.

The estimated parameter value of the standardized regression weight coefficient between work motivation and employees is 0.576, testing the relationship between the two variables shows a probability value of 0.576 ($p \geq 0.05$) from the estimated value of 0.071, thus $H_8$ is not supported because there is no significant effect between work motivation with employee performance. This is reinforced by the results of data processing which shows the probability value of 0.576 does not meet the requirements $\leq 0.05$ and can be seen from the estimate 0.071, so it can be concluded that work motivation has no significant effect on employee performance, so the higher the work motivation of employees, the performance of an employee is not proven. The results of this study are not in accordance with previous research conducted by (Risparyanto, 2017). Shows that the workplace has an effect on employee performance, Work motivation simply means things that encourage or move someone to do or not do something that can improve the performance of both employees and the organization.

i) To test the hypothesis that is innovation has a positive effect on employee performance.

The estimated parameter value of the standardized regression weight coefficient between innovation and employee performance is obtained at 0.000, testing the relationship between the two variables shows a probability value of 0.000 ($p \leq 0.05$) from the estimate value of 0.588, thus $H_9$ is supported because there is a significant positive relationship between innovation and employee performance. This is reinforced by the results of data processing which shows a probability value of 0.01 has met the requirements $\leq 0.05$ and a positive direction is seen from the estimate 0.000, so it can be concluded that innovation has a significant positive effect on employee performance, so that the higher the innovation a person has, the higher the performance. Employees will be higher. The results of this study are in accordance with previous research conducted by (Dama, 2018). Shows that the workplace affects employee performance, employees who have special skills in solving problems at work, so that the work done is completed on time and more effectively and also more accurately so it can be concluded that innovation affects employee performance.
4. Conclusion

The framework of thinking is the concept of explaining the relationship between variables, either directly or indirectly in a study. Performance is the result of achievement or work that can be measured both qualitatively and quantitatively, and describes the extent to which an organization has succeeded in achieving the goals it has set. Thus, the performance of an organization can be measured from the performance of its employees. Thinking logically in completing work is very important because it allows you to think properly, so that you are able to take an action correctly, and also more efficiently. So that it can improve employee performance in the tasks and jobs assigned by superiors. A good workplace can facilitate the organization in realizing its vision and mission, so that employee performance productivity can be achieved in accordance with what is an organization's program. Work performance is the most important thing that must be owned by an employee because then the higher the work performance possessed by the employee is expected to show the results of his performance can be measured for the sustainability of an organization. An employee's work motivation can be used as a benchmark for achieving employee performance. The higher the work motivation possessed by an employee, the higher the performance produced in the field and job duties. Continuous innovation will cause the organization to keep abreast of increasing sophisticated and efficient technological developments. Thus, based on the results of the analysis and study, it can be concluded that logical thinking, workplace, work performance, work motivation and innovation have a positive effect on employee performance in the organization and has been proven to be significant.

Acknowledgments

Appreciation and thanks to the Postgraduate Director of Pancasakti University Tegal who has given the author the opportunity to complete his research in 2022 entitled "The Influence Of Logical Thinking, Work Place, Work Achievement, Work Motivation On Employee Performance Through Innovation As Middle Variables In Regional Secretariat of Brebes Regency". Thanks also to the chairman of the Master of Management Study Program, Pancasakti University, Tegal. Supervising lecturers I and II supervisors, lecturers and educational staff of the Postgraduate Program at Pancasakti Tegal University who have helped me a lot in this research activity through Research Contracts.

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Implementation of Principal Pedagogic Competence on Teacher Performance Improvement in The Program of (Center Of Excellence) at SMK Negeri 1 Adiwerna, Tegal Regency

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{paims.mkn1.adb@gmail.com}\textsuperscript{1}

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**Abstract.** The purpose of this study was to determine the effect of the principal's pedagogic competence on improving teacher performance. This study uses a quantitative survey method approach. The population in this study were all teachers of SMK Negeri 1 Adiwerna totaling 142 teachers with a proportional random sampling technique of 73 teachers. A questionnaire and documentation were used to collect data for this study, which was analyzed using inferential and inductive statistical methods. The prerequisite test for analysis includes the data normality test and the regression linearity test. The testing of hypotheses involves a simple regression test. (1) Principal's Pedagogic Competence was classified as medium with a percentage of 56.6%; (2) Teacher performance was classified as medium with a percentage of 54.7%; and (3) there was a significant influence between Principal's Pedagogic Competence and Teacher Performance with a correlation score of 5.806> 2.145. This study concludes that Principal Pedagogic Competence has a substantial effect on Teacher Performance at SMK Negeri 1 Adiwerna, Tegal Regency.

**Keywords:** Pedagogic Competence, Principal, Teacher Performance

1. Introduction

Principals have a key role in enhancing the quality of education in schools. The success or failure of an educational institution, particularly in educational units, is heavily dependent on the qualifications of the institution's principal. Efforts to improve the quality of education in schools, both academic and non-academic achievements, require the competence of highly qualified principals. With these competencies, the vision and mission of the school, namely the achievement of educational success in schools, can be realized. [1] explains that "in today's information-based global era, principals are a source of strength for schools to achieve their goals if the principal has reliable competence and is relevant to the demands of the work to be carried out".

The principal is a teacher who is given the additional task of leading and managing the education unit. The dual role of a school principal apart from being a leader in the education unit is also a teacher. Therefore, the principal in addition to having the competence of the principal as stated in Permendiknas Number 13 of 2007 concerning Standards for Principals/Madrasah emphasizes that a principal/madrasah must have five dimensions of
minimum competence, namely: personality, managerial, entrepreneurial, supervision, and competence competencies. Social skills, must also have competencies possessed by a teacher, one of which is pedagogic competence.

Pedagogic competence is an ability or skill that can manage a learning process or teaching and learning interaction well [2–7]. Pedagogic competence according to [8] stated that "pedagogic competence is the ability to manage learning which includes the concept of teaching readiness shown by mastery of teaching knowledge and skills". In the Government Regulation of the Republic of Indonesia Number 19 of 2005, explanation of article 28 paragraph (3) point a, pedagogical competence is defined as the ability to manage student learning, which encompasses understanding students, designing and implementing learning, evaluating learning outcomes, and developing students to realize their various potentials.

Based on this explanation, it can be stated that pedagogic competence is the ability to manage learning including mastery of student characteristics, mastery of learning theory, curriculum development, organizing educational learning activities, understanding and developing student potential, communicating with students, and implementing assessments and evaluations. evaluation in order to achieve learning objectives.

With pedagogic competence, principals are able to become teachers who are more than ordinary teachers. The principal is able to be a model for other teachers in terms of learning. This is in line with what was stated by [9] that the principal as a learning agent, the principal needs to have pedagogic competence, personality competence, professional competence, and social. With pedagogic competence, principals are able to provide influences that can cause teachers to be motivated to carry out their duties effectively so that teacher performance will be better. The principal who has influence is expected to raise the morale of the educators.

In addition to the principal who determines the success of education, the teacher is also a determinant of the success or failure of an educational institution. The low quality of education is a phenomenon that arises due to the low performance of teachers. The success of education is largely determined by the performance of teachers. Both teacher performance in learning planning, teacher performance in implementing learning, teacher performance in learning evaluation, and teacher performance in task discipline.

Teacher performance is the work that a teacher in an educational institution or madrasa is able to accomplish in accordance with his duties and responsibilities in reaching educational objectives.[10]. In other words, a person's performance in completing specified tasks is dependent on his talents, experience, and honesty. Teacher performance is the capacity and effort of instructors to carry out learning tasks as effectively as feasible in program creation, implementation of learning activities, and evaluation of learning results. The teacher's performance in schools must be based on the teacher's level of professional competence.

Teacher performance is well achieved, it can be seen from teachers who are diligent in attending school and diligent in teaching, instructors teaching seriously utilizing lesson plans, teachers teaching with enthusiasm and delight, using subject-appropriate media and teaching methods, doing teaching evaluations and following up on evaluation results. Students' progress in the teaching and learning process will be influenced by the actions of the teacher.

In line with the improvement of the quality of teacher performance which will produce graduates who are superior and have competitiveness in the global arena as it is today, the Government through the Minister of Education and Culture (Kemdikbud) launched a program of SMK Center of Excellence (PK) with the aim of improving the quality of education. SMK graduates.

This program is the implementation of Presidential Instruction Number 9 of 2016 concerning "Revitalization of Vocational High Schools in the context of improving the quality
and competitiveness of Indonesian human resources”. This, one of the mandates is the need for a comprehensive revitalization of SMK to produce SMK graduates who are competitive and ready to face the challenges and dynamics of national and global developments.

With this program, school principals can actualize and implement their competencies, especially pedagogic competencies for the success of the program. This program can also encourage principals to trigger and encourage teachers to further improve their performance.

Given the importance of teacher performance in realizing the success of an educational institution, especially schools that have received the SMK PK (Center of Excellence) program, efforts are needed to improve teacher performance. Based on the existing theory, many factors can affect teacher performance. The principal's pedagogic competence is thought to have a strong influence on teacher performance, so it is used as a study in this study. Based on this, the formulation of the research problem is “is there any effect of implementing the principal's pedagogic competence on improving teacher performance”. Thus, the purpose of this study was to determine the effect of the implementation of the principal's pedagogic competence on improving teacher performance.

2. Method

This study uses a quantitative approach with a survey method. As stated by Sugiyono that inferential statistics are often also called inductive statistics or probability statistics, are statistical techniques used to analyze sample data and are finally applied to the population (Sugiyono, 2017: 148). The population in this study were all 142 teachers of SMK Negeri 1 Adiwerna, Tegal Regency.

In this study, the sample was taken using a proportionate stratified random sampling technique. Proportional stratified random sampling is a sampling technique to obtain a representative sample, taking subjects from each stratum is determined to be balanced and proportional to the number of subjects in each strata[11]. In this study, each stratum, the number of samples is determined to be balanced and each individual in the population has an equal opportunity to be selected as a member of the sample.

<table>
<thead>
<tr>
<th>No</th>
<th>Teacher Data</th>
<th>Total Population (People)</th>
<th>Number of Samples (People)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PNS teachers teach &gt; 10 th</td>
<td>81</td>
<td>41</td>
</tr>
<tr>
<td>2</td>
<td>PNS teachers teach &lt; 10 th</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Non-PNS teachers teach &gt; 10 th</td>
<td>19</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>Non-PNS teachers teach &lt; 10 th</td>
<td>37</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of teachers</strong></td>
<td><strong>142</strong></td>
<td><strong>73</strong></td>
</tr>
</tbody>
</table>
The instrument or questionnaire in this study uses statements that describe the indicators of each research variable. The questionnaire used to strengthen the data that has been obtained is regarding the teacher's response to the implementation of the principal's pedagogical competence on improving teacher performance in the program of SMK PK at SMK Negeri 1 Adiwerna, Tegal Regency.

The instrument in this study used two questionnaires, namely data collection on the variables of the principal's pedagogic competence and teacher performance at SMK Negeri 1 Adiwerna. This questionnaire was adopted from the research [12], so that the validity and reliability have been tested, consisting of 30 statements from the principal pedagogic competence questionnaire and 35 statements from the teacher performance questionnaire. The pedagogical competence scale using the Likert scale is always, often, sometimes, and never. The score used in the pedagogic competency scale with four answer choices has a range of 1 to 4. The score for positive statements is 4 for always, 3 for often, 2 for sometimes, and 1 for never, while for negative statements the opposite is true. [13] believes that "The Likert scale is used to measure attitudes, views and opinions of individuals or social groups". A scale of four is better, because if the scale is four the respondent does not have the opportunity to remain neutral, so a respondent must be able to determine his attitude towards the statement or question on the tool [14].

In this case the data analysis technique that I use is the simple regression test (t test). If the inferential statistical requirements are met (normal and linear), then the hypothesis test used in this study uses a simple regression test. So it can be concluded that H0 is accepted or rejected if t count < t table, then H0 is accepted and Ha is rejected. This means that there is no significant effect between the variable (X) on the variable (Y) and if tcount > t table then H0 is rejected and Ha is accepted. That is, there is a significant effect between the variable (X) on the variable (Y) [15].

3. Result & Discussion

This research is a type of simple regression research that is used to examine the effect of the principal's pedagogic competence on the performance of teachers at SMK Negeri 1 Adiwerna Kab. Tegal, with a population of 142 teachers and a sample of 73. This study uses a simple regression test. The requirements that must be met before the simple regression test are normality test and linearity test and the data are analyzed using the program of SPSS 22.

3.1 Pedagogic Competence of the Principal of SMK Negeri 1 Adiwerna.

Table 1. Classification of Principal Pedagogic Competence Data

<table>
<thead>
<tr>
<th>Scale</th>
<th>Frequency</th>
<th>Percentage</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>X ≥ 117</td>
<td>19</td>
<td>25.7%</td>
<td>High</td>
</tr>
<tr>
<td>117 ≤ X &lt; 101</td>
<td>41</td>
<td>56.6%</td>
<td>Medium</td>
</tr>
</tbody>
</table>
The Pedagogic Competence of the Principal for the high category has a frequency of 19 teachers with a percentage of 25.7%, for the medium category the frequency is 41 teachers with a percentage of 56.6%, and the low frequency category is 13 teachers with a percentage of 17.6%. This shows that the Pedagogic Competence of the Principal of SMK Negeri 1 Adiwerna is in the medium category.

### 3.2 Teacher Performance at SMK Negeri 1 Adiwerna

Teacher performance is said to be good and satisfying if the goals achieved are in accordance with predetermined standards. Teachers who have good performance tend to be able to manage learning more effectively and produce quality outputs. According to [16] that teacher performance is related to the task of planning, processing learning and assessing student learning outcomes. As planners, teachers must be good at making creative learning creations, as managers, teachers must be good at creating a conducive learning atmosphere so that students can learn well.

### Table 2. Classification of Principal Pedagogic Competence Data

<table>
<thead>
<tr>
<th>Scale</th>
<th>Frequency</th>
<th>Percentage</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>X ≥ 117</td>
<td>21</td>
<td>27.6%</td>
<td>High</td>
</tr>
<tr>
<td>117 ≤ X &lt; 101</td>
<td>40</td>
<td>54.7%</td>
<td>Medium</td>
</tr>
<tr>
<td>X &lt; 101</td>
<td>12</td>
<td>17.6%</td>
<td>Low</td>
</tr>
</tbody>
</table>

From the table above, it can be seen that the results of teacher performance are in the high category the frequency is 21 teachers with a percentage of 27.6%, while in the medium category the frequency is 40 teachers with a percentage of 54.7%, and in the low category the frequency is 12 teachers with a percentage of 17.6%. This shows that the results of teacher performance at SMK Negeri 1 Adiwerna are in the medium category.

### Table 3. Simple Regression Test Results Coefficients

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Unstandardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
<td></td>
</tr>
</tbody>
</table>

Here, the table provides a summary of the simple regression test results, including coefficients and statistics such as t-values and significance levels (Sig.).
Testing the hypothesis of the principal's pedagogic competence on teacher performance based on the table above, it can be seen that the t-count value is 5.806. The distribution table is searched with a significance level of 0.05 through a two-tailed test for degrees of freedom (df) $n-k-1 = 73 - 2 - 1 = 70$, so the $t$ table is 2.145. The test criteria if $t$ count $\leq t$ table so $H_a$ is rejected, if $t$ count $> t$ table so $H_a$ is accepted. Because the value of $t$ count = 5.806 and $t$ table = 2.145 so it can be seen that $t$ count $> t$ table so $H_a$ is accepted. Based on the results of testing these hypotheses, it can be concluded that the hypothesis which states "There is a significant effect of Principal Pedagogic Competence on Teacher Performance at SMK Negeri 1 Adiwerna" is proven, or accepted. This means that these findings prove that the principal's pedagogic competence will be able to influence the performance of teachers at SMK Negeri 1 Adiwerna.

As previously stated, this study discusses the implementation of the principal's pedagogic competence on improving teacher performance at SMK Negeri 1 Adiwerna. There are several previous studies related to this research, including research conducted by Dwina Putri (2021) with the title "The Influence of Principal Leadership and Competence on Teacher Performance at Al-Bukhary Rantauprapat Private Vocational School". Testing the hypothesis with a significance level of 5%, the results showed that there was an influence of the principal's competence on teacher performance. This is indicated by the $R$ result of 0.422 and the determinant coefficient ($R^2$) is 17.81% probability value $0.000 \leq 0.05$ (Sig.). This shows that 17.81% of teacher performance is influenced by the performance of the principal's pedagogic competence, while 82.19% is influenced by other factors not discussed in this study. The difference between the researcher and the research conducted by the researcher is that the research examines the Influence of Principal Leadership and Competence on Teacher Performance. So the difference lies in the variables.

The research according to [12] with the title "The Influence of Principal Leadership and Competence on Teacher Performance at Al-Bukhary Rantauprapat Private Vocational School". It was found that there was an influence of principal's competence on teacher performance. Thus, the results of this study support previous research.

4. **Conclusion**

Based on the results of the analysis and discussion regarding the implementation of the principal's pedagogical competence on improving teacher performance at SMK Negeri 1 Adiwerna, it shows that the pedagogical competence of the principal at SMK Negeri 1 Adiwerna Kab. Tegal 56.6% get the medium category and teacher performance at SMK Negeri 1 Adiwerna Kab. Tegal 54.7% got the medium category. Meanwhile, based on simple regression analysis, it produces a regression value of $t$-count value of 5.806 and the distribution table is searched with a significance level of 0.05 through a two-sided test for degrees of freedom (df) $n-k-1 = 73-2-1 = 70$ then obtained $t$ table of 2.145. So it can be seen that 5.806 $> 2.145$. Thus $H_a$ is accepted, while $H_o$ is rejected. So it was concluded that there was a significant influence between the principal's pedagogic competence and teacher performance.

**References**
The Development of Students in The Formation of The Muslim Person at The Islamic Boarding School of The Quran Zaenuddin Kramat Tegal

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Abstract. The hegemony of the supremacy of excessive rationality of science gave birth to inequalities that unsettled mankind, thus encouraging the emergence of various spirituality movements that became a trend in the XXI century. These most prominent movements include the New Age Movement, or the New Age movement. This research focuses on how the personal concept of Muslims in the Zaenuddin Kramat Tegal Quran Islamic Boarding School. Bagaimana the development of students in the formation of a Muslim person at the Zaenuddin Kramat Quran Islamic Boarding School. The development of students in the formation of Muslim personality at the Zaenuddin Kramat Quran Islamic Boarding School, with the central pilot of the kyai figure as the caretaker of the pesantren. The glory of kyai is at least due to seven things, namely scientific factors, exemplary, role models, charisma, leadership, serendipity. Kyai with the pesantren system fosters students towards the journey to Allah, namely Al Hikmah and Al Ma'rifat. To achieve this goal, there are seven levels that must be taken, namely: (1) the level of taubat, (2) the level of zuhud, (3) the level of waro, (4) the level of mahabbah, (5) the level of khudhu (submission), (6) the level of kasyaf, (7) the level of at-tajaali. The seven levels become a person's journey to a plenary Muslim person. Pesantren is an educational institution that enlightens and educates.

Keywords: Santri Coaching, Muslim Personal Formation

1. Introduction

The role of education in the history of human life has always been in upheaval. One period is dominant in the coaching of reason, and another period is dominant in the coaching of qolbu. The two dominances of the role of education are always one after another. The dominance in cultivating reason has brought tremendous progress in advancing science and technology. Historical evidence of the 17th century, with the existence of industrial revolutions in England and France has brought enlightenment to human life in the progress of material life. This progress tends to have denied the cultivation of qalbu (religious soul), even religion is considered to only
hinder progress. The hegemony of the supremacy of excessive rationality of science eventually
gave birth to inequalities that unsettled humanity, thus encouraging the emergence of various
spirituality movements that became a trend in the XXI century. These most prominent movements
include the New Age Movement, or the New Age movement. The movement was born with a
vision of the transcendent passion for the meaning of life, that is, the return of the human self as it
is, man in his fitrah.

The turning point of this culmination of thought arises when reason is perceived to have
opposed man so that in turn man will oppose reason. The competition of reason and soul reaches
its peak, that matter (reason) does not exist, all that exists is the soul (mind), on the contrary that
the soul does not exist, all that exists is matter. This is the most fundamental debate of the nature of
education in its efforts to optimize consciousness for the perfection of its humanity. Islamic
education, especially Islamic boarding schools, aims to form a Muslim person. A person who puts
forward the soul, qolbu as the central command of the human self.

Educational institutions are needed that can provide enlightenment as well as educate.
Education and Culture (Kemdikbud) of the Republic of Indonesia (RI) initiated this program with
the aim of producing students who understand general science as well as religious science or
students who are general knowledgeable and have religious personalities, simple, and independent
[1]. In line with this presentation, this study focuses on how the personal concept of Muslims at the
Zaenuddin Kramat Tegal Quranic Islamic Boarding School. And how to foster students in the
formation of Muslim personality at the Zaenuddin Kramat Quranic Islamic Boarding School.

2. Method

This research applies qualitative methods with a phenomenological participatory approach.
[2] gives the meaning of phenomenology is the science of phenomena or about the visible. This
understanding is in line with Moleong's [3] research in the phenomenological view means
understanding events in relation to people in certain situations, so that phenomenologists
emphasize the subjective aspects of people's behavior and interpretations of their
self-understanding. In line with this opinion, Khoirul Shelah also stated that the characteristics of
qualitative research include using the natural environment as a data source, being
descriptive-analytic, stress on the process not on the results, being inductive, and prioritizing the
meaning of participants [4]. Data collection by observation, interviews, and documentation. The
validity of the data is pursued by triangulation of both time, data sources, and literacy. In this
process, data analysis takes place in the grouping, selecting, reducing and presenting data.

3. Discussion

Pesantren is a "place where students live". This understanding shows the most important
characteristic of pesantren, namely a fully total educational environment. Marzuki Wahid, 2002,
explained that the three main elements that make up pesantren are a subculture: (1) leadership
patterns of Islamic boarding schools that are not co-opted by the state, independent; (2) general
reference books that have always been used from century to century; and (3) the value system
used is part of the wider community. Meanwhile, according to Zamakhshyari Dhofer (1985), there
are five main elements of pesantren, namely: (1) pondok; (2) mosques; (3) students; (4) kyai; (5) teaching system. Zaenuddin's Quranic Islamic Boarding School, located on the Tegal – Pemalang Km 9 road, Maribaya village, Kramat Tegal. Led by a caregiver with dozens of assyadit (teacher) councils. The teaching system applies the Smart Quran, with 400 students. The center of activities in the mosque has 1000 worshippers in the complex.

Zaenuddin's Quranic Boarding School is led by a caregiver, namely KH. Lukman Alhakim, al hafid. A young kyai who is a student of Syeh Soleh Basalamah at Pesantren Darussalam Jatibarang. Then KH. Young Lukman continued his nyantri in Zaman until alim and became one of the alumni of the pesantren in the era. Based on these reasons, Zaenuddin's pesantren had proposed to be her to be a caregiver for the pesantren. The glory of kyai is at least due to seven things, namely scientific factors, exemplary, role models, charisma, leadership, serendipity. Kyai with the pesantren system fosters students towards the journey to Allah, namely Al Hikmah and Al Ma‘rifat. To achieve this goal, there are seven levels that must be pursued, [5] namely: (1) taubat level, (2) zuhud level, (3) waro level, (4) mahabbah level, (5) khudhu (submission) level), (6) kasyaf level, (7) at-tajaali level. The seven levels become a person's journey to a plenary Muslim person. Pesantren Zaenuddin fostered students to take the journey with the Quranic method, so it was inscribed as its name: Zaenuddin's Quranic Pesantren. The explanation for the trip is explained as follows:

First, taubat, is to return from everything that is reproached by science (sharia) to lead to what is praised by science (Abu Nashr –Sarraj, 2002:90), this level a person has a strong intention to go to Him, walk in His way and stay away from all that is forbidden and multiply the deeds ruled by Him. At that level, God looks to a servant with a look at His Mercy. This level is the level of the taqwa people (Al Muttaqin). Second, zuhud is the first step for anyone who wants to go to Allah, who pours out everything only for Allah, who is willing with all the provisions of Allah, and those who depend (tawakkal) on Allah. A person who does not strengthen the foundation in the zuhud issue is unlikely that the next level will be good and right. Distancing oneself (zuhud) from worldly problems is the basis of all goodness and strictness, while the love of the world is the basis of all fallacies. In this degree one will be devout against a lawful matter, and towards something that is haram/syubhat (merugukan between halal and haram) will leave it.

Third, faking. The essence of faking is to strip away all the attributes it possesses [6] Al Junaid, says that the signs of an honest fakir are not asking, showing any signs of his folly and if offered he is silent[7] Many verses of Allah and the hadith of the Prophet saw, which show the virtues of faking, include Surat Al Kahfi: 28, as well as Surah Abasa: 1-6. Fourth, mahabbah (love) and al Qurbah (near) or also called maqam At-Thaharah (chastity). The previous three levels are the result of the struggle of a servant, whereas in this fourth level, one cannot reach God but must be with God. At this level a servant releases himself and renounces his personality because he walks together with God, and only for God. At that moment a servant was completely clear of his lust. He saw that what he had achieved was not due to his efforts, his love or his deeds. He gained pleasure against the will of his soul and the ability to master it, his feelings of love for God, and all that he found because of his closeness to God. Fifth, khudhu (submission). At this level a servant of khudhu (submission), at-tadarruj (ascending) and al khasyyah, so that he stood at the door of Allah and knocked on his door with inferiority complex. Such behavior can only be carried out by
a servant who is always submissive, solemn and contemptible before Him. Sixth, kasyaf, which is
the degree of opening of the veil (kasyfu al hijab) of Rabbani, where at this level Allah sees his
servant with courtesy (affection), then Allah opens the veil of His Rabbaniyah. On that occasion
the servant saw infinite goodness, and gave birth to a deep longing for God.

Seventh, at-Tajaali. At this level the servant sees the greatness of Allah, he obtains instructions
so that he can know Him, longs for Him and Shidup in the grasp of ar-Rahman. This level is the
highest for a servant, and the end of the ma'rifah level. Kyai with the pesantren system fosters
students towards the journey to Allah, namely Al Hikmah and Al Ma'rifat. They are personal
Muslims who are awaited to be present in a dry society with a religious spirit. Mental science
experts have talked a lot about problems related to psychology, but have never mentioned the
problem of the nature of the soul and the nature of the disease. Their discussion still stops at the
level of the phenomenon of mental birth alone and has not swooped on the real problem.

Meanwhile, sufis have contributed psychiatric studies by discussing thoughts about the
circumferences of qalbu and the constraints of the soul, which he considered to be the foundation
for initiating an act. Sufis say that human birth behavior is not actually a human personality, but
the most important element in personality is al khuluq, which is inner behavior (Amir An-Najar,
2001: 142). Al khuluq is a solid institution in the human soul that can display all forms of deeds
easily without the need for a thought process first. Sufis have given a study of the psyche, its
illness as well as its analysis. Some of the symptoms that will be discussed include: fear, anger,
riya, hasud, greedy, miserly and lies. First, beware. The person who is infested is aware that the
thoughts that affect him are unacceptable to his intellect, but always interfere with him, and make
his soul uneasy, especially whenever he seeks to eliminate and stay away from the influence of
these thoughts (Amir An-Najar, 2001: 150).

It must be distinguished between the thought of being alarmed and the mind of being wrong.
The person who has the wrong thoughts, he is aware of his mistakes and seeks to correct them and
he will not discuss those thoughts as one problem. Meanwhile, the person who is bullied, feels that
the thought is always disturbing and causes a sense of anxiety, and cannot eliminate and stay away
from it, even if he knows that the thought is very irrational to himself. According to At-Tustari,
waswas is everything that is done without God, so that all unsuccessful desires include waswas (in
Amir An-Najar, 2001: 143). Therefore in all affairs, food, drink, giving, requesting, qalbu must
always be with Allah, so that qalbu is not alarmed. The source of the alarm is: anger that always
leads to ugliness.

According to Imam As Samarqandi (Amir An-Najar, 2001: 145) the fear of sheikh entering
attacks into the human chest through ten paths, namely: (1) stinginess and prejudice, (2) love of
the world and length of ideals, (3) living a relaxed life, leha-leha, liking to make things easier and
inclined to enjoyment, (4) self-conceit (5) shrinking others and exalting himself, (6) hasud and
spitefulness to others, (7) riya’, (8) filthy and miserly nature, (9) arrogance, (10) greedy. The
person whose qalbu is stricken by alarm, his soul is not calm, and feels uneasy. In these conditions
he was unable to work properly and went awry. He is not spiritually intelligent, so the other
intelligences he possesses cannot work well either.

Second, get angry. The so-called anger (al Ghadhab) is an act that occurs at the boiling time of
the blood in the qalbu to obtain satisfaction for what is in the chest (Amir An-Najar, 2001: 154).
Anger is a mental activity that occurs as a result of boiling blood when a person wants to hold revenge. If the anger is very loud, burst out the flames of anger and burn and boil the blood so that the blood penetrates into all the nerves in the brain, and makes a dark smoke that can damage the work of reason itself. As a result, it will weaken all forms of his deeds. Anger can be caused by various causes (Amir An-Najar, 2001: 145), namely: (1) pride, (2) pride in himself, (3) riya', (4) jokes, (5) insults, (6) improper promises, (7) coercion and tyranny accompanied by hasud.

Anger is a sublimation of feelings towards the environment and the forces around it, and aims to gain calm. If the sublimation is transferred to God not to the environment and the forces that are around it, then the anger will calm down and the expression will become gentle and loving. Third, takabur (ujub), vanity. Takabur can be distinguished into takabur to God and takabur to fellow human beings. Takabur to his fellow man is to have the feeling that others are smaller in his eyes and see himself as better than anything other than himself. Takabur to Allah is when a person uses Allah's favor to satisfy his lusts, so he forgets to give thanks and forgets to think to Allah (Amir An-Najar, 2001: 165). The source of indignity is a person's ignorance of his own self-righteousness. The person who does not know his self-degree will be takabur, he will be arrogant and feel proud of himself. If this is sustainable he will have high feelings of self and feel as a special person (Amir An-Najar, 2001: 159). Takabur can be distinguished by two types, namely takabut born and takabur batin. The inner takabur is often called al kibru, when it sticks out into a behavior that takabur is called takabur born. The most obvious form of takabur is takabur in performing worship to God. The person sees his worship most perfectly, and sees others with contempt.

Takabur will bring about various despicable behaviors, such as riya'. The insolent person is difficult to call or answer a greeting, or will not accept something of the truth because of hostility and malice, the result of his rejection of the truth. This is because he considers himself to have something better than what others have, both religious issues and about the world. Every time he gained pleasure, he became more indignant, and forgot to give thanks to God. Fourth, Ujub, according to Al Jurjanji (in Amir An-Najar, 2001: 166) ujub is a person's presumption of his height. Alllah said: "Then you shall not say that you are holy, for Allah knows better the most devout among you" (QS. An Najm: 32). In another verse God says: "And you shall not turn your cheeks away from maanusia and thou shalt not walk upon the earth with ujub" (QS. Luqman: 18).

The Messenger of Allah said: "Three problems that can be destructive are: the miser who is followed, the passions that are obeyed, and the one who is proud of himself" (HR. Abi Hurairah). Ibn Mas'ud said: "The corruption is in two problems, namely despair and ujub" (Ujub becomes the base of suffering, for the one who ujub will show his disregard for God.

Amir An-Najar, (2001: 168) divides ujub into seven kinds, namely: (1) Ujub because of the perfection of his body, (2) Ujub because of his intellect and ingenuity, (3) Ujub because of his descendants, (4) Ujub because of his genealogy of the zalim King, (5) Ujub because of his many children and families, (6) Ujub because of his wealth and property, (7) Ujub because of his wrong income. Modern soul science says, that the nature of ujub and the love of self-appearance, constitute a human instinct (Amir An-Najar, 2001: 170). Ujub instinct is a sociological instinct, in which substantively takes the form of pride in the appearance of himself. If this nature of ujub is internalized in the adolescent psyche, it can turn into a form of behavior of pride and brutality,
while the nature of the ujub of adolescent women can take the form of snobbery and takabur. While the instinct of love appearance is divided into two parts as well as the instinct to fight, namely to defend itself (defensive) and the instinct to attack (offensive).

The explanation shows that takabur, ujub is a trait and behavior that wants to show its greatness, excessive attitude in self-appearance, like a lighthouse and mirage without reality, and at the same time demeaning others, the nature is sufficient so that it no longer expects the gift of God. Statistically the person will lose control with God, while horizontally it will be difficult to obtain faithful companions, even acquire many enemies. His spiritually less intelligent nature and behavior had an effect on the various difficulties of life that he was forced to face. Fifth, Ghurur (deception). According to At Tirmidzi (in Amir An-Najar, 2001: 173) indeed a man who is in a state of ghurur, he is drunk where he does not know what he is doing, or what he says. Al Ghurur is the soul's sense of calm towards behavior that is in accordance with lust. Al Ghurur is the deceit of the soul and is an enemy of man, like a man who calls himself a master of tawhid, or feels proud of his pious grandfathers, or always plans his meager good deeds, and then considers that by his practice it makes himself forgiven by Allah. The comparison with roja is, that roja fosters hope and earnestness of work, whereas ghurur is quickly satisfied and feels enough of his practice. So the person who is infested with ghurur makes himself spiritually unintelligent, because his satisfaction with the amaliah done makes him not want higher achievements, so as to be unable to achieve his optimal achievements.

Sixth, Riya’. A person who has the nature of riya’ is a person who presents something that is contrary to what is in his mind (Amir An-Najar, 2001: 182). Rosulullah SAW, said: "verily the lowest level of riya' includes shirk" (HR Bukhari and Muslim). Indeed, the one who riya' is the one who carries the veil of falsehood contained in it the ugliness of feelings towards others, it seems that he shows love and affection, where on the contrary he hates and praises with false praise. He doesn't like others. The one who is Riya is the one who is the Riya's indications from the psychological and moral side are as follows: the activity is full of shahwa, fear, love of praise, wanting to be seen by people, and liars.

Seventh, Al Hasad (Spiteful). God said: "And from the wickedness of the spiteful man when he exercises his malice" (QS. Al Falaq: 5). Indeed, the origin of spite and deceit is one, that is, an excessive misery. Spite occurs when a person wants the pleasure that others have lost to him. The main cause of malice is greed, and the main cause of deception is violence with very little affection, while the main cause of takabur is denial of God's favor. To be spiteful is to hate favors and to hope that those favors are lost to someone. Indeed, spite is uglier than a miser, for the so-called miser is someone who does not want to see anyone else to touch his possessions. Indeed, spite is a person who does not want others to acquire something better than himself, even though he himself has no right to have it.

Spite is a very dangerous psychiatric disease and is really very painful for his own soul. Ar Razi (in Amir An-Najar, 2001: 198) defines al hasad as a trait possessed by a person, in which he always desires absolutely that the good that the other person has is lost to him, which in essence the malice will not harm the person he is spiteing about. In the event of losses and emergencies, it occurs only in a psychiatric form, that is, hostility. This generally happens among close acquaintances or among colleagues. In general, malice occurs because of a person's exaggerated
attitude in loving himself, so that everyone tends to be more ahead of others in a problem or issue of rank. When they see someone who was still behind yesterday and then precedes them, it makes them unhappy with the person who preceded them and makes them uneasy.

That malice arises because of the sad or sick nature or attitude of a person's qalbu, because he is unable to achieve what he has aspired to, or feels hindered in an attempt to obtain what he thinks is his right. The mental suffering experienced by a person usually swells more and more days and can torture oneself which can eventually lead to a sense of hopelessness. At that time the person concerned was always in a psychological position of being attacked, so that he himself looked for its true causes, even though in the end the solution he found was bitterness.

The spiteful man is usually afraid to show his malice, worried about damaging his self-image, so that his feelings crystallize in his soul and come out when he sees others superior to himself, whether regarding glory, treasure, influence, intelligence and so on. There are so many spiteful media, such as riya', hiding reality, appearing as an indifferent person, performing maneuvers and insults, berating, insulting, and all other commendable deeds. A perfect soul is one that has been able to cleanse from despicable qualities, so that it will gain guidance (knowledge) directly from God. Agustian (2001), stated that there is a qalbu sound coming from the God Spot that will provide fitrah awareness, thus guiding towards positive action. They are fully aware that "No one zaroh can move on its own without being associated with the hand of God", asserts that his root mind is qalbu. In line with this, Abdulloh Gymnastiar [7] stated, that the qalbu that makes humans able to excel is solely for the sake of Alloh Swt. If a person's qalbu is clean, clear, and clear, the overall behavior of oneself will also reveal cleanliness, clarity, and clarity. The appearance of each person is a reflection of his own qalbu. The Hadith asserts that: 'indeed, in the body of man there is a mudghah (lump of blood), if it is functioning properly, then it is good for the whole body, and if it is damaged, then the whole body is damaged. You know, the mudghah is qalbu'.

The method of seeking knowledge by relying on qalbu is through the process of purifying qalbu impurities caused by: anger, riya, hasud, greedy, miserly and lies. A clean qalbu will open the lid and blanket that envelops it, until it radiates from within a cleaner and lasting qalbu of science. It is Qalbu who knows everything that is demanded, and everything that is before him, or that he does not like. It is precisely the statement of Djawad Dahlan the existence of a spiritual intelligence which he called the intelligence of laduni science. Alloh SWT is a dzat that puts science into qalbu, so qalbu is an ideal place for science. For someone who already has ma'rifat, that person is called an arif (knowing) his religion, namely the religion of Alloh SWT. The sufis made qalbu the place of their knowledge and media. They view feelings and reason as often deceived. According to At-Tirmidzi human qalbu is the center of all feelings, recognition and emotions in the human body. All human feelings, recognition and emotions will return to the qalbu, and from it will be sent back to the whole body. It is unlikely that from feeling or recognition can rule the human body without going through qalbu.

Qalbu can automatically intercept any form of emotion, and when it is ticked in it a stream of feelings, it will then be directly emitted throughout its body. Qalbu is like a point that can radiate all forms of various streams to all limbs of the human body. It is like a door, where all forms of flow enter it and exit the door again to the whole limb. So the human qalbu mastered all its limbs.
Qalbu is like a king whose affairs are in his hands. But qalbu is also likened to a city, which will be ruled and influenced by the people who control the city. So, if there is something that can defeat the function of qalbu, then it will control all its limbs. Qalbu can also be likened to a government in a power, which if there is one power that can defeat the government, it will certainly rule the kingdom. Dada is like a royal courtyard, from which all problems are resolved. As qalbu can regulate and rule all limbs of the human body.

The perfect soul, who has attained the lust of mutmainnah, has become a muslim person, with qolbun salim. Qalbu, the place of Hidayah Alloh, so that the owner can solve the problems he faces. Qalbu is also the place of influence of syaitoniyah, so that the owner is dark-hearted, so his life is full of problems that come up with problems that are one after another. The personal coaching of the Muslim, in essence the coaching of qalbu, so that the qalbu becomes brilliant in his life, and none of the problems are not resolved.

4. Conclusion
The personal concept of Muslims at the Islamic Boarding School of the Qur'an Zaeuuddin Kramat Tegal, is an Al Hikmah and Al Ma'rifat. A man who has a perfect jiwa, who has attained the lust of mutmainnah, has become a muslim person, with qolbun salim. A qalbu is clean, so as to receive the hidayah of Alloh. The person can solve the problems he faces with God's guidance.

The development of students in the formation of Muslim personality at the Zaeuuddin Kramat Quranic Islamic Boarding School, with the central pilot of the Kyai figure as the caretaker of the pesantren. The glory of kyai is at least due to seven things, namely scientific factors, exemplary, role models, charisma, leadership, serendipity. Kyai with the pesantren system fosters students towards the journey to Allah, namely Al Hikmah and Al Ma'rifat. To achieve this goal, there are seven levels that must be pursued, (Amir An-Najar, 2001: 225-227; Abu Nashr as –Sarraj, 2002: 90-112) namely: (1) taubat level, (2) zuhud level, (3) waro level, (4) mahabbah level, (5) khudhu (submission) level), (6) kasyaf level, (7) at-tajaali level. The seven levels become a person's journey to a plenary Muslim person.

References


Implementation of Problem Based Learning Model in Improving Student Achievement in Physics Subjects at The Vocational High School

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Abstract. This research is a research with quantitative regression method with the aim of knowing the improvement of student achievement by developing problem based learning on energy materials for class X SMK. The research variables are grouped into 2 variables, namely: 1) The independent variable in this study is the Problem Based Learning learning model and 2) The dependent variable in this study is student achievement in Physics. Problem based learning is one of the learning models used in the teaching and learning process, especially in improving student achievement. This model is carried out in small classes, students are given cases to stimulate group discussion. Then the students expressed the results of the search for material related to the case and discussed in groups. The advantages of the problem based learning model include 1) students become more active in finding material or information, 2) students are active in expressing opinions and discussing, 3) the class atmosphere is not boring for students. Based on the results of the analysis carried out in the physics learning process by applying Problem Based Learning, it can be concluded as follows: The application of the Problem Based Learning model can improve student achievement.

Keywords: Learning Model, Learning Achievement, Physics Lesson, Problem Based Learning

1. Introduction

Education is an effort to help students develop all their potential (heart, thought, feeling, and intention, as well as body) to face the future [1]. The learning process occurs because of the interaction between a person and his environment [2–4]. In the learning process is expected to reflect three aspects of learning activities, namely aspects of attitudes, knowledge and skills. The development of a new curriculum, an independent curriculum, in the national education system, seeks to ensure that all three aspects of the national education goals can be implemented in the learning process. The Merdeka Curriculum is a curriculum with diverse intra-curricular learning where the content will be optimized so that students have enough time to explore concepts and strengthen competencies. Teachers have the flexibility to choose various teaching tools so that learning can be adapted to the learning needs and interests of students.

In general, physics is one of the subjects that are considered difficult and disliked by students because physics is usually studied through a mathematical approach. Learning physics is not just understanding mathematics but furthermore students are expected to be able
to understand the concepts contained therein, write them into physical symbols, understand problems and solve them mathematically. This causes students' displeasure with physics lessons to be even greater. Dissatisfaction with physics lessons can be seen from the relatively low average achievement when compared to the average achievements of other subjects.

In learning physics, the ability to understand concepts is an absolute requirement in achieving success in learning physics. For this reason, physics learning must be based on processes, methods and actions. In teacher learning teaching is defined as an effort to organize the environment during learning. Teachers teaching in a learning perspective are teachers providing learning facilities for students to do learning. The subject of learning is students, so the learning that occurs is student-centered and in their activities each individual performs social interaction. Social interaction can be defined as dynamic social relationships. The social relationship in question can be in the form of a relationship between one individual and another, between one group and another, or between groups and individuals. Operationally there are many other factors that affect social interaction in learning.

Based on the problems above, it is necessary to improve the quality of learning by doing various ways. One of them is by developing an existing learning model. Contextual learning is a student-centered learning model and is able to encourage students to construct the knowledge they have acquired through their own mindset. One of the student-centered learning that can be done by teachers to improve student achievement is to apply a problem-based learning model or Problem Based Learning (PBL).

Application of Problem Based Learning (PBL) Model. The energy problem is a very popular problem, widely discussed by people all over the surface of our earth. The energy problem is a problem that really needs to be handled seriously by all parties to be able to overcome the bad effects that occur due to energy, even as much as possible to prevent energy shortages from occurring.

The Problem Based Learning (PBL) learning model has been known since the time of John Dewey. According to Arends, Problem Based Learning (PBL) is a learning model that presents a variety of authentic and meaningful problem situations to students, which can serve as a springboard for investigation and investigation [5]. PBL helps students to develop critical thinking skills and problem solving skills.

Furthermore, problem solving is a process of manipulation of previously owned knowledge. According to [5], the Problem Based Learning (PBL) learning model based on problems has the following characteristics:

a) Asking questions or problems. Problem-based learning organizes teaching around social issues that are important to students. Students are faced with real-life situations, try to make questions related to problems and allow the emergence of various solutions to solve problems.

b) Focuses on inter-discipline linkages. Although problem-based learning is centered on certain subjects (natural sciences, mathematics, and social sciences), the problems studied are real to be solved. Students review the problem from various subjects.

c) Authentic research. Problem-based learning requires students to carry out authentic investigations to find real solutions to real problems. Students must analyze and define problems, then develop hypotheses and make predictions, collect and analyze information, carry out experiments (if needed), and draw conclusions.

b) Produce products and publish. Problem-based learning requires students to produce certain products in the form of real works or demonstrations that can represent solving the problems they find.
e) Collaboration. Problem-based learning is characterized by students working together, most often forming pairs in small groups. Working together provides motivation to continue in more complex assignments and enhances the development of social skills.

Table 1. Steps of the Problem Based Learning (PBL) Learning Model

<table>
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<th>Phase</th>
<th>Teacher Behavior</th>
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<tr>
<td>Phase-1 Student orientation to the problem</td>
<td>The teacher explains the learning objectives, explains the logistics needed, proposes phenomena or stories to bring up problems, motivates students to be involved in solving problems selected</td>
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<tr>
<td>Phase-2 Organizing students for learning</td>
<td>The teacher helps students define and organize learning tasks related to the problem.</td>
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<tr>
<td>Phase-3 Guiding individual and group investigations</td>
<td>The teacher encourages students to collect appropriate information, carry out experiments, to get explanations of problem solving.</td>
</tr>
<tr>
<td>Phase-4 Develop and present the work</td>
<td>The teacher assists students in planning and preparing appropriate works such as reports, videos, models and helps them with various assignments with their friends.</td>
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<tr>
<td>Phase-5 Analyze and evaluate the problem-solving process</td>
<td>The teacher helps students reflect or evaluate their investigations into the processes they use.</td>
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</table>

1.1 Phase 1: Orientation of students to problems.

Educators explain what the learning objectives are, how the learning process will be carried out, and motivate students to be involved in problem solving activities that can be selected. In one learning model should be able to answer all the basic competencies to be achieved. Therefore, the Problem Based Learning model can be implemented in more than one meeting. Learning meetings are adjusted to the number of basic competencies to be achieved.

Early childhood students can be given problem orientation by presenting a problem that they need to solve well. For example, problems in the theme of loving can be inserted learning objectives containing literacy. Learners can be directed to solve the problem of how to care for a cat. With equipment that is easily available, students in groups can be asked to determine and make the best cat cage design so that the cat lives comfortably. The role of the educator directs the strengths and weaknesses when students design a cat cage. When students carry out activities to design cat dwellings, there is literacy in the form of scientific literacy, where students learn the principles of building buildings. There is also technological literacy, where educators accompany students to access videos about cat habits when living in their cages. There is also engineering and artistic literacy, where students with their creativity can create cat house designs that have the same principles as cat houses in general, although with different manufacturing techniques. Although early childhood is not familiar with mathematical formulas, early childhood can be introduced to mathematical principles in the form of a solid building which means having an adequate building framework. The task of educators is to connect abstract concepts to become more concrete to early childhood students through interactive communication.
Problem orientation to students at higher education levels is certainly not much different from PAUD. Educators at any level of education should always ask what learning objectives need to be achieved by students. The learning objectives must contain literacy which is adjusted to the level of cognitive, affective, and psychomotor development of students. The desired output that can be achieved by high school students should be more complex than the output of elementary school [6]. The higher the level of education, the learning objectives (output) will be more complex.

You can study the following examples of problem orientation for students at the high school level. If the approach you apply is embedded, then you can choose one discipline/subject as the parent of several subjects (referring to literacy) as a child embedded in the parent. Simply put, the subject label is one but at the same time includes two or more subjects embedded in it. For example, the sub-topic of Biology is "digestive system" but in Biology is embedded ICT (technology literacy), mathematics (mathematical literacy), cultural arts lessons (art literacy). In the sub-topic "digestive system", scientific literacy can contain about how to prevent digestive system disorders; his technological literacy can be in the form of food processing technology practices using microorganisms and fermenters or allowing for virtual discussions with professors at universities; his engineering/technical literacy can be in the form of designing fermentor/incubator activities to optimize yeast development; his artistic literacy can be adapted to the local potential of herbal plants around his residence; and mathematical literacy can be in the form of calculating the speed of the fermentation process to the temperature of the fermenter.

Educators can convey problem orientation by motivating students to be enthusiastic and ready to learn. For example, by asking students to guess what might happen to the problem given by the teacher. Educators can also connect the learning objectives to be achieved with past learning objectives. This method makes student orientation to the problem more important and challenging to solve.

1.2 Phase 2: Organizing students

Educators help students define and organize learning tasks related to the problem (setting topics and assignments). The definition of the problem must meet the criteria of being authentic, clear, easy to understand, broad according to learning objectives, and useful. For example, at the high school level, students are grouped heterogeneously, each group discussing the nutrients needed by the body and how to test for nutrients in foodstuffs. Students are asked to determine the roles of each student. Some are looking for materials, some are diligent in observing experiments, some are connecting with technology as a medium of information, and some are reminding them to carry out any problem solving activities.

1.3 Phase 3: Guiding individual and group investigations.

Educators help students to collect appropriate information, experiments to obtain explanations and problem solving, data collection, hypotheses, and problem solving. Educators act as facilitators who encourage each student to find solutions from technological ways, think critically, and utilize creativity. Educators also play a role in encouraging students educatively if there are indications of boredom and despair in the problem solving process.

1.4 Phase 4, Develop and present the work

Educators assisting students in planning and preparing appropriate works such as reports and demonstrations. For example on the theme of "digestive system", activities that can be carried out can be in the form of students discussing in groups to conclude the content of food
substances found in the results of the practicum. The results of the practicum can be presented in the form of posters or videos that can be seen by every student.

1.5 Phase 5, Analyzing and evaluating the problem solving process

Educators help students to reflect or evaluate their investigations and the processes used. Ideally, the Problem Based Learning learning model can be applied to achieve all the basic competencies to be achieved, in terms of knowledge, skills, and attitudes. Of course, the basic competencies achieved are not only one so that the application of Problem Based Learning allows more than one meeting to occur. For example, phase 1 and phase 2 can be applied at the 1st meeting, phase 3 and phase 4 may require two further meetings, and phase 5 can be applied at the 5th meeting. The ultimate goal of applying the Problem Based Learning learning model is the achievement of basic competencies, in this case competencies related to the field of . So that learning can run smoothly through the application of Problem Based Learning, educators need to make lesson plan correctly.

Winkel defines "achievement is evidence of achievable business success" [7]. Achievement is the result achieved by students as a result of their lessons which include cognitive, affective and psychomotor aspects after following the teaching and learning process. Learning achievement is the result obtained by students from their learning efforts. Student achievement can be seen from the numbers or scores obtained by students compared to other students' scores or scores. In this study, a learning achievement test will be used, especially in the cognitive domain, as stated by Blom who divides it into six cognitive aspects, namely knowledge, comprehension, application, analysis, synthesis, evaluation.

Learning achievement is a real ability (actual ability) achieved by individuals or students in learning. The definition of achievement above emphasizes the results achieved from an activity that has been carried out or created by way of tenacity of work, both individually and in groups in certain fields of activity and is pleasing to the heart. Based on the opinions above, it can be concluded that learning achievement is the result obtained by someone who can be known as a learning outcome by using a test or evaluation, and is usually indicated by a test score. Thus, in the educational process in schools, learning activities are the most basic activities, this means that the success or failure of what students achieve depends on the learning process experienced by students.

Gronlund in Saifuddin Azwar, suggests that the preparation of achievement tests formulates several basic principles in measuring achievement as follows: achievement tests must: measure learning outcomes that have been clearly defined in accordance with instructional objectives, measure a representative sample of learning outcomes and from the material covered by the program instructional or teaching, contains items with the most suitable type to measure the desired learning outcomes, designed in such a way as to suit the intended use of the results, the reliability of achievement tests must be sought as high as possible and the measurement results must be interpreted with caution, can be used to improve students' learning [8]. With the understanding and understanding of achievement tests more proportionally in the sense of something that is expected to be able to take advantage of the results as much as possible.

In preparing the achievement test, determining the format and type of items to be used includes considerations, namely the nature of learning outcomes must measure learning outcomes directly, the quality of items that may be made such as multiple-choice items will produce the best quality items in the sense that they will have a good measurement function. more effective than other type items. Multiple-choice items that are carefully designed by taking into account the limitations of the test content and written according to the purpose of
measuring according to a high level of competence will have the widest variation in the level of mastery, ranging from the simplest to the highest. The best type of item is the one that best fits the test material, the level of competence to be revealed and the education level of the student to be tested. The test planner must be able to determine the type of item that fits the test being made.

Considerations in determining the type of item used in the learning achievement test have advantages and disadvantages. The advantages of the multiple-choice type are that it is comprehensive because in a short test time it can contain more items, checking answers and scoring is easy and fast, the use of answer sheets makes the test efficient and cost-effective, the quality of items can be analyzed empirically, has high objectivity and generally has reliability, satisfactory. The disadvantages are that it is difficult to make and takes a lot of time and effort, it is not easy to write to express a high level of competence and there is a possibility that the correct answer is solely due to guesswork. The multiple choice type item writing consists of one statement sentence or question sentence called stem and several answer choices called alternatives or options. One of these alternatives is the answer key, while the other alternatives are answers called distractors. The preparation of the multiple-choice test has several criteria including: the question sentence must be firm and clear, the statement in the form of a positive sentence is not allowed to use the word no or except, the distractor must be balanced, each item stands alone, the sentence length of each item is balanced and uses dots. at the end of the sentence.

[9]provides an understanding of learning achievement, namely "the results achieved by someone in an effort to learn as stated in the report card [9]." Furthermore, state that learning achievement is a proof of learning success or a student's ability to carry out learning activities according to the weight achieved [7]. Based on the above understanding, it can be explained that learning achievement is the level of humanity possessed by students in accepting, rejecting and assessing the information obtained in the teaching and learning process. A person's learning achievement is in accordance with the level of success of something in studying the subject matter expressed in the form of grades or report cards for each field of study after experiencing the teaching and learning process. Student achievement can be known after an evaluation is held. The results of the evaluation can show the high or low student achievement.

Understanding learning achievement, namely learning is a need for everyone, because by learning a person can understand or master something so that his abilities can be improved. According to Winkel, learning in humans can be formulated as a mental or psychic activity that takes place in active interaction with the environment, which results in changes in knowledge and attitude values [7]. Based on this opinion, it can be concluded that learning achievement is formulated as a mental or psychic activity, mastery of knowledge and learning skills possessed by students and is operationalized in the form of indicators in the form of report cards.

Measurement of Learning Achievement, according to Arikunto, measurement of learning achievement can be done in various ways by giving a test that has a function, namely to measure students' abilities and the success of teaching programs. The test is divided into 3 kinds [6]:
1. Diagnostic test is a test used to find out the weaknesses of students so that they can provide the right treatment.
2. Formative tests are to determine the extent to which students have formed after following a certain program and this test is used at the end of the lesson.
3. The summative test is a test that is carried out after the end of giving a group of programs or a larger program and is carried out at the end of each semester. According to Sudjana, learning achievement can be divided into 3 levels, namely [10]:

1. High learning achievement, with a value or score above the average obtained from the results of the learning evaluation, so that knowing the value or score students can be declared successful in achieving the goals of education.

2. Moderate learning achievement, the average value or score that can be obtained by studying evaluation or examinations obtained by students so that by knowing the scores obtained, students can be said to be successful and achieve educational goals.

3. Low learning achievement, value or score below the average obtained from the results of research or exams, with the results of these scores it can be said that the student failed in his studies and failed in his educational goals.

Based on the description above, it can be concluded that the measurement of learning achievement can be done by giving a test that has a function to measure students' abilities and the success of teaching programs and evaluate student learning outcomes by looking at the results of students' final test scores.

Factors Affecting Learning Achievement, [11] stated in detail about the factors that influence learning achievement, among others, namely:

1. Factors originating from outside the individual, including: non-social factors such as air conditions, study time, the tools used for learning, and social factors, such as the atmosphere in the family, noisy sounds around the study area, and so on.

2. Factors that come from within the individual which include: physiological aspects, namely physical conditions or health in general and certain physiological functions, especially the functions of the five senses, psychological aspects, such as emotional intelligence, attitudes, memory, is the individual's ability to fully control existence as a whole.

To achieve good learning achievement, there are many factors that need to be considered, because in the world of education there are not a few students who experience failure. There are students who have a strong drive to excel and the opportunity to improve achievement, but in reality the resulting achievements are below their abilities.

In general, the learning achievement displayed by students has a close relationship with the level of intelligence possessed by students. According to Winkle, the essence of intelligence is the ability to set and maintain a goal, to make an adjustment in order to achieve that goal and to assess one's self critically and objectively [7]. This level of intelligence greatly affects the learning achievement of a student, where students who have a high level of intelligence have a greater opportunity to achieve higher learning achievement. On the other hand, students who have low intelligence levels are also expected to have low learning achievements. However, it is not impossible if students with low intelligence levels have high learning achievements, and vice versa.

Curriculum and teaching methods include materials and how to provide these materials to students. More interactive learning methods are needed to foster student interest and participation in learning activities. Sarlito Wirawan said that the most important factor was the teacher factor [12]. If the teacher teaches wisely, firmly, has high discipline, is flexible and is able to make students happy about the lesson, then student learning achievement will tend to be high, at least the student is not bored in following the lesson.

Based on the opinion above, it can be concluded that learning success or achievement is strongly influenced by two factors, namely internal factors and external factors. Internal factors include the condition of individuals who study, both physically and psychologically,
while external factors include environmental conditions of family, school, community, including the material being studied. These factors interact with each other.

2. Method

This research is a quantitative regression method with the aim of knowing the improvement of student achievement by developing problem based learning on energy materials for class X SMK. The research variables are grouped into 2 variables, namely: 1) The independent variable in this study is the Problem Based Learning learning model and 2) The dependent variable in this study is student achievement in Physics. After the analysis prerequisites are fulfilled, namely normality and homogeneity, then hypothesis testing is carried out. Hypothesis testing is done to find out whether the proposed hypothesis is rejected or not. To test the hypothesis, regression analysis was used to study the form of the relationship between one independent variable and one dependent variable. The hypothesis to be tested is formulated in the null hypothesis (H0) and the alternative hypothesis (Ha). The hypothesis is as follows Ha: Learning Problem Based Learning model can improve student achievement. and H0: Problem Based Learning model cannot improve student achievement.

3. Result & Discussion

Model provides opportunities for all students to be active in the learning process, moreover to solve the problems provided in the learning process. This of course has an influence on student physics learning outcomes which can be proven by an average score above the KKM.

Problem based learning is one of the learning models used in the teaching and learning process, especially in improving student achievement. This model is carried out in small classes, students are given cases to stimulate group discussion. Then the students expressed the results of the search for material related to the case and discussed in groups. The advantages of the problem based learning model include 1) students become more active in finding material or information, 2) students are active in expressing opinions and discussing, 3) the class atmosphere is not boring for students.

In the small class trial analysis, the results showed that the research instruments, namely the evaluation of learning achievement and student worksheets, were valid and reliable. This indicates that the instrument can be used on a wide-scale trial. While the analysis of the small-scale difference test shows the growth of student achievement before and after learning. The growth is not the same in each indicator. In trial 1, the highest growth was in the ability to cooperate and discipline, this happened because in the LKS the thermometric nature of the material required many activities that required group collaboration in a work team. Meanwhile, discipline increases because the LKS also demands accuracy in reading measuring instruments that have to do with discipline in the use of tools.

Learning in the experimental class uses a learning based learning model that is guided using LKS, the results of the percentage calculation show that student achievement is better than in the control class. This is in accordance with Sukamto's opinion that one of the goals of providing LKS is to enable students to carry out teaching and learning activities to find and manage their own learning outcomes that need to be mastered. Suwardi stated that the advantage of using LKS is that it provides opportunities for students who have more ability to learn faster and allows teachers to devote more attention to students whose abilities are lower.
than the class average [11]. The theory reinforces that the use of worksheets in learning can control student activities so as to reduce student activities that are not in accordance with learning activities. Students are busy with the task of doing LKS so that the opportunity for silence and other inappropriate activities can be minimized. LKS guides students to understand the concepts being studied in a coherent manner in the worksheets.

The results of the analysis show that the growth of students' soft skills in the experimental class is 56% while in the control class it is 38%. The growth of students' soft skills, especially communication skills and collaboration skills will be more effective if implemented in learning with practicum or experimental methods, this is in accordance with Wiyanto who stated that the important role of practicum is as a vehicle for developing communication skills, analyzing data and skills to work together in teams. [12].

There are several obstacles that arise in the development of problem based learning learning models in the field. These constraints are important things to know for teachers and other researchers who will use the learning model. Learning constraints will be felt more if it has entered the large-scale stage, with the number of students more than 20. In the learning process the teacher will have difficulty controlling student activities in a large classroom, for that we need a companion teacher to participate in supervising students. The advantage of the learning process through problem based learning for students is that students are enthusiastic about participating in the learning process and express pleasure in carrying out physics practicum in class, although there are those who state that physics practicum should be in a physics laboratory. The obstacle in making worksheets that can improve student learning achievement is that it requires careful thinking so that it is in accordance with the evaluation used so that it requires patience so that the concepts that we will convey can be effectively understood by students. The worksheets used in the experimental class have been tested in small classes so that they have undergone improvements. Improvements are carried out according to input from students consisting of commands that are difficult to understand or are typos. The costs incurred to duplicate LKS are also not small, especially if the LKS requires a lot of sheets. The obstacle in making physics worksheets carried out in class is that the teacher must understand the characteristics of students, namely students who already understand the concepts of physics that will be used for practice so that the learning process can run smoothly without many questions from students.

4. Conclusion

Based on the results of the analysis carried out in the physics learning process by applying Problem Based Learning, it can be concluded as follows: The application of the Problem Based Learning model can improve student achievement.

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References
Abstract. The development of a Project-Based IPAS Module (Project Based Learning) to Improve Students' Critical Thinking Skills has begun to be applied at SMKN 1 Adiwerna, but not all schools have implemented this. The development of Project-based IPAS modules (PjBL) on Earth and Space materials can help as support for IPAS learning resources. The study aims to determine the feasibility of PjBL-based IPAS modules on the developed Earth and Space materials and the effectiveness of the modules developed in improving students' critical thinking skills. Applied methods Research and Development (R&D). Product trials were carried out at SMK Negeri 1 Adiwerna, Tegal Regency. The results showed that the assessment of project-based IPAS modules by experts obtained an average score of 3.6 with decent criteria. The effectiveness of the module in improving students' critical thinking skills obtained an average score of 0.6 with moderate criteria. Based on the results of the study, it can be concluded that the IPAS module based on the Earth and Space material project is feasible and effectively applied in the class X learning process at SMK Negeri 1 Adiwerna, Tegal Regency.

Keywords: Module, Project-Based IPAS, Students' Critical Thinking

1. Introduction

Education must have a balance in building learners as citizens of the world, nation and society. Education will lead a person to be able to think critically and process it into something that can be accounted for. Education is a conscious effort made by a person to improve the dignity of life to become a human being who has a high personality and dignity. Human education for all human being.

The learning process will focus on developing intellectual abilities that take place socially and culturally, encouraging students to build their own understanding and knowledge, constructing in a social context, and learning starting from the initial knowledge and cultural perspective. The task of studying in the design is challenging and interesting to achieve a high level of thinking. Learning becomes a challenge but it is fun because students will gain knowledge from high-minded and complex processes and based on knowledge built from that mind. Of course, it becomes fun because students manage to find something meaningful from themselves. The teacher is only accompanying and guiding.

The curriculum is defined as stated in Law Number 20 of 2003 concerning the National Education System Article 1 point 19, namely: the curriculum is a set of plans and arrangements regarding the objectives, content, and learning materials as well as the methods used as guidelines for the implementation of learning activities to achieve certain educational goals. The curriculum is an important and major part of the learning process. The curriculum can guide and...
can be a guide in the implementation of learning in schools, where other functions of the curriculum here can shape the character of students and have a noble character.

There is a very significant change in the curriculum structure of the SMK Center of Excellence, where the curriculum structure is divided into three parts, namely the general group and vocational groups and the third part is the Pancasila Student Profile Strengthening Project and Work Culture. In the vocational group there are subjects of the Natural and Social Science Project which are new project-based subjects. The Subjects of the Natural and Social Science Project contain content on natural and social science literacy formulated in contextual and actual themes of life.

Teachers find it very helpful if there is an IPAS module that has been developed as a learning resource. For the sake of this, students feel that they need learning resources in the form of modules. It is hoped that with the existence of learning resources in the form of modules, students will be able to learn independently (self-education), construct their own understanding, be able to think critically and solve problems. The teacher is only guiding and accompanying.

One of the focuses of improving education in Indonesia is improving students' learning creativity. Creativity has become an important part of the discourse on improving the quality of learning, until now creativity has been well accepted as a competency inherent in learning processes and outcomes. Creativity is the result of a combination of thinking, skills and the application of accepted science as well as understanding things [1]. The essence of creativity is to produce something better or something new. New can be meaningful as a result of refining, adding, changing, and repositioning from something that existed before so that something changes for the better. If teachers use this concept as a basis for learning development, then the quality of human resources must be better. Project-based learning is student-centered (student center learning) where students investigate a theme or topic. Students constructively deepen learning with a research-based approach to problems and questions that are weighty, real, and relevant.

Studying the Curriculum of smk center of excellence, then we are faced with something new. In the smk curriculum center of excellence, the discussion cannot be separated from the Teaching Module. Teaching modules are a number or means of systematically designed and interesting media, methods, instructions, and guidelines. The teaching module is an implementation of the learning objectives flow developed from Learning Outcomes with the Pancasila Student Profile as the target. Teaching modules are arranged according to the phase or stage of development of students, consider what will be learned with learning objectives, and based on long-term development and in the course of the learning process are more interesting and meaningful.

The reality in the field is that the subject of the Natural and Social Science Project (PIPAS) at smk Pusat Unggul Negeri 1 Adiwerna, Tegal Regency, which is relatively new, really needs materials or materials for the teaching and learning process. Teaching materials in the form of available materials are still lacking and fundamental and need development towards the demands of 21st century learning. It is necessary to develop a project-based IPAS module so that the benchmark for material achievement will be carried out properly.

The Learning Of Natural and Social Sciences Project (PIPAS) is directed at the student center learning. But it is undeniable that the availability of learning resources is also very necessary. Considering that PIPAS is a new subject, it is necessary to study learning resources or teaching materials for project-based students. For this reason, development efforts are needed in order to meet the desired learning outcomes of students at smk Center of Excellence Negeri 1 Adiwerna in Tegal Regency.
Development of Project-Based IPAS Modules To Improve Students' Critical Thinking

Development is defined as an active process carried out with the aim of reviewing existing products, being studied and their shortcomings equipped. Developing modules or in the curriculum of the Center of Excellence called teaching material means teaching a subject through writing. Therefore, the principles used in developing modules are the same as those used in ordinary learning.

In this study, what was developed was a module or teaching material for the subject of the Natural and Social Science Project (PIPAS) made by the Ministry of Education and Education. The module has been exemplified by the government but is not perfect and is still fundamental in nature. This PIPAS module needs further development so that it can be used by students in the learning process. Project Based Learning or PjBL for short is the application of active and constructive learning. The project-based learning model is a learning model that in its implementation can teach students to master process skills and their application in everyday life so that the learning process becomes meaningful. No. 2]

The module to be developed is a project-based module that leads to project-based learning (PjBL) learning, which is conceived by the intention that in the content of the module there is material and assignments that are project-wise. The material is described with a very broad point of view and has a background in natural and social sciences. Modules are developed with the aim of adding and completing the content / content so that students who learn can independently understand and do assignments to the maximum. The hope is that with the process of developing this module, students will be more critical in thinking. It can be said that the Project Based Learning learning model provides a very large opportunity for students to produce interesting and meaningful learning experiences, especially for Vocational High School (SMK) students. This is because students at the SMK level are included in the category of adult students, able to think critically, innovatively and creatively and are ready to enter the workforce or the industrial world.

The Natural and Social Sciences Project is the name of a new subject contained in the curriculum structure of the vocational section of the SMK Center of Excellence. This subject is very new and is applied only to the SMK Center of Excellence. This subject is project-based with a background in physics, chemistry and biology and emphasizes social aspects in the learning implementation process. The hope is that after studying this subject, students get a comprehensive picture and can work in a team or group so that certain projects are produced and have high social sensitivity and are responsive to problems in the surrounding community.

In IPAS learning critical thinking is very necessary. Critical thinking can be interpreted as a person's ability to think rationally and in an orderly manner. The purpose of critical thinking is to understand the relationship between ideas and/or facts. In the 21st century, it requires a person to be able to live well with society by having qualified skills. People must be able to compete in a healthy manner, work to create new things and be ready for the future. Skills in the 21st century are popularly called 4C, namely Communication, Collaboration, Critical Thinking and Problem Solving, Creativity and Innovation or in Indonesian can be translated as 4K, namely communication, collaboration, critical and able to solve problems, creative and innovative. No. 3]

Learning Resources
According to Rusyan (2019:22) learning resources are a system consisting of a set of materials or situations that are created intentionally and created to allow learners to learn individually.

Hendra Kurniawan (2020: 134) said that teaching materials are "finished goods" as a product of knowledge that has been concocted and interpreted by its compilers. This is certainly important for learning, but in the idea of learning in the 4.0 era, students also need to be encouraged to be able to think critically and creatively with the help of various existing learning resources. Students are also invited to construct their own knowledge by compiling a product of knowledge that they understand. For example, making papers, working on projects, making learning videos, and so on that can be realized into various other forms of learning media. Thus, students are actively involved in utilizing learning resources and learning media as constructive teaching materials.

The types of learning resources that can be utilized in learning in the 4.0 era include: (1) Place or environment, (2) People or speakers, (3) objects, (4) Printed and non-printed materials

Module

According to Rili Konita Zahara (2021) the module is a printed teaching material whose content is about summaries of material explained in simple language so that it is easily understood by students. Modules can also be called one of the learning tools needed in the learning process made by educators by adjusting materials and basic competencies. Modules are used to make it easier for students to understand the material presented, independently or through the guidance of educators with interesting module material content. Educators see that learners have to go through intellectual abilities and processes with a variety of experiences. Modules are one of the teaching materials in the form of print or a book written with the aim that students can learn independently and are very well used in the learning process. Modules are printed teaching materials designed to be learned independently by students [4].

At the time of learning the teacher does not directly give a lesson or teach something to the student face-to-face, but simply with a module containing material, methods, limitations, and ways of evaluating that are systematically designed and interesting to achieve the expected competencies of course with the characteristics of the available modules. One of the important factors in achieving learning objectives is the availability of modules as a source of student learning and this is a necessity, namely to make students more interested in learning and can improve learning outcomes. Modules are created and developed, one of which is to increase learning motivation, interest in the material being taught and aims to increase learning achievement or students' critical way of thinking about the material. Another purpose of developing modules with methods is to involve students in the learning process so that there is activity and play a direct role so that the desired goals are achieved.

To produce modules that are able to increase learning motivation, module development must pay attention to the characteristics required as modules. This is in accordance with the KTSP Implementation Technical Guidance Material Series: Module Preparation Techniques (2008). The characteristics of module preparation consist of: (1) Self Instruction, (2) Self Contained, (3) Stand Alone, (4) Adaptive, (5) Friendly / Friendly (User Friendly)

Natural and Social Science Project

Natural and Social Sciences (IPAS) is a science that examines living things and inanimate objects in the universe and their interactions, and examines human life as individuals as well as social beings who interact with their environment. In general, science is defined as a combination of various knowledge that is arranged logically and systematically by taking into account cause and effect (Big Dictionary of Indonesian, 2016). This knowledge encompasses
natural knowledge and social knowledge. IPAS education has a role in realizing the Pancasila Student Profile as an ideal picture of the profile of Indonesian students. IPAS helps learners cultivate their curiosity about the phenomena occurring around them. This curiosity can trigger learners to understand how the universe works and interacts with human life on earth. This understanding can be used to identify various problems faced and find solutions to achieve sustainable development goals. The basic principles of scientific methodology in IPAS learning will train scientific attitudes (high curiosity, critical thinking ability, analytical and the ability to draw the right conclusions that give birth to wisdom in learners).

Characteristics of IPAS Education

Science is not stagnant. Along with the times, science is also constantly evolving. What we know as a scientific truth in the past may have shifted in the present as well as the future. That is why science is dynamic and is a continuous effort made by man to uncover the truth and use it for life. Science is a process of continuous formation of knowledge to the point of explaining phenomena that originate from revelation, the heart and the universe so that it can be examined or studied critically with the aim of understanding its nature, basic foundations and origins, so that it can also obtain logical results. The carrying capacity of nature in meeting human needs over time is also decreasing. The exponential increase in the human population also triggers many of the problems faced.

Often the problems that arise cannot be solved by looking at it from one point of view: natural science or from the point of view of social sciences alone, but rather a more holistic approach that includes various cross-disciplines (Yanitsky, 2017 in Copy of Decree No. 028 on Learning Outcomes, 2021). To provide this understanding to students, the learning of natural sciences and social sciences needs to be combined into a single entity which we then call the term IPAS.

The subjects of the Natural and Social Science Project have objects of study in the form of concrete objects found in nature and developed based on empirical experience, that is, real experiences that are perceived by everyone and have systematic steps and use logical ways of thinking. Natural and Social Sciences learning is packaged in the form of projects (project-based learning) that integrates several elements of content / material. Each project is carried out to achieve elements of Natural and Social Science competence consisting of three elements of scientific literacy and contextualized with the characteristics of each Field of Expertise. In one theme, it can contain several projects according to the scope or breadth of a material. Based on the elements of the material content, the subjects of Natural and Social Sciences consist of living beings and their environment; substances and their changes; energy and its changes; earth and space; spatiality and connectivity between time and space; interaction, communication, socialization, social institutions and social dynamics; and economic behavior and well-being. Learning is carried out in project-based Natural and Social Sciences subjects.

Project-Based Learning Model

The definition of Project Based learning is quoted from Gulay's opinion written by Ermaniatu Nyihana (2021:44):

Gulay (2015) posits that “…Project Based Learning model which lays its foundations on project studies is an approach which positions the learners in the centre of the learning process and prepares them to the actual life by exposing them to real life problem”

Project Based Learning is defined as learning directly involving students in the learning process through research activities to work on and complete a certain learning project. The 21st
century requires students to be more critical and creative so that project-based learning is one of the innovative learning that is very useful.

Project based learning is one of the innovative learnings that is very useful in the 21st century. Viewed from the point of view of students or students, PjBL is student-centered learning, motivating and encouraging collaboration and cooperation. Based on the teacher's point of view, PjBL is a learning process with authentic content, objectives and assessments with explicit educational objectives, based on constructivistic theory and the role of the teacher only as a facilitator. We can see that PjBL is a strategic method that makes students active, creative and able to build logical and scientific thinking in solving problems. It can be said that students become able to think critically in solving problems. Here the teacher only becomes a facilitator and partner in collaborating during the learning.

Muhammad Fathurohman (2015:118) in Sugiyono (2019:193) stated that project-based learning is a learning model that involves a project in the learning process of one particular material that has been determined. Project tasks undertaken by learners can be either individual project tasks or group tasks.

According to Ermaniatu Nyihana (2021:45) the notion of project-based learning can be seen from two different points of view, namely from the point of view of students and teachers. Based on the student's point of view, Project Based Learning is student-centered learning, motivating and encouraging collaboration and cooperation. Not only studying a theory but also doing an activity in order to produce and develop products, communicate and the ability to think at a high level. Based on the teacher's point of view, Project Based Learning is a learning process with authentic content, objectives and assessments with explicit educational objectives, based on constructivistic theory and the role of the teacher only as a facilitator.

Performance assessment in Project Based Learning can be carried out individually by taking into account the quality of the products produced, the depth of understanding of the content shown, and the contribution made to the ongoing project realization process. Project Based Learning also allows learners to reflect on their own ideas and opinions, and make decisions that affect the outcome of the project and the learning process in general, and present the final product result. The Natural and Social Sciences Project consists of three elements of competence that refer to the competence of scientific literacy, namely explaining phenomena scientifically, designing and evaluating scientific investigations, translating data and evidence scientifically.

Muhammad Fathurohman quoted Bell's opinion (in Sugiyono, 2019: 194-195), defining project-based learning as follows:

a. Project Based Learning is curriculum fueled and standards based.
b. Project Based Learning ask a question or proses a problem that each student can answer.
c. Project Based Learning asks students to investigate issues and topics addressing real word problems while integrating subjects across the curriculum.
d. Project Based Learning is a models that fosters abstract, intellectual tasks to explore complex issues.

In project-based learning has the following principles:

1. Centralistic, b) Driving questions, c) Constructive investigation, d) Autonomy, e) Realistic (relism)

   The main requirements in the use of project-based learning models to develop the learning process in the classroom are: 1) mastery and deepening of the material, 2) mastery of scientific skills. While the characteristics of the project-based learning model according to Tinenti (2018: 5) are:
1. In its implementation begins with students doing planning,
2. Students do the design,
3. The student carries out the conduct of the investigation,
4. Students perform

According to (Sugiyono, 2019:201-202), the steps for Implementing Project Learning include:

2. Project determination, b) Design of project completion steps, c) Preparation of project implementation schedules, d) Completion of projects facilitated and monitored by teachers, e) Preparation of reports and presentations or publication of project results, f) Evaluation of project processes and results

Project-based learning or then referred to as Project Based Learning (PjBL) has advantages and disadvantages. According to Kemedikbud (2013) in Ermaniatu Nyihana (2021:51-52) detailing the advantages of this model are:

1. Increases students' learning motivation to learn, encourages their ability to do important work and they need to be appreciated.
2. Improve problem-solving skills.
3. Make students become active and successfully solve complex problems.
4. Improve collaboration.
5. Encourage students to develop and practice communication skills.
6. Improve students in managing resources.
7. Provide learner and practice student experience in organizing projects, and allocate time and other resources such as equipment to complete tasks.
8. Provides a learning experience that engages students in a complex way and is designed to evolve according to the real world.
9. Involves the students to learn to take information and show the knowledge they have, then implemented with the real world.
10. Make the learning atmosphere fun so that students and educators enjoy the learning process.

The weaknesses of Project Based Learning according to Ermaniatu Nyihana (2021:52) are

1. It costs a lot.
2. Requires a lot of media and learning resources.
3. It requires teachers and students who are both ready to learn and develop.
4. There are concerns students will only master one particular topic being worked on.

Critical Thinking

Today we are faced with an education era in the 21st century where learning requires high critical thinking power. Along with the changes and demands of the times that are increasingly global, the demands on human thinking must also be high. One of the goals of 21st Century education is to develop students' thinking skills, one of which is critical thinking skills.

According to Ennis (2011) in [5] critical thinking is the ability to think reflectively that focuses on decision-making patterns about what to believe, to do and to be accountable for. Critical thinking skills are very necessary because a person who thinks critically will be able to think logically, answer problems well and be able to make rational decisions about what to do or what to believe. Critical thinking is a higher-order thinking skill that has the potential to increase the critical analytical power of learners. Therefore, developing students' critical thinking skills in learning is an effort to improve student learning outcomes. Critical thinking is not quick to believe, always trying to find mistakes or mistakes, and being sharp in analyzing.
Critical thinking is independent, departing from self-discipline, being able to monitor themselves, to improving one's own thinking process. For a person who is able to think critically means being able to determine the credibility of the sources of information he obtains, distinguishing the relevant and irrelevant, distinguishing facts and assumptions, identifying and evaluating assumptions, biases, and points of view, as well as evaluating the evidence offered to support a thing [3].

Teachers have a very important task in directing and encouraging students to have the ability to think critically. Learning that only emphasizes students' ability to memorize does not provide space for students to think critically, so it needs learning that invites students to be able to analyze, dare to argue, and solve problems (problem solving). The ability to think critically is indispensable in learning in the 21st century and the 4.0 era which requires humans to have better thinking skills. In the end, the ability to think critically is expected to be able to produce the ability to solve problems and make decisions (problem solving). There are four mindsets that are important compared to the content of knowledge itself, namely: analysis, interpretation and accuracy, problem solving, and reasoning. It is necessary to realize that the process of learning is not in the content of learning (content of learning). Students are able to think critically in learning so that they are able to answer questions about "how" (how) and "why" (why) using principles and concepts. The hope is that after the student is able to think critically, then it ends by making rational decisions related to the work or things he believes in. Developing students' critical thinking skills is very important. The mainstream approach used is scientific. Students who have the ability to think critically will respond systematically and accurately every time they make decisions and solve complex problems.

2. Method

The research carried out is Research and Development or R&D. According to Borg and Gall (1998) in Sugiyono (2019: 28) research and development is a process used to develop and validate educational product. While Richey and Kelin (2010) in Sugiyono (2019: 28-29), in the field of learning stated that this research called Design and Development Research is: the systematic study of design, development and evaluation processes with the aim of establishing an empirical basis for the creation of instructional and noninstructional product and tool and new or enhanced model that govern their development. This type of research and development serves to validate and develop the product. Validating the product, means that the product already exists, and the researcher only tests the effectiveness or validity of the product. Developing a product in a broader sense can be either refurbishing an existing product (so that it becomes more practical, effective, and efficient) or creating a new product (which did not exist before).

Based on this, it can be said that R &D is carried out to produce certain products and test the effectiveness of these products. To be able to produce the product, it is necessary to analyze the needs and test the effectiveness of the product through experimental methods.

According to Sumarni (2019: 7) the characteristics of research and development according to Borg and Gall consist of four main characteristics, namely:

1. Studying Research Findings Pertinent to the product to be developed (Exploration)
   The researcher performs the exploratory stage, this is related to a search and analysis of the initial problem consisting of: literature analysis or concept analysis and needs analysis
2. Developing the product base on this finding: At this stage of development, it is necessary to validate by experts or experts on the module development prototype so that modules that have undergone development are worthy of trial. The development of the module consists of two steps, namely: Expert Validation and development trials

3. Field testing where it will be used eventually through examination (Field testing it in the setting where it will be used eventually /examination) In the next stage, product trials will be carried out in the actual situation. The trial will be carried out through two stages of trials, namely limited trials (small scale) and wider trials (large scale)

4. Revising it to correct the deficiencies found in the field-testing stage/dissemination) According to Sugiyono (2019: 404) states that in general the description of the Research and Development process cycle.

According to Sukmadinata (2017:184) are the stages of research and development modified from the ten steps of research and development of Borg and Gall. Broadly speaking, the steps of this research are: Preliminary Study, Model Development, Model Test

Virtually the modified research and development steps can be seen in the following chart:

![Research and Development Steps Chart](image)

**Figure 3.** Research and development steps (Sukmadinata; 2017:189)

### 2.1. Data Type

The types of data that will be obtained from this development are: 1) Qualitative data. Data is taken based on questionnaires, inputs, suggestions, and revisions to problems in product development and research on field trials. The data is taken from expert lecturers, students, teachers, supervisors. 2) Quantitative data. The data is taken in the form of pretest and post-test results on the results of experimental research after development is carried out through tests and observation sheets.

**Data stacking instruments, which are used are:** a) Product assessment sheet, b) Observation Sheet, c) Questionnaire sheet/ questionnaire, d) Critical Thinking Skills Test Sheet
2.2. Pre-Test and Post Test Giving

To obtain data on the achievement of the level of critical thinking of students who use module development, it is a benchmark for student success in learning, it is necessary to have a Pretest and Post Test. The provision of pre-tests and post tests itself is based on the learning materials of IPAS subjects. At this stage, a test will be held on how influential the development of project-based IPAS modules will be to improve the critical thinking of students at SMK Pusat Unggul Negeri 1 Adiwerna, Tegal Regency.

In this study, there are several main steps, namely the implementation of pretest as a form of measuring bound variables, the implementation of experimental treatment and the implementation of Post Test to measure the results or impact of the prescribed treatment by comparing pretest and posttest scores. Variables which are the object of research become the point of attention of a study where there are 2 variables, namely: 1) Free variables: In this study the free variables are Project-based IPAS Modules and 2) Bound variables: In this study there is 1 bound variable used, namely The Way of Critical Thinking of Students at SMK Center of Excellence Negeri 1 Adiwerna.

2.3. Student Critical Thinking Ability Result Test

The implementation of the module tested uses a one group pretest-posttest design, because it is carried out in one group without a comparison group. Before the questions in the pretest-posttest are used, a question test is carried out, namely by testing the validity of the construct. Validity relates to the accuracy of the assessment tool on the concept being assessed so that it actually assesses what should be assessed. Suharsimi (2010) the validity of constructs aims to measure / reveal concepts in a material. The validated questions were then given to students and data analysis of pretest-posttest results was carried out with the N-gain test (Meltzer: 2002 in Herman, H., et al: 2021) with the following formula:

\[
\text{Ngain} = \frac{\text{Score post test} - \text{score pretest}}{\text{Score maksimal} - \text{score pretest}}
\]

\[
\text{Score post test} = \text{final test result scores}
\]
\[
\text{Score pre test} = \text{initial test result scores}
\]
\[
\text{Score Maksimal} = \text{max test score}
\]

<table>
<thead>
<tr>
<th>Interval</th>
<th>Kriteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>G &gt; 0.07</td>
<td>Highly Effective</td>
</tr>
<tr>
<td>0.3 &lt; g &lt; 0.7</td>
<td>Effective</td>
</tr>
<tr>
<td>G &lt; 0.3</td>
<td>Ineffective</td>
</tr>
</tbody>
</table>

Table 1. Formula Criteria N-gain
3. Discussion

This study aims to determine the feasibility of a Project-based IPAS module developed to improve students’ critical thinking skills in learning and student learning resources. This study also aims to determine the effectiveness of modules developed to improve students’ critical thinking skills. The results of the research on the development of the Project-based IPAS module to improve students’ critical thinking skills include the results of the module feasibility assessment, the results of teacher responses to the module, the results of student responses to the module, the effectiveness of the module through the results of the student critical thinking ability test.

The results of the feasibility assessment of the Project-Based IPAS Module through the phase I assessment instrument and the phase II assessment instrument by the internal validator team, namely the IPAS teacher of SMKN 1 Adiwerna and external lecturers from related agencies with the results of the feasible category, which means that all components received a positive response “Yes” referring to the results of the assessment, the project-based IPAS module was declared to have passed the assessment instrument phase I. Project-based IPAS module phase II assessment instrument consists of two components, namely: the content feasibility component, and the presentation feasibility component. Each component is assessed by 3 experts whose results are then averaged. Validators I, II and III give an assessment then the results are on average. The scoring scores of the three validators were obtained on average with decent criteria. Based on this assessment, the modules developed are stated to be able to be used in the learning process in the classroom.

<table>
<thead>
<tr>
<th>Component</th>
<th>Average Score</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility of contents</td>
<td>3,68</td>
<td>Proper</td>
</tr>
<tr>
<td>Serving</td>
<td>3,76</td>
<td>Proper</td>
</tr>
</tbody>
</table>

There are two types of questionnaires used in this study, namely teacher response questionnaires and student response questionnaires to the modules developed. The questionnaire was given to find out the responses of teachers and students to the Project-based IPAS module developed. The teacher response questionnaire was given by the IPAS teacher of SMKN 1 Adiwerna. The response from IPAS teachers is averaged with excellent criteria, meaning that the modules developed are feasible to use.

The results of student responses on a small scale to the developed IPAS module received a percentage score of 80% with excellent criteria. The assessment of the results of the student response questionnaire on the small-scale trial showed a positive response from students to the IPAS module developed. Furthermore, in large-scale trials, the percentage of student response questionnaires to the module was obtained at 84.96%. This shows a positive response from students in one class, namely class X TKRO 1, so that the IPAS module developed can be used at the next stage, namely the stage of applying the module in IPAS learning in class. The results of the questionnaire of 36 student responses obtained at the implementation stage in the classroom amounted to 90.9%. 

Table 2. Phase II Assessment Results
The effectiveness of the module at the field implementation test stage to measure students' critical thinking ability is measured using pretest and post-test results so that it can be known the increase in results obtained by students after learning is carried out. The improvement of the given test results was analyzed using the normalized N-gain formula whose results are presented in the table below.

**Table 3. Improved Student Critical Thinking Test Result**

<table>
<thead>
<tr>
<th>Indicators of critical thinking</th>
<th>Average score</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pretest</td>
<td>Postest</td>
<td>N-gain</td>
<td>Criterion</td>
</tr>
<tr>
<td>Provide a Simple Explanation</td>
<td>60,92</td>
<td>79,6</td>
<td>0,47</td>
<td>Medium</td>
</tr>
<tr>
<td>Building basic skills inferring</td>
<td>47,84</td>
<td>86,64</td>
<td>0,75</td>
<td>High</td>
</tr>
<tr>
<td>Give further explanations</td>
<td>67,82</td>
<td>97,41</td>
<td>0,91</td>
<td>High</td>
</tr>
<tr>
<td>Setting Strategies and Techniques</td>
<td>46,26</td>
<td>75,2</td>
<td>0,53</td>
<td>Medium</td>
</tr>
<tr>
<td>Problem solving</td>
<td>23,28</td>
<td>48,29</td>
<td>0,34</td>
<td>Medium</td>
</tr>
<tr>
<td>Average total</td>
<td>49.22</td>
<td>77.38</td>
<td>0.6</td>
<td>Medium</td>
</tr>
</tbody>
</table>

Based on Table 3 above, it is known that the results obtained from the normalized N-gain test were 0.6. Then it can be concluded that the improvement of students' critical thinking ability in medium criteria.

4. **Conclusion**

Based on the results of the study, it can be concluded that: 1. The Poyek-based IPAS module developed is feasible to use based on the assessment of experts. The results obtained based on validation assessments by experts on the content feasibility component and presentation component obtained an average score of 3.6 with very decent criteria. 2. Developed project-based IPAS module, effectively improving students' critical thinking skills. This is shown in the data on the improvement of the results of students' critical thinking ability with an average score of 0.6 with moderate improvement criteria.

**References**


Behavioural Counseling to Resolve Online Games Addicted

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Abstract. This research aims to find the factors that cause online game addiction in adolescents at SMK Mummadiah Karanganyar, the application of Cognitive Behavioral Therapy (CBT) Counseling in overcoming addiction to online games in students at SMK Muhammadiyah Karanganyar, the result of the application of Cognitive Behavioral Therapy (CBT) Counseling in overcoming online game addiction in students at SMK Muhammadiyah Karanganyar. This type of research is field action research. Sources of informants consist of 25 people, divided into 2 sources, primary data is 5 students who are addicted to online games and secondary is 20 students who are not addicted to games, parents, school principals. Data collection techniques carried out by researchers by means of participant observation, and unstructured interviews. Based on the results of research conducted, it can be concluded that students who are addicted to online games due to lack of parental attention initially (100%) and have changed (60%), the initial friendship factor (100%) and has changed (80%), and stress relief. initially (100%) and has changed (80%).

The application of CBT counseling is carried out in 2 cycles containing material about bad things that will arise from playing online games such as being able to make students accustomed to saying dirty words, lying to parents, lazing about doing school assignments.

Keywords: Cognitive Behavioral Therapy Counseling, Students Addiction Online Games

1. Introduction

Counseling is the process of helping individuals and learning about themselves, their environment, and methods for dealing with roles and relationships. Although the individual experiences counseling problems he or she does not have to be remedial. Counselors can assist an individual with educational and vocational decision-making processes and resolve interpersonal problems[1,2].

It can be concluded that counseling is assistance given by individuals in solving life problems by interviewing, or in a way according to the circumstances of the individual being faced to achieve a prosperous life. In solving this problem, the individual solves it with his own abilities. Thus, the client remains in his life. The cognitive behavior therapy approach is one of the psychotherapeutic approaches founded by an American psychologist named Aaron T. Beck. Cognitive behavior therapy is a technique that has been widely used in various psychological problems and has proven to be effective for tackling disorders such as anxiety, depression, phobias, psychiatric disorders, psychological problems, and medical conditions with a psychological component [3].

Online games are no stranger to children's ears. Electronic games or what we often call online games have mushroomed everywhere. This is supported by the many game centers in the surrounding area, which offer affordable prices to teenagers[2,4]. The game center or the
game center itself is not like an internet cafe which has more regular customers than an internet cafe. This is what makes game centers almost always crowded, not just popular game centers. However, gadgets/smartphones are also increasingly sophisticated and offer so many games, both offline and online games.

Online game players are dominated by students, ranging from elementary, middle, high school, college students, and even adults[5,6]. Students who often play an online game, will cause them to become addicted or addicted. Addiction to playing online games will have a negative impact, especially in terms of academic and social. Even online games also have a big impact, especially on the development of children and one's soul. Even though students can socialize in online games with other players. However, online games often make players forget social life in real life. Paying attention to the phenomenon of online games and their impacts which are currently very widespread in Indonesian audiences.

Addiction to online games will have a negative impact on a person's psychology, such as difficulty concentrating in studying, work, often playing truant, being indifferent, not caring about the things that happen around them, and for online game addicts or gamers will do anything to get it[5–7]. playing online games, such as lying, stealing money, and so on. The habit of interacting directly (face to face) is replaced by interactions through internet networks that occur only in cyberspace. This is due to playing online games too often so that someone forgets the real world.

Addiction to online games in students, should be able to be overcome by the school through the resources owned by the school. Counselor should know and apply counseling techniques properly according to the problems faced by students. This will certainly be more effective and efficient if applied to overcome the problems that occur in students without having to invite other parties. This game can have an influence on student learning achievement. This is due to the fact that online games are addictive or addictive for online game users. School children are one of the groups who are easily affected by the impact of online games, the time that should be used to rest, play, even when the teaching and learning process is in progress students easily take advantage of their time to play these online games. This dependence can lead to negative behaviors such as skipping school, not doing homework (homework), and stealing money to buy new games or feeling restless when you can't access the game.

Based on interviews with BK teachers stated that the problem of addiction in students in playing online games occurs from year to year experienced by students. This fact is supported by a statement from the school which stated that students' addiction to online games occurs almost every year, especially during the COVID-19 pandemic, students who are addicted to online games are increasing and the right solution has not been found.

According to the school, there are several forms of students' addiction to online games, ranging from students who withdraw from their social environment because they are busy with the online games that they are playing with the most extreme forms, namely students ignore pain, fatigue, hunger and thirst, and do not want to continue school because they prefer to play online games than continue school. This will certainly become a serious problem for the school if a solution is not immediately found.

The cognitive behavior therapy approach is one of the psychotherapeutic approaches founded by an American psychologist named Aaron T. Beck. Cognitive behavior therapy is a technique that has been widely used in various psychological problems and has proven to be effective for tackling disorders such as anxiety, depression, phobias, psychiatric disorders, psychological problems, and medical conditions with a psychological component [3]
2. Method

This research was conducted with action research or Participation Action Research. Action research can be done either in groups or individually with the hope that their treatment can be imitated to improve the quality of others. The research that will be carried out by researchers here is individual action research or face to face. Researchers will conduct individual counseling face to face in providing assistance or advice to students who are addicted to online games. Sources of data are individuals who become research respondents in obtaining useful data for research. The data source is seen in terms of the source of data acquisition. The total number of students is 28 people. Based on the observations, the researchers found 10 teenagers who are classified as addicted to online games with the following equation: 1) Games are further prioritized than other daily interests and activities, 2) Playing games online games for a long time, 3) Feeling that the game is a way to escape from problems, 4) Lying to parents. The sources of data needed in this study consist of two:

1. Primary data sources, namely the main data sources needed in the research. In this case, the main source of obtaining information in this study were teenagers who were addicted to online games, totaling 5 people (3 boys and 2 girls) at SMK Muhammadiyah Karanganyar as the sample in this study.

2. Secondary data sources, namely supporting or complementary data sources. Sources of secondary data in this study were obtained from parents who have problem students, friends, principals, and neighbors. The steps of this action research follow the model of Kemmis and Teggart, namely planning, action, observation and reflection. The research method used is field action. The field action method is a method by doing (Learning By Doing), through something to solve, observing how successful their efforts are, if they don't succeed, they will try again.

Data is needed qualitatively by using the following steps:

1. Reviewing all data collected from data sources. The first step required is the various types of data and forms of data that exist in the field and then carrying out field notes.
2. Reduction of data (data reduction). If the first step of data search has been collected, then the next step is to reduce the data. Reducing data means summarizing, choosing the main things, focusing on the important things, looking for themes and patterns and removing unnecessary ones. Data reduction is an attempt by researchers to select, focus and transform scattered data from field notes. Data Presentation (data display). After the data is reduced, it will be continued with data presentation. Presentation of data is an attempt by researchers to present data as information that allows for conclusions to be drawn.
3. Conclusion. The conclusion is summarizing the descriptions of the data in several sentences that contain a brief and concise understanding. The processing of the above data using analysis is then defined systematically which is formulated so that the problems discussed can be understood into a complete concept.

4. Result & Discussion

The research carried out by the researcher is to use behavioral counseling with self-control techniques to overcome the impact of online game addiction on students. In this study, researchers applied behavioral counseling with self-control techniques to research subjects during the treatment process. The research subjects were obtained by the researchers
by conducting interviews with various sources, both from students at SMK Muhammadiyah Karanganyar in the vicinity of the researcher's residence and conducting interviews with the families of the research subjects concerned to obtain supporting information that would be used as supporting data for the research.

<table>
<thead>
<tr>
<th>N o</th>
<th>Meeting</th>
<th>Counseling Materials</th>
<th>Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1st</td>
<td>Conduct an assessment of the level of online game addiction</td>
<td>30 minutes</td>
</tr>
<tr>
<td>2</td>
<td>2nd</td>
<td>Formulate goals with the counselee about the dangers of online game addiction</td>
<td>30 minutes</td>
</tr>
<tr>
<td>3</td>
<td>3rd</td>
<td>Implementing self-control techniques related to the dangers of online games</td>
<td>30 minutes</td>
</tr>
<tr>
<td>4</td>
<td>4th</td>
<td>Implementing self control techniques related to behavioral changes towards parents (lying to parents and ignoring parental advice)</td>
<td>30 minutes</td>
</tr>
<tr>
<td>5</td>
<td>5th</td>
<td>Implementing self-control techniques related to changes in behavior (lazy and fighting with family members or relatives)</td>
<td>30 minutes</td>
</tr>
<tr>
<td>6</td>
<td>6th</td>
<td>Doing follow-up</td>
<td>30 minutes</td>
</tr>
</tbody>
</table>

Based on the interviews conducted, the researchers found five children who met the requirements as research subjects. In determining the research subject, the researcher was guided by the theory presented by [8] which mentions seven criteria for a child experiencing online game addiction, namely (1) salience (thinking about playing online games all day long), (2) tolerance (increasing time playing online games), (3) mood modification (playing online games to escape from problems), (4) relapse (the tendency to play online games again after a long period of not playing), (5) withdrawal (feel bad if you don't play online games), (6) conflict (fighting with other people because of playing online games too much), (7) problem (ignoring other activities, causing problems). Where from the seven criteria, a person can be categorized as addicted to online games if they meet the four criteria.

After getting data about online game playing activities from research subjects, the researchers also conducted data mining on how the impact of online game addiction experienced by the subjects on their daily behavior. This data was obtained by researchers through interviews with the subject's family, in this case the grandmother of the research subject. The data obtained by the researcher from the interview showed that there was an impact of online game addiction on behavioral changes experienced by the research subjects.

Then, the researcher carried out the treatment process by providing behavioral counseling on self-control techniques from November to January 2022. The process of giving the treatment was carried out six times in which meetings were held at the researcher's house with a duration of 30 minutes for each meeting.

<table>
<thead>
<tr>
<th>Baseline session</th>
<th>Playing Online games duration (hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>
5. Conclusion

Based on the results of research that has been carried out, as well as research discussions regarding the application of behavioral counseling to overcome online game addiction, it can be concluded that the level of online game addiction that children experience is in a high condition before being given an intervention. In addition, online game addiction also has an impact on maladaptive behaviors that appear in children, namely lazing, lying to parents, and fighting with family/relatives because of online games. However, after the researcher gave an intervention in the form of behavioral counseling on self-control techniques for six meetings, it showed that there was a change in the level of online game addiction which decreased and maladaptive behaviors turned into adaptive behavior slowly and gradually.

The provision of behavioral counseling with self-control techniques with a stimulus in the form of a video is deemed appropriate to overcome online game addiction and the impact of maladaptive behavior that arises as a result of online game addiction. is also a modeling stimulus to change maladaptive behavior into more adaptive behavior.

References

Developing Project-Based Learning for Social & Sciences Teaching Modules to Increase Learning Motivation at Smk Center of Excellence

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Abstract. The purpose of writing this article is to find out the feasibility of developing a Teaching Module for the subject of the Natural and Social Science Project that can increase learning motivation in class X students of smk Center of Excellence. This type of article is a conceptual analysis using the Research and Development method referring to the Borg & Gall model. The initial trial subjects were 1 class, the 2-class field trial subjects that had not been treated in the initial trials and the operational field trial subjects consisted of 3 classes. The results of the study are in the form of modul ajar which is made in several stages: (1) Analyzing learning outcomes, (2) elaborating learning objectives and the flow of learning goals from learning outcomes, (3) pouring the flow of learning objectives into teaching modules, (4) testing relevance of the teaching module to the Expert Team, and (5) pilot the teaching module. The results obtained are decent teaching modules according to material experts and experts in learning with good categories. The teaching module is considered effective because in data analysis with a t-test on the motivation of learners as much as ..... is greater than t table so it shows there is a significant difference between learning that uses the development of teaching modules and those that use teaching modules without development.

Keywords: Development, Project-Based Teaching Modules, Motivation, Sciences
1. Introduction

According to [1] the fusion of physics, chemistry, biology and social studies which are now merged into the subjects of Project Social & Science (PIPAS) includes the integration between social sciences and natural sciences which includes all aspects of social life in diversity, religious diversity, and cooperation covered in social sciences. The interaction between man and nature, as well as seeing various phenomena that occur with nature, can be explained logically and scientifically with natural sciences. The combination of natural sciences and social sciences allows us to utilize the wealth of natural resources wisely and wisely. The learning process of the IPAS Project can be successful if there is good planning in making learning tools.

Decree Director of Education Vocation Minister Education number 22/d/o/2021 concerning Penetapan Sekolah Menengah Kejuruan Pelaksana Program Sekolah Menengah Kejuruan Pusat Keunggulan in 2021 phase I SMK Center of Excellence (SMK PK) lists SMK Negeri 1 Adiwerna as one of the PK Vocational Schools in Tegal Regency, therefore the curriculum used must follow the curriculum of the Center of Excellence school.

In the Curriculum of the Center of Excellence School, the learning process in the form of teaching modules, is made with the following flow: (1) The existence of Learning Outcomes that have been prepared by the Ministry of Education and Culture, (2) From the existing learning outcomes, a lesson is made (TP) and alur tujuan pembelajaran (ATP), and (3) From ATP is compiled Teaching Module. The teaching module includes a Pancasila Student Profile that is included in the learning objectives and learning activities. At the SMK level, the IPAS Project project prioritizes the application of project-based skills that support vocational materials, but is still adjusted to the conditions of each school.

The Project-Based learning model in the subject of the IPAS Project encourages teachers to always be a motivator that can influence students in doing learning activities. In the school curriculum of the Center of Excellence which emphasizes learning using the Project Based Learning model, it hopes to increase understanding of the material by applying it to the competencies taken by each student in each department in real terms. This is because the Project Based Learning model is a learning that in its presentation relates things that happen in daily life in the surrounding environment. The reality in the field is that teachers still have difficulty in compiling teaching modules, because in addition to the emphasis on using innovative 21st century learning tools, they are also required to use a project-based learning (PjBL) learning model.

Lack of student learning motivation can result in learning achievement. This can be seen from the attitude of students when participating in limited online and face-to-face learning activities. For example, when teachers explain the material they are reluctant to listen and when given assignments most are late collecting them. Some learners are unable to answer the questions either when the teacher gives the questions. As explained by Husnul Abadi (2021) that motivation is the impulse that arises in a person consciously or unconsciously to perform an action with a specific purpose. Fostering learning motivation is very important so that learners can achieve the desired goal of having good achievements in their learning. From the reasons above, a teaching module is needed as a learning plan that can foster motivation and at the same time can improve student achievement.
Some of the problems that will be studied in this study are other: whether project-based learning-based teaching is effectively used in class X students of SMK Center of Excellence and how Project Based Learning-based teaching modules can improve the learning motives of class X students of SMK Center of Excellence at SMK Negeri 1 Adiwerna school year 2021/2022?

2. Literature Review

A teaching module is a number of tools or media tools, methods, instructions, and guidelines that are systematically and interestingly designed. The teaching module is an implementation of the Learning Objectives Flow which is developed from Learning Outcomes with a Pancasila Student Profile as the target. Teaching modules are arranged according to the phase or stage of development of the learner, consider what will be learned with the learning objectives, and are based on long-term development. The teaching module created is expected to assist teachers in carrying out the teaching and learning process so that the achievement of learning objectives in the Center of Excellence Curriculum reaches the maximum. One of the project-based materials that can increase learning motivation is theme 2 about "The Impact of Information Technology Advances on Secondary Formal Education". Project-based teaching modules to increase learning motivation are still simple and whose form of development does not yet exist, so it will be very useful and can be used to meet the needs of PIPAS teachers in class X.

Teaching modules as an implementation of the learning objectives flow developed from learning outcomes. Teaching modules are developed based on learning flows and objectives. Education units can compile, create, select, and modify teaching modules according to the characteristics of the region, educator units, and students. Further provisions regarding the flow and objectives of learning, as well as the development of teaching modules are regulated in the guidelines set by the leaders of the main units in charge of curriculum, assessment, and books.

The Teaching Module contains learning activities as a process of interaction between students and educators and learning resources in a learning environment. The principles of learning in the Natural and Social Sciences project are as follows:

a. Learning is designed by considering the current stage of development and level of achievement of learners, according to learning needs, and reflects the character and development of diverse learners so that learning becomes meaningful and fun.

b. Learning is designed and implemented to build the capacity to be lifelong learners.

c. The learning process supports the development of competencies and character of students in a sustainable and holistic manner.

d. Relevant learning, namely learning that is designed according to the context, environment, and culture of students, and involves parents, the world of work, and the community as partners.

e. Sustainable future-oriented learning

According to [2] since a long time ago the problem of education in Indonesia has never been endless (everlasting problem). Discourse and discourse are always there, but implementation on the ground is determined by policyholders. As a result, achievements that have not been optimally implemented have been new things that must be offered. So that the burden on the world of education of the Indonesian nation is getting heavier. In learning, there is a breakthrough that is able to answer the disruption, the concept of Technological Pedagogical and Content Knowledge is an integration of three different elements, namely technology, pedagogy and knowledge content. So that the project-based teaching module that will be
applied in the Center of Excellence school specifically for the IPAS Project subject uses the TPACK approach. In this learning activity, what is intended is a combination of learning outcomes involving internet media, communication, and electronics in learning even though it is carried out with simple means.

In PIPAS subjects, Learning Outcomes are interpreted as goals / competencies that must be achieved by students in accordance with the phase or stage of development. In the subject of the Natural and Social Science Project, the learning outcomes that will be given in the second semester are all domains in theme 2, namely the Impact of Information Technology Progress on Secondary Formal Education. The domains on theme 2 include: Spatial and connectivity between space and time, Domains of Interaction, Communication, Socialization, Social Institutions, and Social Dynamics. Domain of Behavioral Economics and Well-being

A teaching module is a number of tools or media tools, methods, instructions, and guidelines that are systematically and interestingly designed. The teaching module is an implementation of the Learning Objectives Flow which is developed from Learning Outcomes with a Pancasila Student Profile as the target. Teaching modules are arranged according to the phase or stage of development of the learner, consider what will be learned with the learning objectives, and are based on long-term development. Teachers need to understand the concepts of teaching modules so that the learning process is more interesting and meaningful.

Teachers in educational units are given the freedom to develop teaching modules according to the context of the environment and the learning needs of students. The teaching module is equipped with components that are the basis for the preparation process. Komponen teaching modules in the guide are needed for the completeness of learning preparation. Teaching module components can be added according to subjects and needs. The components of the Teaching module include:

1. General Information
   a. Module Identity
      Information about the developed teaching module consists of:
      1) Name constituents, institutions, and years of compilation
      2) School level (SD/SMP/SMA)
      3) Classes
      4) Time allocation (the determination of the time allocation used is the allocation of time according to the class hours applicable in the respective work units)
   b. Initial Competence
      Initial competencies are the knowledge and/or skills that students need to possess before studying a particular topic. Initial competence is a measure of how deeply a teaching module is designed.
   c. Profil Pancasila Students
      It is the ultimate goal of a learning activity that is closely related to the formation of the character of students. Pancasila Student Profile (PPP) can be reflected in the content and/or learning method. In the learning module, the Pancasila Student Profile does not need to include it in its entirety, but can choose a Pancasila Student Profile that is in accordance with the learning activities in the teaching module.

      The six dimensions of the Pancasila Student Profile are interrelated and integrated in all subjects through (clearly seen in): material/subject content, pedagogy, and/or project or assessment activities. Each teaching module contains one or more elements of the Pancasila student profile dimensions that have been set.
d. Infrastructure
It is the facilities and materials needed to support learning activities. Facilities refer to the tools and materials used, while the infrastructure in them includes materials and other relevant sources of teaching materials used in learning activities. The availability of material is advisable considering the needs of learners either with limitations or advantages. Technology, including facilities and infrastructure that are important to pay attention to, and is also utilized for deeper and more meaningful learning.

e. Target Learners
The targeted students are; 1) Regular/typical learners: general, there is no difficulty in digesting and understanding the teaching material. 2) Learners with learning difficulties: have a learning style that is limited to only one style for example with audio. Have difficulties with language and understanding of teaching materials, lack of confidence, difficulty concentrating long-term, etc. 3) Learners with high achievement: digest and understand quickly, are able to achieve high-level thinking skills (HOTS), and have lead skills.

f. Learning Model
It is a learning model or framework that provides a systematic picture of the implementation of learning. Learning models can be in the form of face-to-face learning models, distance learning in the network (PJJ Online), distance learning outside the network (PJJ Offline), and blended learning.

2. Core Learning
a. Learning Objectives
Learning objectives must reflect the essentials of learning and must be testable with various forms of assessment as a form of show of understanding. Learning objectives determine learning activities, resources used, suitability for student diversity, and assessment methods used. Learning objectives can be of various forms: knowledge in the form of facts and information, and also procedural, conceptual understanding, thinking and reasoning skills, and collaborative and communication strategies.

b. Meaningful Understanding
Meaningful understanding is information about the benefits that learners will gain after following the learning process. These benefits can later be applied by students in their daily lives.

c. Warming Up
Lighter questions are created by teachers to cultivate curiosity and critical thinking skills in learners. Lighter questions guide students to gain meaningful understanding according to the learning objectives.

d. Learning Process
The sequence of core learning activities in the form of concrete learning activity steps, includes alternative options / learning and steps to adapt to the learning needs of students. The steps of learning activities are written sequentially according to the planned time duration, including three stages, namely the introduction, core, and closing based on active learning methods.
e. Assessment

Assessment is used to measure learning outcomes at the end of the activity. Achievement criteria must be clearly determined in accordance with the established learning objectives. Types of assessment: 1) Assessment before learning (diagnostics); 2) Assessment during the learning process (formative); 3) Assessment at the end of the learning process (summative). The forms of assessment that can be done: 1) Attitudes (Pancasila Student Profile) can be in the form of: observation, self-assessment, peer assessment, and anecdotal. 2) Performance (presentations, plays, exhibitions of works, journals, etc.) 3) Written (objective test: essay, multiple choice, fill in, short answer, right-wrong).

f. Pengayaan and Remidial

Enrichment is a learning activity given to students with high achievements so that they can develop their potential optimally. Remedial is given to learners who need guidance to understand the material or repeat learning. When designing enrichment activities, it is necessary to pay attention to differentiation for example learning sheets / activities

3. Method

According to [3] jenis this research is research and development (Research and Development). This model of development in research and development follows the de- sain of [4] which is self-contained over 10 steps. The steps are: (1) collecting information and conducting research and information collecting; (2) planning (planning); (3) development of a preliminary form of the product; (4) preliminary trial (preliminary field testing); (5) revision of the test results (main product revision); (6) field trials (main field testing); (7) revisi product results of fieldtrials an (operational product revision); (8) operational field testing; (9) revision of the final product (final product revision); dan (10) dissemination and implementation of dissemination (dissemination and implementation). The developed product pro is a teaching module. In the first semester, preliminary studies and product development in the form of teaching modules were carried out. In the second semester, product trials were carried out in class X DPIB 2. The next two weeks field trials were carried out in class X DPIB 1 and X TK 3 and the next two weeks trials were carried out in class X TM 3 and class X TO 2. Product trials in development research aim to perfect the product by practicing it directly in the field. The trials were carried out throughout the following stages: (1) initial products (validasi expert material, validation of teaching teachers and evaluation); (2) initial trials (small group trials using the single one shot study method); (3) field trials (field trials using the one group pretest-posttest method); and (4) field tests (field tests with Quasi-experimental methods). The subjects in the study were class X students of SMK Negeri 1 Adiwerna. The small group trial subjects in class X DPIB 2 totaled 18 students, because at that time it was still limited face-to-face with the blended Learning learning model. The field trial subjects in class X DPIB 1 and X TK 3 were 36 students. The field test used classes X TM 3 and X TO 1 sft 1 as the control class of 36 learners and X TM 3 and X TO 1 sft 2 as to the experimental weld of 36 learners. For data collection, several instruments were used, namely observation with product assessment guidelines to obtain data on the validity of teaching modules from material experts and learning experts. Validation sheets are used to determine the effectiveness of the project-based teaching modules produced. After the effectiveness was obtained, the study continued to use a rating scale that aimed to observe the motivation that appeared in students in the learning process. This rating scale uses a likert scale with five scale criteria. This observation work was carried out during field trials, and the interview instrument
test was also used to complete the data obtained from the observation. These instruments are used at the stage of research and preliminary information collection as well as field tests.

[3] states that for the purposes of quantitative analysis, the answers are scored with criterion 5 for excellent criteria, a score of 4 for good criteria, a score of 3 for criteria is good enough, a score of 2 for criteria less and a score of 1 for criteria is very lacking. The interview used is a closed interview to obtain information and explanations from the research subject. The results of the assessment of the collected observation items are calculated as the average score.

The implementation of the kuriculum of the center of excellence school and the problems related to the application of the kuriculum of the center of excellence school need to be carefully studied. At the field test stage, this instrument is used to obtain opinions from teachers regarding the suitability of project-based teaching modules with the expectations of teachers and schools of center of excellence. The questionnaire instrument is used to obtain teacher responses to assess the effectiveness of the products developed and student responses to obtain data on students’ opinions about the learning process experienced. The determination of the score is made on a scale of five.

The data analysis technique used is descriptive data analysis, namely analysis of quantitative descriptive data carried out to analyze observational data. The quality of the teaching module drafts is compiled and analyzed by material experts, student motivation experts before the implementation of initial trials, food la-trials, and field trials. Based on the three results of the trial, a number of quantitative data were obtained. The data is then analyzed to obtain the expected final research product, which is in the form of a project-based teaching module for natural and social science subjects.

The steps for analyzing the feasibility data of the teaching module are carried out by changing the assessment in qualitative to quantitative form. The lowest eligibility criterion of this study was a minimum grade of B with a good category. So, if the results of its average assessment show the final result B, then the product can be considered worth using.

The analysis of the response questionnaire of teachers and participants in the dik was carried out by calculating the average score given by the students. The average score given by the learner is then converted to a scale of four. The questionnaire of student learning motivation is carried out to determinte the value of learning tools in terms of the results of the pretest and posttest through the results of observation of student motivation. The rating scale of learning motivation filled by the observer produces an average score to be analyzed. The average score scored will be converted to a scale of four.

The data that will be analyzed in this study is the learning motivation of students. The analysis was carried out to determine the difference in the increase in learning motivation in the experimental class and the control class. The prerequisite tests that must be met before the t test are the normality test and the homogeneity test. The norm alitas test is carried out to determine whether the data from each variable is normally distributed or not. Normality tests are carried out against motivational standards. The normality test is carried out using the kolmogorov-smirnov test. The homogeneity test aims to determine whether the data in the experimental group and the control group have the same variance or not. The variance homogeneity test was carried out on learning motivation data. The homogeneity test of learning motivation was carried out using the F test with a signifi- kansi level of 5% of [5].
4. Result and Discussion

4.1. Product Validation Results

The results that have been obtained in this study are project-based learning-based teaching modules developed in the subjects of natural and social science projects. The product in the form of a project-based teaching module has been validated by several experts. Data from the validation of project-based teaching modules includes data on the results of assessments by material experts and learning experts. This data is in the form of assessment scores and input on teaching module products whose learning activities and project-based LKPD are developed. Validation carried out by material experts and learning experts gives the results of an assessment of teaching modules that are categorized as excellent. That is, the development of teaching modules to increase the learning motivation of students based on the assessment of material experts and learning experts gives a very good assessment so that it is feasible to conduct field trials at SMK Negeri 1 Adiwerna as a school center of excellence for the technology family.

4.2. Initial Trial

The initial trial was conducted on 18 students of class X DPIB 2. The purpose of this trial is to collect information in the form of the level of effectiveness of teaching modules that can be used as material to improve the product in the analysis of subsequent revisions. The information collected during the initial trial was in the form of teacher assessment results, student response results, observational data on student learning motivation, and final test assessment results. The effectiveness of the learning device is known by filling out the teacher's assessment sheet for the learning device by the class X teacher and filling in the student's response to the learning process that takes place in class X students. Based on the results of the analysis, the total actual score of the teacher assessment obtained in this initial trial was at the interval of good category. This provides information that modules are effectively used in learning. Based on the results of the analysis of the two components of the effectiveness of the teaching module, it can be seen that the teaching module developed is well categorized. In addition, the number of students who assess good category teaching modules has met the effectiveness requirement of more than 80%. Therefore, it can be concluded that the teaching module measured through the teacher assessment component and student response in the initial trial meets the category of effectiveness.

4.3. Field Trial Results

Field trials were conducted on students of class X DPIB 1 and X TK 3. The students used as trial subjects were 36 participants who did not participate in the initial trial. The purpose of this trial is to collect information in the form of the level of effectiveness of teaching modules that can be used as material to improve the product in the analysis of subsequent revisions. The information collected during the field trial is in the form of teacher assessment results, student response results, learning motivation assessments, and final test assessment results (posttest). The effectiveness of the teaching module is known by filling out the teacher's assessment sheet on the learning device by the PIPAS teacher and filling in the student's response to the learning process that takes place by class X students. Pre-centase of teacher assessment of teaching modules reaches a score above 80%. This provides information that learning wars are considered effectively used in learning. Meanwhile, the percentage of student responses to learning tools developed is on average 100%. A large section of students stated that the teaching modules developed thanks to the category are excellent. Meanwhile, the results of the analysis...
of the average total actual score of student responses converted into five scale data also concluded that the teaching module was in the excellent category which indicated that the teaching module was considered effective by students to increase learning motivation.

Based on the results of the analysis of the two components of the effectiveness of the teaching module, it shows that the project-based learning-based teaching module developed has met the effectiveness requirements, which is more than 80%.

The criteria for the effectiveness of teaching modules are measured through an assessment of the learning outcomes test and observation of learning motivation. The results of the student learning outcomes test that meet the complete criteria can be seen in the posttest results of all students who have completed taking the assessment of the learning outcomes test, which is above the KKM of SMK Negeri 1 Adiwerna of 70. This indicates that the teaching modules developed have proven to be effective because students successfully completed the tests given.

### 4.4. Operational Field Trials

Operational field trials to determine whether there are differences in character development and learning outcomes of the influence of information technology on secondary education in Indonesia are used -t tests.

### 4.5. Normality Test and Homogeneity Test

The normality test was carried out using the Kolmogorov-Smirnov test at a significance level of 0.05. The results of the normality test of learning motivation data showed that the price of significance of learning outcomes was sub-theme of the impact of information technology advances on health, learning motivation was greater than 0.05 (Sign (p)>0.05). Thus, Ho is received or the data is normally distributed. This is evidenced by both samples in the population in a homogeneous or equal state. This is indicated by Hitung < F tabel. Thus, Ho is received or the data is homogeneous. Data that are normally distributed and homogeneous are then carried out t-tests (independent sample t-test) with the SPSS program.

The difference is said to be significant if t count > t table. If t count > t the table, then Ho is rejected and Ha is accepted. Based on these conclusions, there are significant differences in the motivation of students who take part in learning without teaching modules and who use teaching modules as a result of development. The difference is said to be significant if t count > t table. If t count > t the table, then Ho is rejected and Ha is accepted. Based on these conclusions, there are significant differences in learning motivation between students who use the teaching module as a result of development and those who do not use the teaching module without being developed.

### 4.6. Final Product Discussion

The final product of this development is a project-based learning-based teaching module to build motivation for class X students of SMK Negeri 1 Adiwerna. Activities in the teaching module spur direct experience, experiments, interviews, demonstrations, group discussions, and doing questions in LKPD. Therefore, teaching modules can make students more interested in learning because every learning in the teaching module is in accordance with the world of students, especially in increasing student learning motivation.
5. Conclusion

Based on the results based on the results of research and discussion, the following conclusions can be drawn.
1) The project-based learning-based teaching module has the influence of information technology on secondary formal education in Indonesia which is developed suitable for use in class X SMK Center of Excellence in engineering clusters.
2) The project-based learning-based teaching module is the influence of information technology on secondary formal education in Indonesia which was developed to increase the learning motivation of students is considered feasible to use according to material experts with excellent scores on learning device products.

References

Development of Mepocha Online Learning Methods Assisted by Microsoft Teams in English Learning

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Abstract. The demands for changes in the digital era based on technology and the situation and conditions of the Covid-19 pandemic affect various aspects of life. Education does not escape these changes by changing direct learning to online learning as a follow-up to distance restrictions. The transition resulted in many problems due to the unpreparedness of both teachers and students both in creativity, innovation, and technological competence. The many features and applications offered have not been used properly in learning. This is where the development of online learning methods is needed and Mepocha which includes meetings, postings, chatting becomes a solution with the help of the Microsoft Teams application.

Keywords: Online Learning Method, Mepocha, Microsoft Teams, Motivation, Achievement

1. Introduction

The digital era demands that the world community experience extraordinary changes in various aspects of life. This affects communication and interaction patterns that involve technological sophistication. This impact is also supported by the situation and conditions during the Covid-19 pandemic which is still happening today. Based on data’s worldmeter (2022), Coronavirus cases stated 524,096,444 with a death toll of 6,292,624 worldwide. Likewise in Indonesia, where data on COVID-19 cases in 2022 reached 6,051,205 with a death rate of 156.481 (covid.go.id: 2022)

This causes urgent changes, especially in the field of education. Policies implemented in the world of education in dealing with this phenomenon by replacing direct learning patterns (face to face class) with online learning. It can be said that these conditions must and are ready to be integrated into teachers and students both through creativity and innovation.
Online Learning according to Bilaqih (2015: p.1) says that online learning is one of the programs for organizing online learning classes with the aim of reaching more massive and wider study groups. Similarly, Thorne in Kuntarto (2017: p. 102) states that online learning is learning that has the concept of using multimedia technology, virtual classes, CD ROMs, video streaming, voice messages, email and telephone conferences, animated online texts, and online video streaming. From this concept, ideally it will be a form of fun learning by utilizing technological sophistication. Students will be brought into their world of play by utilizing technology, so that in online learning it should be able to increase students' motivation and learning achievement. They can learn and get learning resources without being limited by time even wherever they can study.

This situation turned out to be a new problem, where before the development was carried out an analysis of the needs of both teachers and students. An innovation is needed in developing an online learning method because in principle the use of the right learning method will be a tool or strategy in achieving learning objectives. As stated by Djamarah and Zain (2010), it is a learning method as a tool to achieve goals in the learning process, and is used as a tool in managing learning strategies both inside and outside the classroom as well as being used as a tool for extrinsic elements in order to motivate psychologically. Learning in the classroom and outside requires a good process that is managed using good methods, it is so linear to cause and effect in learning in any situation and condition. It can be said that learning methods must be used in a quality learning process because they can affect high and quality student learning outcomes. And in achieving the final result will be associated with how the assessment in terms of affective, cognitive, and psychomotor.

The development of online learning methods is still very rarely carried out by some education observers. Evident from the theoretical analysis is still very little. Various applications and features become many choices, but cannot be applied systematically into learning methods.

The Mepocha method is the result of the development of an online learning method that sees the scope of three basic methods, namely meeting, posting and chatting. These aspects are basically transformed into face-to-face learning simulations directly into virtual learning by taking into account the strengths and weaknesses of each aspect. By using the Mepocha method, at least it can increase students' learning motivation and learning achievement, especially in learning English which in fact includes English skills that must be applied.

In other words, this study aims to determine (1) the needs of students and teachers in online learning, (2) to produce the Mepocha Prototype method that can be used, (3) to determine the validity of the prototype, (4) to determine the effectiveness of the method in online learning, (5) differences in method implementation and (6) knowing students' motivation and learning achievement in online learning, especially English learning.
2 Methods

The research and development method is the basis for this research, which in this research is divided into two important process parts, namely the product feasibility section and the proof of the hypothesis. Borg and Gall (1983: 772) which states that Research Development is a process that is used as a developer to be able to validate educational products. The flow of the basic concepts in this research can be seen in the framework chart below:

In this study, The writer used Mantap (Lima Tahap) of research and development which is the five-stage (steady) research and development model was used, those was the development of Sumarni, Istiningsih, and Nugrahaeni (2019). The Steady Model consists of five stages, namely (1) Preliminary Research, (2) Model/Product Development, (3) Model/Product Validation Test, (4) Effectiveness Trial of Model/Product, (5) Dissemination at master level limited only to stage 4 so that in this study also only reached the product effectiveness test.

The subjects and objects of the research were carried out in a high school...
in Tegal district by taking samples using a sampling technique, namely non-probability sampling on a purposive sampling of 72 students. All data must go through normality test, homogeneity test, and reliability test in order to get accurate data. After the data goes through the test, it is continued on quantitative data analysis. The $t$ test uses the formula

$$t = \frac{M_X - M_Y}{\sqrt{\frac{SD_X^2}{N-1} + \frac{SD_Y^2}{N-1}}}$$

**3 Results and Discussion**

The Mepocha online learning method developed in this study aims to make a significant improvement in learning English at SMA N 1 Slawi, Tegal district. The research and development carried out is not limited to emphasizing the improvement, but how the feasibility of the prototype method and practicality for users, namely teachers, and its implementation for students. According to Gay (1990:10) says that the main goal in research and development is not to test hypotheses but to the results of educational products that can be effectively utilized by school observers. So that the results of the hypothesis will not have a significant effect, but only as a comparison regarding classes that use and which do not, because in education production it is used as new knowledge.

Based on the reference to the Steady (Five Stages) model, it can be explained that the first thing to do is through (1) preliminary research; at this stage the problem excavation is carried out based on needs analysis and theoretical analysis using questionnaires, interviews as qualitative data and test sheets as quantitative data so that initial data is obtained. Previous research is used as a theoretical reference as a product development so that there are no similarities. The analysis is basically seen with the formulation of the problems previously mentioned. (2) The next stage is the product development section, in this stage product development is assisted on how to develop a lesson plan in English subjects then assisted with a Microsoft Teams application. There are a few significant differences from the chart below regarding the learning design before and after using the method. Judging from the steps and linkages of the curriculum concept and the resulting systematics, it will greatly facilitate online learning.
### Differences in Online Learning Plans Before and After Mepocha

<table>
<thead>
<tr>
<th>Method</th>
<th>Learning Steps (Introduction)</th>
<th>Assignment</th>
<th>MEPOCHA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1. The teacher gives greetings in writing and writes attendance via WA Chat/Google Classroom Chat/Team Class Chat.</td>
<td>1. The teacher greets and asks for news regarding student activities during the Pandemic at home verbally and face-to-face using the meeting/zoom/WA Video platform.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Attendance can also be taken from the meeting.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Apperception can be done through PowerPoint presentations that are posted and explained through meetings and learning scenarios.</td>
<td></td>
</tr>
<tr>
<td>Core</td>
<td></td>
<td>Students write mature conclusions in the summary of the material in their notebooks.</td>
<td>Teachers and students collaborate to conclude the material for discussion through chat.</td>
</tr>
<tr>
<td>Closing</td>
<td></td>
<td>The teacher just greeted and reminded the task deadline.</td>
<td>The teacher greets and expresses gratitude for the material that has been discussed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The teacher provides an overview of the learning material in the next lesson.</td>
</tr>
</tbody>
</table>

**Table 1** Differences in online learning plans before and after Mepocha
(3) At the product validation stage and (4) the effectiveness test phase, there will be revisions or improvements because the improvement process will go along with the validity data from experts. A systematic description of the stages of the Mepocha method can be seen from the image below:

**Picture. 2** Stages of Meeting using Microsoft Teams by using Mepocha

**Picture. 3** Stages of Posting using Microsoft Teams by using Mepocha
The next stage is the effectiveness test stage, which in this stage pays attention to the feasibility of the product, namely aspects of method steps, aspects of convenience, aspects of presentation, aspects of the curriculum accompanied by various items in each aspect. From the existing data obtained with an explanation of the feasibility of the 80% step, 83% convenience, 87% presentation, and 85% curriculum feasibility so that the average feasibility is 82.75% and is categorized as valid. Meanwhile, from the point of view of practicality, it is seen from the aspect of usefulness and convenience and an average of 82% is obtained in the usability aspect and 85 in the convenience aspect, so that 85% becomes a data that shows the practicality of the product to be used very practically. The next stage, based on the data that has been obtained, is followed up with testing through the T-test and triangulation techniques so that it can be seen that there is a link and influence from the use of the mepocha prototype method as a result of developing online learning methods on students' learning motivation and learning achievement, especially in learning English.

4 Conclusion

Research on the development of the Mepocha online learning method assisted by Microsoft Teams in English subjects at SMA N 1 Slawi, Tegal Regency has been carried out by researchers and declared valid with the assessment stages of the validators (experts). In the aspect of product feasibility, an average value of 82.75 is obtained so that the average value is included in the valid category. Meanwhile, the practicality analysis stated 85 so that it was considered very practical in learning, especially online learning English. A significant increase in student motivation in participating in learning-on-learning achievement.

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Competency Development Student Entrepreneurship Through Learning Creative Products of Entrepreneurship at SMK Negeri 1 Adiwerna Tegal

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Abstract. Entrepreneurship education in learning is programmed to be mastered by all SMK students. One of them is at SMK N 1 Adiwerna which is the object of this study. In entrepreneurship education through learning Entrepreneurship Creative Products (PKK) on several subjects that support student entrepreneurship, including: 1) Entrepreneurial attitudes and characters, 2) Analysis of business opportunities, 3) Intellectual property rights, 4) Prototypes on business, 5) Product prototype processes, 6) Prototype Work Drawings, 7) Production cost analysis, 8) Making and testing prototypes. The purpose of this study is to be able to develop students' entrepreneurial competencies through learning creative products of entrepreneurship in schools. This research uses quantitative research. The sample of this study used class XI students of SMK N 1 Adiwerna with a large sample of 213 students. The instrument in this study was a questionnaire of 20 multiple-choice questions. Hypothesis testing using a paired sample t-test. Based on the results of the paired test, the t-test sample shows that the sig value. (2-tailed) of 0.000 < 0.05., then Ha is accepted and H0 is rejected, meaning that there is an influence of the application of entrepreneurial creative product learning on the development of students' entrepreneurial competencies.

Keywords: Entrepreneurial Competence, Creative Product Learning Entrepreneurship.

1. Introduction

Vocational High School was developed with the intention of overcoming employment problems through the preparation of skilled labor for the business world and the industrial world. In fact, currently SMK graduates tend to be job seekers and very few are job creators. The waiting period for vocational high school graduates to get a job is sometimes long enough to cause unemployment of educated people who are inevitable. The challenges of the business world make vocational high school (SMK) graduates have to be able to compete higher in order to occupy a position in a large company. With the enactment of the industrial revolution era 4.0, as a human job, it can be replaced with robotic power. With the power of the robot, the effectiveness and efficiency of the work can be improved. The transformation that occurred as a result of the development of technology was so complex and large-scale. This will have an impact on all aspects of human life.

The labor market will change drastically as the impact of automation in the economy. The digital world is on the rise, adding to fears of rising unemployment as the need for a reduced workforce that has resulted from its duties having been replaced by robots and automation. But on the other hand, the industrial revolution 4.0 opens up new opportunities for creative youth, raising the standardization of skilled labor, to continue to exist with all the changes that exist. This is a challenge for SMK graduates who have to compete not only in the...
industrial world, but also must be able to compete in the business world. To compete in the entrepreneurial world, SMK graduates must be able to become a responsible entrepreneur. They must be able to create job opportunities for themselves, not only dependent on the existing industrial world. The Directorate of Vocational High School Development (SMK) of the Ministry of Education and Culture (Kemendikbud) continues to strive to develop entrepreneurship among SMK students. Through the learning of Creative Products of Entrepreneurship (PKK), vocational schools are challenged to produce more young entrepreneurs from SMK. curriculum sub-directorate of the smk development directorate. SMK entrepreneurship education is implemented in various forms of production and business-based learning, such as PKK, teaching factory. This entrepreneurial printer school program is to integrate the concepts of work, continuing studies and entrepreneurship.

Entrepreneurship in Education has a role in changing the mindset and paradigm of students to be oriented towards creating jobs. The Indonesian government strongly supports the growth of new startups, through the regulations and regulations that are being formed making it easier for startups to grow in Indonesia. The government provides support in the form of policy formation and deregulation so as to increase people's intention to become entrepreneurs.[1]

Entrepreneurship education in learning is programmed to be mastered by all SMK students. One of them is at SMK N 1 Adiwerna which is the object of this study. In entrepreneurship education through learning Entrepreneurship Creative Products (PKK) on several subjects that support student entrepreneurship, including: 1) Entrepreneurial attitudes and characters, 2) Analysis of business opportunities, 3) Intellectual property rights, 4) Prototypes on business, 5) Product prototype processes, 6) Prototype Work Drawings, 7) Production cost analysis, 8) Making and testing prototypes. The learning process will be more successful if the learning materials are in accordance with the needs and interests of students. Students will not have an interest in entrepreneurship lessons if in themselves there is no desire for entrepreneurship.

2. Method

Researchers use a quantitative approach with the experimentation method given to class XI students of SMK Negeri 1 Adiwerna Tegal sekabupaten Tegal by taking samples in 7 departments, namely As for the majors in SMK N 1 Adiwerna there are 7 majors, namely: DPIB Department (142 students), TKR (142 students), TKJ (143 students), TAV (141 students), TITL (108 students), TP (107 students), and Tlas (69 students). by taking 25% of the total population, respectively. The samblel collection in each department is DPIB 35 students, TKR 35 students, TKJ 36 students, TAV 35 students, TP 27 students, TITL 27 students and Tlas 18 Students. And take different classes for experimental classes and control classes. Samples were determined using purposive sampling techniques, namely determining samples based on research objectives. [2]

The data collection method uses questionnaires, observations and documentation. The analysis techniques used are validity tests using the product moment correlation formula, reliability tests with alpha-cronbach formulas, and hypothesis testing through t tests.
3. Discussion

Learning Creative Entrepreneurship Products (PKK) with a duration of 14 hours can be used by students to practice business directly and students more easily understand entrepreneurial learning. So that when students graduate from SMK can realize one of the competency standards for SMK graduates according to Government Regulation Number 19 of 2005 and Regulation of the Minister of National Education of the Republic of Indonesia Number 23 of 2006, namely producing graduates who are ready for entrepreneurship. Entrepreneurial learning that uses a regular system is considered unable to help SMK students understand entrepreneurship because entrepreneurial learning is more dominant with the delivery of theory so that student orientation is only limited to getting grades. This is also the provision for graduates that entrepreneurship not only produces products, but how to run their business clearly and programmatically, so that they can understand the weaknesses and advantages of their products and make products acceptable in society according to their target market.

According to ([3]:76), there are two ways to instill an entrepreneurial mentality in students in schools. First, integrate entrepreneurship education into the curriculum. In the curriculum, the scientific character of entrepreneurship should be designed to know (to know), do (to do), and become (to be) entrepreneur. The educational objectives of to know and to do are integrated in the learning curriculum, distributed in various scientific subjects. The school provides entrepreneurship subjects through the PKK aimed at providing motivation and forming an entrepreneurial mental attitude. For the purpose of being an entrepreneur, it is given in practical business skills training. Second, students' extracurricular activities need to be systemically packaged and directed towards building motivation and entrepreneurial mental attitudes. The coaching of learners in various activities of interest and talent, science, welfare or organization should also be directed to provide entrepreneurial skills.

Through PKK learning, teachers direct all efforts, energy and thoughts to increase student entrepreneurship creativity. Teachers are professional educators with the main task, educating, guiding, teaching, training, assessing and evaluating students in vocational education in shaping the character of an entrepreneur. This is reviewed from 3 (three) indicators, namely Teaching entrepreneurial skills, Teaching entrepreneurial characteristics, and providing opportunities to create and innovate. This is supported by teachers who provide material on entrepreneurial skills in the learning process in the subject of creative products of entrepreneurship.

Seeing the condition of entrepreneurship in Indonesia, there are several things that need to be considered so that the learning process at SMK is able to produce graduates who have entrepreneurial character and behavior. One of them is by learning creative products of entrepreneurship in developing curriculum. PKK learning in the educational process is very decisive to realize quality education. Through PKK learning with theory and direct practice in the field, teachers must be more optimal in carrying out their roles and duties as educators by developing creative ideas in entrepreneurial learning so that students are able to improve their quality, independence, knowledge, and insight as well as motivational encouragement and facilitate students to be able to develop themselves. This is in line with research conducted at SMK N 1 Adiwerna Tegal, where there is an influence of learning creative products of entrepreneurship on the development of students' entrepreneurial competencies.

The results of this study show the influence of PKK learning on the entrepreneurial competence of students at SMK N 1 Adiwerna Tegal. The positive result is that there are children who practice directly for entrepreneurship both inside and outside of school. And they
have been able to make business plans in carrying out their business, this can prove an increase in entrepreneurial competence in students. The influence of learning outcomes of Creative Products and Entrepreneurship subjects in increasing the entrepreneurial competence of students at SMK N 1 Adiwerna was analyzed using a simple regression analysis. The results showed that the F-count of 86.71 was greater F-table by 3.89 and the significance of F by 0.000 was smaller than the σ of 0.05, so the results of the study could be concluded that the variables of the subject of Creative Products and Entrepreneurship had a significant effect on the variables of student entrepreneurship competence. The results showed an R value of 0.81 meaning that the relationship between creative products and entrepreneurship lessons in increasing the entrepreneurial competence of students at SMK Negeri 1 Adiwerna was very good. This can be seen from the correlation value of 0.81 including the coefficient value between 0.800-1.000 which states a good level of relationship. The value of the coefficient of determination was 71.9% while the remaining 29.1% was influenced by other free variables that were not studied in this study.

4. Conclusion

Based on the results of the research above, the learning of creative products of student entrepreneurship affects the improvement of student entrepreneurial competencies at SMK N 1 Adiwerna Tegal. Evidenced by the calculated F-value of 86.71 greater F-table by 3.89 and the significance of F by 0.000 is smaller than σ of 0.05. The value of the coefficient of determination of 71.9% means that the percentage of Creative Products and Entrepreneurship lessons in increasing student entrepreneurial competence is 71.9% while the remaining 29.1% is influenced by other variables outside the variables of this study.

References

Waste Management Implementation: A Case Study of Bintang Sejahtera Waste Bank at Tanak Awu Village, Central Lombok, Indonesia

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Abstract. In terms of environmental and economic concerns in Indonesia, waste management is critical. One option for addressing waste problems is a waste bank. Bintang Sejahtera Waste Bank is a waste management pilot initiative conducted by a community group in Lombok. As this study used a descriptive qualitative approach to examine how the Bintang Sejahtera Waste Bank manages waste. The findings revealed that the waste management process is separated into two phases: waste milling phases and waste pressing phases. From this point, the researcher believes that waste management is compelling the waste bank to share the public's understanding of how essential waste management is. It is hoped that by teaching and socializing the program, people would become interested in collecting and delivering their garbage to the waste bank. Meanwhile, the rise in societal wealth is not dramatically altering, but local groups are still becoming empowered in terms of work possibilities that may sustain their economies. as waste management pilot project in Lombok, There is a need for waste recycling management training and coaching so that it may be reused as one of the waste management principles. Strong rules and supporting facilities are required so that people do not toss rubbish everywhere.

Keywords: Community Participation, Waste Bank, Waste Management

1. Introduction

Waste problem in this period has become a challenge and a major concern in a country's environmental problems. Waste generation will not decrease or run out and will even continue to grow along with the growth of human population and the complexity of human activities. The accumulation of waste that is getting bigger from day to day will reduce space and disrupt human activities so that the human goal to improve the quality of life actually makes the quality of life decline or hampered due to the problem of the waste generation [1]. In Government Regulation No.81 of 2012 on the Management of Household Waste, it is specified that household waste is waste which originates from daily household activities which do not involve particular feces and waste. Type of household waste is a waste that comes from commercial areas, industrial areas, special areas, social facilities, public facilities and/or other installations.

The waste has a serious threat to the natural environment, economy, and society. Waste contains hazardous materials that directly affect the function of the natural environment which is the main supporter of life. Waste that is not treated properly can disturb the environmental aesthetics, cause odors and contribute to the creation of diseases. Environmental waste
disturbances can arise from the source of the waste, where the waste producer does not properly handle the waste. When viewed from an environmental viewpoint, waste is 'costly' material because it can have local, national, and global environmental impacts. From an economic viewpoint, waste is the value of objects that have been lost, which has a negative effect on mankind (can be in the form of disturbances; diseases and foul odors) and costs are not insignificant (for processing and in the long-term storage) [2].

As one of the biggest problems at this time, waste in Nusa Tenggara Barat (NTB) province, people can produce approximately 1,400 m$^2$ of waste per day. Unfortunately, 30–40 m$^2$ of the total cannot be completed optimally. Seeing this, one of the community associations or commonly called a community organization in Central Lombok called Tanak Awu village, made this community aim to reactivate the role of society in controlling, making, participating until evaluating the program and improving the quality of society itself [3][4].

This community organization comes from Tanak Awu Village, Central Lombok district in West Nusa Tenggara Province which called Generasi Bintang Sejahtera Foundation. The initial formation of Generasi Bintang Sejahtera Foundation was due to several factors, such as: lack of local community participation in the village development process, the existence of environmental problems that cause health problems including the amount of waste in their villages, lack of community skills and expertise, lack of economic income, and waste problems. Focusing on the waste management, this Generasi Bintang Sejahtera Foundation community is trying to solve it by utilizing and reducing existing waste in the community and trying to attract participation, reduce the impact of waste, address environmental problems and increase revenue through waste, therefore one of the efforts is by establishing the Bintang Sejahtera Waste Bank.

Bintang Sejahtera Waste Bank is a social enterprise in waste management that adopts waste bank model that has been supported by the Indonesian government since 2008 as one initiative to solve waste problem at grass-root level. Further, this research will talk about how the Bintang Sejahtera waste bank works in managing the waste as the community organization in Tanak Awu Village, Lombok, Nusa Tenggara Barat Province.

2. Method

This study uses the qualitative descriptive method. Descriptive qualitative method is research aimed at understanding phenomena encountered by study subjects such as action, interpretation, motivation, behavior, etc. that are holistic through explanations in the form of words and sentences, in a specific sense that naturally uses multiple natural methods (Basrowi, 2008). This research will conduct the data in Tanak Awu Village, Central Lombok District at West Nusa Tenggara Province, Indonesia. The unit of analysis on this research is mostly the household that lives in Tanak Awu village and focusing on the management of Bintang Sejahtera waste bank which is runs by the Generasi Bintang Sejahtera Foundation as the community organization in that village. This unit of analysis is conducted by researchers so that the validity and reliability of research can be maintained, and researchers can distinguish between research objects, research subjects and data sources.

3. Result & Discussion

3.1 Bintang Sejahtera Waste Bank’s Background

The Bintang Sejahtera Waste Bank was established in July 2010 with the aim of finding solutions to waste problems, developing local entrepreneurship, empowering communities, and supporting the Nusa Tenggara Barat province government to manage waste and the
environment. This project is a community-based waste management program. The founder of this waste bank is Mr. Syawaludin. The other reasons he chooses to create a waste bank are 1) he loves to take care the environment. He learns a lot about it from a bunch of resources. It turns out that he creates The Waste Literacy Movement. The Waste Literacy Movement is an initiative aimed at enhancing the Character Care for the Environment, where it aims to be involved in the development of community habits from an early age and to make positive and sensible choices and implement them in daily life, why starting by sorting the waste according to categories and types. 2) Lack of waste management program in NTB province. The growth in population and the arrival of visitors is triggering an increase in the amount of waste. Many people littering on the side of roads, waterways and beaches cause pollution, flood, some of the areas that look polluted and the amount of waste in the landfill is increased. 3) Knowing the market and the costs of waste. The improvement and demand of waste is one of the reasons. In the Lombok island, mainly in Java, they have a waste collection system (by machine). So, he wanted to collect as much waste as he could, and send it to other places like East Java, which later could convert it into valuable stuff. From this, his optimism has increased, he recognizes that waste has an outcome on the health of society. So, he's trying to expand his waste bank by disseminating knowledge and informing people to encourage them to join in, creating a waste bank management book that includes his waste bank profile and distributing it to the government and other villages to attract new waste bank comers.

Nowadays, this Bintang Sejahtera waste bank is one of the oldest and a pilot project in Lombok. Through the experiential ups and downs they have experienced, this waste bank is growing rapidly, a lot of other rural society is seeking to learn how to create a waste bank in their rural.

Figure 1. The Hierarchy of Waste Bank in Lombok Island (Source: Bintang Sejahtera Waste Bank)

Recorded, since 2010 to 2020, there are more than 270 waste banks registered in the Bintang Sejahtera waste bank. Bintang Sejahtera is the hub of the waste bank, which means that all the waste bank units are giving their waste collected by the villagers to this waste bank. Most of the regulations and programs come from the Bintang Sejahtera waste bank. Those community-based waste banks in the province of Nusa Tenggara Barat were educated and worked under their business coaching and network. The problem experienced by Bintang Sejahtera Waste Bank is the existence of a waste bank unit and branches that is not being maintained due to the fact that people around the village rarely collect or give their waste to the waste bank. They prefer to throw it in the village trash directly. This causes the waste bank to
operate rarely and cannot get income in running the waste bank operations. So, some of them are hardly maintaining the waste and or even close.

3.2. Waste Management

In managing the waste, Mr. Syawaludin is start by creating the mindset of society about the importance of waste managing. By delivering the socialization about waste management, the need of head village is really important to gather and inform the society. The lack of head village participation will affect the spread of information held by the waste bank and the public awareness will not increase significantly. The society are required to know the criteria of the waste (organic and non-organic) which he gave education through socialization to all community about how to sort out the waste by its classification starting from the household level.

In the Bintang Sejahtera waste bank, the waste management process is a process that begins with sorting the types of waste, removing the labels attached to the plastics, and then going to the weighing stage where the waste is separated. The table below shows the price and types of waste that managed by the Bintang Sejahtera waste bank:

<table>
<thead>
<tr>
<th>No.</th>
<th>Waste Type</th>
<th>No.</th>
<th>Waste Type</th>
<th>No.</th>
<th>Waste Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Mix (Plastic, Metal)</td>
<td>17.</td>
<td>Cardboard</td>
<td>33.</td>
<td>Bottle Cap Mix Color</td>
</tr>
<tr>
<td>8.</td>
<td>Duplex Mixed</td>
<td>24.</td>
<td>Snack Packaging</td>
<td>40.</td>
<td>PET / Mixed Bottle</td>
</tr>
<tr>
<td>10.</td>
<td>Aluminum</td>
<td>26.</td>
<td>Crackle Color</td>
<td>41.</td>
<td>PET / Fuel Bottles</td>
</tr>
<tr>
<td>11.</td>
<td>Iron Mix</td>
<td>27.</td>
<td>Crackle Limpid</td>
<td>43.</td>
<td>PET / Green Bottle</td>
</tr>
<tr>
<td>13.</td>
<td>Iron Super</td>
<td>29.</td>
<td>Plastic Housing</td>
<td>45.</td>
<td>PET / Light Blue Bottle</td>
</tr>
<tr>
<td>14.</td>
<td>Super / Thick Copper</td>
<td>30.</td>
<td>Bronze</td>
<td>46.</td>
<td>PET / Clear Bottle</td>
</tr>
</tbody>
</table>
From the table above, we can see, every type of waste has their own price. The customers need to follow the requirement before they sell their waste to the waste bank. The requirement is:

a. Prices can differ depending on market price fluctuations and will be distributed on the basis of conditions.

b. The two types of prices above are the purchase prices by the Bintang Sejahtera Waste Bank to all partners using the pick-up or drop-off transportation system.

c. For the purchase price of goods at partners / branches / units, please adjust the margin requirements which will be determined based on the purchase price from the Bintang Sejahtera Waste Bank.

d. The items we weigh must be clean from contaminants such as: water, wood, cork, sand, food, soil and other waste that is not included in the purchase list. If there are still contaminants above, we will apply the following rules:
   • We will tolerate it for the first time by applying a shrinkage value according to the condition of the weighing item.
   • For the second weighing time onwards, in addition to applying a shrinkage value according to the condition of the weighing item, we will also impose sanctions in the form of price reduction according to the type of goods containing contaminants.

e. For the following types of waste are temporarily NOT taken while waiting for a better situation, there are:
   • Clear Glass Bottles (Syrup Bottles)
   • Shards
   • Crackle
   • Used sacks
   • Used tires

After knowing the waste types, the household can give their waste to the waste bank near their location. Bintang Sejahtera waste bank has procedures in it when someone wants to deposit their waste. A person must first register as a Bintang Sejahtera waste bank customer by showing their ID card / waste bank book. Bintang Sejahtera waste bank prepares administration such as master books, customer account books, and price lists for types of waste. Each customer of a waste bank must carry a waste savings book so that they can record how much waste is weighed.
From the figure above, the procedure of waste collection in Bintang Sejahtera waste bank require all the customers have to sort out their waste before collecting them to the waste bank. Every society (member or non-member) can give their waste to Bintang Sejahtera waste bank. In the delivery process, the Bintang Sejahtera waste bank has two types of delivery process, there are pick-ups and deliveries. The price of the pick-up and delivery system will of course be different later. Based on Bintang Sejahtera waste bank customers, there are several methods used by employees to collect waste. If the customer is a regular customer, they can deposit plastic waste at any time to the Bintang Sejahtera waste bank by coming in person. Bintang Sejahtera waste bank will serve a waste pick-up system if the customer does not have a vehicle to deliver the plastic waste to the waste bank or can contact the employees of the Bintang Sejahtera waste bank directly. The customers of the Bintang Sejahtera waste bank unit group are groups of people formed by individuals who have at least a chairperson. The activity carried out is buying plastic waste around it and then selling it back to Bintang Sejahtera waste bank. Once they collected the waste, the member data and waste type are being recorded along with the weighing process. The process of input data is being used. Both customer and waste bank will get the result about how many kilograms and money they will get.

The customer can freely choose whether they ask for the cash out or saving into a saving book which they can get later in the form of money or some programs offered by Bintang Sejahtera waste bank. Some of the programs offered by the Bintang Sejahtera waste bank are:

**3.2.1 Pawnshop**

Pegadaian is an Indonesian state-owned financial sector that operates in three business lines, namely financing, gold, and various services. Cooperating with Pegadaian the programs are a) Turn waste into Gold, b) Turn waste into Hajj voucher (Hajj is the annual pilgrimage made by Muslims to the holy city of Mecca in Saudi Arabia, in the Middle East), and c) Motorcycle tax payments.

**3.2.2 University of Nahdlatul Ulama NTB**

The benefit of this agreement is students are able to pay the tuition fee from collecting waste and put it on the university waste tank, which later the Bintang Sejahtera waste bank will come to collect it and proceed all the waste and decide about the payments.
3.2.3 Mosque

Society can deliver their waste in the mosques which have a waste bank in their village. This is aims as a free donation for the development of mosque. The waste bank will turn the waste into money which later they give it to the mosque administrator as their savings.

Furthermore, all of the customers need to follow all the regulation and requirement once they sell their waste. The problems that faced by the waste bank and customers is the different price of the waste. Every waste bank has their own price which makes the people is looking a waste bank with higher price. It is ok to sell the waste to another waste bank, but since the waste bank has own regulation and works together with another waste bank, they will not give the fixed price (higher) to the people who wants to sell their waste to another waste bank since they are not the waste bank customers[6].

Plastic waste that is collected in the Waste Bank comes from individual users, groups of village waste bank units, as well as schools ranging from primary school, secondary school, and college. In addition to saving plastic waste, operations in Bintang Sejahtera waste bank export waste to manufacturers, where the plastic waste process is later sold to plastic companies who transform plastic waste into finished products.

1. Pressing Process Phase

Today, the method of recycling plastic waste is becoming very common. However, only some recycling has been carried out. Although there are many alternate recycling processes that are more successful and have positive hopes for the future, one of which is that plastic waste is becoming stronger. The use of plastic waste of different shapes and models has been widely used. Plastic waste treatment needs to be handled in such a manner that the environment is clean and does not create disasters such as flooding and diseases caused by unmanaged loads of waste.

This plastic waste press process is one of the techniques used by the Bintang Sejahtera waste bank, the press machine is used the hydraulic press machine. Hydraulic Press Machine is a paper, cardboard, can or plastic press instrument that is ready to be delivered to a recycling factory for the next step. The existence of this hydraulic press machine is very important considering that these materials are very large in volume. The effects of the press machine will then minimize the volume so that the distribution process can make it easier, both in terms of cost and in terms of technical distribution.

![Diagram of Pressing Process Phase](image)

**Figure 3.** Pressing Process Phase on Waste Plastic PET by Bintang Sejahtera Waste Bank

Source: Bintang Sejahtera Waste Bank

The figure above shown that the early stage weighing was the first step to begin. The waste bank will classify the PET plastic which only can be used and pressed as the requirement from the business partner. Before they put into the Hydraulic Press Machine, they have to clean the classified PET plastics from the brand labels and bottle caps, then put them based on their classification. The pressing process using a hydraulic press machine takes about 30 minutes to complete.
The plastic waste that has been pressurized using a pressurized system will be accompanied by a wrapping procedure (packaging) using a sack layer on the last pressed plastic. Placing the sacks on the top and bottom layers of the plastic that is pressed is intended to make it easier to bind the plastic waste and to ensure that the waste that is pressed does not disintegrate. If the plastic waste is sturdy and neatly bonded late, the plastic press may be separated from the hydraulic press. The next step is to weigh the results which is intended to assess the amount of the plastic pressure. The size of pressing waste is 90 cm x 75 cm x 95 cm and for the weight is approximately 55 - 70 kg.

2. Milling Process Phase

Bintang Sejahtera waste bank is a pilot waste bank in Lombok that manages and recycles waste into products of economic value. Bintang Sejahtera Waste Bank handles waste by pressing and milling phases of production, which will later be distributed to milled and pressed waste processing companies. The phases of milling waste can be seen in the figure below.

**Figure 4.** Milling Process Phase on Waste Managed by Bintang Sejahtera Waste Bank

Source: Bintang Sejahtera Waste Bank

The key raw materials to be processed at this point are transparent glass, colored glass, bucket, and others. The sorted waste process is the first step to proceed in the waste milling process. Through separating out the waste, the Bintang Sejahtera waste bank will quickly classify the plastic depending on their types and colors, which would differentiate the brand name from the bottle caps. So that the output of milling is one form of plastic of the same color, so the quality of milling would influence the sale price [7]. This is because not all types of plastic can be recycled at this phase. Other kinds of plastics, such as plastic foil, other plastic bags cannot be recycled, or plastics that are in very bad condition can no longer be recycled.

Second step, after cleaning the plastic waste, the milling and washing process is carried out by loading the plastic into a system that has been turned on. This plastic washing operation to be recycled is generally followed by plastic shredding. The sorted plastic is then inserted into a plastic cutting machine (this cutting and washing process is always done separately for each type of plastic). From the milling machine, the plastic which has become small sheets with a size of ± 1cm² will be mixed with water and washing soap which will then be accommodated in a certain container. The result of milling into plastic undergoes milling to the size according to the essence contained in the machine, the source of water for washing plastic waste is from ground water that is collected in the reservoir.
The plastic wash would be better if the plastic is first soaked so the surface area is limited enough that it can be assumed to be washed by briefly washing in plastic soapy water. This method of washing is done for plastics processing in small to medium scale industries. After a bit, it was soaked in the laundry basket for ± 5-10 minutes. The washing process is important because if the washing is not clean it can cause failure in the next process.

The plastics produced from this milling process are plastics that have gone through the gauze pore size filter. In each milling process, a plastic residue that has not been fully filtered is created so that it cannot move through the filter. However, this residue may be reprocessed at the same stage of the process. Failure of the process is typically caused by dirt, such as dust or ashes, which has not been properly cleaned during the washing process. As a result, the washing process plays an important part in plastic processing, since the cleaner the washing, the quicker the plastic is to melt to be a small particle. Repeating the procedure for the reprocessing of non-recycled plastics would reduce work efficiency and increase costs.

Third step, drying process. Plastics that have been cleaned and milled can be removed with a sieve and then put in a plastic bag for drying/aeration. The plastic from each of the bags was dry within 4-7 days. In a large industrial scale, a dryer typically needs a blower, but the purchase of a blower requires higher costs in addition to the investment costs as well as the cost of the electricity supply. Fourth step, packaging process. The packaging that is carried out aims to make it easier to weigh the results of milled plastic waste so that it is not scattered, facilitate transportation, the sacks used are gunny sacks with a capacity of 80 kg for milled plastic waste. The waste that has been pressed has different weight, depending on the type of plastic. For plastic cups that have been pressed, the is weigh 40 kg/sack.

When the plastic waste has been packed, the plastic waste will be taken to the storage warehouse. The purpose of storage is to collect all types of plastic waste that have been milled and stacked together, the maximum pile of processed plastic waste reaches 15,524 tons and a minimum of 10,206 tons will be sent to PT. Sumber Plastik, Sidoarjo, East Java that is the center for plastic waste recycling.

Bintang Sejahtera implements an Integrated Community Based Waste Management System through the Waste Bank Program, which includes 4R activities, namely Reduce, Reuse, Recycle & Replant. This is in line with the basic principles of developing a participatory & sustainable circular economy. The NTB Provincial Government itself has launched NTB Zero Waste in 2023, as one of the main priorities in the 2018-2023 Regional Medium-Term Development Plan. A 30% reduction in waste generation and up to 70% waste handling are targets of the NTB Zero Waste Program until 2023.

The initial objective of the Bintang Sejahtera Waste Bank is to help with the treatment of waste in Indonesia, especially in the West Nusa Tenggara Province, and to make people aware of a safe, sustainable and clean environment. They are trying to provide waste management education to local governments, schools and villages. Education involves Socialization and Educational Awareness Workshops, Trainings, Conferences and Business Counseling, meaning targeted audiences can take the initiative to set up waste bank systems in their respective societies.

At the time, Bintang Sejahtera, through its corporate agency, recycled more than 50 tons of waste each month. They raise money from recyclable waste obtained from community-based waste banks, schools, and private industries (e.g. restaurants, schools, hotels) by five steps; gather, divide, press, mill, and pack. (Syawaludin, 2020). The society has become conscious, through the Waste Bank, that waste, which has been overlooked by its presence, will potentially have an economic effect on the community. The economic value of the waste is stored or saved
by the customer, and the savings will usually be made by the customer by the time they have decided.

Bintang Sejahtera Waste Bank also helps the community to develop the ability of its consumers to use waste through waste management. The effect of the waste bank can be seen from the perceived economic point of view. According to the findings of this report, the economic effect;

1. **Job Creation**

   With the waste bank, every activity carried out in the waste management process always includes the society surrounding the waste bank. For work done by housewives, it typically begins with 1) sorting the waste that is meant to sort the waste according to its type. In addition, 2) the process of drying waste is done after milling and pressing process.

   As for the men and youngster, they are assigned to 1) waste collection (transporter) at each unit waste bank that will sell their waste, 2) waste weighing, 3) machine operation in the process of milling and pressing waste, 4) packaging process, and 5) the process of loading waste into the transport cargo (truck) which will be sent out of the area as a final process. The activity of recycling waste into new products is carried out by all groups, from school children, youth organizations, to housewives. But the majority that is involved in this process are housewives who intend to get more income.

2. **Additional Income through the Waste Sales Program**

   In addition to earning more income by providing new jobs to local communities, they also earn income from selling the collected waste and selling it to the waste banks where they live. Looking at some literature sources and the results of the interview, it can be said that every citizen can feel the economic results of this waste bank. Although even it is not significantly improving their income, they are willing to provide a little help to gradually restore the family economy. The main objective of Lombok residents in these programs are to reduce the uncontrolled amount of waste, reduce the occurrence of diseases and disasters caused by piles of waste, as well as additional activities for housewives who spend their time at home.

   Each waste bank has its own ways of managing its waste, some waste bank just being a waste collector, some focus on collecting and making handicrafts made from the waste, some are innovating themselves in turning the waste into building materials such as brick substitutes and paving blocks, and others. At Bintang Sejahtera waste bank itself, they only focus on purchasing waste, pressing and milling waste, and selling waste to a waste recycling center on the Java island. In the activity of waste recycling, Bintang Sejahtera waste bank is rarely focused on this time, but they also made an item such as sofas that will later be used for their office purposes. In addition, they also provide a socialization program for each waste bank that invites them as speakers for a training program for recycling reusable waste.

   Bintang Sejahtera Organization has created employment possibilities (full time, part time and volunteer work) as well as extra revenue for local community. Their market strategy is one of the main achievements in ensuring the viability of community-based waste management in the province of West Nusa Tenggara. They agree that together we will preserve our world as the greatest legacy for our next generation.
4. Conclusion

The waste management run by the Bintang Sejahtera waste bank has several phases and processes, beginning with waste delivery; sorting the waste in the household, delivering the waste to the waste bank, waste recording process, waste weighting process, and waste submitting values to determine whether the customers will receive money directly, save money, or pay for the program they have chosen. The waste management process is divided into two phases: milling and pressing. The final waste will be sent to the company that has a corporate relationship with this waste bank at the end of all processes. On the other side, the waste management carried out by the Bintang Sejahtera waste bank has a positive influence on the people's economic situation. According to reports, they received an income but did not significantly better their financial situation. It has also led them to an activity that would help them cope with the waste problem. Even if it is only a part-time employment, job creation occurs in this waste management. The objective is that this waste bank would like to provide the passage to all society by raising awareness through socialization and training programs, with the goal of broadly expanding the waste bank. This waste management will have an impact not only on the economic side, but also on the social and, most importantly, the environmental side.

As a waste management pilot project in Lombok, Bintang Sejahtera waste bank can work more closely with the community and the government in increasing corporations and collaboration in handling the increasing number of wastes along with the increasing population. Socialization continues to be carried out on a daily basis with a view to spreading information on the value of waste management in everyday life. The value of citizen engagement in helping authorities and waste banks cope with waste concerns. There is a need for waste recycling management training and coaching so that it may be reused as one of the waste management principles. Strong rules and supporting facilities are required so that people do not toss rubbish everywhere.

References

Urgency of Amendment The 1945 Constitution in Realizing Consolidation of Democracy in Indonesia

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Abstract. One of the important reform agendas is to create a democratic country. The 1998 reformation was the initial phase of democratization in Indonesia, one of which was marked by changes to the constitution, namely the amendments to the 1945 Constitution which were carried out by the MPR. The amendments of 1945 Constitution were carried out with the aim of accelerating the democratization process in Indonesia and realizing a consolidated democracy. This study analyzes the urgency of the amendment to the 1945 Constitution in realizing the consolidation of democracy in Indonesia. The theory used in this research is Dahl's constitutional theory and Larry Diamond's theory of Consolidated Democracy with a juridical normative approach. The results of this study are that fundamentally the amendments to the 1945 Constitution have been in accordance with the ideals of democracy, but problems arise in practice and implementation, there are still some basic problems in the 1945 Constitution that must be changed in order to create a consolidated democracy. The things that must be changed include, among others, the addition of the Basic Principles of State Policy in the 1945 Constitution, the arrangement of the authority of the MPR and the arrangement of the authority of the DPD.

Keywords: Amendment, Consolidate Democracy, Democratization

1. Introduction

The end of the New Order era in 1998 was the initial phase of democratization in Indonesia. Samuel Huntington in his book entitled Third Wave of Democratization mentions the phenomenon or wave of democratization is a change or change in various regimes that were previously non-democratic to become democratic [1]. In Indonesia, this event was marked by the end of the New Order era towards the Reformation era. In addition to the reform phenomenon marked by the resignation of Suharto from power, the next monumental phenomenon that occurred in Indonesia was the amendment of the 1945 Constitution, which was carried out by the MPR four times in 1999-2002 as one of the implications of the democratization process. This is considered phenomenal because almost no one thinks that the 1945 Constitution which is considered sacred was then amended, even up to four times [2].

The amendment of the 1945 Constitution has been considered as the first step in realizing the consolidation of democracy in Indonesia. In fact, some people think that the 1945 amendment can lead Indonesia to a consolidated democracy, because the various contents of
the amended constitution are considered to be in line with the goals of democracy. However, up to 24 years of reform, there are still some aspects of the 1945 Constitution which are expected to be amended in order to realize the consolidation of democracy. The discourse of the fifth amendment to the 1945 Constitution was then echoed by several parties with various considerations, among others, for the realization of a democratic state administration system [3].

Based on the description of the background of the problem above, this research focuses on the implementation of the amendments to the 1945 Constitution in the life of the nation and state and their influence in strengthening the democratization process in realizing the consolidation of democracy in Indonesia.

2. Method

This research uses qualitative research methods with normative juridical methods. Normative juridical research is a legal research method conducted by examining library materials or secondary data [4] . The technique used in data collection is literature study technique. Literature study, carried out by collecting library materials obtained from various literatures or books, and legislation related to the problems in this research. This study uses two main theories to analyze and answer research questions, namely the Constitutional theory by Robert Dahl [5] and the theory of consolidation of democracy by Larry Diamond [6] .

3. Discussion

3.1. Implementation of Amendments to the 1945 Constitution

Amendments to the 1945 Constitution have been carried out in stages four times, namely in 1999-2002. The most basic things related to the amendment to the 1945 Constitution are, among others, because the 1945 Constitution before the amendment was considered to provide a gap for the continuation of an authoritarian political system, such as in the era of guided democracy and the New Order era. In addition, in the 1945 Constitution before the amendment, it gave very large powers to the president (executive heavy), the distribution of power was disproportionate between the executive, legislative and judicial institutions, there was a mechanism for checks and balances that was strong and minimal and the content of human rights was minimal [2].

Amendments to the 1945 Constitution are closely related to democracy in Indonesia. There are several main impacts of the amendment to the 1945 Constitution, among others, first, namely the recognition of people's sovereignty. After the amendment to the 1945 Constitution, the fundamental change experienced by the Indonesian people was the guarantee of people's sovereignty. Prior to the amendment, the people's sovereignty was fully in the hands of the MPR. The next change is the principle of strengthening checks and balances between branches of state power, which consists of the executive, legislature and judiciary. After the amendment, there is no longer a higher position institution, all institutions can control each other.
The third change is the limitation of presidential powers and the empowerment of parliament. As explained in the previous explanation that prior to the amendment to the 1945 Constitution, the executive had enormous power, even the legislator was the president. However, after the amendment, the president no longer has the power to make laws, even the amended 1945 Constitution states that each draft law (RUU) must be discussed by the DPR and the President to obtain mutual approval. In addition, the 1945 Constitution also places a limit on the term of office of the president, namely only two terms, previously there was no limit to the periodization of the office of president and vice president. In addition, the president can be impeached under certain provisions, such as being suspected of committing a disgraceful act, violating the law, violating the oath of office and others. The process of impeachment is submitted by the DPR to the Constitutional Court (MK), after it is decided by the Court, whether there has been a violation or not, then the MPR decides politically whether the president is impeached or not. This provision can be seen in Article 7A of the 1945 Constitution after the amendment.

Another basic change after the amendment is the restructuring of state institutions, one of which is regulating the formation of the DPD to strengthen people's representation in the regions. The 1945 Constitution as a result of the amendments also regulates general elections. This election regulation is regulated in the 1945 Constitution Article 22 E as a result of the amendment. In addition, the rules regarding general elections also regulate election organizers, in this case what is meant is that general elections must be carried out by a national, permanent and independent commission. This causal background is the birth of the General Election Commission (KPU) from the center to the regions. Another fundamental change is the existence of rules governing direct presidential and vice presidential elections, this is certainly different from the previous era where the president was elected by the MPR. So since 2004 the President and Vice President are directly elected by the people.

Furthermore, the results of the amendments to the 1945 Constitution also contain substantial human rights enforcement. The fundamental change in the point of upholding human rights in the amendment to the 1945 Constitution is the amendment of article 28, from articles 28 A-28 J. In this article, it also talks about the obligations of citizens to guarantee the rights of other citizens.

### 3.2 The Urgency of Amending the 1945 Constitution to Realize Consolidated Democracy

One of the important agendas in the democratic transition towards democratic consolidation is to revitalize the existing constitution, in order to accelerate the democratization process. The amendments to the 1945 Constitution which were carried out four times had at least a very large role in the democratization process in Indonesia, but some considered it necessary to carry out a fifth amendment to the 1945 Constitution. MPR/2019 concerning MPR Recommendations for the 2014-2019 Period, which contains several MPR recommendations related to the fifth amendment to the 1945 Constitution, including [7]:

- **a. Principles of State Policy**
- **b. Structuring the Authority of the MPR**
c. DPD Authority Arrangement  
d. Presidential System Arrangement  
e. Judicial Power Arrangement  
f. Structuring the legal system and legislation based on Pancasila as the source of all sources of state law  
g. Implementation of Correctional values of Pancasila, the 1945 Constitution, the Unitary State of the Republic of Indonesia, Bhinneka Tunggal Ika, and the MPR Decree.

The seven recommendations of the MPR that have been determined do not have to be carried out in one amendment to the 1945 Constitution. This is because in the process of amending the 1945 Constitution, the principle of prudence must be used in order to maintain constitutional conduciveness to ensure legal certainty in the state process. Of the seven recommendations, there are three main things that are urgently needed to be discussed, namely those related to the Main Principles of State Policy, the Arrangement of the Authority of the MPR, and the Arrangement of the Authority of the DPD.

The urgency of the amendment to the three main things, among others, first is related to the Main Principles of State Policy, after the amendment to the 1945 Constitution the direction of national development is no longer determined through a special guideline that cannot guarantee a sustainable development that is mandated in one vision and mission based on the provisions of the mandate. 1945 Constitution. During the reformation era, the direction of national development which was no longer determined through the Outline of State Policy (GBHN), followed the program or vision and mission of the elected president and vice president (Simamora, 2016).

Second, related to the arrangement of the MPR's authority. After the amendment to the 1945 Constitution, the MPR was deemed to no longer have the authority to stipulate regulatory products other than the amendments and stipulations of the 1945 Constitution. The urgency of structuring the MPR's authority in the fifth amendment of the 1945 Constitution is the implication of the idea of drafting the Main Principles of State Policy. The arrangement of the MPR's authority can be included in articles related to the MPR, for example in Article 3 of the 1945 Constitution, added paragraph 4 which then reads "The MPR has the authority to draw up and determine the main points of the state policy".

Furthermore, regarding the institutional arrangement of the DPD, the arrangement includes several things, among others, the arrangement of the DPD's Legislative Function Authority and the arrangement of the DPD's Authority in the Consideration function (Gloria, 2021). In the legislative function, based on the Constitutional Court Decision No. 92/PUU-X/2012 and the Constitutional Court Decision No. 79/PUU-XII/2014 it states that there is a balance in the position and role of the DPD in proposing and discussing the Bill with the President and the DPR (as far as the authority of the DPD is concerned). However, the DPD is not given space by the 1945 Constitution in terms of the stages of determining the Draft Law which is being discussed together. Through the amendments to the 1945 Constitution, it is hoped that there will be a strengthening of the legislative function possessed by the DPD in terms of Stipulation of Draft Laws concerning the DPD's authority.
In addition, based on the provisions of the Law, the DPD has the authority to provide considerations in the preparation of the APBN Bill which is proposed by the President to be discussed with the DPR. This is based on the provisions of the 1945 Constitution Article 23 paragraph 2 which reads "The Draft Law on the State Revenue and Expenditure Budget is submitted by the President for discussion with the House of Representatives (DPR) by taking into account the considerations of the Regional Representatives Council (DPD)". The phrase "paying attention to the DPD's considerations" in the article seems to indicate the position of the DPD which is not in line with the DPR. In addition, the amendments to the 1945 Constitution are expected to also pay attention to the functions of other DPD considerations related to filling public positions that have an impact on regional interests. For example, in the consideration of filling in the positions of KPU, Bawaslu, DKPP and other commissions or bodies. So far, the DPD's consideration function is still limited in giving consideration to the DPR in selecting BPK members.

4. Conclusion

Indonesia is still in the stage of democratization towards the consolidation of democracy. Procedural amendments to the 1945 Constitution have played an important role in accelerating the democratization process in Indonesia to realize the consolidation of democracy. However, substantially, the implementation of the amendments to the 1945 Constitution can be said to have not been able to lead Indonesia to democratic consolidation. Therefore, several ideas emerged regarding the urgency of the fifth amendment to the 1945 Constitution, to perfect the constitutional system of the Republic of Indonesia. However, the amendment must be implemented using the precautionary principle and prioritizing the principle of legal certainty. Some of the main points that are urgently needed to be amended include the establishment of the State Policy Principles, the arrangement of the MPR's authority, and the arrangement of the DPD's authority.

References


Analysis of Factors Affecting The Performance of Village Government Apparatuses Through Increasing The Competence of Village Government Apparatuses

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Abstract. This study aims to analyze the influence of organizational culture, understanding of laws and regulations, information technology, village apparatus competence on the performance of village apparatus in Tegal Regency. The results showed that organizational culture, understanding of laws and regulations, information technology had a positive effect on the competence of the apparatus. Organizational culture, understanding of laws and regulations, information technology and apparatus competence partially have a positive effect on the performance of the apparatus. Meanwhile, based on the results of the mediation test using the Sobel test, it was found that the competence of the apparatus has not been able to significantly mediate organizational culture, understanding of laws and regulations and information technology on the performance of the apparatus.

Keywords: Apparatus Competence, Apparatus Performance. Information Technology, Organizational Culture, Understanding of Laws and Regulations,

1. Introduction

The village is the lowest administrative system in Indonesia. Village administration requires people to hold positions in the management of village institutions, one of the village institutions is the Village Government Apparatus consisting of the Village Head and Village Government Apparatus.

Success in implementing government tasks in the village is based on the principles of accountability, transparency and responsiveness. These three principles are directed towards achieving good governance and bureaucratic reform which in practice is realized through the community satisfaction index, the village development index, the maintenance of peace and order in the community, the ability to manage finances and assets, and the implementation of coordination and consultation between village institutions and agencies related [1].

[2] suggests that the performance of the Village Apparatus is a measure of how big the target, namely quantity, quality and time, has been able to be achieved by management and the target has been set beforehand. Competence as an important element in the management of government in the village, competent Village Apparatus will be able to complete tasks well [3].

Understanding of laws and regulations is no less important in administering village government. Understanding of Village Apparatus against this rule is the basis for every implementation of activities in the village, then Village Apparatuses should be pro-active in understanding and reviewing statutory regulations regarding villages and the administration of
village governance by participating in the program initiated by the Regional Government such as socialization, consultation and training. [4] convey that the higher the rules applied by the Village Apparatus, the more the Village Apparatus’ performance will improve.

[5] assumes that information technology affects the quality and quantity as well as the success of employee performance in an organization, further [5] conveys information technology to produce an information system so that employees play an important role in operating information technology.

[6] Organizational culture is useful as a glue for all elements of the organization, determinant of identity, energy enhancer and motivator as well as a guide for the organization.

The competence of Village Apparatus in Tegal Regency through education and competency training held by the Tegal Regency Community and Village Empowerment Service has only reached 650 people out of 1,914 people, while those who have not met the expected competencies are 1,264 people, understanding of the laws and regulations are 246 people. The application of information technology is also only 56 people out of 281 people who are able to use the Sipades application.

2. Method

This research includes causal associative research with a quantitative approach. The sample of this study was taken using the Slovin formula [7], while the sampling method used was simpler random sampling. The sample used was 331 village officials from a total population of 1,914 people. The data collection method used in this study was a questionnaire distributed to village officials. The measurement tool in this study uses an interval scale. Methods of data analysis using Validity & Instrument Reliability Test, Descriptive Test, Structural Equation Modeling (SEM) and Mediation Test (Sobelt Test). The analytical tool used is AMOS 4.0 SEM analysis.

3. Discussion

The influence of organizational culture on the performance of village government officials. The results of the study prove that organizational culture has a positive effect on the performance of village government officials in Tegal Regency. This study supports the results of research conducted by [8–12] which prove that organizational culture has an effect on performance, the better organizational culture is applied it will improve performance.

The effect of understanding the laws and regulations on the performance of village government officials. The results of the study prove that understanding the laws and regulations has a positive influence on the performance of village government officials in Tegal Regency. The results of this study support the results of research conducted by [13] which proves that an understanding of statutory regulations can improve performance as well as research [14] which proves that an understanding of statutory regulations affects performance.

The influence of mastery of information technology on the performance of village government officials. The results of the study prove that mastery of information technology has a negative effect on the performance of village government officials in Tegal Regency. Research [5,9,13,15–19] prove that employees who master information technology will have high performance.

The influence of organizational culture on the competence of village government officials. The results of the study prove that organizational culture positively affects the
competence of village officials in Tegal Regency. The results of this study support the results of research conducted by [8,9,20,21] which in their research proves that a good work culture will affect employee competence.

The effect of understanding the laws and regulations on the competence of village government officials. The results of the study prove that understanding the laws and regulations has a positive influence on the competence of village government officials in Tegal Regency.

The results of this study are in accordance with the results of research [22] which in their research proves that the understanding of accounting students will affect competence.

The influence of information technology on the competence of village government officials. The results of the study prove that information technology has a positive effect on the competence of village government officials in Tegal Regency. The results of this study support the results of studies [8,15,23,24] which in their research prove that the better the mastery of information technology, the better the competence. The influence of the competence of village government officials on the performance of the village apparatus. The results of the study prove that the competence of the apparatus has a positive influence on the performance of village government officials in Tegal Regency. This study supports research [25,26] which prove that competence has an effect on performance, but not according to research [27] which proves that competence has no significant effect on the performance of village government officials.

The influence of organizational culture on the performance of village officials with the competence of village government officials as mediators. The results of calculations using the Sobel test prove that the competence of the apparatus has not been able to significantly mediate organizational culture on the performance of the apparatus. This study differs from studies [20] which prove that competence is able to mediate the influence of organizational culture on performance.

The effect of understanding the laws and regulations on the performance of village officials with the competence of village government officials as mediators. Based on the Sobel test calculation, it shows that the competence of the apparatus has not been able to significantly mediate the variable understanding of the laws and regulations on the performance of the apparatus. This research is different from the research conducted which proves that an understanding of the laws and regulations supported by the competence of the village apparatus will result in the expected performance.

The influence of mastery of information technology on the performance of village officials with the competence of village government officials as mediators. Based on the calculation of the Sobel test, it is concluded that the competence of the apparatus has not been able to significantly mediate the variable understanding of the mastery of information technology on the performance of the apparatus. This study differs from the results of studies [15] which prove that competence is able to mediate the effect of mastery of information technology on performance.

4. Conclusion
Based on the results of the research that has been done, it can be concluded that:

1. Organizational culture needs to be formed or built in the organizational environment as a basic norm for all members to control the attitudes and behavior of members which in turn will improve personal and organizational performance.
2. Laws and regulations that change from time to time must always be followed and implemented properly by village officials in the context of service to the community and moral responsibility in carrying out work so as to minimize errors that occur.

3. The rapid development of information technology demands the ability of village officials to simultaneously adjust IT mastery, this inability to master IT will make village officials unable to meet information needs and reduce the performance of the work concerned.

4. Organizational culture provides firmness and reflects the specifications of an organization so that it is different from other organizations. A work culture that develops in the village can provide stability to the village apparatus.

5. Compliance with laws and regulations makes it easier for village officials to complete the work they are responsible for, which is a manifestation of how high their capacity (competence) is.

6. Increasing the ability to master information technology can be done through training according to the needs, job duties and responsibilities of each village apparatus in the context of increasing their professionalism and competence.

7. Optimal service to the community and the completion of a job well done shows the satisfactory working ability of the village apparatus, so that professional quality is achieved in work.

8. Competence is inherent in each individual so that it is not comprehensively able to mediate organizational culture in influencing performance.

9. Competence is a personal ability to complete tasks and responsibilities, so that together they are not necessarily able to influence the understanding of laws and regulations that can improve the performance of village officials.

10. Competencies possessed by village officials are individual abilities that partially affect performance, but have not been able to influence the mastery of information technology together which can improve the performance of village officials.

References


Analysis of Leadership Style, Work Culture, and Benefits for Improving Income on Work Motivation and Its Impact on Employee Performance in The Communication and Information Service of Tegal Regency

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Abstract. The purposes of this research are: 1) Knowing the influence of leadership style on work motivation, 2) Knowing the influence of work culture on work motivation; 3) Knowing the effect of income improvement allowance on work motivation; 4) Knowing the influence of leadership style on employee performance; 5) Knowing the influence of work culture on employee performance, 6). Knowing the effect of income improvement allowances on employee performance; 7) Knowing the effect of work motivation on employee performance; 8) Knowing the significance of work motivation in mediating the influence of leadership style on employee performance; 9) Knowing the effect of person organization fit on organizational citizenship behavior with commitment. Knowing the significance of work motivation in mediating the influence of work culture on employee performance; 10) Knowing the significance of work motivation in mediating the effect of income improvement allowances on employee performance. The subjects of this study were all employees of the Department of Communications and Informatics, Tegal Regency, totaling 50 employees. In this study, the data collection method used was a questionnaire. The data analysis method of this research is the validity and reliability test of the instrument, descriptive statistics and quantitative analysis.

Keywords: Leadership Style, Work Culture, Income Improvement Allowance, Work Motivation, Employee Performance
1. Introduction

The Tegal Regency Government issued a regulation, namely Regent Regulation Number 12 of 2021 concerning Additional Income for Civil Servants in the Tegal Regency Government Environment. Additional income in the form of Income Improvement Allowance (TPP) is an incentive given in the form of additional income based on the results of achieving performance for one month outside the salary received legally in accordance with the provisions of the law. The amount of income improvement allowance each year is different according to the original income of the region and the ability of the region. For income improvement allowances, it is included in the regional expenditure budget which is the employee spending base[1–3].

The Department of Specialization and Informatics (Diskominfo) of Tegal Regency is a regional technical institution of Tegal Regency that specializes in information technology and competency. Diskominfo is formed based on regional regulations with broad authority and scope of work, and has the target of not only technical personal, but also policies both inward relations and touching the public interest. Acting as an official institution that manages information technology systems and competencies to be distributed to the community and helping the public to get and enjoy useful and useful information requires good performance[4,5].

The criticism was then responded to through the issuance of Law (UU) Number 5 of 2014 concerning the State Civil Apparatus as a form of the Government's commitment in maintaining the quality of the performance of its apparatus's human resources. Following up on the law, derivative rules were born that aim to strengthen and detail the ASN performance assessment method, such as Government Regulation (PP) Number 11 of 2017 concerning Civil Servant Management, PP Number 30 of 2019 concerning Civil Servant Performance Assessment, to the latest is the Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform (PermenPAN-RB) Number 8 of 2021 concerning the Civil Servant Performance Management System. The preparation of skp in the new pattern of civil servant performance assessment in accordance with PP No.30/2019 and PermenPAN-RB No. 8/2021 no longer describes activities, but results (outputs/outcomes[6,7]).

Elements of work behavior that affect the performance of the employees evaluated must be relevant and related to the implementation of the duties of the assessed civil servant position. Based on the results of employee performance measurements carried out by the Regional Personnel Agency (BKD) of Tegal Regency, the following employee performance achievements were obtained:

Table 1. Achievement of Performance of Employees of the Department of Competence and Informatics Tegal Regency in 2021

<table>
<thead>
<tr>
<th>Moon</th>
<th>Excellent (90 - 100)</th>
<th>Good (80 - 89,9)</th>
<th>Good Enough (70 - 79,9)</th>
<th>Bad (60 - 60,9)</th>
<th>Very Unkind (&lt; 59,9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>38</td>
<td>7</td>
<td>3</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>February</td>
<td>39</td>
<td>6</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>March</td>
<td>40</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>April</td>
<td>42</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>May</td>
<td>40</td>
<td>6</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>
June 44 4 2 0 0
July 48 0 1 1 0
August 42 5 1 2 0
September 45 1 2 2 0
October 44 0 3 3 0
November 39 6 4 1 0
December 43 4 2 1 0

Table 1.1 above can be seen from the 50 employees in the assessment results through employee work targets (SKP) for each employee in the Tegal Regency Competency and Informatics Office, there is still inconsistent employee performance, because there has been a decrease and an arbitrary increase. This is considered because there are still many activities or programs that have not been achieved and realized in a certain period so that it will affect the value of the Employee Performance Target (SKP) that will be given to the employee[8,9].

The inconsistency of employee performance that occurs is not only a decrease, but many factors that affect the performance of the employees themselves, such as the internal factors of each employee in the organization, namely factors of employee ability, employee discipline, and competence, motivation, and work pressure, and benefits. In addition to internal factors, external factors certainly also have an impact on employee performance, such as the work environment, competence, and work culture in an organization. Organizations should consider these factors in order to optimize the performance of each employee and meet the aspirations of the organization[8,10,11].

Another problem of employee motivation can be seen from the lack of employee work motivation. The regulation of agencies is required to arrive at 07.15 WIB, but in fact many civil servants come to the agency after the required hours, so many employees do not participate in morning apple activities, even though the morning apple coach has given directions to employees not to arrive late, but there are still many employees who are absent. The staffing officer provides sanctions in the form of verbal and written reprimands and disciplinary penalties are in the form of postponement of salary increases, delays in promotion, and demotions in accordance with applicable regulations. However, there are still civil servants who come to the agency after the required hours.

Based on the description that has been previously stated, researchers are very interested in conducting a study entitled "Analysis of Leadership Style, Work Culture, and Income Improvement Allowances on Work Motivation and Its Impact on Employee Performance in the Tegal Regency Communication and Information Service".
2. Method

In this study included in the design of survey research. The subjects of this study were all employees of the Tegal Regency Komspecesification and Informatics Service, totaling 50 employees. The technique used to collect data in this study was a questionnaire.

Research activities have the aim of obtaining the truth. In this case, the issue of validity is a very important aspect considering that the truth is only obtained by valid instruments. This validity test is carried out using the Pearson product moment correlation test technique. For the interplay of coefficients, if obtained recalculated > rtable, it can be concluded that the questionnaire item is included in the valid category.

Reliability shows in a sense that an instrument is trustworthy enough to be used as a data collection tool because the instrument is good. A good instrument will not be inclined to direct respondents to choose certain answers. Reliability testing with internal consistency is carried out by trying the instrument once, then the data obtained are analyzed by question items in this study used Cronbach's Alpha technique (alpha coefficient). A measurement item can be said to be reliable if it has an alpha coefficient greater than 0.7.

This analysis was carried out to obtain a descriptive picture of the respondents of this study, especially regarding the research variables used. This analysis was carried out using the technique of statistical analysis of the index, to describe the respondent's perception of the questions asked.

In this study, data analysis used Partial Least Square (PLS). PLS is a model of Structural Equation Modeling (SEM) equations based on components or variants. According to Ghozali (2016), PLS is an alternative approach that shifts from a covariant-based SEM approach to a variant-based one. Covariant-based SEM generally tests causality/ theory whereas PLS is more predictive model. The steps of the Partial Least Square method carried out in this study can be explained for an outer model is a model that connects latent variables with manifest variables.

The structural model (inner model) in this study consists of one exogenous latent variable of performance and three endogenous latent variables (leadership style, work culture and TPP). The inner model, which is sometimes also known as the inner relation structural model and substantive theory, is to describe the relationship between latent variables based on substantive theory.

Where βji and γjb are the path coefficients connecting the endogenous predictor and the exogenous latent variable ξ and ε along the range of indices i and b and δj is the inner residual variable. The flowchart depicts the relationship between constructs with straight-depicted arrows showing a direct causal relationship from one construct to another. Based on the concept of the research model in stage two above can be formulated in mathematical form. The equation constructed from a conversion flowchart consists of: The equation of the inner model, expresses the relationship of causality to test the hypothesis. The outer model equation (measurement model), states the causality relationship between the indicator and the research variable (latent). Measurement model equation:

| Exogenous Constructs | Δη = Δξ + δ |
| Exogenous Constructs | Δη = Δξ + δ |
The mathematical equations in this study that have been described in the path diagram are:

Structural model equation (inner model)

\[ h_1 = \gamma \xi + \zeta_1 \]
\[ h_2 = b_1 + g_2 \]

At this stage, the \( \gamma \) and \( \lambda \) values contained in the fourth step are estimated using the SmartPLS program. The basis used in estimation is resampling with Bootstrapping developed by Geisser & Stone (Ghozali, 2016). The first stage in the estimation produces a weight estimate, the second stage produces estimates for the inner model and outer model, the third stage produces an estimate of the means and location parameters (constants).

Goodness of Fit

Model match test on structural equation modeling through partial least square approach consists of two types, namely the measurement model match test and the structural model match test.

Measurement Model Match Test (Outer Model)

The fit test of measurement model is a match test on the outer model by looking at convergent validity and discriminant validity. Convergent validity is the value of the loading factor in the latent with its indicators. The loading factor is the path coefficient that connects the latent variable with the indicator.

1. Validity indicators: seen from the value of the loading factor and t-statistic, namely If the value of the loading factor is between 0.5-0.6 then it is said to be sufficient, while if the value of the loading factor \( \geq 0.7 \) then it is said to be high (Ghozali, 2016).
2. Construct reliability: judging by the composite reliability (CR) output value. The criterion said to be reliable is a CR value greater than 0.7.
3. Average Variance Extracted (AVE) value: the expected AVE value is greater than 0.5.

Structural Model Fit Test (Inner Model)

The fit test of structural model is a match test on the inner model related to the testing of relationships between variables that were previously hypothesized.

Sobel test

Media testing is carried out to determine the effect of mediation. The sobel test is carried out by testing the strength of the indirect influence of the independent variable (X) to the dependent variable (Y) through the intervening variable (M). The indirect influence of X to Y through M is calculated by multiplying the path X→M (a) by the path M→Y (b) or ab. So the coefficient \( ab = (c - c') \), where \( c \) is the influence of X on Y without controlling M, while \( c' \) is the coefficient of influence of X on Y after controlling M. Standard error coefficients a and b are written with \( Sa \) and \( Sb \), the magnitude of the standard error indirect effect (indirect effect) \( Sab \) is calculated by the formula below:

\[ sab = \sqrt{(b^2 \left[ sa \right]^2 + a^2 \left[ sb \right]^2 + 2 \left( \left[ sa \right]^2 \left[ sb \right]^2 \right) \right)} \]

where:
- \( Sa \) = standard error coefficient a
- \( Sb \) = standard error coefficient b
- \( b \) = coefficient of the mediation variable
- \( a \) = coefficient of free variables
To test the significance of the indirect influence, then we need to calculate the value of $t$ of the coefficient $ab$ with the following formula: $t = \frac{ab}{\text{standard error}}$, the value of $t$ counts compared to $t$ of the table, if the counting $> t$ of the table then it can be concluded that there is an influence of mediation.

3. Method

This research is included in the survey research design. The subjects of this study were all employees of the Department of Communications and Informatics, Tegal Regency, totaling 50 employees. The technique used to collect data in this study is a questionnaire.

4. Result and Discussion

4.1. The influence of leadership style on work motivation.

The results of the study proved that leadership style has an effect on the motivation of kerja, where the better the leadership style applied by the leadership in the Tegal Regency Communication and Information Service, the higher the work motivation of employees of the Tegal Regency Communication and Information Service.

4.2. The influence of work culture on work motivation.

The results of the study prove that work culture has an effect on the motivation of kerja, where the better the work culture applied is in the Tegal Regency Communication and Information Service, the higher the work motivation of employees of the Tegal Regency Communication and Information Service.

4.3. The effect of income improvement allowances on work motivation.

The results of the study proved that income improvement allowances have an effect on the motivation of kerja, where the better the income improvement allowance applied in the Tegal Regency Communication and Information Service, the higher the work motivation of employees of the Tegal Regency Communication and Information Service.

4.4. The influence of leadership style on employee performance.

The results of the study proved that leadership style has no effect on employee performance, where the performance of employees of the Tegal Regency Communication and Information Service does not depend on the leadership style applied by the leadership of the Tegal Regency Communication and Information Service.

4.5. The influence of work culture on employee performance.

The results of the study prove that work culture affects employee performance, where the better the work culture applied in the Tegal Regency Communication and Information Service, the higher the performance of employees of the Tegal Regency Communication and Information Service.

4.6. The effect of income improvement benefits on employee performance.

The results of the study prove that income improvement allowances affect employee performance, where the better the income improvement allowance applied in the Tegal Regency Communication and Information Service, the higher the performance of employees of the Tegal Regency Communication and Information Service.
4.7. The effect of work motivation on employee performance.

The results of the study prove that work motivation affects employee performance, where the better the work motivation owned by employees of the Tegal Regency Communication and Information Service, the higher the performance of employees of the Tegal Regency Communication and Information Service.

4.8. The influence of leadership style on employee performance with work motivation as a mediator.

The results of the study prove that work motivation is able to mediate the influence of leadership style on employee performance, where the better the leadership style applied by the leadership, the higher the employee work motivation so that the performance of employees of the Tegal Regency Communication and Information Service is also higher.

4.9. The influence of work culture on employee performance with work motivation as a mediator.

The results of the study prove that work motivation is able to mediate the influence of work culture on employee performance, where high employee work motivation has not been able to mediate the influence of work culture on employee performance.

4.10. The effect of income improvement benefits on employee performance with work motivation as a mediator.

The results of the study prove that work motivation is able to mediate the effect of income improvement allowances on employee performance, where the better the income improvement allowances received by employees, the more it can increase employee work motivation so that the performance of employees of the Tegal Regency Communication and Information Service is also higher.

5. Conclusion

After the results of the analysis and testing of the hypothesis tested have been carried out, several conclusions were drawn, namely

1. There is sense of leadership style towards work motivation.
2. There is work culture of work culture towards work motivation.
3. There is a pengaruh income improvement allowance for work motivation.
4. There is no level of leadership style towards employee performance.
5. There is lack of work culture on employee performance.
6. There is an influence of income improvement allowances on employee performance.
7. There is lack of work motivation for employee performance.
8. Motivation work mediation significantly affects the leadership style of employee performance.
9. Work activation has not been able to mediate significantly affecting the work culture of employee performance.

Motivation work mediation significantly pengaruh income improvement allowance on employee performance.
References

The Effect of Stress and Work Conflicts on Performance of Employees With Gender as Moderators at The Regional Secretariat of Tegal City

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Abstract. The purpose of this study is to determine the effect of work stress and conflict on local government employee performance with gender as a moderator. The primary data was gathered from 80 respondents by using a closed questionnaire. These respondents were employees of the Government of Tegal City. The collected data were analyzed using a single regression. The first conclusion is that work stress and conflict can affect employees' performance. Secondly, it was found that gender is able to moderate the relationship between work stress and conflict and employees' performance.

Keywords: Conflict, gender, performance, stress.

I. Introduction

Every employee is required to be able to adjust to the current regulations. Employees are expected to be able to create contributions to achieving goals for the continuity of their organization. Where every organization has achievements (goals) that must be realized by every employee. Here it will be seen which employees performed according to the expectations of the organization. In line with Colquitt's statement [1] performance is a set of worker behavior values that contribute positively or negatively to the achievement of company goals. Good performance of an employee will bring a good contribution to the organization and vice versa, poor performance will have a bad impact on his organization.

Achieving organizational goals for each employee does not rule out the possibility of causing stress. Each employee will be held accountable for the performance targets he has made at the beginning of the year. Their performance can be measured by comparing targets and the realization of their performance. Based on PP Number 46 of 2011, performance planning at the individual and unit or organizational level, taking into account the targets, achievements, results, and benefits achieved, as well as the behavior of civil servants. The relationship between stress and performance is strengthened by the fact that [2] states that high levels of stress can reduce employee performance.

In addition to the stress that occurs in employees, it is possible for conflicts to occur. Conflicts that occur in an organization that result in unfulfilled performance can be caused by several factors. Conflicts or frictions that occur within the organization can occur between subordinates and superiors or fellow subordinates. This can have an impact on reducing performance, so it will be detrimental to the organization. This can happen regardless of gender, it can happen to female and male employees. [3,4] explain that gender can strengthen or weaken the influence of stress and work conflict on employee performance.
The questions in this study need to be answered so that the objectives of the study can be described as follows:
1. knowing the effect of work stress on the performance of employees in the Tegal City Regional Office;
2. knowing the effect of work conflicts on the performance of employees in the Tegal City Regional Office;
3. knowing gender moderation in the influence of stress on the performance of employees in the Tegal City Regional Office; and
4. knowing gender moderation in the influence of work conflicts on employee performance in the Tegal City Regional Office.

This research can enrich the treasures of empirical research and test related theories in the field of human resource management by analyzing the influence of work stress and work conflicts on employee performance. The study also tested gender moderation on the influence of both variables. This research is also expected to be a consideration for the Position and Rank Consideration Board (Baperjakat) in the placement of ASN based on gender by considering the stress and conflicts that will arise with the placement.

Researchers found that from the results of previous studies, there was a research gap on the variables used in this study, namely the variables of stress, conflict and employee performance. Here is the research gap of research collected by researchers which we can see in table 1:

<table>
<thead>
<tr>
<th>No.</th>
<th>Relationships between variables</th>
<th>Researchers</th>
<th>Research Results</th>
</tr>
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<tbody>
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<td>Researchers</td>
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<tr>
<td></td>
<td></td>
<td>Hafni et al (2016)</td>
<td>Conflicts have no effect on employee performance.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Utami et al (2020)</td>
<td>Gender has not been tested as a moderation in employee performance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Abjan et al (2020)</td>
<td>Gender has no effect on employee performance</td>
</tr>
</tbody>
</table>

Work stress according to Hasibuan [2] is a condition of tension that affects a person's emotions, thinking processes, and condition. The stress can come from the workload received too heavy, too short time, lack of quality supervision, poor work authority related to work conflicts, unstable work climate, responsibility, and differences in values between employees [5]. According to Hasibuan [2], work stress has six indicators, namely:

a. conflict, measured by respondents' perceptions of conflicts between employees and leaders;
b. communication, measured by respondents' perceptions of poor communication between employees;
c. working time, measured by respondents' perceptions of perceived excessive working time;
d. the attitude of the leader, measured by the respondent's perception of the leader's unfair attitude in assigning tasks;
e. workload, measured by respondents' perceptions of perceived excessive workload; and
f. work authority, measured by the respondent's perception of work authority related to responsibility.

[6], conflict is a process in which one party considers that its interests are opposed or considered negative by the other. Conflict can occur when one party interferes with the other party's plans, or it can also occur when there is a certain way that is not liked.

Sources of conflict include:

a. Goals that are not in line.
b. Differentiation
c. Interdependence.
d. Lack of resources
e. Ambiguous role.

Divides conflicts into two types [7], namely functional conflicts that favor the achievement of group goals and dysfunctional conflicts that hinder the achievement of group goals. Performance comes from the word job performance or actual performance (work performance or actual achievement) achieved by a person. [8] Performance is the result of work in quality and quantity achieved by an employee in carrying out his duties in accordance with the responsibilities given to him. Some of the employee performance indicators used in this study followed [9].

1) Work performance, that is, the ability that employees have in solving tasks that have been targeted.
2) Responsibility, that is, the employee has a sense of responsibility to complete his task well.
3) Honesty, that is, the delivery of something that corresponds to the actual circumstances.
4) Cooperation, which is the ability of employees to cooperate with their co-workers.
5) Initiative, namely the ability of employees to complete tasks and work and be able to make decisions in urgent circumstances.
6) Speed and accuracy of work, that is, how quickly employees are able to complete routine work without reducing the quality of work in accordance with the previously established time.
7) The rate of work errors, that is, the ability of employees to complete work well without any errors.

Gender. Haspels [10] gender is a social variable for analyzing the differences between adult men and women related to roles, responsibilities, and needs, as well as opportunities and barriers. Women's potential is judged by most societies less fairly, making it difficult for them to obtain a strategic position in their communities, especially when it comes to decision-making, unlike men.

The frame of mind can be depicted in figure 2.1 below.

![Figure 2. Frame of mind](image-url)

The hypotheses tested in this study consist of.
H1: work stress affects the performance of tegal city regional office employees.
H2: work conflicts have an effect on the performance of Tegal city regional office employees.
H3: gender moderates the influence of work stress on the performance of Tegal city regional office employees.

H4: gender moderates the influence of work conflicts on the performance of Tegal city regional office employees.

2. Methods

The research in this research is survey research using a quantitative approach. The size of the sample in this study was determined by 80 people. Questionnaires were distributed to respondents to select answers according to his attitudes and opinions using the scale Likert with intervals of 1 to 7. That to test the hypothesis in this study used a simple regression analysis technique. Simple regression is used to test the effect of work stress on performance and the effect of work conflict on performance. As for testing the moderation variables, the subgroup method technique is used. The sub-group method is a method that is carried out by breaking the sample into two categories based on the third variable hypothesized as a moderation variable.

3. Data Analysis and Discussion

3.1. Test Research Instruments

3.1.1. Validity Test

The method used in this study is the Pearson method with the criterion that if the value of recounts < the value of the table then it can be stated that the item of the statement used as the research instrument is declared invalid. That after the calculation was carried out, the ritung data was obtained > from the tabel, namely the ritung above 0.723, while the tabel was only 0.222.

3.1.2. Reliability Test

A measurement item is declared reliable if it has an alpha coefficient value greater than 0.7. After calculating that the stress reliability test was 0.929, conflicts were 0.930 and conflicts were 0.946.

3.2. Test the Research Model

1. Hypothesis 1

After testing through simple regression data analysis techniques, the result was obtained that the correlation / relationship value (R) was 0.665 which indicates the percentage of the effect of stress on performance. From this output, a coefficient of determination (R2) of 0.442 was obtained which means that the influence of the stress variable on performance was 44.2% while the rest was influenced by other factors outside the x1 variable (stress). Then at the output of the anova section, information is obtained that f count = 61.698 with a degree of significance / probability that is 0.000 < 0.05. This shows that there is a noticeable (significant) influence of stress variables on performance variables. Based on the data above that the regression equation for the effect of stress on performance is Y = 30.957 + 0.570 X1 + e. Then Hypothesis 1 (work stress affects performance) is acceptable.

a. Hypothesis 2
The correlation/relationship value (R) was 0.669 which indicates the percentage of the effect of stress on performance. From this output, a coefficient of determination (R²) of 0.447 was obtained which means that the influence of the stress variable on performance was 44.7% while the rest was influenced by other factors outside the x² variable (conflict). Then at the output of the anova section, information is obtained that f count = 63.153 with a degree of significance / probability of 0.000 < 0.05. This shows that there is a real (significant) influence of conflict variables on performance variables. Based on the above data that the regression equation for the effect of stress on performance is \( Y = 31.780 + 0.590 X^2 + \epsilon \). Then Hypothesis 2 (work conflict affects performance) is acceptable.

b. Hypothesis 3

After calculations are carried out through the SPSS application, the following data is known:

- SSRT (Residual Sum Square) = 3968.717
- SSR1 (Sum Square Residual for the first sample of males) = 2626.823
- SSR2 (Sum Square Residual for the second sample of women) = 483,652
- SSRG (Combined Residual Sum Square) = 3110.475

Then the calculation is carried out using the formula

\[
F = \frac{(SSRT - SSRG)}{k} / \frac{(SSRG)}{(n_1 + n_2 - 2k)}
\]

\[
F = \frac{(3968.717 - 3110.475)}{2} / \frac{(3110.475)}{(49 + 31 - 2x2)}
\]

\[
= \frac{858.242}{2} / \frac{3110.475}{76}
\]

\[
= 429.121 / 40.927
\]

\[
= 10.485
\]

Based on the results of the analysis above, it is known that F counts 10.485 while the table F value (0.05;2;76) is 3.12. Since the calculated F value is greater than the table F value, it can be concluded that gender moderates the relationship between stress and performance. Then hypothesis 3 (gender moderates the influence of stress on performance) is acceptable.

c. Hypothesis 4

After calculations are carried out through the SPSS application, the following data is known:

- SSRT (Sum Square Residual) = 3927.804
- SSR1 (Sum Square Residual for the first sample of males) = 3016,147
- SSR2 (Sum Square Residual for the second sample of women) = 445,455
- SSRG (Combined Residual Sum Square) = 3461.602

Then the calculation is carried out using the formula

\[
F = \frac{(SSRT - SSRG)}{k} / \frac{(SSRG)}{(n_1 + n_2 - 2k)}
\]

\[
F = \frac{(3927.804 - 3461.602)}{2} / \frac{(3461.602)}{(49 + 31 - 2x2)}
\]

\[
= \frac{466.202}{2} / \frac{3461.602}{76}
\]

\[
= 233.101 / 45.547
\]

Based on the results of the analysis above, it is known that F counts 233.101 while the table F value (0.05;2;76) is 3.12. Since the calculated F value is greater than the table F value, it can be concluded that gender moderates the relationship between stress and performance. Then hypothesis 3 (gender moderates the influence of stress on performance) is acceptable.
Based on the results of the analysis above, it is known that F counts 5.117 while the table F value (0.05;2;76) is 3.12. Since the calculated F value is greater than the table F value, it can be concluded that gender moderates the relationship between conflict and performance. Then hypothesis 4 (gender moderates the influence of work conflict on performance) is acceptable.

5. Conclusions

Conclusion

The results of research that has been carried out on civil servants of the Tegal City Regional Secretariat on the influence of stress and work conflict with gender as moderation on employee performance obtained the following conclusions:

1. There is a noticeable (significant) influence of stress variables on performance variables;
2. There is a real (significant) influence of conflict variables on performance variables;
3. Gender moderates the relationship between stress variables to performance variables;
4. Gender moderates the relationship between conflict variables and performance variables.

Based on the research that has been carried out, some recommendations that can be conveyed are as follows:

1. For leaders in the Regional Secretariat in providing job assignments, they still pay attention to factors that can trigger employee stress levels such as excessive workload,
2. Leaders are able to create a comfortable working atmosphere so that conflicts between leaders and subordinates can be minimized
3. For researchers as a reference or guide to examine other factors that can affect employee performance other than those tested in this study.

References


The Effect of Work Professionalism, Physical Work Environment and Information Technology on Public Satisfaction Through Performance

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Abstract. This research will verify the impact of professionalism, physical work environment, and information technology on satisfaction of library users, either directly or indirectly through service performances. The population on this research is publics or peoples who have received library services in 2020 as many as 3,886 peoples. Determination of the number of samples by the slovin method so that the number of samples obtained is 97 people (rounded up to 100 people) with the random sampling method. Data analysis used Structural Equation Model (SEM) with AMOS analysis tool. From the result of research represent that all research instruments are valid and reliable. The research model is compatible with research model design so that the model can be declared reasonable. From the research, it is suspected that work professionalism, physical work environment, and information technology devices take affect on performances. Furthermore, performances also affect on publics satisfaction. Work Professionalism, Physical Work Environment and Information Technology also suspected take effect on Public Satisfaction by performances either directly or indirectly.

Keywords: Good Governance, Public Organizational, Service Quality, Work Environment, Performance.

1. Introduction

One of the goals of the state according to the 1945 Constitution of the Republic of Indonesia is to educate the life of the nation. Local governments based on Law No. 32 of 2004 are given the authority to manage their autonomous regions in order to achieve state goals. Therefore, local governments must be able to provide efficiency, effectiveness and quality of government services that continue to increase [1]. [2,3] say that public services are used as a measure of success in the government bureaucracy.

Local governments according to their authority have the obligation to carry out mandatory non-library basic services. As a public service organization, the library provides services to library users. The definition of a pure service is an intangible object[4]. Therefore, the activities of the Brebes Regency Public Library which are directly felt by the community are quality library services which are the expectations of all library visitors / users[5]. So that customers (library visitors) can feel satisfied if the service is of high quality[6,7].

The measurement of public services in public organizations according to Law Number 25 of 2000 concerning the National Development Program is carried out by means of a
community satisfaction survey. As a public service organization, services at the Brebes Regency Public Library based on community satisfaction surveys are still not optimal. The perception of the value of community satisfaction (IKM) based on a survey conducted from 2018 to 2020 tends to stagnate and even decline. The perceived value of IKM in the Brebes Regency Public Library service in 2018 was 80.34, decreased in 2019 to 78.52 and in 2020 it was still lower than 2018 which was 80.00.

The IKM perception value data is directly proportional to the number of public visits to the Brebes Regency Public Library which decreased from 2017 to 2020. The number of public visits to the Brebes Regency Public Library in 2017 was 12,995 visitors (98.35% of the target); in 2018 decreased to 12,748 visitors (95.57% of the target); in 2019 it fell again to 10,675 visitors (77.44% of the target) and in 2020 it fell sharply to 3,886 visitors (27.53% of the target).

As a service organization (library) will get many customers if it provides customer satisfaction [8]. Satisfaction is an organization's effort to fulfill something adequately meanwhile, Kottler defines satisfaction as a feeling of satisfaction or dissatisfaction in the form of a person's disappointment with what is experienced by comparing what is obtained with his expectations [9]. From this definition, community satisfaction is the opinion of the people who receive services from the public service apparatus by comparing their expectations with their needs (Kepmenpan RB No. 25 of 2004).

Permenpan RB Regulation No. 17 of 2017 explains that to measure community satisfaction a community satisfaction survey is carried out which can be measured in two dimensions, namely:

1. Service procedures, namely mechanisms that contain orders for obtaining services such as service requirements, service order/process, service time and service fees
2. Quality of service, namely the implementation of services in accordance with the guidelines set for the quality of the promised services such as the competence of officers, behavior of officers in providing services, quality of facilities and infrastructure including complaints facilities for services provided

Permenpan RB Number 14 of 2017 divides community satisfaction as measured through a community satisfaction survey into 9 (nine) indicators, namely: (1) Service requirements; (2) Service mechanism/procedure; (3) Service completion time; (4) Service fees/ tariffs; (5) Service suitability; (6) Implementing competence; (7) Implementing behavior; (8) Means of complaints; and (9) Infrastructure facilities.

[2] explains that public service bureaucracies can be seen from effective and efficient human resources. Public services including libraries require professional employees to know how to fulfill community satisfaction. That is, community satisfaction can be fulfilled if public service organizations have professionalism in their work. This is supported by several research results [10–12] which state that work professionalism affects people's satisfaction service users.

The results of field observations, the number of employees of the Brebes Regency Public Library from management to staff is only 12 people, far from the ideal needs of a district public library with a population of almost 2 million people, namely 83 people. Of these, none are librarians. Meanwhile, only 2 people have a library education background (16.67%) and 10 non-libraries (83.33%) have educational background. At the management level there are 4 people, only 1 person (25%) has received education and training in library management and the others (75%) have not attended library management training.
The professionalism of employees is a match between the ability of the bureaucracy and the needs of tasks that are able to reflect the direction and goals of the organization, so that the characteristics of a professional bureaucracy are adapted to the demands of good governance.

The characteristics of the professionalism of employees according to the principles of good governance according to [13] is:

1. Equality, namely quality services for all people and regardless of political views and social status/stardom;
2. Equity, namely treating all visitors fairly and treating visitors equally according to the provisions
3. Loyalty, namely employees always carry out their work according to their duties and complement each other between employees
4. Accountability, namely every employee has responsibility for his work and adheres to the work code of ethics

In addition to work professionalism, the work environment, especially the physical work environment, is one that is needed and affects the satisfaction of the service user community at the library. Sedarmayanti said that the physical work environment affects employees both directly and indirectly [15]. Likewise, from the results of several studies, it was found that the physical work environment variable had an influence on community satisfaction with a positive and significant value [16–18]

The working environment at the Brebes Regency Public Library at first glance is quite representative because it is located on the edge of the north coast road. However, the library yard is very hot and narrow so it is not comfortable for parking vehicles. Inside the room is quite comfortable because there is a lot of air conditioning but natural lighting and air circulation are very lacking. For the room on the second floor which is the internet and reference room, it feels hot and uncomfortable. The arrangement of book collections is also currently less organized and makes it difficult for visitors to find collections.

Sedarmayanti and Rahadian divide the work environment as a physical and non-physical work environment, while the physical work environment has an influence on high performance [15]. Physical work environment is all physical conditions around the workplace that have an influence on employee performance directly or indirectly[15]. The five dimensions of the physical work environment according to [15] are:

1. Illumination / workplace light is sufficient lighting and does not interfere with one's activities
2. Workplace air temperature, i.e. comfortable room temperature with appropriate temperature (not too hot or too cold)
3. Workplace noise, i.e. there is no noise that interferes with activities, an enclosed space that reduces disturbing sounds
4. Air circulation in the workplace, namely good air quality, good air circulation and plants that produce oxygen
5. Workplace color scheme, namely bright paint that is not excessive and pleasing to the eye

Furthermore, the development of technology and information factors can have an impact on the effectiveness and efficiency of the organization's work[19] as well as the influence on the organization such as increasing effectiveness, efficiency, collaboration, communication and competitiveness. With the effectiveness and efficiency of services that utilize information technology, the satisfaction of service users can be obtained. This opinion is supported by
previous research ([20–23]. From the results of their research, it was found that information technology can have a positive and significant influence on community satisfaction

Brebes Regency Public Library in providing services already uses information technology. Circulation services (borrowing and returning books) already use the Inlislite information system application. Likewise, the provision of computer equipment for visitors to make it easier for visitors to find information on the availability of books through the Online Public Access Catalog (OPAC). However, electronic-based book services are not yet available at the Brebes Regency Public Library. The internet network provided in the library is also still not large and only 40Mbps.

Acceptance of the use of information technology itself can be seen from two dimensions, namely the perceived ease of use and perceived usefulness [24]. So the dimensions of information technology are:

1. Perceived ease of use is perceived as easy to learn/operate, easier to find information, improve computer skills, easy/can be operated by all users
2. The perceived usefulness is perceived as the work of employees in the service becomes easier, provides benefits and increases work productivity for employees;
3. Effectiveness includes the effectiveness of seeking information and improving employee performance in providing services.

In this study, the authors are interested in examining why the value of the community satisfaction index has not been maximized, tends to stagnate and even experienced a decline in 2019. This study will take the variables of work professionalism, physical work environment and information technology as variables that are considered to be able to affect people's satisfaction. In addition, the author will also use performance as an intervening variable.

From various studies, performance can also affect people's satisfaction. Research conducted by Wirawan and Risfandi describes the performance of librarians (employees) affecting library user satisfaction[25]. On the other hand, Performance placed as a variable that is influenced by several other variables. The other variables are the work environment and other factors.

The author also intends to complement the results of [18] research which examines Communication Variables, Library Facilities and Physical Work Environments [17] research which examines Employee Performance Variables, Interpersonal Communication and Physical Work Environment. They both examined the relationship between the independent variables and their effect on community satisfaction using the service quality intervening variable. Meanwhile, the authors add different independent variables and different intervening variables.

The author will examine the influence of work professionalism, physical work environment and information technology on the satisfaction of service users through performance as an intervening variable at the Brebes Regency Public Library. This study is intended to determine whether there is a direct and indirect effect of work professionalism, physical work environment and information technology on the satisfaction of service users at the Public Library of Brebes Regency through the performance variable as an intervening variable.

2. Method

The author uses a questionnaire to collect data, namely dividing a list of questions to the research sample to be answered [26]. The instrument is composed of research variables which
are translated into variable dimensions which are then compiled into indicators which are then used to construct the instrument grid. The variables in this study are Work Professionalism (X1), Physical Work Environment (X2), Information Technology (X3), Performance (Z) and Community Satisfaction (Y).

The location of the research was carried out at the Brebes Regency Public Library. The research sample was taken from the population, namely visitors at the Brebes Regency Public Library in 2020 totaling 3,886 people. The method of sampling from the population according to the Slovin method is that the authors use so that the number of samples that the authors use in this study is 97 people (rounding up to 100 people).

The research instrument in the form of a questionnaire/questionnaire needs to be tested for validity and reliability, especially on the questionnaire compiled by researchers [26]. Test the validity of this research instrument with construct validity test with Pearson product moment correlation. The test results are interpreted on the coefficients, if rcount > r table is obtained, it can be concluded that the items in the instrument are valid.

A valid instrument needs to be tested for reliability to see whether the instrument can be used to measure the same symptoms at least twice and the measurement results are relatively the same and consistent. The reliability test used by the author is the Cronbach alpha formula. A measurement item can be said to be reliable if the value of r-count is greater than r-table and vice versa. Based on Aiken's guidelines, if the r-table value is equal to or greater than 0.65 then the instrument is reliable and if it is less than 0.65 then the instrument is declared unreliable [27].

The correlational relationship between variables was analyzed by Structural Equation Modeling (SEM). The author uses SEM because it has several variables, namely independent, dependent and intervening which will be studied partially and simultaneously [28] with the software used is AMOS for hypothesis assessment. Hypothesis testing is carried out by the authors of the analysis by looking at the t-value or critical ratio (CR) value on the Regression Weight of the Fit Model and a significance level of 5%. If the Critical Ratio (CR) 1.967 then Ho is rejected or the research hypothesis Hi is accepted.

3. Result & Discussion

Data respondents as many as 100 people can consist of 34 men and 66 women. A total of 68 people aged 15-25 years, 14 people aged 26-35 years, 12 people aged 36-45 years and 6 people aged 46 and over. Meanwhile, from the respondent's education, 4 people have junior high school education, 46 people have high school education, 10 people have D3 education, 39 people have undergraduate education and 1 person has master's education. Meanwhile, in terms of work, 69 students, 7 PNS/BUMN/D, 15 private persons, 3 householders and 6 other occupations.

3.1 Analysis of the Measurement Model (Outer Model)

3.1.1 Validity Test

Validity test was carried out using SPSS. Validity is seen by comparing the Pearson product correlation value with r table where if rcount > rtable then it is declared valid. rtable for respondents 100 is equal to 0.196. From the results of the validity test, all indicators of the research instrument were declared valid, so that it can proceed to the reliability test.
3.1.2 Reliability Test

The reliability test was carried out using SPSS. Reliability is seen by comparing the value of Cronbach’s alpha. A measurement item can be said to be reliable if the value of r-count is greater than r-table (0.65). From the test results, the results of the Cronbach alpha value of all variables are above 0.65 so that the instrument is reliable and continues to the next test.

3.2 Structure Model Analysis

3.1.3 Konfirmator Analysis Factor

The confirmatory factor testing for each variable shows that the developed model has not yet reached the goodness of fit parameter, so confirmatory testing is carried out again. From the results of the re-confirmatory test, it is found that all variable models have reached goodness of fit so that the indicator model equation test can be carried out on the construct.

3.2.2 Estimation of Full Structure Model

The estimation results of the full structural model show that all indicators have a loading factor value that meets the prerequisites, which is more than or equal to 0.50 (≥0.50). Meanwhile, the goodness of fit parameter indicates that the model has met the prerequisites for further hypothesis testing.

The effect of work professionalism on employee performance is known to be 0.373 with a probability value (p-value) of 0.002, smaller than 0.05, meaning that there is a positive and significant influence of work professionalism factor on employee performance at the level of confidence or significance of 95%. Based on this, it can be stated that the higher the level of work professionalism, the higher the performance of employees.

The hypothesis is proven that Work Professionalism has a positive and significant effect on employee performance. These results support previous research conducted. Various studies also support the opinion that work professionalism has a significant effect on performance [29,30].

The results of the analysis of the coefficient of the influence of the physical work environment on employee performance are known to be 0.323 with a probability value (p-value) of 0.003 smaller than 0.05 meaning that there is a positive and significant effect of the physical work environment on employee performance at the level of confidence or significance of 95%. Based on this, it can be stated that the better the level of the physical work environment, the better the employee's performance.

These results strengthen previous research. Various studies support the above opinion that performance is influenced by the work environment [31–33]. This is also supported by the opinion of Nisa (2018) which also states that the work environment is the overall work facilities and infrastructure around employees who are doing work that can affect the implementation of performance. An adequate work environment will have a good impact on improving performance, otherwise an inadequate work environment can reduce employee performance.

The coefficient value of the influence of information technology on employee performance is known to be 0.388 with a probability value (p-value) of 0.000 which is smaller than 0.05,
meaning that there is a positive and significant influence of information technology on employee performance at the level of confidence or significance of 95%. Based on this, it can be stated that the third hypothesis (H3) is accepted as true.

The results of the analysis illustrate that the higher the use of information technology, it will affect employee performance. The results of previous research show that each variable of the usefulness of using information technology has a significant effect on performance. The influence of information technology on performance is also supported by various studies. The results of their research illustrate that individual performance is strongly influenced by the use and utilization of information technology, such as the results of research previously [34]

The coefficient value of the influence of service employee performance on community satisfaction is known to be 0.412 with a probability value (p-value) of 0.000 less than 0.05 meaning that there is a positive and significant effect of employee performance on community satisfaction known at the 95% confidence level or significance. Based on this, it can be stated that this hypothesis is accepted as true.

Various opinions and research support this statement. High employee performance is needed to be able to achieve customer satisfaction, namely by meeting and exceeding customer expectations. This opinion is supported by the research of Edi Sutrisno and Joko Maryono. According to their research results, high employee performance can significantly increase community satisfaction. Various studies also support the relationship between employee performance and community satisfaction.

The coefficient value of the influence of work professionalism on community satisfaction is known to be 1.240 with a probability value (p-value) of 0.013 which is smaller than 0.05. This means that there is a positive and significant influence of work professionalism factors on community satisfaction at the level of confidence or significance of 95%, so that the fifth hypothesis (H5) is declared to be true. The results of previous studies describe the same results as those of Tamrin, Rumapea, and Mambo (2017); Zacharias (2019); and Irawan, Subroto and Laksono (2019).

The coefficient value of the influence of the physical work environment on community satisfaction is known to be 1.032 with a probability value (p-value) of 0.002 which is smaller than 0.05. This means that there is a positive and significant influence of the physical emotional work environment on community satisfaction at the level of confidence or significance of 95% and hypothesis six (H6) is declared to be true. Research by Sumiati, Rasyidi, and Hereyanto (2018); Lisa Handayani and Suryani (2019); and Pangesti (2019) support this opinion where the physical work environment has a positive effect on community satisfaction.

The coefficient value of the influence of information technology on satisfaction is 0.687 with a probability value (p-value) of 0.032 which is smaller than 0.05. This result means that there is a positive and significant effect of information technology on people's satisfaction at the level of confidence or significance of 95% so that the seventh hypothesis (H7) is declared to be true. This result is supported by Putria's research (2012); Prananto (2018); Spiritual (2019); Permatasari, Masnon, and Setiawan (2020); and Saripudin (2020).

The coefficient value of the influence of work professionalism factors, physical work environment, information technology on community satisfaction through the performance of the employees of the Archives and Library Office of Brebes Regency has a probability value (p-value) of 0.001; 0.001; 0.002 which is smaller than 0.05, which means that there is a positive and significant effect. Based on this, it can be stated that this hypothesis is accepted as true. This means that work professionalism, physical work environment and information technology affect people's satisfaction through employee performance.
4. Conclusion

This study resulted in the following conclusions 1) Work professionalism has a positive and significant effect on performance, 2) Physical work environment has a positive and significant effect on performance, 3) Information technology has a positive and significant effect on performance, 4) Performance has a positive and significant effect on community satisfaction, 5) Work professionalism has a positive and significant effect on community satisfaction, 6) The physical work environment has a positive and significant effect on people's satisfaction, 7) Information technology has a positive and significant effect on people's satisfaction, 8) Work professionalism, physical work environment and information technology have a positive and significant impact on people's satisfaction through performance. This research also suggest 1) To improve performance, it is necessary to increase the professionalism of employees' work, provide a good physical work environment and use and utilize information technology in services, 2) To increase community satisfaction, it is necessary to improve employee performance, 3) To increase community satisfaction, it is necessary to increase the professionalism of employees' work, provide a quality physical work environment and use and utilize information technology.

References


Implementation of A Blended Learning Model Based on Google Classroom on Class XII TKJ Data-Centering Size Material  
(Case study at SMK Bina Nusa Slawi Student Year 2021/2022)

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Abstract. Related to the role of teachers as learning agents, teachers are required to be able to provide optimal learning by using various learning methods and models that are adapted to the characteristics of students. One of the learning models that can be an alternative solution in learning during a pandemic situation is Blended Learning. The Blended Learning learning model is effective learning and can also be applied to anyone, one of which is those who have difficulty for face-to-face learning continuously. One of the right applications to use in learning using Blended Learning is google classroom. The purpose of this study is to find out that the Google Classroom-based Blended Learning Model can improve mathematics learning outcomes on data centering size materials and to find out whether there are differences between students who are applied google classroom-based blended learning to conventional learning. Based on the results of data analysis, it shows that there is a significant increase between pretest and postest using a google classroom-based blended learning model. The difference is shown by the average pretest value of 68,973 and posttest of 84,865.

Keyword: Blended Learning, Google Classroom

1. Introduction

In the implementation of the standards of the educational process, the teacher has a fairly significant role and position in the learning process. As stated in PP No.14 of 2005 Article 4 concerning Teachers and Lecturers is stated as follows. "The position of teachers as professionals as referred to in Article 2 paragraph (1) serves to increase the dignity and role of teachers as learning agents serves to improve the quality of national education" Related to the role of teachers as learning agents, teachers are required to be able to provide optimal learning by using various learning methods and models that are adapted to the characteristics of students. In addition, teachers as the spearhead of education have a very important role in the world of education. The teacher becomes the main axis in the course or not of learning in a systematic and structured manner. Qualified and professional teachers are believed to be able to create a generation of the nation that is of high quality and dignity and able to face global competition.

Indonesian education is now being tested with the Covid-19 pandemic. Indirectly, this pandemic has tested the readiness of all education personnel in the face of distance learning. It is certain that mastery of science and technology has become the hope and demand of the global community. It is almost certain that mastery of science and technology has become the hope and demand of the global community. Not only teachers who are required must be able to apply learning in accordance with the context of the times.
Teachers, students and parents are expected to be able to participate in a very competitive global competition. However, in reality, education personnel are not ready for distance learning or online learning methods. Therefore, it is necessary to make hard and earnest efforts in implementing distance learning, both in the use of online applications and determining learning models or methods that are suitable for pandemic conditions. In accordance with the statement in the Ministerial Decree 4, it is estimated that in July 2021, limited face-to-face learning will be held. One of the learning models that can be an alternative solution in learning during a pandemic situation is *Blended Learning*. Blended Learning is a combination of face-to-face, offline and online learning. Blended learning can combine face-to-face learning with computer-based learning. *Blended learning* can also be interpreted as learning with a technology approach to learning a combination of face-to-face learning resources with teachers or contained in computer media, cell phones, *mobile phones*, satellite television channels, video conferences, and other electronic media ([1]:60).

The *Blended Learning* learning model is effective learning and can also be applied to anyone, one of which is those who have difficulty for face-to-face learning continuously. In addition, the use of this model can also be used as a means of providing additional lessons. [2] *Blended learning model* is also said to be an integrated or mixed learning model, which is a combination of two learning environments. The learning environment is a face-to-face learning environment or often referred to as a traditional learning environment and a distributed learning environment that grows and develops in an exponential way through new technologies. Integrated learning has the characteristics of, among others, face-to-face and online learning, student-centered, providing hands-on experience, being flexible and allowing independent learning. The effective combination of different ways of delivering, ways of teaching and learning styles found in open communication between all the parts involved with the training are some that support blended learning.[3]

According to Prayitno *Blended Learning* is needed at a time when the existing situation demands a combination or mixing of various learning environments to achieve learning objectives. For example, when distance learning is not so needed, face-to-face learning is needed. This blended learning process is needed for students who need addition and combination in learning. *Blended learning* is needed under certain conditions. These conditions include:

1. the teaching and learning process is not only face-to-face, but increases learning time by utilizing cyber technology,
2. simplify and speed up the process of non-stop communication between educators and learners
3. assisting in the process of accelerating teaching [4]

One of the right applications to use in learning using *Blended Learning* is *google classroom*. In a journal it says as follows:

*One e-learning application to support the implementation of learning with a blended learning model is google classroom. This tool is very easy to use and free. Teachers can create online classrooms and invite their students then create and distribute assignments and materials. The main advantage of google classroom is that all assignments are displayed in good order and they can always be accessed and checked. Therefore, the students don't need to worry about losing assignments when they submit. Teachers can also directly give the scores and give feedback*. [5]

Google Classroom is also a platform that can be used for free for online teaching and learning activities. Google Classroom also offers features that are efficient, easy to use, and
help teachers manage assignments. In addition, teachers can create classes, distribute assignments, grade, send feedback and view everything in one place.

Some of the advantages that we get when using google classroom in learning include easy preparation, saving time and being able to train student discipline. Google Classroom can be easily accessed via computer or mobile phone with any browser. Google Classroom can also be downloaded on the playstore with the keyword "Google Classroom" both on Android and iOS. [6]

The learning model used in this research is the Flipped Classroom model. According to Herried, Flipped classroom is a teaching model in which educators give assignments to students to actively study the material provided through digital media in the form of videos or e-books or other forms of learning resources as a starting material in preparing for learning in class (face-to-face)[7]. Based on the description above, the author is interested in conducting a study with the title "Implementation Of A Google Classroom-Based Blended Learning Model On Class Xii Tkj Data Centering Size Material". The purpose of this study is to find out that the Blended Learning Model berbasis Google Classroom can improve mathematics learning outcomes on data centering size materials and to find out whether there are differences between students who are applied google classroom-based blended learning with conventional learning.

2. Method

This research is a quantitative study using the true experimental design method using the pretest-postest control group design pattern. According to [8] in the pretest-postest control group design there is a group that is selected true experimental design using the pretest-postest control pattern of the design group randomly then given a pretest to find out the initial state, namely the difference between the experimental and control groups. Pretests are given before the implementation of learning, and after learning are given posttests.

The experimental design of the random control group pretest-postest design pattern can be described in the following table.

<table>
<thead>
<tr>
<th>Group</th>
<th>Teknik Pengambilan</th>
<th>Pretest</th>
<th>Treatment</th>
<th>Postest</th>
</tr>
</thead>
<tbody>
<tr>
<td>E</td>
<td>R</td>
<td>O₁</td>
<td>X</td>
<td>O₂</td>
</tr>
<tr>
<td>K</td>
<td>R</td>
<td>O₃</td>
<td></td>
<td>O₄</td>
</tr>
</tbody>
</table>

Information:
R : random sampling
E : experimental group
K : control group
X : Treatment
O₁ : Pretest experimental group
O₂ : Posttest experimental group
O₃ : Pretest control group
O₄ : Posttest group control
The implementation design pattern above illustrates the comparison of experimental groups using google classroom-based blended learning models and control groups that do not use google classroom-based blended learning models (conventional models only). This difference is carried out to find out the extent to which the implementation of learning with a google classroom-based blended learning model in mathematics subjects, the data centering size material can be carried out. This research was carried out at SMK Bina Nusa Slawi, Tegal Regency. The population in this study was all students of class XII Computer and Network Engineering (TKJ) for the 2021/2022 academic year consisting of 4 classes (XII TKJ 1 to XII TKJ 4) with a total of 148 people.

The sampling technique in this study used Cluster Random Sampling. This is done by paying attention to the same characteristics, namely students get the same material, students are taught by the same teacher, students sit in the same class and there is no superior class. The samples in this study were class XII TKJ 1 as an experiment class and XII TKJ 3 as a control class.

The instrument used in this study was a learning outcomes test consisting of trial questions and pretest postest. The trial questions consist of 10 description questions. The questions are then tested to obtain valid questions and then selected into 5 questions used for the pretest postest questions. The test is used to obtain data on student learning outcomes in experimental classes and control classes. Testing the effectiveness of google classroom-based blended learning models is carried out by assessing student learning outcomes based on daily test scores. The daily test score is seen from the learning outcomes of students on the subject matter of the centering measure. The flow of assessing the effectiveness of learning based on learning outcomes is depicted in the following chart.
The data analyzed from this study are data on the learning outcomes of class XII TKJ students through pretest and postest. Data analysis of student learning outcomes on the material of the data centering size was analyzed using the Paired Sample T Test with the prerequisite test normality test and homogeneity test. Data analysis using SPSS software.

3. Discussion

This study was carried out three times in the experimental and control class groups. This study gave different treatment to the two groups of classes. The learning experiment class uses google classroom-based blended learning, while the learning control class uses conventional learning models. The steps on google classroom-based blended learning can be shown in the following table:

**Table 1. Learning Plan Activity Steps**

<table>
<thead>
<tr>
<th>TYPES OF ACTIVITIES</th>
<th>ACTIVITIES</th>
<th>ESTIMATED TIME</th>
</tr>
</thead>
</table>
| **Pre-class activity** | 1. Teachers prepare for Google Classroom  
2. Teachers design and create problem-based learning media on the topic of Single data median and group data  
3. Teacher uploads learning module on Google Classroom  
4. Guru uploads median LKPD on Google Classroom  
5. Students independently study learning materials uploaded by Google Classroom and work on the median LKPD (Independent, Critical thinking and Problem Solving)  
6. The teacher analyzes the results of the work of the learners.  
7. The teacher reminds the division of the group as the previous meeting | 1 day before the defense |
| **In-class activity** | Introduction | 10 minutes |
| 1. Students and teachers open the learning process by praying. (religious)  
2. The teacher checks the attendance of the learners.  
3. The teacher asks about the results of the students' self-learning in the pre-class activity stage.  
4. The teacher explains the learning objectives and explains the learning procedures and assessments. | |
<table>
<thead>
<tr>
<th>TYPES OF ACTIVITIES</th>
<th>ACTIVITIES</th>
<th>ESTIMATED TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Problem Orientation
1. Learners are given several cases related to solving median problems through powerpoint slides displayed by the teacher.
2. Students and teachers identify and analyze information on the problems contained in point 1. *(Critical thinking, HOTS - Critical Thinking)*

### Organizing Learners to Learn
3. Students who form 2 groups of four people to develop strategies based on the information obtained in stage 2.
4. Teachers share LKPD problem solving single data median and group data.
5. The teacher monitors and guides each group in designing strategies/formulating steps to solve problems related to single data medians and group data.

### Guiding Group Investigations
6. Learners and their groups analyze and identify information contained in the problem. *(collaboration, information collection)*
7. Learners formulate the information obtained to design strategies for solving problems of single data median and group data *(data processing)*
8. Learners apply the strategies they have designed to solve a given problem, namely determining the median, modeling the problem, and solving the problem given in stage 1. *(reasoning, critical thinking and problem solving, HOTS-critical thinking)*
9. Teachers monitor and guide each group related to the application of strategies they carry out to model mathematics on problems and solution findings. Students...
<table>
<thead>
<tr>
<th>TYPES OF ACTIVITIES</th>
<th>ACTIVITIES</th>
<th>ESTIMATED TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ask questions that are not understood <em>(critical thinking and problem solving, questioning)</em></td>
<td></td>
</tr>
<tr>
<td>Developing and Presenting Work</td>
<td>10. Learners present the results of solving the problem carried out. <em>(Creativity)</em> 11. Representatives of learners from the group presented the results of solving the problem. <em>(Communication, observe)</em> 12. The rest of the group responded to the results of the group presentation. <em>(Communication)</em></td>
<td></td>
</tr>
<tr>
<td>Analyzing and Evaluating</td>
<td>13. The teacher monitors, responds to, and evaluates the results of the work of each group of learners who have been presented in front of the class. 14. The teacher provides reinforcement of the results of solving problems in each group and directs students to the concepts learned.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Students and teachers discuss and conduct questions and answers on the learning outcomes obtained in that day. <em>(Collaboration, Communication)</em> 2. The teacher concludes the points that learners must understand, namely the step of determining the median of a single data and group data. 3. The teacher provides information related to the Task to be done 4. The teacher closed by praying. <em>(religious)</em></td>
<td>10 Minutes</td>
</tr>
</tbody>
</table>

The data obtained in this study is data collected from tests given to students at SMK Bina Nusa Slawi in the form of *pretests* and *posttests* given in experimental classes and control classes. *Pretests* are given before the treatment to determine the initial abilities of
students, while posttests are given after treatment is given using google classroom-based blended learning.

**Normality Test**
The first stage on data analysis is the normality test, as a requirement of the t test. A normality test is performed to find out whether the sample studied is normally distributed or not. The acceptance criteria for a data are normally distributed or do not use the following formula:
- If the sig < 0.01 means that the data distribution is abnormal
- If the sig > 0.01 means that the data distribution is normal

The results of the normality test are shown as follows:

**Tabel 2. One-Sample Kolmogorov-Smirnov Test (Normality Test) Experimental Class**

<table>
<thead>
<tr>
<th></th>
<th>PRE TEST</th>
<th>POST TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>Normal Parameters&lt;sup&gt;a,b&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>68.973</td>
<td>84.865</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>7.2590</td>
<td>10.8171</td>
</tr>
<tr>
<td>Most Extreme Differences</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absolute</td>
<td>.303</td>
<td>.187</td>
</tr>
<tr>
<td>Positive</td>
<td>.303</td>
<td>.187</td>
</tr>
<tr>
<td>Negative</td>
<td>-.292</td>
<td>-.179</td>
</tr>
<tr>
<td>Test Statistic</td>
<td>.303</td>
<td>.187</td>
</tr>
<tr>
<td>Asymp. Sig. (2-tailed)</td>
<td>.000&lt;sup&gt;c&lt;/sup&gt;</td>
<td>.002&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

<sup>a. Test distribution is Normal.</sup>
<sup>b. Calculated from data.</sup>
<sup>c. Lilliefors Significance Correction.</sup>

**Tabel 3. One-Sample Kolmogorov-Smirnov Test (Normality Test) Control Class**

<table>
<thead>
<tr>
<th></th>
<th>PRETESTKONTROL</th>
<th>POSTTESTKONTROL</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>36</td>
<td>36</td>
</tr>
<tr>
<td>Normal Parameters&lt;sup&gt;a,b&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>69.0000</td>
<td>71.4167</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>5.10462</td>
<td>10.89003</td>
</tr>
<tr>
<td>Most Extreme Differences</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absolute</td>
<td>.217</td>
<td>.163</td>
</tr>
<tr>
<td>Positive</td>
<td>.209</td>
<td>.163</td>
</tr>
<tr>
<td>Negative</td>
<td>-.217</td>
<td>-.090</td>
</tr>
<tr>
<td>Test Statistic</td>
<td>.217</td>
<td>.163</td>
</tr>
</tbody>
</table>
Based on the data in Table 2 and Table 3 it can be concluded that the data from the pretest and postest results of both classes are normally distributed. The data meets the criteria, namely sig > 0.01. it means that the data is normally distributed.

**Homogeneity Test**

The second stage in data analysis is the homogeneity test. Homogeneity testing is carried out to find out whether the research data has homogeneous variants or not. In this study, the homogeneity test was carried out using SPSS with a significance level of 0.01. The acceptance criteria for a data are normally distributed or do not use the following formula:

- If the sig < 0.01 means that the data is inhomogeneous
- If the sig > 0.01 means homogeneous data

The results of the homogeneity test are shown as follows.

### Tabel 4. Test of Homogeneity of Variances

<table>
<thead>
<tr>
<th>Levene Statistic</th>
<th>df1</th>
<th>df2</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>.610</td>
<td>1</td>
<td>71</td>
<td>.437</td>
</tr>
</tbody>
</table>

Based on the data in Table 4 it can be concluded that the data from the pretest and postest results of both classes are homogeneous. The data meets the criteria, namely sig > 0.01. meaning homogeneous data.

**Hypothesis Test**

The next stage in the analysis is the hypothesis test, which is to use the t test. This was done after it was discovered in the prerequisite test of data analysis, it was stated that the data from the study were normally distributed and homogeneous. The results of the t test are shown as follows.

### Tabel 5. Paired Samples Statistics

<table>
<thead>
<tr>
<th>Mean</th>
<th>N</th>
<th>Std. Deviation</th>
<th>Std. Error</th>
<th>Mean</th>
<th>N</th>
<th>t</th>
<th>Mean</th>
</tr>
</thead>
</table>

Asymp. Sig. (2-tailed)

- a. Test distribution is Normal.
- b. Calculated from data.
- c. Lilliefors Significance Correction.
<table>
<thead>
<tr>
<th>Pair</th>
<th>PRE TEST</th>
<th>POST TEST</th>
<th>Paired Differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>68.97</td>
<td>84.86</td>
<td>-15.89</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>5</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>37</td>
<td>37</td>
<td>11.369</td>
</tr>
<tr>
<td></td>
<td>7.259</td>
<td>10.81</td>
<td>1.869</td>
</tr>
<tr>
<td></td>
<td>1.193</td>
<td>1.778</td>
<td>1.216</td>
</tr>
<tr>
<td>2</td>
<td>69.00</td>
<td>71.41</td>
<td>-2.416</td>
</tr>
<tr>
<td></td>
<td>00</td>
<td>67</td>
<td>67</td>
</tr>
<tr>
<td></td>
<td>36</td>
<td>36</td>
<td>10.145</td>
</tr>
<tr>
<td></td>
<td>5.104</td>
<td>10.89</td>
<td>1.690</td>
</tr>
<tr>
<td></td>
<td>.8507</td>
<td>1.815</td>
<td>1.216</td>
</tr>
</tbody>
</table>

**Table 6. Paired Samples Test**

Paired Differences

<table>
<thead>
<tr>
<th>Paired Differences</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Std. Error Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRE TEST - POST TEST</td>
<td>-15.89</td>
<td>11.369</td>
<td>1.869</td>
</tr>
<tr>
<td></td>
<td>19</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>27</td>
<td>11</td>
<td>02</td>
</tr>
<tr>
<td></td>
<td>-8.5</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>.000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Based on the data obtained in Table 5, it is known that the number of sata in the experimental class is 37 while the amount of data in the control class is 36. The mean value for the experimental class was 84.865 while for the control class it was 71.4167. Thus it can be concluded that there is a distinction between the experiment class and the control class. Furthermore, to prove whether the difference is real or not, we need to interpret the following "Paired Samples Test" table. Based on the data obtained in Table 6 it is known that the sig < 0.01. Thus, it can be concluded that there are differences before and after using a google classroom-based blended learning model in the experimental class.

Based on the results of data analysis, it shows that there is a significant increase between pretest and postest using a google classroom-based blended learning model. The difference is shown by the average pretest value of 68,973 and posttest of 84,865. The google classroom-based blended learning model can be said to be very good in learning in today's new normal era.

This is in line with the research of Setyoko and Indriaty (2018) which states that the Blended Learning learning model has proven to be very well applied in overcoming obstacles...
to face-to-face learning in person. Face-to-face meetings are limited to several things including limited face-to-face time, limited student activity range, lecturer attendance in face-to-face is not always fulfilled optimally, and a learning system that tends to conventional learning concepts.

According to Kathleen Fulton, the advantages of blended learning, especially the flipped classroom type, include: (1) Students can participate in learning according to the speed of their haming because there is an opportunity to repeat the material if needed, (2) homework is completed in class and students can ask about parts that are not yet understood, (3) students have the opportunity to access learning in full, (4) learning time in class is spent effectively by teachers and students, (5) teachers who implement flipped classrooms get higher results compared to applying traditional learning.[9]

Meanwhile, in the research of Meyla Kurniawati, et al (2019) it was stated that student learning outcomes after the application of blended learning using a flipped classroom model assisted by Google Classroom. This shows that in addition to the advantages, google classroom learning also has disadvantages. These shortcomings include: (1) the large number of online media so that supporting facilities and infrastructure are needed, (2) the lack of equitable facilities owned by students such as androids, computers and internet access, (3) lack of knowledge or stuttering technology. The application of blended learning is also inseparable from the role of teachers who control and manage learning activities so that they can occur in a sustainable, interesting and more effective manner. The need for teachers to prepare references, teaching materials, materials, develop assessment instruments, and answer questions asked by students. The learning atmosphere will feel lively if the enthusiasm of students in using the blended learning model needs to be supported by the readiness of teachers in managing and developing models creatively.

4 Conclusion

Based on the results of research and development of the Google Classroom-based Blended Learning learning model that has been carried out, it can be seen that the learning outcomes of students who are taught using a google classroom-based blended learning model are higher than those taught without using a google classroom-based blended learning model. This proves that there is a difference between the learning outcomes of students who are taught using a google classroom-based blended learning model and those who are taught without using a google classroom-based blended learning model. In addition, the application of blended learning is also inseparable from the role of teachers who control and manage learning activities so that they can occur in a sustainable, interesting and more effective manner.

References


Transformational Leadership In Realizing Humanist Character Education For The Alpha Generation

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Abstract. The discussion about the Alpha generation cannot be separated from education. Mainly humanist character education. This study uses a library research method by studying data sourced from books and scientific journals that discuss the Alpha generation, humanist character education, and transformational leadership. The goal is to find out how the contribution of transformational leadership in realizing humanist education for the Alpha generation. From this study, the results obtained; 1) Humanist character education is needed to reduce negative things and optimize the individual potential of the Alpha generation. 2) Based on the facts above, schools need to improve to change the new paradigm of the direction and purpose of education, namely the formation of knowledge and personality of students through increasing the intensity and quality of character education. 3) The role of leadership in realizing education based on human values is very large. 4) In this era, school principals are required to present humanist leadership; humanize humans. Not a rigid authoritarian leadership or leadership that merely performs administrative functions; 5) The contribution of the principal's transformational leadership to implement humanist character education in schools must appear in several strategic steps.

Keywords: Generation Alpha, Transformational Leadership, Humanist Character Education

1. Introduction

Future generations are faced with the challenge of changing conditions that are so rapid and the craze of the industrial revolution 4.0 and the era of society 5.0 that continues to roll. The internet of things and the automation of technology application will become a trend in every line of people's lives today. A life that is so complex with rapid and unpredictable changes is considered a new challenge in creating a harmonious and progressive national atmosphere that will be encountered by future generations. Call it the alpha generation. This generation is predicted to be a leader in the next 20 years. The alpha generation is the generation born after 2010. This means that currently the oldest age of the alpha generation is around 12 years old, and is at the level of junior high school education. Thus, the quality of the individual and the educational experience gained today will greatly support the success of future generations.

Several recent studies dissect the characteristics of alpha generation. [1] explained that the alpha generation has several unique characteristics, including having a more prosperous life as a legacy from the previous generation, highly educated, living highly dependent on technology, not having many skills, being obsessed with new products and easily bored, have excess body weight due to lack of physical movement, and lack of socialization aspects[2–4].
The discussion about the alpha generation with all its uniqueness, cannot be separated from the discussion about education. Education as a foundation in human development, must play a role in the two stages of the change process. First, humanization in terms of reflective awareness of human potential, and second, the process of humanization in terms of awareness of actual human activities themselves. Departing from the understanding that education is a process of humanization towards the birth of human beings of value in humanity [5], education needs to be managed seriously and with proper functions.

Humanist characters need to be pursued to save humans from the threat of character disasters in the future. Noting that humanization through the implementation of education is a necessity, educational institutions are required not only to advance science and technology, but also to be able to produce human resources with character.

Facing the challenges of the above conditions, educational leadership is a major issue that must be considered. The principal as a key figure in the school management system has a very strategic role in ensuring the quality of education. [6] in their inaugural speech for the professor of education management science stated that the success of a school in carrying out all the aspects it has planned needs to be supported by the presence of a reliable headmaster.

A professional provides job services in a structured manner. Educational leadership needs to respond to current challenges in the world of education; how to form humanist character in the alpha generation in the implementation of education?

2. Research Methods

This research uses library research method. The data to support this paper was taken by studying books and or scientific journals related to the discussion material and referring to the problem. [7] suggests that literature study is an activity related to the method of collecting library data, recording and collecting information and then processing the data. Meanwhile, the data sources are taken from various document sources, various reference books and scientific journals.

The emphasis of library research in this article is to find various theories, laws, propositions, principles, opinions, ideas and others that can be used to analyze and solve problems related to educational leadership in realizing humanist education for the Alpha generation. Therefore, this study describes and explores the documentation carried out by conducting a theoretical review of other references that are linked through the values, culture and norms that develop according to the research topic [8].

3. Results And Discussion

3.1. The Alpha Generation

In general, generations are categorized on the basis of the period of year of birth or events that occur globally [9]. At least, at the beginning, some researchers classified there are four categories of generations; namely the Baby Boomers, X, Y, and Z generations. First, Baby Boomers were born in the period 1946 – 1964 after world war 2. Second, generation X was born in the period 1965 – 1979. Third, Generation Y is known as the millennial generation, who were born in the period 1980 – 1995. Then there is the fourth generation Z, which was born in the

Generation Alpha is always interesting to study. Unlike the previous generation, this generation was born in an atmosphere of massive technological development. Of course this is a challenge for anyone who dwells in the world of education. Ria Novianti in the journal Educhild (Education & Social) stated that 64% of the alpha generation interacted with gadgets in the medium category with a duration of 8 to 11 hours per day. Only 9.6% of them stated that they had never used a gadget. In fact, changing the mindset of each generation also triggers a positive or negative change in their behavior.

From an educational point of view, [10,11] explains that the Alpha generation is the generation that is most formally educated, is present from an early age, and learns longer because they are familiar with the concept of learning in the network. However, on the other hand they are also referred to as a materialistic generation. In his article, [11] vulgarly describes several characteristics of the alpha generation, including;

1. have high ownership of something they own,
2. high mobility characterized by the habit of traveling / traveling,
3. do not pay too much attention to matters relating to privacy,
4. have a tendency to disobey the rules,
5. tradition breaker,
6. a generation that is not very religious, and
7. unpredictable and changing all the time.

Based on the concept above, the Alpha generation is the generation that has more challenges. The influence of technology will give them the opportunity to develop very quickly, but it can have an impact on the character problems of each individual. Therefore, to answer these problems, character education is needed to reduce negative things and optimize the individual potential of the Alpha generation.

3.2. Humanist Character Education

Education is an important way in developing and optimizing human character. As Ki Hajar Dewantara once said, "Education is an effort to advance the growth of character (character), mind (intellectual) and a child's body". Generation Alpha with all its uniqueness, especially those whose lives are very dependent on technology and are vulnerable to anti-social, feel the need to be closer to the humanization process through character education.

In the perspective of Islamic education, [12] said that humanist education is an educational process that positions humans as humans, God's creations with certain traits to be developed optimally. The humanist approach to learning is an approach that views that a person's learning process is not only to accommodate cognitive aspects, but more than that. Education with a humanist approach is a process that involves all aspects of human potential itself, including cognitive, affective and psychomotor. In a similar sentence, human character is interpreted as the result of the integration of four parts, namely the heart, thought, exercise, taste and intention.
Suyanto in [13] explained that there are four weaknesses that cause character education to be not optimal.
1. teachers do not fully understand how to integrate character values in all subjects,
2. syllabus and lesson plans are carried out conventionally and minimal innovation so that the implementation of character values is not on target,
3. education is still oriented to the cognitive aspect and ignores the development of attitudes,
4. a strong assumption of the wrong dogma that if aspects of cognitive development are carried out correctly, affective aspects will also develop.

Based on the facts above, schools need to improve to change the new paradigm of the direction and purpose of education, namely the formation of knowledge and personality of students through increasing the intensity and quality of character education. Schools need to improve to become centers of humanist character education because,
1. School is a place for sowing and cultivating the spiritual-religious seeds of students. The role of the school in this regard is to educate, teach, train and instill the values of honesty, love, truth, loyalty, moral consistency, non-corruption, justice, compassion for others [14]
2. Schools are a place for human empowerment of students, and
3. School as a conducive environment for practicing patriotism/nationalist learning (appreciating unity and diversity in maintaining the integrity of the nation, independence, discipline, ethical thinking, upholding moral values, promoting loyalty, responsibility, and caring).

3.3. Contribution of Transformational Educational Leadership

To realize progressive conditions in the implementation of humanist education, visionary leadership is needed and is able to bring the school environment to a more conducive climate. It is common for school principals to seek to improve the quality of education, in this context, realizing humanist education. The role of leadership in realizing education based on human values is very large. Of course this is because the educational leadership position has access and space to execute various decisions and policies that are able to make a positive contribution to the educational community.

While the term transformational comes from the word to transform, which means changing or transforming something from one form into another different form [5]. Therefore, the word transformational contains the meaning of properties that can change something into another form, for example changing the energy of ideas and ideas into actual energy, or potential energy into real achievements. Therefore, a leader is said to have implemented transformational leadership practices, if a leader can change the energy of existing resources.

In fact, every organization, including schools, must have and need a leader or manager who carries out leadership activities to succeed in organizational goals. School as a formal educational institution is a place where a group of people (principals, teachers, staff, students, school committees, and the community) work to achieve the expected goals. As a leader, the role and function of the principal is very vital in determining the success of an educational institution to achieve its goals. In schools, the principal is the person most responsible for
managing and leading school programs with good management. The work climate, harmonious and conducive relations between the educational community in the school must be created through the leadership of the principal. This means that the principal is obliged to develop all components of education in schools in an integrated manner to increase the relevance of the education being carried out with the expected quality of education.

In relation to realizing humanist character education for the Alpha generation in schools, transformational school principals have very vital roles and functions. At least, Tony and Marianne and the Ministry of Education and Culture's Character Education Strengthening Team (2015) in a study conducted, explained that the principal's transformational leadership strategy to implement humanist character education in schools must appear in several strategic steps as follows:

1. involve all school components in formulating the school's vision and mission,
2. involve all school components in determining the values of humanist character to be instilled in students in line with the direction of the school's vision and mission,
3. involve all school components in developing the organizational structure of character education through clear job descriptions,
4. to socialize the integrated program of humanist character education in collaboration between the city/district education office, school supervisors, school principals, teachers, employees, students, school committees, and stakeholders,
5. involve all school components in compiling character education guidelines that are applied in learning, extracurricular, and co-curricular activities,
6. Conduct periodic evaluations of performance and results in the form of an assessment of the internalization of character values in students.

In addition to the above, in realizing humanist character education, the principal needs to apply the principles of humanist leadership in the school environment he leads. Change does not occur because of the leader's actions towards people but with people. In this case, the presence of a school principal must support the relationship and closeness between himself and all school components in the humanitarian dimension, such as; school residents find meaning and vision in the workplace, communication made by a principal is persuasive communication, invites participation and autonomy and is not merely instructional, fair treatment for all school members, constructive responses to problems that arise, being an example and role model.

In this era, principals are required to present humanist leadership; humanize humans. Not a rigid authoritarian leadership or leadership that merely performs administrative functions; wait for instructions and orders from superiors (top-down) followers work under a pressure leader, work to get the reader's attention, work after taking orders, work with hypocrisy. Such a leader's role can hinder the existence of the humanity of his followers equally and perfectly and at the same time become an obstacle to the growth of human inclusivity.

4. Conclusions
1. Generation Alpha is the generation that has more challenges. The influence of technology provides opportunities for them to develop very quickly, but it is also vulnerable to affecting the character problems of each individual. Humanist character education is
needed to reduce negative things and optimize the individual potential of the Alpha generation.

2. Based on the facts above, schools need to improve to change the new paradigm of the direction and purpose of education, namely the formation of knowledge and personality of students through increasing the intensity and quality of character education. Education with a humanist approach is a process that involves all aspects of human potential itself, including cognitive, affective and psychomotor.

3. The role of leadership in realizing education based on human values is very large. Of course this is because the educational leadership position has access and space to execute various decisions and policies that are able to make a positive contribution to the educational community.

4. In this era, school principals are required to present humanist leadership; humanize humans. Not a rigid authoritarian leadership or leadership that merely performs administrative functions;

5. The contribution of the principal's transformational leadership to implement humanist character education in schools must appear in several strategic steps as follows: involving all school components in formulating the school's vision and mission, determining the values of humanist character to be instilled in students in line with the direction of the vision and school missions, develop character education organizational structures through clear job descriptions, socialize integrated programs for humanist character education with all policy makers and stakeholders, develop character education guidelines that are applied in learning activities, (eg extracurricular and co-curricular), and conduct periodic evaluations in the form of an assessment of the internalization of character values in students.

References


[11] Barkowitz D. 13 Things to know about the Alpha Generation: The newest generation has no purchasing power yet, but will soon take over the world 2016.
The Role of Education in Implementation
In the value of moral Intelligence in the Age Super
Social Society 5.0

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Abstract. Super smart society (society 5.0) was introduced by the Japanese government in 2019, 5.0 as a renewal that places humans as the main component in it, not just a passive component like in the industrial revolution 4.0. Along with the development of science, the intelligence that is considered the most important intelligence in humans is spiritual intelligence and moral intelligence. The development of people's lives is still colored by various moral problems, moral, social, economic, political imbalances, and the emergence of acts of violence. This shows that education in Indonesia has not been able to develop Indonesian people and society as expected. This research is an exploratory research. In this exploratory research, the form of research is qualitative, The research strategy used in this study is single-fixed. This conclusion is formulated based on data analysis and discussion of research results obtained through several stages. By referring to the formulation of the problem in the introductory chapter, several conclusions can be drawn which can be formulated as follows. There are five values of moral intelligence that are relevant to the 5.0 era of society, namely empathy, conscience, self-control, respect, and tolerance.

Keywords: Good Governance, Public Organizational, Service Quality, Work Environment, Performance.

1. Introduction
Super smart society, also known as society 5.0, was established in Japan on January 21, 2019, to create a human-centered, technology-based society. Society 5.0 is an artificial intelligence that focuses on the human side in all areas of life and is projected to become new wisdom in society. The notion of society 5.0 solves societal problems by combining real and virtual places [1]. Society 5.0 will affect health, urban planning, transportation, agriculture, industry, education, and more (Law of the Republic of Indonesia concerning the National Education System).

The age of society 5.0 or super-smart society (society 5.0) was introduced by the Japanese government in 2019, which was created as a solution and response to the industrial revolution 4.0 and is considered to cause human degradation. After entering the industrial revolution era, Indonesia will enter the era of society 5.0, the era of society 5.0 as a renewal that places humans as the main component in it, not just a passive component like in the industrial revolution 4.0.
"The renewal in that era can generate new value by elaborating and working together on systems, information, and technology which also improves the quality of the required human resources or Human Capital. The era of society 5.0 is a period that is human-centered and technology-based. Therefore, artificial intelligence (artificial intelligence) will be fully dedicated to improving the human ability to find and open various opportunities that are owned by humans.

Character building for a nation is a basic need in the nation and state process. The importance of character education related to its emergence explains that national character education is not something new for the Indonesian people. The founders of this nation have long thought about how important character is to make this nation great and honorable in the world community. When the social fabric is torn. At that time, it is undeniable that we need Pancasila as the glue knot. Therefore, Pancasila human development is a function of mental-spiritual-cultural development through the education sector which goes hand in hand with political-institutional functions and technological material functions [2,3]. Underlining civilization, it is inevitable that if you want to promote the values of Pancasila, it must be effectively crystallized in the three realms of civilization: values, governance, and prosperity. a nation that can achieve greatness if that nation does not believe in something, and if the something it believes in does not contain a moral value dimension to sustain a great civilization. Values are the foundation or guiding light that provides a roadmap to the destination. Therefore, no matter how great the physical development, the program agenda, and the skills that we muster, do not provide significant added value. In fact, this value can deviate from the right track (on the track).

Today's societal collapse requires attention. Values and morality are deteriorating. Children's respect for parents and others is waning. Manners declined. Honesty, trust, etc., fell. Some people feel inferior to other countries or have an inferiority complex. This mentality makes it easy to accept alien cultures that aren't always good for the country.

Along with the development of science, the intelligence that is considered the most important intelligence in humans is spiritual intelligence and moral intelligence. Because moral intelligence directly underlies human intelligence to do something useful. Moral intelligence gives human life a purpose. Without moral intelligence, we cannot do anything and the events that become experiences are meaningless. Morals are values that exist in society. And to form morals, moral intelligence education should learn about what everyone in society should do.

Western culture, which deviates greatly from religious teachings and eastern practices, is gaining flexibility and free space to damage Indonesian culture. [3] This is evident in community life because their culture is advanced and modern. People adopt foreign cultures without filter, rendering Eastern culture weak, fading, and abandonable. Situation analysis identified deviant conduct in Tegalsari Village, Tegal City. Tegalsari Tegal Village residents with behavioral issues need help. If left uncontrolled, this behavioral deviance will have disastrous effects, such as arbitrary conduct, violence between neighbors, and an increase in juvenile delinquency, out-of-wedlock pregnancy, and moral crisis-related suicide. Television violence and antisocial acts like murder are blamed for the growing moral crises. Other bad actions tend to reduce indifference and pessimism in an activity, etc.

The reappearance and growth of moral intelligence ideals in Society 5.0 is essential for national progress. [2] Why is moral intelligence vital for our country? Because our country has had bad practices for a long time. Students' morality is moving away from ethics and religion. Fights, brawls, and intimidation are common. In recent years, hundreds of students from different institutions brawled in Jakarta. The hitting evolved into stone-throwing. The brawl on the village's main road. Disturbed by the battling students, villagers flung stones at them. The
next village was stoned. Offended that their village was stoned, neighbors threw stones. The student brawl became a communal brawl.

According to Indonesian education expert Ki Hajar Dewantara, the application of character Moral intelligence is developed by schooling. Character education or moral intelligence supports children's growth. This growth of life leads to civilization.” Teaching children how to sit correctly, respecting parents and others, helping, etc. Education leader Ki Hajar Dewantara hopes students receive positive feedback. The recommendation encourages children to do good deliberatively. Thus, character education requirements (formerly known as "tringa") can be met. In applying the education system, validity is called the tutwuri handayani technique. Tutwuri handayani has its unique teaching and learning procedure. Tutwuri handayani requires curriculum embodiment.

As noted, children's unfavorable trend is growing. Moral difficulties, social, economic, and political inequities, and violence continue to shape people's lives. This illustrates that Indonesian education hasn't developed the country as promised. Many teens fail to meet their parents' moral standards. Courtesy, friendliness, tolerance, humility, helpfulness, social solidarity, etc., have been the nation's identity for generations, but not in Indonesia. The authors recognized five moral intelligences pertinent to the 5.0 period of society: empathy, conscience, self-control, respect, and tolerance. In this study, we'll examine why moral intelligence is important in society 5.0. How moral intelligence is implemented in 5.0 civilization will also be discussed [4].

2. Method

It's exploratory. In qualitative exploratory inquiry. Interpretive qualitative research. In qualitative research, the researcher interacts with individuals repeatedly. This will raise strategic, ethical, and personal challenges in qualitative research. [5] This study's strategy is fixed. Single refers to the study of moral intelligence ideals in the 5.0 age of civilization. When the researcher visits the field, he or she already knows relevant theories for problem-solving and the problem's emphasis has been designed. Interviews, observation, and documentation are used to acquire data. Triangulation checks qualitative data validity. Triangulation includes data/source and procedure. Method triangulation tests the veracity of data from several sources. [6]

Interactive data analysis using Data Analysis Components is used. Qualitative data model. This model has three connected analysis components. (1) Data reduction, (2) data display, and (3) conclusion drawing/verification. Reduction, presentation, and conclusion/verification are connected. Data reduction is a constant procedure after travelling to the field till data collecting is deemed satisfactory. The total analysis includes data reduction. [7]

3. Result & Discussion

Observations indicated that competency skills include conversing, listening, disputing, and contributing. The researchers' observations showed that the group hadn't properly developed moral intelligence characteristics including empathy, conscience, self-control, respect, and tolerance. The author clarifies the frequency of socialization materials by offering feedback to residents to use language more effectively and efficiently, and then adding illustrations in the form of stories about empathy, conscience, self-control, belonging, respect, and tolerance. Regarding the importance of moral intelligence, researchers' observations show: Most citizens are unfamiliar with empathy, conscience, self-control, respect, and tolerance. (4) Based on (3), citizens must learn and practice moral intelligence qualities such as empathy, conscience, self-
control, respect, and tolerance. Some members of the community don't grasp moral intelligence's values, which is a hurdle. From this condition, the author clarifies the implementation material by offering input to residents to use language more effectively and efficiently and adding more illustrations regarding empathy, conscience, self-control, respect, and tolerance. Researchers' observations can be analyzed as follows: Moral intelligence values create real-life community reactions. Most citizens lack moral intelligence words. Based on point 3, it's important to introduce, understand, and familiarize citizens with moral intelligence principles including empathy, conscience, self-control, respect, and tolerance.

4. Conclusion
This conclusion is based on data analysis and staged research outcomes. Using the problem formulation in the introduction, we can derive numerous inferences. Empathy, conscience, self-control, respect, and tolerance are moral intelligence values for the 5.0 era. Empathy is understanding and feeling another's emotions. This first moral virtue sharpens awareness to others' perspectives. Moral awareness in specific settings is conscience. In his heart, a person knows what is required of him. Morally, we must choose for ourselves. We can't delegate this. We shouldn't mindlessly follow others' opinions or an ideology. Independently clarify obligations

Self-control (mujahada al-nafs) is a jihad against ego or cravings. Lust seeks diverse pleasures, is insensitive to others' rights, and neglects commitments. Whoever follows his lust is enslaved by it.

Kindness and politeness show respect. Respect for someone or something. Respect motivates us to respect others. This study lists respect as one of four moral intelligence virtues. Respect underlies politeness. The world will be more moral if we treat people as we expect to be treated. Tolerance reduces hatred, violence, and bigotry. Tolerance is kindness, respect, and understanding. Some of the reasons for the need to apply moral intelligence values in the 5.0 society era include (1) the development of technology and information, which alienates society from human values. (2) lack of respect for human dignity; (3) society 5.0, which attempts not to minimize the function of humans as in industrial revolution 1.0 to 4.0. (4) Society 5.0 is striving to humanize humans to combat dehumanization.

Deviant behavior, inferiority complex (poor grades), and the deterioration of the nation's character are further grounds to adopt Ki Hajar Dewantara's teachings. Such circumstances must be rectified swiftly, including by investigating local wisdom. 2. Community intelligence values are implemented via the knowing-feeling-acting approach. Knowing empathy's definition is the first step. Then we sense empathy's benefits and practice it daily. Moral intelligence values begin with information, then sentiments or attitudes, and lastly actions/behaviors. Thus, social implementation will be sustained.

The residents' personalities will internalize the culture, influencing their behavior. Through contextual-based socialization using moral intelligence values, citizens can develop character and intellect. 3. In social life, a paradigm shift is essential to convey knowledge and values.

References

Development of Peer Tutor Learning Model Using Guide Book (TSBP) to Unfold Student’s Learning Activity and Results of Public High School X MIPA 1 Bojong

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Abstract. Teaching Physic subject at SMA Negeri 1 Bojong still rudimental with non-optimal results. In learning process, teachers tend to use one way lecture system. The absence of learning applications that can stimulate students to be interested in learning results in a lack of attention and interest from students. The teachers also have not implemented contextual learning strategies. Furthermore, teachers require students to understand learning using memorization strategy. It affects students to avoid assignments and they tend to not focus. The learning process tend to be happened in not-conducive way, for that a learning strategy is needed to overcome these problems including the development of Peer Tutor Learning Models with Guide Books (TSBP). The purpose of this research is to increase the activeness and learning achievement of Physics Class X MIPA students at SMA Negeri 1 Bojong. The method used is the ADDIE procedural model and is limited to Analysis, Design, Development. The validity of the construct used in this study refers to the concept of the validity of the Messick construct where the validity of the construct used is content validity. The results showed that the peer tutor learning model with guidebooks was effective in increasing the activeness and learning achievement of Class X MIPA students at SMA Negeri 1 Bojong, as evidenced by the values $P \leq 0.410$, $0.842 \leq \text{MNSQ} \leq 1.200$ and $-0.8550123 \leq \text{ZSTD} 0.9758487$

Keywords: Peer Tutor; Guide Book, Learning Activity; Learning Achievement

1. Introduction

Learning Physics is one of the scientific clusters that study matter or energy based on empirical methods. Thus Physics seeks to obtain scientifically proven information. The objective of Physics courses is that the students learn how to use what they know to solve problems in the real world (competencies), but no one learns to do that seeing as the professor think in the blackboard. [1]

Physics is one of the oldest academic disciplines and, through the inclusion of astronomy, perhaps the oldest [2]. For more than the last two millennia, physics, chemistry, biology, and certain branches of mathematics have been part of natural philosophy. Physics intersects with many interdisciplinary research areas, such as biophysics and quantum chemistry, and the boundaries of physics are not rigidly defined. New ideas in physics often explain the
fundamental mechanisms studied by other sciences and open up new avenues of research in academic disciplines such as mathematics and philosophy.

Research on the learning and teaching of physics is essential for the cumulative improvement in the teaching of physics [3]. Problem solving can increase learning efficiency [4] if the problem causes reasoning. Great emphasis has been placed on teaching Physics with a well-designed set of questions [5]. A teacher uses books, experiments, simulations, and web resources; its success is measured against class goals with standardized testing [6]. So the idea of learning related to the topic is taken when students succeed in answering some questions related to the topic, often those questions are presented in the assessment. Most tests encourage memorization and rote learning, which is of little use in a world connected to many sources of information via the Internet. So maybe the first question we need to answer is why we want to teach Physics to students. For students, they must be able to solve the problems they are expected to solve, according to the appropriate title of the degree. But for students from primary education to high school, they need to understand the changing world in which they live, and the science that is part of their culture. Students need to learn how to apply their knowledge in real life, which is often interpreted as “becoming competent”. Since 2003 the PISA Project evaluates how students face problems that they have to read and understand, and after that they have to reason to get the right answer [7].

One of the materials taught in Class X Mathematics and Natural Sciences is about work and energy. This learning is often considered not easy by students, especially at SMA Negeri 1 Bojong, Tegal Regency. These difficulties include distinguishing between force and work, understanding the work done by gravity, determining the sign of work acting on objects. Students also still have difficulty understanding that the work done by objects must cause the object to experience displacement. This is because the matter of work and energy is an abstract material.

Anawati, et al [8] in their research explained that in learning Physics, it is also often found that the problem is that students do not have a good interest in learning, this is because they consider Physics to be a full-fledged learning using formulas. In addition, based on observations at SMA Negeri 1 Bojong, several problems related to the material were found, namely the previous study completeness was only 63.82%. This condition is still below the ideal classical completeness expected (75%), meaning that there are still many students who have not obtained optimal results. Then from the results of interviews conducted with students, several problems were found that resulted in students experiencing disinterest in learning Physics, namely (1) in carrying out their activities the teacher tends to use the lecture system, (2) the absence of learning applications that can stimulate students to be interested in learning. learning or teachers have not implemented contextual learning strategies and (3) teachers require students to understand learning with the concept of memorization.

Meanwhile, Puspitrasari, et al. [9] in their research explained that attitudes in Physics really determine that it can help solve problems faced by students. With a scientific attitude, students need to have a high enough concentration. As it is known, that Physics requires a sufficient level of accuracy so that students can easily understand Physics subjects. This is because one of the most common goals in physics is finding equations that explain how a system changes over time which is generally defined as a difficult subject even by computers.

Physicists are often interested in explaining mathematically how a system behaves: for example, a formula tracks the motion of the planets and their moons in their intricate dance around the sun. The researchers worked on this equation by measuring objects at various points in time and then developing a formula that connected all of those points together. With each new variable, however, it becomes more difficult to find the right equation[12].
This condition causes students' understanding ability in physics material, especially work and low energy material, is poor. Thus to be able to study the material, an effort is needed so that students have interest and ease in understanding the material, including by choosing the right learning method, namely by choosing the right learning method of peer-tutoring method with guidebook.

Febianti [13] explained that peer tutoring is one of the techniques included in cooperative learning because in peer tutoring, students learn together in a group. In peer tutoring, students work together in taking on their roles as peer tutors and tutees. Currently, teachers use group learning as a variation in teaching because it has a beneficial effect.

The peer tutoring method is one of the learning concepts that focuses on learning based on utilizing students who already understand the material to provide assistance or teach students who do not understand, thus the application of this method will provide a cooperative learning atmosphere [14]. This method facilitates students who already understand the material, then it is conveyed to students who have not mastered the material, thus the hope achieved in this method is to share knowledge between students.

A guide book is a book that is used as a reference to obtain information and instructions in carrying out an activity. Aims to guide and provide guidance to readers in carrying out the steps that will be carried out in the book [15]. There are many types of guidebooks, one of which is the guidebook in education, namely the Principal's Guidebook, Teacher's Guidebook, and Student's Guidebook. Each of these manuals has a different function, but the goal is the same, namely to provide direction to the reader and those who use the manual.

Based on the circumstances mentioned above, it is necessary to study the Development of Peer Tutor Learning Models with Guide Books as an effort to increase the activeness and achievement of learning physics in students of Class X MIPA SMA Negeri 1 Bojong. With research questions: 1) Is the peer tutor learning model with a guidebook effective for increasing the activity of Class X MIPA students at SMA Negeri 1 Bojong, Tegal Regency. 2) Is the peer tutoring learning model with guidebooks effective for improving the learning achievement of Class X MIPA students at SMA Negeri 1 Bojong, Tegal Regency?

2. Method

This research was conducted in Class X MIPA SMA Negeri 1 Bojong, Tegal Regency. The form of this research is Research and Development, which is a form of research used to produce certain products, and to test the effectiveness of these products [16]. The object of this research is learning tools, instruments and guidebooks which were compiled, revised, and validated with Rasch modeling. In the research design the instrument development uses the ADDIE procedural model and is limited to Analysis, Design, Development [15][16]. There are several stages of instrument development which can be explained as follows:

2.1 Analysis

Analysis is an initial activity to determine the needs and objectives of the product to be developed. Included in this step are literature review related to the problem being studied, and requirements are prepared to formulate a research framework. In this research, the researcher prepares the needs (school conditions, students, experts/experts, colleagues, prepares learning tools, instruments and guidebooks) for research purposes. The product of this research is an instrument to determine the importance of conducting peer tutoring learning models with
guidebooks, instruments that measure student activity, instruments to measure learning achievement and guidebooks for tutors.

2.2 Design

In the design stage, the researcher begins to collect, compile and design the product to be developed, including in this step designing learning tools, elaborating the design, formulating skills and expertise related to the problem, determining the objectives to be achieved at each stage, and if possible/necessary carrying out a limited feasibility study. In this step the researcher designs and describes the learning tools that will be made including: readiness, goals, benefits, time and what goals will be achieved or desired by the researcher, including designing the need for a peer tutor learning model with a guide book as well as preparing a learning scenario using the Peer Tutor model. with the HOTS-oriented Handbook on Business and Energy in Class X MIPA.

<table>
<thead>
<tr>
<th>Class</th>
<th>Pretest</th>
<th>Action</th>
<th>Posttest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experiment</td>
<td>T1</td>
<td>X</td>
<td>T2</td>
</tr>
<tr>
<td>Control</td>
<td>T1</td>
<td>Y</td>
<td>T2</td>
</tr>
</tbody>
</table>

Table 1. Learning Device Trial Design.

The experimental research design of the learning device used was a true-experimental design with a pretest posttest control group design. The paradigm in this model trial research can be seen in the following table.

In this design, there are two groups, each of which is chosen randomly. The first group (X) was given a Peer Tutor model learning with a Guidebook with HOTS-oriented assessment called the experimental class, and the second group (Y) was given conventional learning treatment with HOTS assessment called the control class [17]. Both groups were taken the value of the previous test results as the pretest value (T1) to determine the state of the students' initial abilities between the experimental class and the control class. After receiving treatment, the two test classes did a post-test, namely the HOTS-oriented Physics Ability Test (T2). The implementation of the trial of learning tools in the classroom includes 2 (two) observers from peers, namely a friend of a Physics teacher. Observers are tasked with observing student activity during the learning process in class. From the results of the learning device trials conducted in the classroom, then analyzed. If the learning tools are not yet practical and the learning is not effective, then revisions must be made and retesting is necessary. This activity is repeated until practical and effective learning tools become the final learning tools.

2.3 Development
In the development stage, the researcher begins to validate the instruments he developed, in this case developing the initial form of the product to be produced. Included in this step is the preparation of supporting components, preparing prototypes (syllabus, lesson plans, student books, and worksheets), preparing guidelines and guidebooks, and evaluating the feasibility of supporting tools. At this step the researcher has prepared, made and designed a prototype in such a way (syllabus, lesson plans, student books, worksheets and guide books) which will be tested on a limited or broad scale with input from experts/experts and teachers, so that the results are as expected. The type of validation is content aspect validation using Rasch modeling. Content validation is carried out with the consideration of 2 experts related to the test material and the achievement of the activity to be measured. The instrument was tested in class X MIPA SMA Negeri 1 Bojong, Tegal Regency, involving 108 students so that the parameter estimation of the item became stable. The validity of the construct used in this study refers to the concept of validity of the Messick construct [18][19] where the validity of the construct used is content validity as shown in Table 2. Construct validation with Rasch modeling using PCM to see the fit of the items with the model and the complete identification of item bias can be seen in Table 2.

**Table 2. Types and Indicators of Contract Validity**

<table>
<thead>
<tr>
<th>Construct Validation Type</th>
<th>Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contents</td>
<td>Evidence of content relevance and representativeness of test items</td>
</tr>
</tbody>
</table>

Susongko [20] provides quantitative criteria related to indicators of construct validity according to Rasch modeling as described in Table 3.

**Table 3. Valid test criteria are seen from various aspects of validity and criteria by applying the Rasch Model**

<table>
<thead>
<tr>
<th>Construct Validity Aspect</th>
<th>Indicator</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contents</td>
<td>Itemfit</td>
<td>$P &gt; 0.01$</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.5 &lt; \text{MNSQ} &lt; 1.5$</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$-2.0 &lt; Z\text{STD} &lt; 2.0$</td>
</tr>
<tr>
<td>Person-item Map</td>
<td>All item difficulty levels are in the testee's ability domain</td>
<td></td>
</tr>
<tr>
<td>Person/Item Map</td>
<td>The testee's ability is equal to or close to the item's difficulty level</td>
<td></td>
</tr>
<tr>
<td>Test Information Function</td>
<td>The test information function has a maximum value in the testee's ability domain</td>
<td></td>
</tr>
</tbody>
</table>

At this point validation stage, it is expected to produce test items that meet all the test validity requirements that are tested empirically. In this study, the software used in analyzing the Rasch modeling uses the R version 3.5.0 program with the eRm package version 0.16-2.
This software is used because it is open source so it is easy to access and develop for educational assessment research observers [21].

3. Result & Discussion

The results of the data with the R application are as follows:

Table 4. Item (Category) Difficulty Parameters (eta):

<table>
<thead>
<tr>
<th>Item (Category) Difficulty Parameters (eta):</th>
<th>V1.c2</th>
<th>V2.c1</th>
<th>V2.c2</th>
<th>V3.c1</th>
<th>V3.c2</th>
<th>V4.c1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimate</td>
<td>-0.8550123</td>
<td>0.2185877</td>
<td>-0.1011011</td>
<td>0.3968742</td>
<td>-0.5815186</td>
<td>0.2975086</td>
</tr>
<tr>
<td>Std.Err</td>
<td>0.2664078</td>
<td>0.2418362</td>
<td>0.2221724</td>
<td>0.2779596</td>
<td>0.2195446</td>
<td>0.2377875</td>
</tr>
<tr>
<td>V4.c2</td>
<td>V5.c1</td>
<td>V5.c2</td>
<td>V6.c1</td>
<td>V6.c2</td>
<td>V7.c1</td>
<td></td>
</tr>
<tr>
<td>Estimate</td>
<td>0.05094158</td>
<td>-0.4041807</td>
<td>-0.3123144</td>
<td>0.3426642</td>
<td>0.4512379</td>
<td>-0.4345037</td>
</tr>
<tr>
<td>Std.Err</td>
<td>0.22198065</td>
<td>0.2405063</td>
<td>0.2423257</td>
<td>0.2247147</td>
<td>0.2313260</td>
<td>0.2271521</td>
</tr>
<tr>
<td>Estimate</td>
<td>0.05118273</td>
<td>0.2017096</td>
<td>0.1299924</td>
<td>0.9758487</td>
<td>0.5361559</td>
<td>0.6177518</td>
</tr>
<tr>
<td>Std.Err</td>
<td>0.25041284</td>
<td>0.2315715</td>
<td>0.2263565</td>
<td>0.2523972</td>
<td>0.2183693</td>
<td>0.2236370</td>
</tr>
<tr>
<td>Estimate</td>
<td>-0.6552874</td>
<td>-0.3497949</td>
<td>-0.3403229</td>
<td>0.2497403</td>
<td>-0.1311397</td>
<td>-0.03484178</td>
</tr>
<tr>
<td>Std.Err</td>
<td>0.2433757</td>
<td>0.2540254</td>
<td>0.2209563</td>
<td>0.2521748</td>
<td>0.2311440</td>
<td>0.23472477</td>
</tr>
<tr>
<td>Estimate</td>
<td>0.03210771</td>
<td>0.6043722</td>
<td>-0.5902389</td>
<td>-0.4288170</td>
<td>0.03528247</td>
<td>0.05105993</td>
</tr>
<tr>
<td>Std.Err</td>
<td>0.21383956</td>
<td>0.2499280</td>
<td>0.2460954</td>
<td>0.2501347</td>
<td>0.23056944</td>
<td>0.23022733</td>
</tr>
</tbody>
</table>
The initial conditions in the implementation of the effort and energy learning material carried out by educators are still using the lecture method but not using peer tutor learning methods. In the initial conditions, many students are passive and sleepy. In addition, the activity during the learning of business and energy materials is still relatively low. Learners are less actively involved in learning. When the teacher explained the material, none of the...
students asked the teacher about the material being explained. The initial conditions in the implementation of the effort and energy learning material carried out by educators are still using the lecture method but not using peer tutor learning methods. In the initial conditions, many students are passive and sleepy. In addition, the activity during the learning of business and energy materials is still relatively low. Learners are less actively involved in learning. When the teacher explained the material, none of the students asked the teacher about the material being explained.

Based on the results of the data obtained using the R application, the P value of 108 respondents is as follows:

- The lowest ZSTD with the number -0.8550123 in the questionnaire statement no. 1
- The highest ZSTD with the number 0.9758487 in the questionnaire statement no. 9
- The lowest P with the number 0.206 in respondents P21, P57 and P93
- The highest P with the number 0.410 in the respondent P65
- The lowest MNSQ is 0.842 in respondent P65
- The highest MNSQ with 1.200 in respondents P21, P57 and P93

From the results of the data obtained using the R application, it meets the following requirements:

-2.0 < ZSTD<2.0

So it was concluded that the peer tutoring learning model with guidebooks was effective in increasing the activity of Class X MIPA students at SMA Negeri 1 Bojong, Tegal Regency.

And P > 0.01

0.5<MNSQ<1.5

So it was concluded that the peer tutoring learning model with guidebooks was effective for improving the learning achievement of Class X MIPA students at SMA Negeri 1 Bojong, Tegal Regency.

4. Conclusion

Based on the conclusions above, the researchers can provide suggestions, namely (1) for educators, because the development of peer tutoring models with guidebooks has succeeded in increasing activeness and learning achievement of business and energy materials for students, it is recommended for educators to use them (2) for students, the
results of this study are beneficial for all students because independent and group learning occurs, and (3) for schools, the results of this study help improve learning that was previously monotonous with lectures to become more interesting, so that the success of students in school is more successful increase.

References


Judges' Consideration Analysis of The Crime of Murder Performed by Child

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Abstract. This article aims to determine the punishment of children who commit murder crimes and the basis for judges' considerations in sentencing children who commit murder crimes. The approach method used is normative juridical with qualitative descriptive analysis. In addition, the provisions governing the crime of murder in the Criminal Code in Chapter XIX book II which consist of 13 articles, starting from Article 338 of the Criminal Code to Article 350 of the Criminal Code, are charged to children. The judge's basic considerations in imposing a sentence on a child who commits a crime of murder include juridical considerations, philosophical considerations and sociological considerations. Juridical considerations are considerations based on formal legislation relating to the judicial process of criminal acts committed by children, namely the crime of murder, including Law Number 48 of 2009 concerning Judicial Power, Criminal Procedure Code, SPPA Law, Criminal Code and indictments. Philosophical considerations are considerations given by the judge that the punishment given to perpetrators of criminal acts is an effort to improve behavior through the sentencing process and the side of justice for victims and the community, namely the extent to which punishments given to children can provide good behavior change and do not repeat violations. law and provide justice for victims and society.

Keywords: Consideration, Children, Murder, Sentencing

1. Introduction

Children are the next generation of the nation that must be protected and protected in their growth and development. Children viewed from the linguistic aspect have a definition as the second offspring from the result of a marital relationship between a man and a woman. The definition of a child according to juridical aspects or legal aspects, especially positive law in Indonesia is defined as a person who is not yet an adult, people who are underage/underage circumstances (inferiority) or often called children who are under age. under the supervision of their parent[1]. The definition of a child from the legal aspect is oriented to the age of the child and the relationship between his ability to carry out legal actions so that the child is legally viewed as a legal subject who is under the supervision of his guardian.

Children as well as citizens in general have the same position before the law. Based on this, as citizens in general, there are consequences that all actions and actions of a child can also be held accountable under the law[2]. The same position before the law for all citizens without exception for children is contained in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.
Although all actions and actions of children can be held accountable before the law, there are restrictions on legal liability to children, especially from the aspect of criminal law. The limitation of criminal liability against children is mainly based on the age limit of the child. Criminal legal accountability to children is based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA).

The limitation of criminal liability against children based on the age of the child is in accordance with the provisions of Article 1 to 3 of the SPPA Law which states that a child in conflict with the law, hereinafter referred to as a child, is that the child is 12 (twelve) years old, but is not yet 18 (eight) years old. Furthermore, according to the provisions of Article 21 paragraph (1), it is stated that if a child is not yet 12 (twelve) years old, commits or is suspected of committing a crime, investigators, Social Advisors and Professional Social Workers shall make a decision to hand it back to parents/guardians; or include them in education, coaching, and mentoring programs at government agencies or Social Welfare Organizing Institutions (LPKS) in agencies dealing with social welfare, both at the central and regional levels, for a maximum of 6 (six) months. Furthermore, Article 69 paragraph (2) states that children who are not yet 14 (fourteen) years old can only be subject to action.

Based on the provisions of Article 1, Article 21 paragraph (1) and Article 69 paragraph (2) of the SPPA Law, it can be said that the age limit for children who can be criminally processed is 12 (twelve) years old but not yet 18 (eighteen) years old. Meanwhile, the age limit for children who can be held criminally accountable or can be sentenced for criminal acts they have committed is 14 (fourteen) years up to 18 (eighteen) years. Meanwhile, children under the age of 14 (fourteen) years cannot be held criminally accountable because they can only be subject to action.

Children whose behavior is deviant or whose actions meet criminal elements or can be said to be children who violate the law can be caused by various factors[3]. These factors include negative consequences arising from the rapid pace of development, the rapid flow of globalization and information, the rapid development of science and technology and the changing lifestyles of parents. These factors have made fundamental changes in social conditions in people's lives. Changes in social conditions have an influence on the values and behavior of children.

Such a child's social condition will further worsen the child's behavior when the child's parents, guardians or foster parents do not provide love, care, guidance or coaching towards the development of attitudes, behavior, self-adjustment and supervision. Such a situation will make it easier for the child to be carried away in an unhealthy social environment and detrimental to the growth and development of the child's personality.

Efforts to prevent and overcome deviations in actions and behavior of children, it is necessary to consider the position of children who have distinctive characteristics and characteristics[4–7]. The characteristics and characteristics of the child in question are that although the child based on his thoughts, feelings and will can make his own determination of the steps of his actions, however, the situation and conditions around the child can have an influence on the child's behavior. Based on this, parents and the surrounding community Children should have more responsibility for the guidance, education and development of the child's behavior in dealing with the problem of child behavior deviations.

Children can be brought before a court if they commit a crime. If the child who is brought before the trial is proven legally and convincingly guilty of committing the crime charged with him, then he can be subject to legal sanctions as determined by the SPPA Law.
The imposition of legal sanctions, both criminal penalties or actions for children who are suspected of being perpetrators of criminal acts or also called children in conflict with the law, efforts need to be made so that the child is not separated from his parents. The imposition of a crime or action against a child who is a perpetrator of a crime should take into account that the separation is intended for nothing other than the healthy and reasonable growth and development of the child or in the best interest of the child. This is by remembering that the relationship between parents and children is an essential relationship, both psychological and mental spiritual relationships, considering the characteristics and characteristics of the child.

In addition to the considerations referred to above, for the sake of the child's growth and development and in the best interest of the child, it is necessary to determine differences in the treatment of procedural law and criminal threats for children who commit criminal acts. Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) has made arrangements for exceptions and provisions for the length of detention which are determined in accordance with the interests of the child and the Criminal Code (KUHP) has made arrangements for distinguishing criminal threats for children, namely determining the imposition of Criminal penalties for children are set at (half) of the maximum criminal threat, in addition to regulating the length of punishment that can be applied to children, the Criminal Code also determines that the death penalty and life imprisonment are not applied to children.

The SPPA Law as a special criminal procedure for children other than the Criminal Procedure Code regulates the exception of criminal threats against children who commit criminal acts as stipulated in Article 79 paragraph (2) and paragraph (3) which states that the punishment for limiting freedom imposed on children is no longer than 1/2 (half) of the maximum imprisonment imposed on adults. The special minimum imprisonment does not apply to children.

Special treatment for children who are perpetrators of criminal acts, such as differences in the threat of imprisonment for children, which is lighter than the threat of imprisonment for adults as part of the protection of children against imprisonment which is a criminal deprivation of children's freedom. The future of the child and or in the best interest of the child must be the most important consideration in imposing imprisonment for a child. It must be understood by all parties, especially judges, that imprisonment is a last resort in sentencing children who are perpetrators of criminal acts. This has become a concern in the SPPA Law, namely Article 71 paragraph (1) which positions imprisonment as the last principal crime that can be imposed, in addition to other crimes. The penalties that can be imposed on children as referred to in Article 71 paragraph (1) are a. warning penalty; b. criminal offense with the following conditions: 1) coaching outside the institution; 2) community service; or 3) supervision. c. work training; d. coaching within the institution; and e. prison.

The imposition of criminal witnesses, especially imprisonment for children, requires careful and careful consideration by considering the characteristics and characteristics of children. Judging from all aspects of life, children are weak creatures both physically and mentally. Based on this, the application of imprisonment for children must be carried out with great care and carried out as nothing but the last resort in efforts to combat crime.

In addition to considering the aspects of the child's self, giving criminal sanctions, especially imprisonment for children, must consider the level of delinquency committed by the child, whether the child is still in school or not, residive (repetition of a crime), causative factors and so on. This means that the consideration in giving sanctions to children in addition to considering the condition of the child also considers other things outside of the child.

Although the state through the government has made every effort to protect children through various laws and regulations as well as facilities and infrastructure in development so
that children are protected from deviant acts, children cannot be separated from criminal acts committed by adults. There are still children whose actions harm others and can be classified as criminal acts. It can be seen that there are still many criminal acts whose perpetrators are children, even crimes committed to cause fatalities such as the crime of murder. This certainly makes everyone concerned because a child can commit a crime of murder.

The problem is that children in terms of crime and sentencing get legal protection in the form of leniency which is applied to children when the child is legally and convincingly proven guilty of committing a crime. What if the child turns out to be the perpetrator of the crime of murder, which in fact is a serious crime with the threat of severe punishment. Such a situation is certainly a dilemma, considering that on the one hand protection of children from the bad effects of punishment must be carried out, on the other hand the interests of murder victims, especially their families, cannot be ruled out or simply ignored.

Based on the above, the government must take an important role through the judicial power which has the authority to adjudicate a case. In this case the judge as an official who hears cases is required to be able to provide a court that can create a sense of justice in society. The judge's consideration has a fairly important position in the imposition of criminal sanctions in the crime of murder with child perpetrators. The judge must be able to make considerations relating to aspects of the child's condition and without neglecting the victim's sense of justice, especially the victim's family who are still alive. Judges in carrying out legal considerations for criminal cases of children, will also consider what actions a child has committed, including the crime of murder. The problems that can be formulated in this paper are as follows: How is the punishment for a child who commits a crime of murder?, and What is the basis for the judge's consideration in sentencing a child who commits a crime of murder?

2. Method

This research is a type of descriptive research or research that only describes the implementation of laws and regulations. The approach used in the research is normative juridical, namely legal research as a norm. The normative legal research method is a research that examines the law from an internal perspective with the object of research namely legal norms. Normative legal research serves to provide juridical arguments when there are vacancies, ambiguities and conflicts of norms. This study uses secondary data in the form of primary legal materials, secondary legal materials and tertiary legal materials. This is because this research is a normative juridical research so that it only uses secondary data sources.

3. Result & Discussion

Sentencing can be defined as the stage of imposing sanctions and also the stage of imposing sanctions in criminal law. The word "criminal" generally gets the meaning of a law, while "criminalization" itself is defined simply as punishment. Sentencing is an act for someone who commits a crime or someone is a criminal, can be justified normally, not especially because the sentence contains positive consequences for the person who gets a criminal or convict, the victim, and also the community. Based on this, the theory in question is also called the theory of consequentialism. The imposition of a crime or punishment is not due to having committed a criminal act or evil act, but so that the perpetrator of the crime does not commit another evil act and is intended so that other people are afraid to commit the same crime or crime.
Sudarto stated that the word punishment is equivalent to punishment. Punishment according to the origin of the word comes from the basic word of law, so that it can be interpreted as an attempt to make a legal determination or decide about the law (berechten). Determination of law for an event is not only related to the field of criminal law, but also related to the field of civil law. Considering that this discussion is related to punishment in the field of criminal law, the term must be limited in meaning, namely the punishment of criminal cases, which often have the equivalent of a sentence with a sentence or the awarding or imposition of a crime by a judge. Punishment in this context has the same meaning as sentence or veroordeling. According to Andi Hamzah, punishment is also referred to as an effort to impose a sentence or to give a sentence, it can also provide punishment. In Dutch it is called strafoemeting and in English it is called sentencing.

Punishment is a criminal imposition, or the imposition of suffering on a person who violates the law by an authorized officer as stipulated in the applicable provisions. What is meant by the provisions that apply here are in the form of regulations or legal norms in their form as statutory regulations. The imposition of suffering in punishment as something that is not good/untrue (violates human rights/something immoral) even though it is carried out in the name of the state, then seek justification (from various justifications, the philosophical basis is known), the justification is finally placed on the reasons for the punishment given (this is what developed into the theory/philosophy of punishment). Based on this, the laws and regulations governing actions that can be punished and the threat of punishment or legislation in the field of criminal law are actually justifications or the legal basis for justifying the provision of the intended punishment as suffering.

The punishment of a child who commits a crime must take into account the best interests of the child in the future or in the future. It is possible for a child to have the will or intention to do something, even more so in the current situation and condition a child can do what adults do in a positive or negative context. Children today have thoughts that are not in accordance with their age, which causes it to be said that children actually have the ability to make a distinction between right and wrong. Intentions or intentions may already be owned before a child commits a crime.

The crime of murder as an act of eliminating a person's life is called murder. The crime of murder can be classified into 2 acts, namely criminal acts or crimes against life which are carried out based on the element of error and based on the element of the object in this case in the form of a person's life. The crime of murder or crimes against life is based on the element of error, namely crimes committed intentionally and crimes committed unintentionally which are regulated in the Criminal Code in Chapter XIX book II which consists of 13 articles, starting from Article 338 of the Criminal Code to Article 350 of the Criminal Code. Crimes against lives that are committed unintentionally are regulated in Chapter XXI Article 359. Crimes based on the element of the object in this case that can be said to be stealing the souls of others (other people's lives) there are several theories, namely 1. Equivalence Theory / Theory of Conditio Sine Qua Non ( von Buri); 2. Adequate Theory or Balance Theory (Van Kries); 3. Individualization Theory (Birk Meyer).

The elements of the crime of murder are as determined by Article 338 of the Criminal Code which provides regulations regarding ordinary murder. As for the sound regarding The crime of ordinary homicide is referred to, namely "Whoever deliberately takes the life of another person is punished for murder with a maximum imprisonment of fifteen years". Based on the sound of the article, it can be explained its elements, which include an objective element in the form of "eliminating the life of another person", and a subjective element: carried out "on purpose". Article 338 of the Criminal Code regarding the act of taking the life
of another person must meet 3 (three) conditions, namely the existence of a form/form of an act, the existence of a consequence of the act in the form of the death of another person (death), there is a causal relationship between the act and the consequences that result in the form of death from it. The form of action is not focused on one particular action. The form of the act of taking another person's life according to the Criminal Code can be in the form of various actions (which are abstract in nature) such as hitting, slashing, shooting, and can also include acts that only move the limbs a little. Article 338 also requires that there will be a consequence in this case, namely the loss of one's life (other people) (opzet). Article 338 also stipulates that there is an element of intentionality, which must be interpreted broadly which includes 3 elements, namely intentionally as an intention, intentionally because of the conviction of certainty and necessity, and deliberately aware of the possibility.

The punishment of the legal subjects of criminal acts is carried out through the criminal justice process. The criminal justice process is carried out through long stages starting from the stage of investigation, prosecution and examination in court. A legal subject in a trial in a court that is legally and convincingly found guilty of a crime committed can then be imposed on him a crime. The legal subjects referred to here are anyone, both adults and children, both male and female.

In particular, the punishment of children, apart from being guided by the Criminal Procedure Code as a general rule in criminal proceedings, specifically uses the SPPA Law as a special rule for juvenile criminal proceedings. To give a criminal sentence against a child, it is necessary to consider the age limit in order to be held accountable for a criminal act committed by a child to be subject to a crime. According to the SPPA Law, the age of a child who can be accounted for is a crime due to a crime he has committed, namely the age of 14 to 18 years. Children under 14 years of age cannot be subject to a crime, only subject to action, while children who are 18 years of age will be subject to criminal penalties as adults or in other words, children who are 18 years of age are legal subjects of adults and are subject to criminal procedure law. like adults in general.

Children as perpetrators of criminal acts or perpetrators of crimes or referred to as children in conflict with the law related to the crime of murder committed if they are aged 14 to 18 years can be held criminally accountable against them so that they can be subject to punishment through the stages of trial in court. Regarding the severity of the crime, it is the responsibility of the judge based on the SPPA Law. The criminal sanctions determined for child perpetrators of criminal acts according to the SPPA Law, namely 1/2 of the criminal period of adults and in imposing criminal penalties for child perpetrators of criminal acts, the SPPA Law holds the principle that imprisonment is a last resort or what is often referred to as an ultimatum remedium. In the best interests of the child, in sentencing children as perpetrators of criminal acts, child criminal placement is carried out at the Special Child Development Institution (LPKA) with adequate quantity and quality of services and infrastructure and must also respect and fulfill their rights as a child.

As for the types of criminal sanctions that can be imposed on children who are perpetrators of crimes based on the age of the child, namely for children aged 14 (fourteen) to the age of 18 years, they can be punished, while for children aged 8 years to under 14 years, the child can only be punished. may be subject to action sanctions. Based on this, for children who are perpetrators of the crime of murder, the provisions in question apply. This has the consequence that a child who commits a crime of murder can only be subject to criminal sanctions if he is not yet 14 years old. This of course can lead to various public responses because the crime of murder is a crime in which the victim's life is lost but the child is only given action, not given a crime.
The types and forms of sanctions against children who are perpetrators of criminal acts according to the SPPA Law can be found in Chapter V which is contained in Article 69 to Article 83 which provides regulations regarding criminal acts and actions as sanctions that can be imposed. Given to children who have committed crimes. As for the child who commits the crime of murder, he is subject to sanctions based on the provisions of Article 338 of the Criminal Code which states that "Whoever deliberately takes the life of another, is threatened with murder with a maximum imprisonment of fifteen years". Given the threat of imprisonment that can be imposed on children who are perpetrators of criminal acts, namely of the maximum threat of imprisonment given to adults, the perpetrators of the crime of murder are threatened with imprisonment that can be imposed on children for about 7 years.

A child who commits a crime, especially a crime of murder, which is a serious crime with victims of life, is juridically attached to his legal protection as legal subjects in general and children in particular. However, in imposing sentences on children, the interests and rights of the victims, both the victims who died and the families left behind, were still alive.

In principle, the implementation of punishment for the perpetrators of criminal acts must consider the effectiveness of the implementation of law and justice as legal objectives. In cases of murder committed by children, judges must be able to consider the extent to which criminal penalties can create a sense of community justice. On the one hand, the child as the perpetrator of the crime of murder, considering the unique nature and characteristics of the child, must receive protection, and on the other hand, the murder victim and his family must also receive justice. This means that the sentencing of children who are perpetrators of criminal acts must be realized in a balance in a fair judicial process.

There are several basic considerations of judges in sentencing a child who commits a crime of murder, including juridical considerations, philosophical considerations and sociological considerations.

1. Juridical considerations
   Judicial considerations are considerations based on formal legislation relating to criminal acts committed by children, namely the crime of murder. As for the laws and regulations that can be guided by judges in imposing sentencing decisions on children who are perpetrators of the crime of murder, among others.
      Article 6 paragraph 2 states that no one can be sentenced to a crime, unless the court, because of a valid evidence according to the law, is convinced that a person who is considered to be responsible has been guilty of the act he is accused of. From the provisions of the article, it can be said that the judge in imposing a sentence must be guided by the evidence and his belief about the guilt of the defendant. Furthermore, in Article 8 paragraph 2 it is stated that in considering the severity of the crime, the judge must also pay attention to the good and evil nature of the defendant.
   b. KUHAP
      KUHAP is a formal criminal law, namely procedural law to enforce material criminal law, namely the Criminal Code. The Criminal Procedure Code is used as the basis for how the criminal justice process is carried out which includes several stages, namely the stages of investigation, prosecution, examination in court trials, and implementation and supervision of judge decisions. In imposing a sentence, the judge must pay attention to how the criminal justice process is carried out.

      Based on the Criminal Procedure Code as the basis in the implementation of the criminal justice process, it will be through evidence that the facts will be revealed at trial about the defendant's actions. Furthermore, based on the facts revealed at the trial, the judge can be used
as a judge in deciding the sentence for the child who is the perpetrator of the crime of murder as well as determining the severity of the crime. Based on article 183 of the Criminal Procedure Code, it is explained that: a judge may not impose a sentence on a person unless with at least two valid pieces of evidence he obtains the belief that a criminal act has actually occurred and it is the defendant who is proven to have committed it. This provision is to ensure the establishment of truth, justice and legal certainty for a person. Therefore, the judge in the criminal procedure law is obliged to determine:

1) Which acts can be considered proven according to a court examination.
2) What has proven that the defendant is guilty of the acts charged.
3) What crimes have been committed in connection with these acts.
4) What punishment should be imposed on the defendant.
5) Implementation, inhibition and supervision.

This evidence will shed light on the crime being charged and increase the judge's belief that the defendant is really guilty and as a perpetrator and to determine the severity of the sentence to be imposed.

c. SPPA Law

In addition to the Criminal Procedure Code, the criminal procedure regulations that are specifically used to punish children who are perpetrators of the crime of murder in particular and criminal acts generally use the SPPA Law. The SPPA Law has regulated how to proceed with criminal proceedings to resolve criminal cases committed by children as well as the forms and types of punishments that can be given to children. The types and penalties that can be given to children according to the SPPA Law are criminal and action.

d. KUHP

The Criminal Code is a material criminal law regulation that contains criminal acts and criminal threats. For the crime of murder, the judge can use the provisions of Article 338 of the Criminal Code which provides regulations regarding the crime of murder accompanied by the threat of punishment.

e. indictment

The judge in giving his consideration determines the punishment for the child who is the perpetrator of a crime in particular and the subject of criminal law in general must be based on the article charged with the defendant which regulates the actions that can be punished and the criminal threats both contained in the Criminal Code and outside the Criminal Code. The provisions of the Criminal Code which regulates the crime of murder, namely Article 338 of the Criminal Code which states that "Whoever deliberately takes the life of another person, is threatened with murder with a maximum imprisonment of fifteen years".

If the child who is the perpetrator of the crime of murder is charged with violating Article 338 of the Criminal Code and the child is legally and convincingly proven guilty of committing the crime charged, the judge cannot give a sentence in the form of imprisonment outside of the provisions of Article 338 of the Criminal Code regarding murder charged with a child, namely imprisonment. a maximum of fifteen years to about 7.5 years in prison considering the threat of imprisonment for children is of the maximum penalty imposed on adult criminals.

Thus, the provisions for imprisonment as referred to in Article 338 of the Criminal Code are the main punishments that can be given to children who are perpetrators of the crime of murder. Furthermore, the judge can give other penalties as additional penalties as stipulated by the SPPA Law.

The laws and regulations governing which actions are criminal acts that can be punished both in the Criminal Code and outside the Criminal Code are related to the "dangerous nature"
of the acts committed by the maker. "The dangerous nature of the act can be used as a judge in determining the severity of the crime. The higher the "dangerous nature" of the act, the higher the penalty imposed as determined in the laws and regulations governing the crime.

2. Philosophical considerations

Philosophical considerations are considerations given by the judge that the punishment given to criminal acts is an effort to improve behavior through the sentencing process. This implies that the philosophy of punishment or punishment is the guidance of criminals who are expected to be able to make self-improvement after serving a crime and not to repeat the crime. Philosophical considerations are considerations or elements that focus on the value of justice for the defendant and the victim. Meanwhile, according to Bagir Manan, reflecting the philosophical values or values contained in legal ideals (rechtssidee). Necessary as a means of ensuring justice.

In line with the philosophical considerations referred to, the judge must be able to consider that the imposition of punishment for children must be able to provide guidance for children who are perpetrators of criminal acts so that the punishment imposed on them can provide a change in the attitude and behavior of children so as not to repeat the crime of murder in particular and other crimes in general. Based on this, the judge can give the main punishment as referred to in Article 338 of the Criminal Code and other punishments that are coaching in nature such as job training to provide provisions for children who have committed crimes so that they can be independent after serving their sentences.

On the victim's side, the judge must also be able to consider justice for the victim and her family as a result of the crime experienced by the victim. This is an important matter to provide a means of justice for victims and society in general. This means that in giving punishment to children who are perpetrators of the crime of murder, the judge must look at all sides, namely from the side of the perpetrator's child, the victim and his family as well as the community.

3. Sociological considerations

Sociological considerations, namely the judge in imposing a sentence based on the social background of the defendant and paying attention that the sentence imposed has benefits for the community. What is meant by a decision that provides fulfillment of sociological considerations, namely a decision that does not conflict with the law that lives in society (society habits). Meanwhile, according to M. Solly Lubis, sociological considerations are a reflection of the demands or needs of the community that require a necessary settlement which is a means of guaranteeing benefits.

Based on sociological considerations in giving punishment to children who are perpetrators of the crime of murder, the judge considers the circumstances and social background of the child. The situation and social background of the child can be obtained from the Community Research Report (Litmas) made by the Correctional Center (BAPAS) as well as the facts in the trial. The circumstances and background of the child's social life include the factors causing the occurrence of a crime, how the crime was committed to the impact or consequences arising from the crime committed by the child against the victim.

In addition, the situation and social background of the child also involves the good and evil nature of the child as a consideration. Regarding this, it can be based on Article 8 paragraph (2) of Law Number 48 of 2009 concerning Judicial Power which states that in considering the severity of the crime, the judge must also pay attention to the good and evil nature of the defendant.

Considering the giving of a sentence related to the severity of the sentence, the judge must take into account the nature and seriousness of the crime that occurred, the circumstances
which include the acts that were faced against him. The judge must consider the personality of the perpetrator, the actions of his age, level of education, as well as gender whether male or female, his environment, his character as a nation and other things. A judge in considering the sentence to be imposed on the perpetrator has the freedom to determine the severity of the punishment, the like and the legal modalities. However, the determination of the severity must still be guided by the juridical aspect, of course, on the article being charged. This means that the freedom of judges in their considerations is limited by the juridical aspect.

In addition, the good and evil nature of the accused, in this case the child who is the perpetrator of the crime of murder, is closely related to how the crime of murder was carried out or how to commit the crime. For example, the crime of murder is carried out with a plan or carried out in sadistic ways outside of human values, of course the punishment imposed is heavier than the crime of ordinary murder.

In addition, there are certain things in the judge's consideration to give punishment to a defendant, including a child who is a perpetrator of the crime of murder. There are certain things outside the provisions of laws and regulations that are considered by the judge to determine the severity of the crime, namely: a. The mitigating factors are 1) The existence of a frank attitude in the trial; 2) Have not enjoyed the results of their actions; 3) There is regret not to repeat it; 4) There is responsibility as the backbone of the family; 5) Polite in court; 6) Never been convicted or not a recidivist. 7) Having a lot of family responsibilities with children who are still small and b. The aggravating factors include 1) Showing a convoluted attitude in giving statements at trial; 2) Disrespect and disrespect for the trial; 3) Has been convicted or in a similar case; 4) That the act is troubling the community; 5) That the act endangers a person's life and body; 6) The act has such a great consequence; 7) Have been convicted or recidivist.

4. Conclusion

The punishment of children who commit the crime of murder is carried out based on the Criminal Procedure Code as a general provision for criminal proceedings and the SPPA Law as a special provision for children in criminal proceedings which distinguishes them from criminal proceedings for adults. In addition, the provisions governing the crime of murder in the Criminal Code in Chapter XIX book II which consist of 13 articles, starting from Article 338 of the Criminal Code to Article 350 of the Criminal Code, are charged to children.

The judge's basic considerations in imposing a sentence on a child who commits a crime of murder include juridical considerations, philosophical considerations and sociological considerations. Juridical considerations are considerations based on formal legislation relating to the judicial process of criminal acts committed by children, namely the crime of murder, including Law Number 48 of 2009 concerning Judicial Power, Criminal Procedure Code, SPPA Law, Criminal Code and indictments. Philosophical considerations are considerations given by the judge that the punishment given to perpetrators of criminal acts is an effort to improve behavior through the sentencing process and the side of justice for victims and the community, namely the extent to which punishments given to children can provide good behavior change and do not repeat violations. law and provide justice for victims and society. Sociological considerations, namely the judge in imposing a sentence based on the social background of the defendant and paying attention that the sentence imposed has benefits for the community.
References


Problems of Implementation of Criminal Jurisdictions Virtually in The Criminal Procedure System

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Abstract. This article aims to find out the legal basis that forms the basis and guideline in the implementation of virtual criminal case trials and the problems of virtual criminal court proceedings in the criminal procedural law system. The approach method used is normative juridical with qualitative descriptive analysis. The legal basis that serves as the basis and guideline for conducting virtual trial of criminal cases includes the Supreme Court Circular Number 1 of 2020 concerning Guidelines for the Implementation of Duties During the Prevention of the Spread of Corona Virus Disease 2019 (Covid-19) which was followed up by Supreme Court Regulation Number 4 of 2020 concerning Administration and Trial of Criminal Cases in Courts Electronically. The problems of implementing a virtual trial of criminal cases in the criminal procedural law system include human resources, facilities and infrastructure, procedural juridical problems and the validity of evidence. The problem of human resources is the limitation of human resources in the use of information technology and the internet. Problems with facilities and infrastructure, namely the limitations of electronic facilities and infrastructure and internet network disturbances. The procedural juridical problem, namely the virtual trial which is fundamentally different from the Criminal Procedure Code, can cause various problems at the substantive juridical level.

Keywords: Criminal Jurisdictions, Implementations Problematics, Criminal Procedure System

1. Introduction

Currently, the world has not been separated from the problem of a virus pandemic which was named by the World Health Organization (WHO) as Corona Virus Diseases (Covid-19), which was first discovered around December 2019 in the Chinese region, precisely in Wuhan, Hubei Province. The emergence of the Covid-19 virus has become a serious threat to world health because it has caused many fatalities in almost all parts of the world. This serious threat is given considering the very fast spread of the Covid-19 virus and the effects or impacts caused are also very dangerous and can cause death. Furthermore, the Covid-19 pandemic raises a big concern considering that until now there is no effective way to overcome or cure Covid-19. Until now there has been no way or drugs to cure or vaccine to prevent the spread of Covid-19. As a result, the spread of Covid-19 not only has an impact on the health aspect as the main aspect of the impact of the spread of the Covid-19 Virus, but has also had an impact on all aspects of human life, including the legal aspect.

This is inseparable from the rapid spread of Covid-19 with a high level of risk of death forcing the government to implement high standards of health protocols. The implementation of the health protocol in question includes the use of masks, maintaining social and physical
distance (social / physical distancing), and not causing crowds. This policy is solely to maintain public safety and minimize the spread of Covid-19. The impact of Covid-19 on the legal field, namely the disruption of the implementation of legal relations in the joint lives of people's lives[1]. This is considering that legal relations in people's lives almost always require direct physical contact or the gathering of community members in certain legal relationships which are certainly vulnerable to the spread of Covid-19. The emergence of legal relations in people's lives considering that the state of Indonesia is a state of law or based on law[2,3]. All relationships in life in society are regulated by certain laws according to the field of public relations, such as civil law which regulates public legal relations concerning civil law relations or private relations, criminal law which regulates public legal relations in relation to public legal relations and so on. This implies that in public life, both community life from all aspects of life, both those concerning society, state life and life in government must be based on law[4]. The formal juridical basis that the Indonesian state is a state of law is Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that all aspects of life in society, the state and government must be based on law[5].

The life relationship between community members or the individual life relationship with other individuals is regulated by law. In the field of criminal law, anyone as a legal subject who commits a crime can be subject to sanctions based on criminal law regulations. The criminal justice process goes through long stages from the level of investigation, investigation, prosecution to trial. The criminal justice process is carried out based on the Criminal Procedure Code (KUHAP). Examination at trial is the final stage of efforts to determine the guilt of someone who is accused of committing a certain crime[6]. The trial process is the stage of proving the defendant's actions against the criminal articles indicted. In the trial process, criminal sanctions that can be applied to the defendant are also determined when in the trial the defendant is legally and convincingly proven guilty of committing the crime he is accused of.

Based on this, in the criminal justice process, a person suspected of being a perpetrator of a crime before receiving criminal sanctions or being sentenced or sentenced must undergo trial before a trial. The trial process is of course based on applicable legal principles such as: "The examination is carried out directly and verbally, the defendant must be present at the trial and so on". Based on these legal principles, it has the consequence that the examination of criminal cases in the trial must be carried out directly orally. This means that the parties involved in the trial such as judges, prosecutors, legal advisors, witnesses and defendants must be present and meet face to face in a place or courtroom.

In addition, the Criminal Procedure Code also recognizes the right to be present before the court. This principle determines the presence of the defendant in the judicial process until the court's decision is read, and may not be represented by anyone, except for criminal acts of corruption, money laundering and quick checks. This means that the defendant is obliged to be present in the examination process in court until the court's decision on his case is read after the verdict. This is excluded for criminal acts of corruption, money laundering and rapid examination of the presence of the defendant can be represented. The Covid-19 outbreak has caused problems in the implementation of direct criminal court hearings. This is considering that direct court hearings are prone to causing the spread of Covid-19 considering that in a direct trial there is direct contact from the parties directly involved in the trial. In addition, direct trials sometimes create crowds for open hearings that draw public attention to criminal cases that attract public attention. This will certainly increase the vulnerability to the spread of Covid-19. However, the trial process must continue to be carried out to provide legal services for justice seekers.
To anticipate the spread of Covid-19 in the direct criminal trial process, a virtual or online trial is implemented or via teleconference so that the implementation of legal services can continue to be carried out. Conducting online or virtual or online trials or using teleconference facilities is actually not a relatively new thing. This is because there are several regulations in the field of criminal law that allow virtual trials to be held. If it is based on a formal legalistic mindset, teleconference does not appear to be in accordance with the principle of criminal justice which requires "Examinations are carried out directly and verbally, the defendant must be present at the trial and so on". The provisions of Article 160 paragraph (1) letter a and Article 167 of Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) also require the physical presence of witnesses in the courtroom. However, the Panel of Judges can do various things based on the provisions of Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power which imposes obligations on Judges as law and justice enforcers to explore, follow, and understand and pursue material truth in criminal law, the formal aspects should be left selectively. Based on this, judges can do various things to obtain material truth, including conducting virtual trials.

The implementation of virtual trials can also be found in provisions outside the Criminal Procedure Code, several lex specialis provisions contribute to creating a legal basis for virtual trials, such as in Article 27 paragraph (3) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System which provides the opportunity for a virtual trial is that if the child of the victim and/or child of a witness is unable to attend to give testimony in front of a court hearing, the Judge may order that the child of the victim and/or child of a witness be heard through electronic recording or direct remote examination using audiovisual communication devices. Furthermore, Article 9 Paragraph (3) of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims explains that witnesses/victims can be heard directly through electronic means accompanied by authorized officials. Virtual hearings during the Covid-19 pandemic are a necessity as part of the response to legal services that must continue to run as well as a step forward in utilizing technological advances. The issuance of various regulations regarding virtual trials shows that empirically it is a form of effort to ensure legal certainty in the midst of the Covid-19 pandemic.

However, the reality is that the implementation of virtual trials cannot be carried out optimally. There are still many problems found in the implementation of the virtual trial. The problems of implementing a virtual trial involve aspects of human resources, infrastructure, and juridical aspects related to the validity of evidence in virtual trials. Based on this, this paper will discuss further the Problems of Implementing Virtual Criminal Court Sessions in the Criminal Procedure Law System. Based on the description above, the following problems can be formulated: What is the legal basis that serves as the basis and guide in the implementation of a virtual trial of criminal cases?, and What are the problems with the implementation of a virtual trial of criminal cases in the criminal procedural law system?

2. Method

This research uses a normative juridical approach, namely legal research as a norm. The normative legal research method is research that examines the law from an internal perspective with the object of research namely legal norms. Normative legal research serves to provide juridical arguments when there are vacancies, ambiguities, and conflicts of norms. Considering that this research is normative juridical research, it only uses secondary data sources. This study uses secondary data in the form of primary legal materials, secondary legal
materials, and tertiary legal materials. Research data collection is done through a literature study, namely reviewing reference books, journals, research results, and literature related to research.

3. Result & Discussion

It is the right of the defendant to conduct criminal court hearings that are open to the public, as determined by Article 64 of the Criminal Procedure Code. Regarding what is meant by a criminal court trial that is open to the public, the Criminal Procedure Code does not explain further. However, based on several other articles regarding the trial process according to the Criminal Procedure Code, it can be understood that the implementation of criminal trials in court is carried out in a room in a court building that is open to the public. Open to the public means that the general public can attend. However, in certain circumstances the trial of certain criminal acts or due to certain circumstances the trial may be held outside the court building. This is as regulated in the Circular Letter of the Supreme Court Number 3 of 2020 regarding the Implementation of Sessions Outside the Court Building.

As for the implementation of a virtual trial, there is no regulation in the Criminal Procedure Code. This is understandable considering that at the time of the formation of the Criminal Procedure Code, technology was not as advanced as it is now, which has developed so rapidly. Moreover, the development of information technology along with the development of the internet makes communication possible by displaying images or photos between users of cellular telephone telecommunications equipment through various online media. In addition, the use of online meeting applications such as zoom using various devices such as computers, both laptops and PCs, also supports the implementation of virtual trials. Actually, virtual courts had arrangements before the emergence of the Covid-19 outbreak. Virtual hearings can be carried out based on Supreme Court Regulation Number 1 of 2019 which regulates the Administration of Cases and Trials in Courts Electronically which is a replacement and improvement of Supreme Court Regulation Number 3 of 2018 which provides arrangements regarding the Administration of Cases in Courts Electronically. Unfortunately, according to Article 3 paragraph (1) of the Supreme Court Regulation Number 1 of 2019, virtual trial arrangements can only be implemented for types of civil cases, religious civil cases, military administration, and state administration. Based on this, virtual trials for criminal cases cannot be carried out on the basis of Supreme Court Regulation Number 1 of 2019 because the regulation can only be implemented and is limited to types of civil cases, both general civil and religious civil, military administration, and state administration.

In line with this and in order to provide legal services to the community in the midst of the Covid-19 pandemic, the Supreme Court issued a Supreme Court Circular Number 1 of 2020 which provides regulations regarding Guidelines for the Implementation of Duties During the Prevention of the Spread of Corona Virus Disease 2019 (Covid). -19) within the Supreme Court and the Judicial Bodies Under it. The SEMA in question orders all leaders, judges, and judicial apparatus within the Supreme Court and judicial bodies below to carry out adjustments to the work system by following the Circular Letter of the Minister of Administrative and Bureaucratic Reform Number 19 of 2020 which regulates the Adjustment of the Work System of State Civil Apparatus in Efforts to Prevent the Spread of Covid-19 within government agencies. In the adjustment of the work system, judges and judicial apparatus can carry out official duties by working at home or WFH (Work From Home), it is also intended to conduct trials that can be carried out through virtual trials or trials conducted...
electronically. Based on this, the trial of general criminal cases, as well as military crimes, can also be carried out virtually or trial electronically.

To improve the implementation of virtual criminal trials and improve coordination between law enforcement, a collaboration was held in an MoU (Memorandum of Understanding) in which an agreement was signed between the Supreme Court, the Attorney General's Office and the Ministry of Law and Human Rights, in this case the Directorate General of Corrections. The cooperation agreement in the MoU is in the form of an agreement regarding the implementation of a virtual trial during the Covid-19 pandemic. As for the implementation of the virtual trial until the end of the Covid-19 pandemic in Indonesia.

The agreement for the virtual trial of criminal cases is stated in the Memorandum of Understanding Number 402/DJU/HM.01.1/4/2020 and Number PAS-08. HH which regulates the Implementation of the Trial Through Teleconference. The MoU stipulates that there is an agreement in the implementation of a virtual trial of criminal cases. The virtual trial also received a further response with the issuance of the Attorney General's instructions as an effort to prevent the spread and transmission of Covid 19 by establishing provisions regarding virtual trial of criminal cases. The Attorney General's instructions are in the form of the Attorney General's Circular (SEJA) Number B-049/A/SUJA/03/2020 dated 27 March 2020 which instructs on Optimizing the Implementation of the Duties, Functions and Authorities of the Prosecutor's Office in the midst of the Covid 19 pandemic. Various groups assume that The implementation of a virtual trial of criminal cases during the Covid-19 pandemic is a progressive step, in order to solve the problem of stopping criminal cases caused by the spread of Covid-19. During the situation and conditions of the Covid-19 outbreak, the trial of criminal cases was carried out virtually as an appropriate breakthrough and innovation. However, it is necessary to continue to make improvements to various regulations issued by the Supreme Court. The impact of the Covid-19 pandemic on the legal field, the trial of criminal cases is a legal service that has had a significant impact. This is inseparable from the condition of limited time for the defendant's detention so the Supreme Court (MA) has set a virtual trial based on Supreme Court Regulation Number 1 of 2019 concerning Procedures for Electronic Trials.

To provide further regulations regarding virtual trials in criminal cases, the Supreme Court issued Supreme Court Regulation Number 4 of 202 which provides regulations regarding the Administration and Trial of Criminal Cases in Courts Electronically. The regulation is also intended as a follow-up to the Memorandum of Understanding between the Supreme Court, the Attorney General's Office, the Police, and the Directorate General of Corrections at the Ministry of Law and Human Rights which was held on April 13, 2020, regarding the Implementation of Trials Through Teleconference in the Context of Preventing Covid-19. According to this Perma, in certain circumstances, the trial of criminal cases can be conducted virtually. The virtual criminal case trial is carried out at the request of the public prosecutor, defendant, or legal adviser whose implementation is either from the beginning of the trial or when the trial has taken place and the virtual criminal case trial is carried out based on the determination of the judge or panel of judges.

The regulation is intended to provide the option of a virtual trial, meaning that the trial is basically carried out normally in the courtroom, but in certain circumstances, such as the Covid-19 pandemic, it can be carried out virtually. The regulation provides a legal basis as a guideline regarding the time when trials can be conducted virtually and provide arrangements regarding the mechanism or procedure for virtual criminal case trials. Basically the Perma stipulates that the judge/panel of judges, substitute clerks, public prosecutors carry out trials in the courtroom. In addition, the parties can also conduct trials in their respective places by
utilizing teleconference media or virtually, namely the judge / panel of judges, the substitute clerk conducts the trial in the courtroom, while the public prosecutor conducts the trial from the public prosecutor's office, while the defendant is accompanied or without the assistance of a legal adviser carrying out a trial from the State Detention Center where the defendant is undergoing detention.

Article 10 further stipulates that witnesses, experts and translators must take an oath or promise according to their religion and belief. The oath or promise is made under the guidance of a judge or panel of judges. In this provision, it is also determined the place of the clergy in assisting the taking of the oath, namely if the witness and the expert give information from the prosecutor's office or other place, the clergyman who assists the taking of the oath is in the place where the witness and expert give testimony, while the oath is still guided by the judge or panel of judges. The clergyman who assists the taking of the oath is determined by the judge or panel of judges.

The criminal procedure law as regulated in the Criminal Procedure Code remains valid in virtual courts such as the pronunciation of oaths/promises and the swearing-in procedure as well as in the case of the mechanism for examining witnesses and/or experts. The examination of witnesses and or experts is carried out in the courtroom even though the trial is carried out virtually. If in certain circumstances the examination of witnesses and or experts can be carried out where the witnesses and or experts are located, such as at the public prosecutor's office, the court where the witness and or expert is either inside or outside the jurisdiction of the court hearing the case, the embassy/consulate general of the Republic of Indonesia if he is abroad or in another place determined by the judge or panel of judges.

The virtual trial of criminal cases is a new thing since the Covid-19 outbreak. This causes in its implementation there are still many problems that accompany it. This is reasonable considering that the trial of criminal cases is virtually the result of an emergency condition of the nation and state due to the Covid-19 pandemic, while legal services or examination of criminal cases must not stop. Some of the problems faced in the implementation of virtual criminal trials include:

### 3.1 Problems with human resources, facilities and infrastructure

The problem of human resources, facilities and infrastructure is a very important issue in the implementation of a virtual trial because the problem of human resources, facilities and infrastructure will affect the overall outcome of a virtual trial. Problems with human resources, facilities and infrastructure in the implementation of virtual trials can have an impact on juridical problems, namely the extent to which the trial is carried out in accordance with the provisions of the applicable laws and regulations so that the virtual trial conducted has legitimacy. This is because the trial of criminal cases is an effort to obtain material truth, so it must be ensured that the trial can virtually make it happen. Do not let the disruption of virtual court facilities and infrastructure cause the evidence that is carried out to be blurred and the judge does not get his confidence in the evidence carried out.

Problems that commonly occur in virtual trials are related to human resources, including the limitations of officers and trial participants who have not mastered information technology to prepare virtual trials. On the other hand, from the aspect of trial participants, sometimes they also experience the same thing, namely being unable to operate electronic equipment or use various online media for the implementation of virtual trials.
The problems related to facilities and infrastructure that commonly occur include unstable internet signals which result in image and audio transmissions being sent on several devices (laptops or televisions) to be unclear and even tend not to produce two-way communication. In addition, the implementation of virtual trials in general is still relatively closed, this is due to online access to the course of the criminal trial process which is carried out virtually through various online media such as the Zoom Cloud Meeting program which is still limited to only the litigants and cannot be accessed by the public. This is of course not in line with the stipulation that trials must be conducted open to the public except for certain criminal cases such as immorality and the defendant is a child. Such conditions can of course have an impact on the legality of the virtual court juridically.

Article 153 paragraph (3) of the Criminal Procedure Code states that for purposes of examination, the judge, the chairman of the trial, opens the trial and declares that it is open to the public, except in cases concerning decency or the defendant is a child. Furthermore, in paragraph (4) it is stated that non-fulfillment of this provision will result in the cancellation of the decision by law. This is in line with the provisions of Article 13 of Law Number 48 of 2009 concerning Judicial Power.

The Ombudsman in his brief study on "Organizing Online Trials in the Middle of the Covid-19 Pandemic in 16 (sixteen) District Courts", found that there was a potential for administrative maladministration, namely the existence of protracted delays in conducting electronic trials. This is indicated by the finding of a lack of resources for information and technology (IT) officers. As a result, electronic trial preparation is slow, especially if there are technical problems in the middle of the trial. The Ombudsman also found unclear timing of the trial, limited facilities and infrastructure such as limited courtrooms with teleconference equipment, unstable internet network so that the electronic trial process was delayed for a long time. Other technical obstacles include limited control of technology by judges, poor coordination between parties, legal advisors not being side by side with defendants, and not being able to ensure witnesses and defendants are under pressure or lies.

3.2 Procedural juridical weakness

Criminal procedural law in Indonesia is generally guided by the Criminal Procedure Code which is the fundamental basis in the criminal procedural law system. KUHAP does not recognize virtual trials but stipulates that court hearings will be held in courthouses. Likewise, in the procedure for examination in court, it has been determined according to the Criminal Procedure Code which is solely to seek material truth.

Various regulations regarding the implementation of virtual trial of criminal cases have created procedural juridical weaknesses in the form of disharmony of regulations regarding virtual trials. with the Criminal Procedure Code. The procedural juridical weaknesses referred to include the following:

1. The location of the trial, the virtual trial has caused a change in the domain of the trial. According to Article 230 paragraphs (1) and (2) of the Criminal Procedure Code, it means that in principle the trial of criminal cases is carried out in the court building in the courtroom, Judges, Public Prosecutors, Legal Counsels and Registrars wear court clothes and their respective attributes. The provisions regarding the courtroom are further explained by Article 230 paragraph (3) of the Criminal Procedure Code;
2. The presence of witnesses, based on the provisions of Article 160 paragraph (1) of the Criminal Procedure Code that the presence of witnesses through summons has its own mechanism, namely the summons of witnesses to enter the courtroom is carried out sequentially;

3. The presence of the defendant, the Criminal Procedure Code Articles 154 and 196 of the Criminal Procedure Code determine that the defendant has an obligation to be physically present at the trial. Regarding the presence of the accused, Article 12 of the Law on Judicial Power stipulates that the Court examines, hears, and decides on criminal cases in the presence of the accused, unless the law provides otherwise;

4. The openness of the trial to the public, based on Article 195 of the Criminal Procedure Code, the openness of the trial to the public relates to the validity of the court decision, namely that all court decisions are only valid and have legal force if they are pronounced in a trial open to the public. This is also emphasized through Article 13 paragraphs (1) and (2) of the Law on Judicial Power which states that all court hearings are open to the public, unless the law provides otherwise and court decisions are only valid and have legal force if pronounced in a trial open to the public.

Based on the above, it can be seen that the virtual trial is fundamentally different from the criminal justice system as regulated by the Criminal Procedure Code which is a guideline that is generally used as the basis for carrying out criminal proceedings. The virtual trial has not been accommodated by the Criminal Procedure Code. A virtual trial which is fundamentally different from the Criminal Procedure Code can cause various problems at the substantive juridical level. What is meant by substantive juridical is the meaning of the criminal justice system which requires the realization of material truth or essential truth. The criminal justice system is based on the Criminal Procedure Code which requires a direct criminal justice process so that the achievement of the essential material truth can reduce its objectivity with a virtual court. This cannot be separated from the existence of various weaknesses in the virtual trial which cannot be realized in situations and conditions such as the trial system directly.

3.3 The problem of the validity of evidence

The virtual trial process which is juridically procedural is different from the direct trial process as specified in the Criminal Procedure Code, causing problems in the substantive juridical aspect or meaning of the criminal justice system. One of the problems of the virtual trial in the substantive juridical aspect is the problem of the validity of evidence. It is known that the Criminal Procedure Code as a criminal procedure regulation which is generally used by applying a direct trial is desired in order to obtain material truth. Through a direct trial, evidence can be carried out objectively considering that the parties involved in the trial can immediately find out the legal facts of the defendant's actions through the evidence presented before the trial. Through direct evidence, it will be able to realize the judge's belief regarding the existing legal facts so that judge mistakes can be avoided in giving their decisions or mistakes in adjudicating.

Proof is an important stage in the trial to show that the defendant is guilty or not. Evidence is actually the core of the criminal justice process itself. According to the law of evidence, in order to provide protection for the public interest, the Public Prosecutor's Office, which is the
state's instrument, is tasked with carrying out the burden of proof and proof as well as getting the task of carrying out criminal prosecutions. Judges in criminal justice have the task and obligation to explore legal facts to obtain material truth. Based on the examination at the trial, it can produce valid and convincing evidence regarding the occurrence of a criminal act and who the perpetrator is (veroodeling), and vice versa can also be legally and convincingly proven that a person has not committed a crime and therefore the person in question can be released from charges (Vrispraak) or escape from all lawsuits (anslaag van allerichtvervolging) when in proof it is legally and convincingly proven that the alleged act is proven, but not as a crime.

Based on this, then The problem of proof is a very important issue. This is because proof is one part of determining a person's fate, sometimes even involving a person's life and death when someone is suspected of committing a crime that is punishable by the death penalty. Errors in proving can lead to errors in giving criminal charges which of course can be detrimental, both to the defendant and other parties, namely the victim and the community in general. Which loss is oriented towards justice as the goal of the law itself.

The Covid-19 pandemic condition as the reason for the virtual trial of criminal cases has caused problems related to evidence. The problems that arise are related to the validity of the evidence made by the public prosecutor in the process of proving the defendant's guilt and the problem of the judge's belief in the evidence made by the public prosecutor.

Article 183 of the Criminal Procedure Code provides an explanation that "Judges are prohibited from imposing a criminal sentence on a person unless it is carried out with at least two valid evidences where it is believed that a criminal act has actually occurred and that the defendant is guilty of committing it. If you pay attention to the provisions that have been explained in Article 183 of the Criminal Procedure Code, then the article contains the intent to provide guarantees for the establishment of truth, justice and legal certainty for a person. Problems that arise in the implementation of the virtual trial of evidence, namely the virtual trial has affected the evidence in the trial as determined by the Criminal Procedure Code which applies the trial directly. This is because in the virtual trial the defendant attends the trial, his presence remains in the Correctional Institution, while the presence of the judge in the court trial room and the presence of the public prosecutor are in the prosecutor's office or together with the judges in the court courtroom.

The problem of proof in virtual trials against cases with easy evidence will not have much effect. However, in certain cases, such as cases where the evidence is difficult or complicated and requires specific evidence, the application of virtual trials or online trials or via teleconference cannot be carried out. In certain cases such as this sometimes evidence must be carried out directly, what is meant here directly is that the defendant is brought before the judge in conducting a direct assessment of the evidence made by the public prosecutor and the facts revealed in the trial. This means that the judge directly with his five senses can see, hear, and feel the evidence carried out so that it can lead to a belief about the legal facts of the evidence. As for what is meant by specific evidence for criminal cases whose proof is complicated in virtual trials here, namely criminal cases that use documentary evidence as evidence to prove the defendant's guilt, where without evidence the defendant's guilt cannot be proven and there is dependence on other evidence such as witness testimony on documentary evidence.

To give confidence in the documentary evidence, the judge must directly see, feel, for example, by touching the letter to prove the truth of the documentary evidence and hearing the statements of witnesses regarding the truth of the documentary evidence presented before the trial. This is certainly not optimal if the trial is carried out virtually because the documentary
evidence shown through virtual media may become unclear, especially if the conditions of the virtual court facilities and infrastructure do not support it, such as a signal that is not smooth or the camera is blurry.

Examples of criminal cases where the proof is complicated using letter evidence include corruption cases. In corruption cases, it is certain that correspondence documents are used as evidence to prove that a criminal act of corruption has occurred. The correspondence documents referred to as a means of proving letters must be tested for their truth and shown directly to the parties to assess the veracity of the documents used as evidence in the trial. This causes the documentary evidence to be very vulnerable to trial manipulation or case games that can obscure or change the facts of the trial. Moreover, if the trial is conducted virtually, the chances of manipulation are even greater. In addition, to give the judges confidence regarding the authenticity of the letter, it becomes even more difficult if the trial is conducted virtually.

This will be exacerbated if the implementation of virtual courts from a non-technical perspective is not supported by adequate facilities and infrastructure and is also prone to causing problems such as blurred cameras, noisy speakers and internet network disturbances that can result in not being heard and seen properly or misinterpreting the meaning of the statements of the parties, whether prosecutors, judges, lawyers, witnesses or defendants, which can obscure the actual facts so that the truth cannot be reached. Material from the results of the trial of criminal cases.

4. Conclusion

The legal basis that serves as the basis and guideline in conducting virtual trial of criminal cases includes the Supreme Court Circular Number 1 of 2020 which provides regulations regarding Guidelines for the Implementation of Duties During the Prevention of the Spread of Corona Virus Disease 2019 (Covid-19) which is followed up with a Supreme Court Regulation. Number 4 of 202 concerning Administration and Trial of Criminal Cases in Courts Electronically.

The problems of implementing a virtual trial of criminal cases in the criminal procedural law system include human resources, facilities and infrastructure, procedural juridical problems and the validity of evidence. The problem of human resources is the limitation of human resources in the use of information technology and the internet. Problems with facilities and infrastructure, namely the limitations of electronic facilities and infrastructure and internet network disturbances. The procedural juridical problem, namely the virtual trial which is fundamentally different from the Criminal Procedure Code, can cause various problems at the substantive juridical level. Meanwhile, the problem of the validity of the evidence is the difficulty of obtaining material truth on cases that are complicated to prove that require direct evidence to obtain the truth of the evidence carried out.

References


Study on the Misuse of Village Fund Management on The Implementation of Decentralization in Indonesia

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Abstract. Village is a legal community unit led by a person and has the authority to regulate and manage the community to achieve common goals in the region. The existence of the Minister of Home Affairs Regulation Number 113 of 2014 and the Government Regulation Number 34 of 2014, it is necessary to prepare related to the readiness of the village government in implementing the new regulations in force so that everything can run according to the applicable rules so that it can provide great benefits in development efforts in Indonesia. Village. The regulation and management of village funds must be managed using transparent, accountable, participatory principles and can be carried out in an orderly and budgetary discipline. but in its implementation to regulate and manage village funds, there are still many cases of village heads who often misuse the village fund budget due to several factors. The type of research used in this research is library research with a normative approach as a rule that determines what is allowed and what cannot be done by emphasizing the norms prevailing at that time or the norms stated in the law. This writing discusses the factors that cause the misuse of village fund management and the efforts that can be made in overcoming the misuse of village fund management.

Keywords: Decentralization, Misuse, Village Funds

1. Introduction

Village is a legal community unit led by someone and has the authority to regulate and manage the community to achieve common goals in the region. Villages can also be interpreted as the result of a combination of the activities of a group of humans and their environment which are manifested on earth and caused by social, economic, political and cultural elements that result in interactions and relationships with other areas. In the administration of government, the village head and village officials need village sources and income which are managed through the Village Revenue and Expenditure Budget (APBDes) as outlined in the village regulation concerning the Village Revenue and Expenditure Budget. As time goes by, the village is increasingly empowered by the state by being given a mandate to manage large amounts of village funds in the hope that the management of these village funds can improve the welfare of the community. A prosperous society can make the country stronger so that it can compete with other countries. Welfare is a condition of meeting the needs of people's lives that are increasingly qualified, therefore welfare is the most important factor that is always strived to be realized. To achieve this welfare, it is necessary to have good financial management of village funds so that they can be used effectively and efficiently.

The leeway given to the village government to regulate and manage village funds has succeeded in providing many benefits, especially in the field of development in the village. However, authority that is not balanced with legal awareness from the village head and his
apparatus will actually cause various problems and losses. Whereas the village is the forerunner to the formation of a prosperous society and good governance. The existence of the Minister of Home Affairs Regulation Number 113 of 2014 and the Government Regulation Number 34 of 2014, it is necessary to prepare related to the readiness of the village government in implementing the new regulations in force so that everything can run according to the applicable rules so that it can provide great benefits in development efforts in Indonesia. Therefore, the management of village funds must be in accordance with existing regulations and the authority to manage village funds must be carried out honestly in order to achieve the right goals and not lead to legal cases.

In the future, village funds are the largest source of the State Revenue and Expenditure Budget received by the village government which is used to finance government administration, development implementation, development, community development and community empowerment. The regulation and management of village funds must be managed using transparent, accountable, participatory principles and can be carried out in an orderly and budgetary discipline. but in its implementation to regulate and manage village funds, there are still many cases of village heads who often misuse village fund budgets. This is due to several factors, namely:

1. Lack of community involvement and difficulty in accessing the planning and monitoring process for village funds
2. Less than optimal village institutions such as the Village Consultative Body
3. Limited human resources within the scope of village government.

The application of sanctions to village heads who are proven to have committed criminal acts as it is known that the application of sanctions to make criminal sanctions an ultimum remidium. Ultimum remidium can be said as an effort taken in resolving cases through other channels such as civil law or administrative law, this path should be taken before operationalizing criminal law. The process of managing village funds has brought many village heads into convicts who have to carry out criminal penalties[1]. The main cause in this case is that village funds are not used according to the rules by abusing and even the village funds are taken away to be used for personal purposes. Misuse of village finances such as misuse of village fund allocations is an act that is prohibited to do. If it is done, it can be subject to administrative sanctions in the form of verbal warnings and/or written warnings. In the event that administrative sanctions are not implemented, a temporary suspension may be imposed and can be continued with dismissal[2,3].

Based on cases of abuse that occurred in management and the village, there were several modus operandi carried out, including drafting a budget that exceeded the market price and then paying it based on another agreement; the village head is responsible for financing the physical building of village funds even though they come from other sources; temporary borrowing of village funds by transferring funds to a personal account and then not returning them; deduction of village funds by the perpetrators; making fictitious official trips by falsifying lodging/travel tickets; mark-up payment of village apparatus honorarium; payment for office stationery does not match the real cost by falsifying proof of payment; collect taxes, but the tax collection proceeds are not deposited with the tax office; and purchase office inventory with and village but for private purposes.
2. Method

Type of research used in this research is library research[4]. Literature study is a study that uses the main source, namely documents such as manuscripts, books, newspapers, magazines, and others, but literature studies also do not only refer to documents but can also combine them with existing data in the field to strengthen the data or findings. This research is made in a systematic and factual manner that describes the problems that occur in the implementation of regional autonomy and their solutions. The approach used by the research is a normative approach. a normative legal approach or normative study as a rule that determines what is allowed and what cannot be done by emphasizing the norms in force at that time or the norms stated in the law.

3. Result & Discussion

3.1. Factors Causing the Misuse of Village Funds

The addition of village funds and flexibility in managing these funds can provide many benefits for village development. The utilization of central government policies for villages to better manage and regulate village funds can be used to support the development of village facilities and infrastructure in order to create a prosperous village. However, in its implementation, village fund management is often misused by the village head for personal interests. It is not surprising that recently quite a number of village heads have been investigated in connection with the misuse of village funds. Several factors caused the village head to misuse the village funds as follows:

1) The lack of community involvement and the difficulty of accessing the planning and monitoring process of village funds. The responsibility for managing village funds is not only given to village government officials but also community involvement in overseeing the management of village funds. The lack of participation in supervising the management of village funds can be used by the village government, especially the village head to misuse village funds. This is because human resources in rural areas are still not sufficient and the community is reluctant to participate in managing the village funds.

2) Less than optimal village institutions

Such as the Village Consultative Body. Community participation is not the only important factor in managing village funds, but village institutions such as the Village Consultative Body also have an important role in supervising the management of village funds. The Village Consultative Body has an important role in determining village policies and supervising village government activities in order to reduce abuses of village authority and finances in the administration of village governance. The Village Consultative Body in fact is often only used as a complement to the authority institution at the village level. The important role of the Village Consultative Body, which should be able to do well, actually seems passive so that this gap can be used to abuse village funds. In fact, it is not uncommon for members of the Village Consultative Body, which should supervise the management of village funds, to misuse village funds.

3) Limited human resources within the scope of village government.

Human resources are one of the resources in an organization that has an important role in achieving goals in an organization. Quality human resources are indispensable in balancing the existence of central government policies in managing villages. At this time, there are still many village government officials who do not have adequate
quality in managing village government. This is because there are still many village governments who are aged towards the elderly and find it difficult to keep up with the development of village digitization programs so village management also experiences obstacles that can be used to misuse village funds.

3.2 Efforts in Overcoming the Misuse of Village Funds

Various efforts can be made in overcoming the misuse of village funds by the village government, namely through preventive and repressive efforts. This preventive effort can be carried out by preventing by reducing the space or opportunity for violations to occur. This effort can be done by increasing community participation and optimizing village government institutions such as the Village Consultative Body in supervising the management of village funds. Another effort that can be taken to prevent misuse of village funds is to improve the quality of human resources for village government officials by holding counseling and training related to the implementation of village management, including village management. Increasing human resources is very important to do in order to optimize central government policies that provide leeway for village governments to be able to optimize in carrying out village development. Repressive efforts can also be made to overcome the misuse of village funds, namely by taking action on a crime or violation related to the management of village funds that can interfere with the implementation of village development. This can be done through reporting as regulated in the Criminal Procedure Code.

4. Conclusion

Misuse of village fund management can occur due to several factors such as: lack of community involvement and difficulty in accessing the planning and monitoring process of village funds, less than optimal village institutions such as village consultative bodies, limited human resources within the scope of village government. Various efforts can be made in tackling the misuse of village funds by the village government, namely through preventive and repressive efforts. This preventive effort can be carried out by preventing by reducing the space or opportunity for violations to occur. Repressive efforts can also be made to overcome the misuse of village funds, namely by taking action against a crime or violation related to the management of village funds.

References


Juridical Analysis of Marriage Status Writing “Not Recorded” in Family Card by Department of Population and Civil Registration of Tegal District

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Abstract. The development of the population administration information system application (SIAK) version 7 includes changes in marital status from previously married and unmarried, now to registered marriage, unregistered marriage and unmarried. The development of the population database that switched to SIAK 7 indirectly caused the position of marriage registration which originally functioned to guarantee legal order as an instrument of legal certainty through marriage evidence to be contrary to the obligation to register marriages as regulated in Law Number 1 Year 1974 concerning Marriage. Article 2 Government Regulation of the Republic of Indonesia Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage. In addition, it is explained in the KHI (Compilation of Islamic Law) contained in article 5 which states that marriage registration functions as a tool of order for Muslims and the obligation to register marriages is contained in the Regulation of the Minister of Religion of the Republic of Indonesia Number 19 of 2018 concerning Marriage Registration which is mentioned in article 2 become lawless because the writing of marital status has not been recorded in the blank of the family card.

Keywords: Marriage, Marital, Status

1. Introduction

Administrative and legal problems caused by Unregistered Marriages continue to emerge and tend to increase in society. The government then tried to respond and provide a solution by means of unregistered marriages that could be written on the family card (KK). This policy is stated in the Minister of Home Affairs Regulation Number 9 of 2016 and updated at number 108 of 2019 concerning the Acceleration of Increasing the Coverage of Birth Certificate Owners. The policy of unregistered marriage, which can be written on the Family Card (KK), has created a polemic in the community[1]. Supporters of this policy see the spirit of protecting the rights of citizens, especially for children born to unregistered married couples through Minister of Home Affairs Regulation No. 9 of 2016 Acceleration of Increasing the Coverage of Birth Certificate Ownership and Minister of Home Affairs Regulation Number 118 of 2017 concerning Blank Family Cards, Registers and Quotations of Deeds Civil registration. Every marriage is now recorded on the family card[2–4]. Meanwhile, those who oppose the policy see that the policy will have a negative impact in the form of increasing the
practice of unregistered marriage, making it difficult to register marital status at the Office of Religious Affairs and weakening the protection of women.

The problem of law and order also occurs when it is associated with Law Number 1 of 1974 concerning Marriage. Changes in marital status from previously married and unmarried, to registered marriage, unregistered marriage and unmarried in the development of this population database, indirectly led to the position of marriage registration which originally functioned to ensure legal order (legal order) as an instrument of legal certainty through marriage instruments. becomes contrary to the obligation to register marriages as regulated in Law Number 1 of 1974 concerning Marriage. Policies related to the fulfillment of population administration rights for unregistered marriages are suspected to be contrary to the prevailing laws and regulations in Indonesia[5]. In Law Number 1 of 1974 concerning Marriage, it has been explained that a marriage is valid if it is carried out according to the laws of each religion and belief and in addition, each marriage must be recorded according to the applicable laws and regulations[6,7]. The regulation explains that marriages will only have formal legality before the law if they are recorded by a marriage registrar (PPN) appointed by the state, while those that are not registered are considered illegal according to law. The marriage certificate or marriage certificate issued through the marriage registration makes it easier for husband and wife to carry out other legal needs.

The Compilation of Islamic Law (KHI) article 5 states that marriage registration functions as a tool of order for Muslims and the obligation to register marriages as contained in the Regulation of the Minister of Religion of the Republic of Indonesia Number 19 of 2018 concerning Marriage Registration which is mentioned in article 2 become lawless because the writing of marital status has not been recorded in the form of the family card. Marriage is actually an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead. This is the mandate of Article 1 of Law Number 1 of 1974 concerning Marriage which is now being updated/revised in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage[5].

In Islamic marriage law, marriage contains the main elements that are psychological and spiritual, including inner and outer life, humanity, and truth. Every marriage is not only based on biological needs between men and women who are recognized as legitimate but as executors of the natural process of human life. In addition, marriage is also based on religion, meaning that religious aspects become the main basis of domestic life by carrying out faith and devotion to God. The basics of understanding marriage are based on three things that a person completely needs to have before implementing it, namely: faith, Islam, and sincerity. Marriage is one of the dimensions of life that is very important in human life in any world. Once the importance of marriage is so important, it is not surprising that the world's religions regulate marriage issues, even the traditions or customs of society and also state institutions do not lag behind in regulating marriages that apply among their people. There are several types of marriages in Indonesia, for example legally and religiously legal marriages, and also religiously legal Unregistered Marriages. In the event of a marriage, there are rules and norms that underlie a marriage that must be obeyed by the bride and groom. Based on the above background, the problem that will be studied in this paper is "how is the recording of the status of "unregistered marriage” in the Family Card of the Tegal Regency Population and Civil Registration Service?"

2. Method
This type of research is library research. Library research is research that is carried out by examining library materials or secondary data[8,9]. Literature research is carried out by reading, reviewing, and recording various literature or reading materials that are in accordance with the subject matter, then filtered and poured into a theoretical framework. This research includes library research because the data used are secondary data in the form of legal documents. Furthermore, secondary data is grouped into primary legal materials and secondary legal materials. Primary legal materials are binding legal materials as contained in the hierarchy of laws and regulations. While secondary legal materials are legal materials that provide explanations of primary legal materials such as Draft Laws, research results, and scientific works of legal experts. This study uses primary legal materials because it makes several relevant laws and regulations as a reference. While using secondary legal materials because it makes several books, journals, and other writings as references.

3. Result & Discussion

Marriage is an important event that is seen as an inner and outer relationship between a man and a woman who have met the requirements to enter into a marriage. To prove the existence of a marriage, it is not enough just to prove the event itself without any written evidence based on records at the implementing agency appointed by the government. The recording, is followed up with the issuance of a marriage certificate or marriage certificate by the authorized official as perfect (authentic) evidence. Marriage registration in Indonesia is part of positive law even though religion or belief is considered legal, but marriages carried out outside the knowledge and supervision of marriage registrar employees are considered invalid. In this case, unregistered marriages do not have legal force in the eyes of state law. The rules for registering marriages are contained in Law Number 1974 concerning Marriage which is general in nature and the Compilation of Islamic Law (KHI) which is special because it is only intended for Indonesian people who embrace Islam.

However, since the issuance of a new regulation related to population administration which is explained in the Minister of Home Affairs Regulation Number 118 of 2017 concerning Blank Family Cards, Registration, and Quotation of Civil Registration Deeds related to changes in the column on the family card, the government has developed a population data collection application in the SIAK 7 version. The population administration data collection in SIAK 7 states that marital status has not been recorded in the blank of the family card. The development of the SIAK 7 application makes it easier for residents to know which people have registered marriages according to applicable laws and regulations or are only religiously valid. That is, through this policy, people who do not register marriages with marriage registrar employees still get population administration rights easily. Policies related to the fulfillment of population administration rights for marriages that have not been recorded are very contrary to the prevailing laws and regulations in Indonesia. In Law Number 1 of 1974 concerning Marriage, it has been explained that a marriage is valid if it is carried out according to the laws of each religion and belief and in addition, each marriage must be recorded according to the applicable laws and regulations. The regulation explains that marriages will only have formal legality before the law if they are recorded by a marriage registrar (PPN) appointed by the state, while those that are not registered are considered illegal according to law. Marriage certificates or marriage certificates issued through marriage registration make it easier for husband and wife to carry out other legal needs. Marriage registration is regulated in Article 2 of Government Regulation Number 9 of 1975 which states that:
1. The registration of the marriage of those who hold their marriage according to the Islamic religion shall be carried out by the registrar as referred to in Law Number 32 of 1954 concerning the registration of marriage, divorce and reconciliation.

2. Marriage registration of those who carry out their marriage according to their religion and belief other than Islam, is carried out by marriage registrar employees at the civil registry office as referred to in various laws regarding marriage registration. Marriage registration for Muslims at the Office of Religious Affairs (KUA) will be recorded on the SIMKAH application (Marriage Management Information System). Presentation of data on SIMKAH builds an integrated network between KUA ditin at the regional level to the head office. The data on SIMKAH will be integrated directly into the SIAK application which is managed by the Department of Population and Civil Registration, so that every citizen who is legally married according to state administration or only married religiously is easily known. For people who are Catholic, Christian, Buddhist and Hindu, marriage registration is carried out at the civil registry office after the bride and groom marry according to their respective religions. The function of marriage registration in Islamic law is so that someone has evidence to prove that everyone has really done marriage. Marriage registration for Muslims in Indonesia is regulated in the KHI (Compilation of Islamic Law) which is contained in article 5 paragraph 1 and 2 as follows:

3. In order to ensure the orderliness of marriage for the Islamic community, every marriage must be recorded.

4. Marriage registration as referred to in paragraph (1) is carried out by the Marriage Registrar as regulated in Law Number 22 of 1946 in conjunction with Law Number 32 of 1954.

Obligations related to marriage registration for Muslims are also regulated in the Regulation of the Minister of Religion of the Republic of Indonesia Number 19 of 2018 concerning Marriage Registration which is stated in article 2 that marriages between a man and a Muslim woman must be recorded in a marriage certificate. Marriage registration for Muslims in the marriage certificate as referred to in Article 2 is carried out by the Head of the sub-district KUA. Registration of marriages at institutions appointed by the government of course makes a person have official documents that can be used as evidence before the trial court in the event of a dispute related to marriage, such as inheritance, child custody, divorce, maintenance and so on.

The development of the population administration information system application (SIAK) version 7 in Indonesia does have a positive impact on the government to know and obtain population data accurately and completely and to fulfill the rights of the population administration of the community as a whole. However, the negative impact arising from the fulfillment of administrative rights for residents who do not register their marriages can open up opportunities for Indonesian people to carry out marriages without VAT supervision and are only legal based on religion or belief. The official state document issued in the form of a family card can provide legal protection for unregistered marriages, so that marriage registration can be seen as an administrative requirement that no longer has formal legality in the eyes of the law.

Marriage registration in Indonesia which was originally inseparable from the spirit to carry out reforms in the field of family law which requires improving the status of women to avoid
the evils of marriage, such as arbitrary divorce, polygamy without justice, forced marriage, and protecting rights of children of the marriage. Through the granting of population administration rights in the form of a family card without including a marriage certificate at the time of registration and adding a marriage certificate that has not been recorded in the form of a family card, it can cause people to ignore the obligation to register marriages because the state through the Office of Occupation and Civil Registration facilitates official state documents in the form of blank cards. Family for marriage has not been recorded.

Ownership of a family card has great benefits for the population, apart from being a valid and strong proof of the identity status of the family and family members regarding the position of a person's residence, it is also used as a condition for issuing an ID card, a requirement for making a birth certificate for children and so on. The existence of the family card makes unregistered marriages recognized by the government and has no difference between registered marriages. These official state documents can be used as the basis for the fulfillment of the rights of other citizens and for the government to be the basis for decision/policy making.

The development of the population database that switched to SIAK 7 indirectly caused the position of marriage registration, which originally functioned to guarantee legal order as an instrument of legal certainty through evidence of marriage, to become lawless because in the long term marriages have not been registered but are facilitated by the state through the fulfillment of population administration rights. The worst possibility that occurs due to the issuance of family cards for unregistered marriages is that the number of unregistered marriages will increase. Implementing agencies in the field of population administration services, in addition to being required to be more careful in checking the requirements for a family card application, should ask the reason for people who cannot attach a marriage certificate or marriage book so that they are advised to register their marriages through marriage isbat (marriage ratification) and re-manufacture the marriage certificate or marriage certificate if lost, so that in the blank of the family card it is not written that the marriage has not been recorded. Thus, the state continues to play a role in suppressing the increase in the number of unregistered marriages and minimizing the occurrence of unregistered marriages.

4. Conclusion

The legal basis for making the category of marriage not registered as one of the marital statuses in the form of a family card is explained in the Minister of Home Affairs Regulation Number 118 of 2017 concerning Blank Family Cards, Registration and Quotations of Civil Registration Deeds. As for writing, it is regulated in Article 33 which states that the writing of registers and quotations of civil registration deeds must use the SIAK application no later than 1 (one) year after this ministerial regulation is promulgated. The development of the population administration information system application (SIAK) version 7 includes changes in marital status from previously married and unmarried, now to registered marriage, unregistered marriage and unmarried.

The development of the population database that switched to SIAK 7 indirectly caused the position of marriage registration which originally functioned to guarantee legal order as an instrument of legal certainty through marriage evidence to be contrary to the obligation to register marriages as regulated in Law Number 1 Year 1974 concerning Marriage. Article 2 Government Regulation of the Republic of Indonesia Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage. In addition, it is explained in the KHI (Compilation of Islamic Law) contained in article 5 which states that marriage
registration functions as a tool of order for Muslims and the obligation to register marriages is contained in the Regulation of the Minister of Religion of the Republic of Indonesia Number 19 of 2018 concerning Marriage Registration which is mentioned in article 2 become lawless because the writing of marital status has not been recorded in the blank of the family card.

References
Legal Protection of Children as Sexual Crimes Victim

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Abstract. According to positive law, the idea of legal protection for children who have been the victims of sexual offenses must be based on Pancasila's efforts to offer its residents legal protection. Therefore, in a unitary state that respects the spirit of kinship in order to achieve communal welfare, this legal protection will birth the recognition and protection of human rights in their form as individual beings and social beings. Law enforcement against child victims of sexual crimes has conceptually not harmonized the relationship of values outlined in good rules and manifests an attitude of action so that there are still traits that are not in accordance with legal norms. Legal development for the protection of child victims of sexual crimes in a progressive legal perspective that legal actors are required to prioritize honesty and sincerity in law enforcement. They must have empathy and concern for the suffering experienced by the people of this nation. The interests of the people (their welfare and happiness) must be the point of orientation and the ultimate goal of implementing the law.

Keywords: Legal Protection of Children, Sexual Victim.

1. Introduction

Children are the next generation of the nation who need special legal protection that is different from adults in general, due to physical and mental reasons that children are not yet mature and mature[1]. Sexual violence cannot be characterized in a purely physical sense, i.e., as an act, but instead encompasses a wide range of behaviors, such as psychological abuse and humiliation, pressing and difficult [2]. Do not be shocked if many instances of sexual abuse against minors go unpunished if sexual violence is only defined narrowly as violent and oppressive behavior. ECPAT (End Child Prostitution In Asia Tourism) International defines sexual violence against children as any relationship or interaction between a child and an older or more mature child or adult, such as a stranger, sibling, or parent, in which the child is used as a sexual object of satisfaction for the needs of the perpetrator.[3–5]. Sexual violence is a problem that still occurs in our midst[6–8]. For that, we need to fight it from now on, starting with educating the public. Often found in the mass media coverage decorated by the number of sexual crimes that occurred. The news taken by journalists shows the identity of children who are victims of sexual crimes. The news has an impact on children.

An adult or older adolescent abusing a youngster for sexual excitement is known as sexual violence or sexual abuse of minors.[9]. Kid sexual abuse includes enticing or forcing a child into sexual behavior (regardless of the result), showing pornography to a child, indulging in actual sexual contact with a child, touching a child's genitalia, and viewing a child's genitalia without making physical contact. Between 5% and 15% of men and between 15% and 25% of women experience sexual abuse as children. The majority of sexual abusers are people who are familiar with their victims; about 30% are family members of the children, most frequently siblings, fathers, mothers, uncles, or cousins; about 60% are acquaintances of other friends, such as family, babysitters, or neighbors; only about 10% of cases of child sexual abuse are committed by foreigners.
That children are the assets of the nation and the state which will become the next generation. Every child has the same human rights as humans in general. Children's rights have been neatly regulated in positive laws and regulations in Indonesia in the form of protection from various crimes so that their rights are not violated, considering that there are so many criminal cases experienced by children that cause the child's psyche to be disturbed and unable to carry out their duties properly. As is constantly being reported in the mass media about cases of sexual violence against children that need attention, it is important for the law to act as soon as possible. The form of legal protection provided starts from the prevention of acts of sexual violence against children, protection of child victims of sexual violence and protection of children who are in conflict with the law (child perpetrators) of sexual violence. The law is required to be able to give special attention to the interests of children, in this case it can overcome acts of sexual violence experienced by many Indonesian children. In order to run well, it is necessary to enforce the law for perpetrators of sexual violence so that it can provide a deterrent effect and minimize acts of sexual violence against children. National child protection has obtained a juridical basis including the 1945 Constitution as the constitutional basis and Articles 21 to 24 of Law Number 23 of 2002 concerning Child Protection. The definition of a child according to Article 1 point 1 of Law Number 23 of 2002 concerning Child Protection is someone who is not yet 18 (eighteen) years old, including children who are still in the womb. Article 17 paragraph (2) of Law Number 23 of 2002 concerning Child Protection also stipulates that "every child who is a victim or perpetrator of sexual violence or who is in conflict with the law has the right to be kept secret."

Perpetrators of violence whose victims are children are generally carried out by people who have close relationships or already know the victim. Violence against children can be triggered by a lack of good family functioning or economic background. Children can become victims or perpetrators of violence with 3 (three) loci or places of violence against children, namely in the family environment, in the school environment and in the community. The most strategic target is to increase the role and empower the family as a vehicle for children to socialize and take refuge from all mistreatment of them. The family should be a place where children feel safe and provide protection for children. Physical violence that is rampant against children in the family, school and community environment shows that children are vulnerable to being victims of violence and the lack of protection for children. Children really need a friendly and safe environment for playing and expressing themselves to develop themselves, but this shows that a friendly and safe environment is still far from being a child-friendly environment. The crime that befell the victim is a violation of their human rights. Violation of human rights is an act that greatly violates a person's dignity and self-esteem. Children should have free opportunities to play and express themselves which should be directed towards educational purposes, society and the competent authorities should strive to improve the implementation of rights. The treatment and legal protection of children should receive special and serious attention because children have a bright future and are also the successors of the nation and state.

The conception of child protection for victims of sexual crimes lies in the activity of harmonizing the relationship of values that are outlined in good rules of action as a series of elaboration of values, to create, maintain and maintain peaceful social life, a conception that has a philosophical basis so that it will appear more concrete. Legal development for the protection of child victims of sexual crimes in a progressive legal perspective is in the form of ideology and the dedication of legal actors to get the main place to make recovery. Based on the description of the background of the problem, the problems in this study can be formulated, namely: What is the Form of Child Protection Against Sexual Crime Victims?, What are the
Consequences Suffered by Sexual Crime Victims on Children in the Perspective of Progressive Law?, and 3. What are the efforts to combat sexual crimes against child victims?

2. Method

This kind of investigation is done at libraries. Research that is conducted using secondary data or library resources is referred to as library research[10]. Because the data employed in this study are secondary data in the form of legal papers, library research is also involved. Additionally, primary and secondary legal resources make up the categories of secondary data. The hierarchy of laws and regulations contains primary legal elements, which are those that have binding legal effects, whereas secondary legal materials are documents that explain primary legal materials like draft laws, scientific studies, and works by legal experts.

3. Result & Discussion

In humans there is always a will to live which is a source of creative potentials. But along with that, in humans there is always a will to power which is the source of various acts of human destruction. It is said to be destruction, because the will to power never knows the end, never knows limits, never knows enough. Human conflicts that result in many disasters are conflicts between the will to power and other will to power. The resulting consequences become the benchmark for a crime, whether the mode of crime is in the light category or is it aggravating and causes tremendous suffering. In formal juridical terms, crime is all human actions that meet the definitive formulation of criminal law provisions which are declared as crimes. This is emphasized again by Wirjono Prodjodikoro that a criminal act means an act for which the perpetrator can be subject to criminal punishment.

Viewed from a formal point of view, crime is an act that the community (in this case the state) is given a punishment for. This kind of criminal law does not aim to protect the public but strengthens the reason or opposes the arbitrary actions of the authorities. Furthermore, crime is part of the actions that are contrary to decency. Meanwhile, decency crimes or moral offenses from sexual harassment are two forms of violations of decency which are not only a national legal problem of a country, but are already a legal problem for all countries in the world or are a global problem. The first is a component that comes from or is contained in the offender, with the idea that a person's motivation for committing a crime comes from within the offender himself and is based on psychological and hereditary elements (mental illness). The second component is one that occurs from outside the perpetrator's personal self, which is based on home circumstances, as well as technology and environmental variables. It means that what motivates a person to commit a crime comes from sources other than the culprit himself.

The problem of children is not a small problem, but children are the next generation of the nation and state. Factors that support services for child victims of crime, this is emphasized again by Arif Gosita are as follows:

1. Desire to develop fair treatment of children and improve child welfare.
2. Welfare law that can support the implementation of services for child victims of crime.
3. Facilities that can be used to provide services to child victims of crime.

Therefore, it is an obligation for the previous generation to guarantee, maintain, and secure the interests of children. The maintenance, guarantee, and security of these interests should be carried out by the parties who take care of them, namely the family. Judging from the theory of legal protection, child protection is an effort that provides situations and conditions that allow
the implementation of children's rights and obligations in a humane manner. The implementation of legal protection for children as victims has not been maximized as provided by law. Although it is not maximized, there are several forms of legal protection that have been given to children as victims according to Law no. 35 of 2014 contained in Article 64 paragraph (3), that children as victims get:

1. Rehabilitation both inside and outside the institution
2. Efforts to protect and announce identity through mass media to avoid labeling
3. Providing safety guarantees for victim witnesses and expert witnesses, both physically, mentally and socially
4. Providing accessibility to obtain information regarding the development of the case

The legal system does not only refer to the rules (codes of rules) and regulations (regulations), but covers a broad field, including the structure, and institutions of the process (procedure) that fill it in relation to the law that lives in society (living law) and legal culture (legal structure). According to Lawrence M Friedman, the elements of the legal system consist of legal structure, legal substance, and legal culture. The main function of law, namely regulating order, is a basic condition for the existence of a society, the need for order is a fact and an objective need for every human society. The purpose of the law is to bring about justice. The law exists or is enforced to regulate and create a balance or harmonization of human interests, these three objectives are often expressed separately and are considered as a process that determines each other, namely: certainty, order, order, and justice. Order cannot exist without certainty and one cannot question justice in disorder. In its function, the law as the protection of human interests, the law has a purpose. In another sense, the law is in charge of dividing rights and obligations between individuals in society, dividing authority and regulating how to solve legal problems, and maintaining legal certainty. There are many shortcomings in the laws and regulations which separately regulate the protection of witnesses and victims, which legally, many parties should be witnesses without being witnesses. This is because he feels that his life and family are threatened by what is conveyed, both at the investigation level to the Court. Even those who were originally witnesses were eventually named as suspects. Therefore, both victim witnesses and reporters in child cases must receive legal protection and assistance. The implementation of the Child Protection Law (UUPA) in Indonesia is still considered very difficult to be implemented seriously and is still an obstacle. The reason is none other than the many who also become consumers or users of child sex workers.

Additionally, Satjipto Raharjo claims that ineffective law enforcement is primarily the upholding of ideals or notions of fairness, accuracy, and societal advantages. The goal of law enforcement is to bring ideas from thoughts into actuality. The two concepts of law enforcement and legal application are distinct. Enforcing the law is not the same as employing it; one can enforce the law to accomplish justice, but one can also enforce the law to further other interests or aims. Black's Law Dictionary defines law enforcement as an effort to uphold both the standards of the legal regulations and the ideals that underpin them. Law enforcement officials need to have a solid understanding of the legal principles underlying the laws they are tasked with upholding, as well as the many dynamics involved in the creation of laws.

Given that cases of violence against children are usually more common among children from the lower classes, for example, the police will generally be lazy to handle them. Therefore, the cases of these children cannot be used as land to earn money. On the other hand, if the perpetrators of violence are from the rich, who can afford the police, prosecutors and judges, the perpetrators will be released easily and properly. In the context of the State of Indonesia, the justice to be realized is in accordance with what is stated in the 3rd principle of Pancasila. Social
justice for all the people of Indonesia. Thus, the system is not only to convict the perpetrators but to bring about justice for victims of crime and to humanize humans in accordance with the goals of progressive law.

4. Conclusion

According to positive law, the idea of legal protection for children who have been the victims of sexual offenses must be based on Pancasila's efforts to offer its residents legal protection. Therefore, in a unitary state that respects the spirit of kinship in order to achieve communal welfare, this legal protection will birth the recognition and protection of human rights in their form as individual beings and social beings..

Law enforcement against child victims of sexual crimes has conceptually not harmonized the relationship of values outlined in good rules and manifests an attitude of action so that there are still traits that are not in accordance with legal norms.

Legal development for the protection of child victims of sexual crimes in a progressive legal perspective that legal actors are required to prioritize honesty and sincerity in law enforcement. They must have empathy and concern for the suffering experienced by the people of this nation. The interests of the people (their welfare and happiness) must be the point of orientation and the ultimate goal of implementing the law.

References

Return of Confiscated Property to Victims of Crime of Fraud in Indonesia's Legal System

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Abstract. Property confiscated in cases of fraud can be returned. The return mechanism has been regulated in the Law of the Republic of Indonesia Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Laundering. Victims who get their property back according to the value of the loss is a form of recovery to the victim. The purpose of this study is to analyze the legal rules related to confiscated property in the Indonesian legal system and analyze the mechanism for returning confiscated property to victims of fraud in the Indonesian legal system. The results of the study show that the confiscation of objects is part of an additional crime for criminal actors including the confiscation of certain goods, this is very clearly regulated in Article 10 of the Criminal Code. The purpose of confiscation is for evidentiary purposes, especially as evidence before a court hearing. Article 39 of the Criminal Procedure Code itself has outlined the "legal principle" in the confiscation of objects which limits the objects that can be subject to confiscation. The asset recovery mechanism for victims of predicate crimes who are not state actors cannot be carried out through the asset confiscation mechanism. In the Money Laundering Law, one of the mechanisms for returning assets to victims of criminal acts of fraud can be implemented through a judge's decision which states that these assets are returned to those named in the decision.

Keywords: Mechanism, Returns, Fraud

1. Introduction

Fraud as a financial crime has developed in various modes, ranging from simple to complex scales, even involving organized or corporate actors. This happens, because fraud is easy to do. Fraud is the act of one party deceiving or taking unfair (unfair) advantage from another party [1]. Fraud generally includes abuse of trust, including violations of the duties and responsibilities of a party and deviations from actual legitimate activities [2]. Fraud crimes are often preceded by civil relations in various forms of interest, such as agreements or contracts for business interests or employment relationships in corporations. The existence of a business relationship or work relationship character in this actor confirms fraud as a white-collar crime because the perpetrators have certain professional positions, abilities, or knowledge. More serious problems will arise if the perpetrators of fraud are business actors or corporate owners who are responsible for business relationships with a large number of customers or consumers and assets owned by customers or consumers [3].

Assets originating from criminal acts of fraud are generally not directly spent or used by criminals because if they are used directly, it will be easy for law enforcement to track down the source of the assets obtained. Moreover, it is supported by the rapid development of science and technology which has led to the integration of the financial system including the banking system.
by offering a mechanism for the flow of funds on a national and international scale that can be carried out in a relatively short time [4].

In this criminal case with the victim's loss in the form of property, what the victim is basically hoping for is his property back, not a matter of punishment [5]. The perpetrator who is unable to provide compensation to the victim, then the demands are given by the judge are imprisonment. In the absence of any effort to compensate the victim, in this case, the interests of the victim have been neglected [6]. A victim of a crime will suffer again as a result of the legal system itself because the victim of a crime cannot be actively involved as is the case in civil proceedings and cannot directly submit a criminal case to the court but must go through a designated agency (Police and Prosecutor's Office). Criminal confiscation is the confiscation of a person's assets related to a criminal case, which is used as material for investigation and evidence in court with the aim of not being destroyed or eliminated by the suspect or defendant [8]. If the confiscated property is proven to be used in a criminal act, the property can be returned to the person or to them according to the judge's decision. However, the judge can decide on the property to be confiscated by the state, destroyed or damaged [9].

Property confiscated in a fraud case can be returned to the rightful party. The victim is one of the parties who are entitled to receive property according to the number of victims. However, there must be a mechanism that proves that the person is entitled to receive it. If the confiscated property has no owner, it will be confiscated for the state. The mechanism for returning confiscated assets from criminal acts of fraud has been regulated in the Law of the Republic of Indonesia Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Laundering. There is no difference and the mechanism is the same as for corruption. From this regulation, it is known that the confiscated evidence can later be returned or confiscated to be destroyed or used as a substitute money sentence, in accordance with the decision of the panel of judges.

It is explained from the point of view of victimology that victims who get their property back in accordance with the value of the loss suffered are a form of recovery for the victim [10]. The return of property to the victim is the victim's right to be paid, especially by the perpetrator. The return of property to victims by perpetrators of criminal acts of fraud is not impossible. The return of property in the form of compensation, in this case, can be carried out by combining criminal and civil cases. Based on the description of the background of the problem, the problems in this study can be formulated, namely: What are the legal rules regarding confiscated assets in the Indonesian legal system?, and What is the mechanism for returning confiscated assets to victims of fraud in the Indonesian legal system?

2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials [11]. The approach used in this research is the legal approach. A legal approach is an approach that uses legislation and regulation [12]. Sources of data used in this study in the form of secondary data. Secondary data are data obtained from official documents, books related to the object of research, and research results in the form of reports, theses, dissertations, and laws and regulations [13]. This research data collection technique was carried out through conventional and online literature searches. Conventional library searches are carried out by searching for library materials, purchasing books, and journals and attending scientific activities. Searching online is done by searching on the internet. The data analysis method used in this research is qualitative.
Qualitative data analysis is the process of organizing and sorting data into patterns, categories and basic units of description so that themes can be found that are presented in narrative form [14].

3. Result & Discussion

3.1 Legal Rules Regarding Confiscated Assets in the Indonesian Legal System

Confiscation is defined as the process, method, act of seizing or taking private property by the government without compensation. The law enforcement process validates the existence of an action in the form of confiscation. Therefore, confiscation is a legal action in the form of taking over from possession for a while of goods from the hands of a person or group for the purposes of investigation, prosecution and trial.

The definition of confiscation itself is formulated in Article 1 Number 16 of the Criminal Procedure Code which states that confiscation is a series of actions by an investigator to take over and or keep under his control movable or immovable, tangible or intangible objects for the purpose of proof in investigations, appointments and trials. The act of confiscation is legalized by law for the purpose of criminal proceedings but cannot be carried out arbitrarily but in ways that have been determined or determined by law must not violate human rights.

The purpose of confiscation is for evidentiary purposes, especially as evidence before a court hearing. It is very likely that without evidence the case cannot be submitted to a court session, therefore in order for the case to be complete with evidence the investigator shall confiscate it to be used as evidence in the investigation, in the prosecution and in the examination of the court trial. Article 39 of the Criminal Procedure Code itself has outlined the "legal principle" in the confiscation of objects which limits the objects that can be subject to confiscation. a. confiscated goods or confiscated goods as an additional crime (according to Article 10 of the Criminal Code). The confiscated objects have a limited scope, which is only related to property or wealth (vermogenstraat) [15]. Even in strafrecht (Sr) it is also regulated in Article 33 that objects that can be confiscated include:

1. Objects owned by the convict in whole or in part which are used alone or obtained from the deed crime
2. Objects used for crime
3. Items with assistance for a crime
4. Objects with assistance to hinder investigation
5. Objects to be used for crime
6. Right to property. So this can happen the transfer of ownership from personal to state.

Confiscation of objects is part of an additional criminal offense for criminal actors, including the seizure of certain goods, this is very clearly regulated in Article 10 of the Criminal Code. The booty includes animals, besides that, among others, are in the form of goods:

1. Obtained by crime, for example, counterfeit money obtained by committing a crime of counterfeiting money, a crime of bribery, and others. If obtained by the violation, the goods can only be confiscated in certain cases, for example:
   a) Livestock on other people's land (Article 549 Paragraph (2))
   b) Making counterfeit money (Article 519 Paragraph (2))
   c) Hunting without a permit (Article 502 Paragraph (2)).
2. Intentionally used to commit a crime, for example machetes or firearms used to commit murder on purpose, tools used to abort a pregnancy, and so on. These goods can also be confiscated but must meet the conditions that the goods belong to the convicted person and are used to commit crimes intentionally. In the case of unintentional crimes and violations, the goods can only be confiscated if it is specifically determined, for example in the following actions:
   a. Use of dangerous goods (Article 205 Paragraph (3)).
   b. Hunting without a permit (Article 502 Paragraph (2)).
   c. Making counterfeit money (Article 519 Paragraph (2)).
   d. Livestock on other people's land (Article 549 Paragraph (2)).

Confiscated goods which in the provisions of criminal procedure are also referred to as confiscated goods as regulated in Article 1 point 4 of Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code. As regulated in Article 39 Paragraph (1) of the Criminal Procedure Code, the scope of the confiscated goods is:

1. Objects or claims of a suspect or defendant which are wholly or partly suspected of being obtained from a criminal act or as a result of a criminal act.
   a. Objects that have been used directly to commit a crime or to prepare it.
   b. Objects used to hinder the investigation of criminal acts.
   c. Objects specially made or intended to commit a crime.
   d. Other objects that have a direct relationship with the crime committed.

In addition, Paragraph (2) also states that objects that are in confiscation due to a civil case or due to bankruptcy can also be confiscated for the purposes of investigating, prosecuting and adjudicating criminal cases, as long as they fulfill the provisions of Paragraph (1). In the Regulation of the Minister of Justice of the Republic of Indonesia No. M.05.UM.01.06 of 1983 concerning Management of State Confiscated Goods and State Confiscated Goods in the House for the Storage of Confiscated Goods, gives the definition of confiscated objects and confiscated goods, namely seized objects or state confiscated objects (abbreviated as basan) are objects confiscated by investigators, public prosecutors or officials who because of their positions have the authority to confiscate goods for the purposes of evidence in the judicial process. State booty or looted goods (abbreviated as baran) are evidence that has obtained permanent legal force, confiscated for the state which is then executed by:
   a) Destroyed.
   b) Auctioned for the state.
   c) It is submitted to the designated agency for use.
   d) Submitted to the confiscated object storage house (Rupbasan) for evidence in other cases.

Article 39 of the Criminal Procedure Code has actually outlined the legal principle in the confiscation of objects which limits the objects that can be subject to confiscation. Article 39 of the Criminal Procedure Code contains:
   a) Objects or claims of a suspect or defendant which are wholly or partly suspected of being obtained from a criminal act or as a result of a criminal act.
   b) Objects that have been used directly to commit a crime or to prepare.
   c) Objects used to hinder the investigation of criminal acts.
   d) Objects specifically made or intended to commit a crime.
   e) Other objects that have a direct relationship with the crime committed.
f) Objects that are in confiscation due to a civil case or due to bankruptcy can also be confiscated for the purposes of investigation, prosecution and trial of criminal cases.

Regarding goods that can be confiscated are from intentional crimes, the explanation in Article 39 of the Criminal Code also explains that confiscated goods under certain conditions are facultative (may be confiscated) and imperative (must be confiscated). There is also an emphasis on items that may be confiscated, for example a car purchased from the proceeds of a crime even though it is indirect as described in Supreme Court Decision No. 12 K/Kr 1960 on 13 November 1962 [16]. In addition, HR June 2, 1933 also mentioned the same thing, namely goods purchased from the proceeds of crime. Likewise with legal entities in the form of firms or limited liability companies even though they are not owned in their entirety.

It has been previously described that based on Article 44 of the Criminal Procedure Code, confiscated objects are stored in the state confiscated object storage house (Rupbasan). In the Rupbasan, the storage of confiscated objects is carried out in the best possible way and the responsibility for it rests with the authorized official in accordance with the level of examination in the judicial process and the object is prohibited from being used by anyone. Storage is carried out properly and in an orderly manner in accordance with the Implementation Guidelines (Juklak) and Technical Instructions (Juknis) for the management of state confiscated objects and state confiscation so that at any time it is needed by interested parties, it is easy and fast to obtain them. Carrying out maintenance of state confiscated goods and state confiscated goods means taking care of these objects and goods so that they are not damaged and do not change in quality or quantity from receipt to release.

3.2 The mechanism for Returning Confiscated Assets to Victims of Fraud in the Indonesian Legal System

Victims of criminal acts of fraud who get their property back in accordance with the value of the loss experienced is one form of recovery to the victim. In the existing literature in Indonesia, the recovery of the victim's assets is often also referred to as the return of assets. Asset recovery is a series of activities carried out by law enforcement starting at the time of tracking to recovery, so that asset recovery is one stage or the final stage in asset recovery. Asset recovery efforts also include all actions taken with preventive purposes to keep the asset value from decreasing.

Asset recovery in addition to providing a deterrent effect for potential criminals, returning assets to crime victims is the final stage of the asset recovery process, thus asset recovery for crime victims must be an indicator of the success of implementing asset recovery mechanisms by law enforcers at each stage. Thus, the mechanism for asset recovery in criminal acts of fraud is in principle different from criminal law enforcement in general. The interests and roles of victims in a crime are often not considered because criminal law is more focused and pays great attention to the perpetrators compared to the victims, even though the victim is the object who suffers as a result of the crime.

3.3 The return of confiscated objects is regulated in Article 46 of the Criminal Procedure Code.

Objects subject to confiscation are returned to the person or to them and to whom the object is confiscated, or to the person or to those who are most entitled if:

1. The interests of investigation and prosecution are no longer needed.
2. The case is not prosecuted because there is insufficient evidence or it is not a criminal act.

3. The case is set aside for the public interest or the case is closed for the sake of law, unless the object is obtained from a criminal act or is used to commit a criminal act.

If the case has been decided, then the object subject to confiscation is returned to the person or to those named in the decision unless according to the judge's decision the object is confiscated for the state, to be destroyed or to be damaged until it can no longer be used or if the object is still needed as goods. evidence in other cases. Based on the asset recovery handbook: A Guide for Practitioners issued by the Stolen Asset Recovery Initiative in collaboration with The World Bank and UNODC, the recovery process from stolen assets is asset tracing, securing the assets, and court proceedings, execution (enforcing orders), and return of assets. There are various handbooks issued by UNODC and The World Bank that focus on returning assets to the country of origin of the assets, this is motivated by money laundering methods which often transfer assets resulting from crimes abroad.

According to Chuck Suryosumpeno, procedurally in Indonesia, “procedural asset recovery” includes "tracking, freezing, confiscation, confiscation, maintenance or management and return of stolen assets or proceeds of crime to victims of crime”. In line with what was stated by Chuck Suryosumpeno, Paku Utama in his book describes the stages of asset recovery (using asset recovery terminology) which includes tracking (identification), freezing and securing assets, confiscation and repatriation. The value and spirit of asset recovery is clearly reflected in he Law on Money Laundering in force in Indonesia, the Law on Money Laundering provides facilities for law enforcement officers to trace assets to the stage of asset recovery. Even the Law on Money Laundering with the spirit of follow the money has facilitated the monitoring of transactions carried out by PPATK, it can be said that the asset tracking process has even been carried out before the investigation process.

Asset tracking activities are carried out by the intelligence work unit of the Prosecutor's Office after a warrant for asset tracking from the head of the PPA has been issued, the tracking of assets by the PPA can go hand in hand with coordination with related institutions such as PPATK and LTKM. After conducting a search and examination of the LTKM based on the Law on the Crime of Money Laundering, the investigator may coordinate with the PPATK to request a temporary suspension of all or part of the transaction. In this security stage, investigators can also confiscate related assets based on the results of the investigation by the officers. The asset recovery process carried out based on the results of the report from the PPATK is an entry point for the process of in rem seizure of assets or NCB asset forfeiture as regulated in the Money Laundering Law. The implementation of NCB asset forfeiture is fully regulated in PERMA 1 of 2013.

Article 10 Paragraph (1) PERMA 1 of 2013 explains that after an application for handling the price of assets is carried out by an investigator, the judge decides that the assets are state assets or are returned to those who are entitled. Furthermore, in Article 10 Paragraph (3) parties who feel they are entitled to the assets can file an objection. The party who feels entitled in Article 16 PERMA 1 of 2013 the judge orders the applicant to object to prove that the origin of the property for which the application for handling is submitted is not the result of a criminal act. Thus the party who feels entitled to PERMA 1 of 2013 does not refer to the victim of a crime but to the owner of the property that is proposed for handling and decided to be confiscated by the state. Asset recovery through the in rem forfeiture mechanism or NCB asset forfeiture is indeed a very good breakthrough to eliminate or prevent criminals from enjoying the proceeds of their crimes. However, it is too early to say that it can reach the interests of
crime victims because the actual victims of crime have not been identified at this stage and there is no mechanism regulated in the Money Laundering Law or in PERMA 1 of 2013 to identify victims.

However, the asset recovery mechanism regulated in the Money Laundering Law also provides facilities for law enforcement officers to perform asset recovery that can be optimized for asset recovery for crime victims. When we talk about asset recovery for crime victims, ideally the crime victim refers to the crime victim from the predicate crime because it is the victim of the predicate crime who is economically affected by the crime, even though the trial of money laundering is not required to first prove the original crime.

The asset recovery mechanism for victims of predicate crimes who are not state actors cannot be carried out through the asset confiscation mechanism. The rationale for this is that the application of the criminal act of confiscation of assets actually transfers ownership or rights to assets from the perpetrator to the state automatically. In the Money Laundering Law, one of the mechanisms for returning assets to victims of criminal acts of fraud can be implemented through a judge's decision which states that these assets are returned to those named in the decision. Considering in the NCB asset forfeiture mechanism where it is most likely that the actual victim has not been identified, assets that are known or reasonably suspected to be the proceeds of the crime can be confiscated. Therefore, the identification of the actual victim in a case is very important in order to realize justice for the victim as a whole, including the victims of crimes that are not state.

4. Conclusion
Based on the discussion, it can be concluded that:

1. Confiscation of objects is part of the additional punishment for criminal actors, including the confiscation of certain goods, this is very clearly regulated in Article 10 of the Criminal Code. The purpose of confiscation is for evidentiary purposes, especially as evidence before a court hearing. Article 39 of the Criminal Procedure Code itself has outlined the "legal principle" in the confiscation of objects which limits the objects that can be subject to confiscation.

2. The asset recovery mechanism for victims of predicate crimes who are not the state cannot be carried out through the confiscation of assets asset. In the Money Laundering Law, one of the mechanisms for returning assets to victims of criminal acts of fraud can be implemented through a judge's decision which states that these assets are returned to those named in the decision.

References


Juridical Analysis of The Termination of Village Heads Affected in The Case of Zina

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Abstract. This is due to immoral acts in the form of adultery committed by Mr. The head of village (Head of Sumbarang Village) certainly cannot be justified and violates the norms that exist in the community, that there is no process in the criminal justice system that proves this, and there is also no proposal from the Village Consultative Body and no temporary suspension. for the Head of Sumabarang Village, it does not necessarily eliminate responsibility - and becomes a factor that can cancel the decision to dismiss. Harmonization of laws and regulations on legal products that regulate the dismissal of the Village Head as well as optimizing the role and function of the Functional Position of Invitation Designer in the Legal Division of Tegal Regency in the preparation of Regent Regulations and Tegal Regent Decrees, so that legal products are produced in accordance with the formulation and procedures as well as the basis for drafting laws and regulations.

Keywords: Village Heads Effected, The Case of Zina.

1. Introduction

The village head of Sumbarang named Mr. The head of village who was originally appointed by the Regent of Tegal, but has not finished serving as Mr. The head of village (Head of Sumbarang Village) was dismissed by the Regent of Tegal through the Decree of the Regent of Tegal Number 141/826 of 2020 concerning the Dismissal of Mr. The head of village from the position of head of Sumbarang Village, Jatinegara District, Tegal Regency on September 15, 2020 due to violating the prohibition as a Village Head, namely taking actions to disturb a group of village people[1]. The Head of Sumbarang Village with his own resident named Ms. Taricha is suspected of having committed sexual intercourse or is suspected of committing the crime of overspel (adultery), so that this triggered a demonstration which was attended by 150 (one hundred and fifty) people at the Sumbarang Village Hall on March 6, 2022 [2]. The crime of overspel (adultery) which allegedly committed by Mr. The head of village (Head of Sumbarang Village) with Ms. The Taricha was not resolved through existing criminal law provisions, but the evidence was then processed administratively in stages according to existing procedures, starting from the Village Consultative Body (BPD) of Sumbarang Village, Camat, and the Tegal Regency Inspectorate.

The Head of Sumbarang Village did not accept the decision on his dismissal and submitted a Letter of Claim dated October 20, 2020 to the Tegal Regent (Defendant) through the Semarang State Administrative Court and registered with Case Register Number 86/G/2020/PTUN.SMG. Case Number 86/G/2020/PTUN.SMG was won by the Regent of Tegal (Defendant), the Panel of Judges rejected all claims by Mr. The head of village (Head of Sumbarang Village/Plaintiff) in its entirety, but the decision was not fully obtained from the common opinion of the Panel of Judges, there is a Panel of Judges Member I having different
legal opinions with the Chairman of the Panel of Judges and Judge Member II, which is stated through (dissenting opinion).

Decision on Case Number 86/G/2020/PTUN.SMG was then appealed to the Surabaya State Administrative High Court with Case Register Number 119/B/2021/PT.TUN.SBY dated May 18, 2021 and was again won by the Regent of Tegal (Defendant/Appellate)[3–5].

Based on the description of the background above, the author wants to research and conduct a legal analysis regarding how to dismiss the Village Head according to the provisions of the existing laws and regulations in Indonesia and how the legal considerations of the Panel of Judges in the State Administrative Case Number 86/G/2020/PTUN.SMG and Case Register Number 119/B/2021/PT.TUN.SBY who won the Tegal Regent (Defendant/Appellate) with the object of dispute in the form of Tegal Regent Decree Number: 141/862 of 2020 concerning the Dismissal of The head of village from the position of head of Sumbarang Village, Jatinegara District, Tegal Regency dated September 15, 2020, whether the object of the dispute is correct in terms of authority, procedure, and substance as well as guiding the general principles of good governance, using the parameters as regulated in Article 52 paragraph (1) and paragraph (2) of Law Number 30 of 2014 concerning Government Administration and Article 53 paragraph (2) letters a and b, Law Number 5 of 1986 concerning the State Administrative Court although there are several legal facts that the author has the theme of as follows:

First, the Village Consultative Body (BPD) of Sumbarang Village although it does not directly express its support, but in fact the Village Consultative Body (BPD) of Sumbarang Village through its policies has benefited Mr. The head of village (Head of Sumbarang Village/Plaintiff) and did not carry out the directions from the Tegal Regent's Letter Number 700/03/2066/2020 dated May 18, 2020 which had ordered the Village Consultative Body (BPD) of Sumbarang Village to propose the dismissal of The head of village (Head of Sumbarang Village/Plaintiff) from the position of Head of Sumbarang Village, Jatinegara District, Tegal Regency. However, through his reply letter Number: 006/BPD/SUM/VI/2020, he only proposed a Warning Sanction and/or Written Reprimand to Br. The head of village (Head of Sumbarang Village/Plaintiff) dated June 4, 2020. Besides that, there is still support from the community for Br. The head of village (Head of Sumbarang Village/Plaintiff) through a statement of attitude to the Regent of Tegal, principally continued to support the Village Head of Sunbaran until the end of his term of office, including from RW 03 Sunbarang Village, Community Empowerment Institution - LPMD Sumbarang Village, RW 04, RW 01, and the RT-RW Community of Sunbarang Village. Second, the process of temporary dismissal was not passed before the Tegal Regent had made a permanent dismissal of Mr. The head of village (Head of Sumbarang Village/Plaintiff). Third, there is no criminal verdict that proves that Br. The head of village (Head of Sumbarang Village/Plaintiff) has committed a crime in the form of adultery, so that the evidence against the adultery was only based on the testimony of witnesses in the administrative realm at the examination conducted by the Tegal Regency Inspectorate. state power (machtsverdeling). As a formal law, the philosophy of the procedural law of the State Administrative Court is reflected in the consideration of Law Number 5 of 1986 concerning the State Administrative Court, namely the existence of protection for the community by the State Administrative Court in order to realize a harmonious, balanced, and harmonious relationship between the apparatus. in the field of State Administration with community members. Therefore, the author discusses this issue to be used as legal writing with the title "Juridical Analysis of the Dismissal of Village Heads Affected by Zina Cases" with the formulation of the problem how to regulate the dismissal of Village Heads based on the provisions of the legislation in force in Indonesia? and how is the analysis of the judge's
legal considerations in the dispute regarding the dismissal of the Village Head who was affected by the adultery case in the Decision on State Administrative Case Number 86/G/2020/PTUN.SMGG?

2. Method

The type of research used by the author in this study is library research. The approach method used by the author in this research is a normative juridical approach or doctrinal legal research. Law is conceptualized as what is written in the legislation (law in book). Sources of data used by the author in this study is secondary data. Secondary data is data obtained through library materials. Secondary Data consists of Primary Legal Materials, Secondary Legal Materials, and Tertiary Legal Materials obtained from books, literature, papers, laws and regulations, and other data sources.

3. Result & Discussion

Village or village comes from Sanskrit, denotatively, village means an independent organization or a residential area that regulates itself, while connotatively it means as a colony, in the sense that the existence of a village cannot be separated from a higher organization, namely the state, both in the form of the state. modern and royal. Village government is a process of integrating the efforts of the village community with the government's efforts to improve the standard of living of the community. Seeing the mandate of the law, the village government is a unitary government that has the responsibility to realize village sovereignty. With the basic aim of protecting the entire Indonesian nation and the entire homeland of Indonesia, advancing public welfare, educating the nation's life, and participating in carrying out world order based on independence, eternal peace, and social justice.

As stipulated in Article 26, Law Number 6 of 2014 concerning Villages, the Village Head is tasked with administering Village Administration, implementing Village Development, Village community development, and empowering Village communities, while the provisions regarding the dismissal of the Village Head are contained in Law Number 6 of 2014 concerning Villages as amended several times, most recently by Law Number 11 of 2020 concerning Job Creation Jo. Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages as last amended by Government Regulation Number 11 of 2021 concerning Regional Owned Enterprises Jo. Minister of Home Affairs Regulation Number 82 of 2015 concerning the Appointment and Dismissal of Village Heads as amended by Minister of Home Affairs Regulation Number 66 of 2017 concerning Amendments to the Regulation of the Minister of Home Affairs Number 82 of 2015 concerning the Appointment and Dismissal of Village Heads.

Based on Article 12, Minister of Home Affairs Regulation Number 82 of 2015 concerning the Appointment and Dismissal of Village Heads, further provisions regarding the appointment and dismissal of Village Heads are stipulated in the Regent/Mayor Regulation, namely Tegal Regency Regional Regulation Number 6 of 2015 concerning Village Heads, Apparatus Village and Village Consultative Body Jo. Tegal Regent Regulation Number 27 of 2018 concerning Village Heads as amended by Regent's Regulation Number 31 of 2019 concerning Amendments to Tegal Regent's Regulation Number 27 of 2018 concerning Village Heads.

The author finds the fact that there has not been a harmonization of the formation of good laws and regulations at the central government level with local governments, we can see this in the regulation above which does not contain the same material/substance, there are differences in Article 8 paragraph (3) of the Ministerial Regulation Domestic Affairs Number
the Village Consultative Body (BPD) has the authority to report if there is a Village Head who meets the requirements to be dismissed, the results of the report are used as study material for the Regent/Mayor to determine the next process so that it is not an absolute requirement that must be met, so that even without the existence of a Village Consultative Body (BPD) report is essentially the Regent/Mayor who has the authority to ratify the dismissal if the Village head is proven to meet the requirements to be dismissed. Whereas in Article 77 paragraph (3), paragraph (4) and paragraph (5) of the Tegal Regent Regulation Number 27 of 2018 concerning the Village Head, it stipulates that the dismissal of the Village Head was "proposed" by the Head of the BPD to the Tegal Regent through the Camat based on the decision of the BPD Deliberation.

Based on the description of the dismissal of the Village Head above, according to the author's analysis, there has been a material/substance discrepancy that regulates the dismissal of the Village Head who meets the requirements to be dismissed, this can cause problems in law enforcement so it is necessary to harmonize regulations by referring to the hierarchical provisions of laws and regulations. an invitation which is a tiering of each type of statutory regulation on the principle that a lower statutory regulation may not conflict with a higher statutory regulation.

Then regarding the provisions for the temporary dismissal of the Village Head as mentioned above, in the provisions of Article 9, Regulation of the Minister of Home Affairs Number 82 of 2015 concerning Appointment and Dismissal - Village Heads basically contain the same substance as Article 76 paragraph (1) of Tegal Regent Regulation Number 27 Year 2018 concerning Village Heads. However, in the Regent's Regulation the word "can" in the phrase "The Village Head can be temporarily dismissed by the Regent/Mayor" has been omitted.

The word "can" can be interpreted as not an essentialia, it contains meanings that are not clear, ambiguous and uncertain so that it has the potential to provide opportunities for law enforcement to treat different actions or policies for the same act. However, the impact of omitting the word "can" has made the temporary suspension a staple.

The Panel of Judges observed and studied the decision on the object of the dispute, namely the Decree of the Regent of Tegal Number: 141/826 of 2020 concerning the Dismissal of Mr. The head of village from the position of Head of Sumbarang Village, Batinega District, Tegal Regency dated September 15, 2020, the arguments of the parties and the evidence presented at the trial, in order to test the issuance of the decision on the object of dispute in terms of the procedure and substance of the issuance, using the parameters as regulated in Article 52
paragraph (1) and paragraph (2) of Law Number 30 of 2014 concerning Government Administration as amended, which states that the conditions for the validity of the decision include:

1. determined by the competent authority;
2. made according to procedures; and
3. substance in accordance with the object of the decision

Meanwhile, the validity of the decision as intended is based on the provisions of the legislation and general principles of good governance as regulated in Article 53 paragraph (2) letter a and letter b, Law Number 5 of 1986 concerning the State Administrative Court. The following are the legal considerations from the judge in passing the verdict on Case Number 86/G/2020/PTUN.SMG, among others:

3.1 The Authority of the Regent of Tegal in Determining the Object of the Dispute

As on page 73, Decision on Case Number 86/G/2020/PTUN.SMG. The Chairperson of the Panel of Judges and Member Judges I considered that based on the above regulation, the object of the dispute was the Tegal Regent Decree Number: 141/862 of 2020 concerning the Dismissal of Mr. The head of village from the position of Head of Sumbarang Village, Jatinegara District, Tegal Regency dated September 15, 2020, the Panel of Judges is of the opinion that the Defendant (Tegal Regent) is a government administrative body and/or official who has the authority to issue a decision on the object of a quo dispute. Based on the description above, the author agrees with the legal considerations that the Chairperson of the Panel of Judges and Member II Judges consider the following: related to the authority of the Tegal Regent in dismissing the Sumbarang Village Head. The Tegal Regent has the delegation of authority to issue a decision letter on the object of dispute based on the provisions of the legislation, including: First, Article 40 paragraph (3), Law - Number 6 of 2014 concerning Villages, which states the Dismissal of the Village Head as referred to in paragraph (1) shall be determined by the Regent/Mayor. Second, Article 54 paragraph (4) of Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages, which states that the dismissal of the Village head as referred to in paragraph (3) is stipulated by a decision of the Regent/Mayor. Third, Article 10 paragraph (1) of the Regulation of the Minister of Home Affairs Number 82 of 2015 concerning the Appointment and Dismissal of the Village Head, which states that the ratification of the dismissal of the Village Head is stipulated by the Decree of the Regent/Mayor. Fourth, Article 32 paragraph (4) of the Tegal Regency Regional Regulation Number 6 of 2015 concerning the Village Head, Village Apparatus and Village Consultative Body. Fifth, Article 77 paragraph (3) of the Tegal Regent Regulation Number 27 of 2018 concerning Village Heads.

3.2 Procedure for Determining the Object of the Dispute

As on page 84, Decision on Case Number 86/G/2020/PTUN.SMG. The Chairperson of the Panel of Judges and Member Judge II, considering that based on legal facts and related to the procedure for issuing disputed objects as regulated in Article 76 and Article 77 of the Tegal Regent Regulation Number 27 of 2018 concerning the Village Head, the Panel of Judges is of the opinion that due to immoral acts committed and recognized Mr. The head of village (Head of Sumbarang Village) in the inspection at the Inspectorate is that having sex with a woman who is not his wife is a very inappropriate act to do - a Village Head who should be a role
model and role model for his citizens, and this act has violated the norms religion and moral norms, so that the Panel of Judges is of the opinion that the act is not an act that can be tolerated a second time and if tolerated it will set a bad precedent for the Village Head and/or other Village Government Officials, so there is no guidance in the form of an oral and/or written warning, and/or temporary dismissal as mandated in Article 76 of the Tegal Regent's Regulation Number 27 of 2018 concerning Village Heads, which is intended not to be repeated for legal reasons and does not cause the validity of the object of the dispute to be legally flawed procedurally. although the proposal of the Sumbarang BPD is regulated in Article 77 paragraph (3) of the Tegal Regent Regulation Number 27 of 2018 concerning the Village Head, it is stated that the dismissal of the Village Head is "proposed" by the Head of the BPD to the Tegal Regent through the Camat based on the decision of the BPD Deliberation. The author is of the opinion that there is no obligation or authority for the Village Consultative Body (BPD) to propose the dismissal of the Village head so that this has violated the regulations higher above it as stipulated in Article 8 paragraph (3), Regulation of the Minister of Home Affairs Number 82 of 2015 concerning the Appointment and Dismissal of the Village Head which states that if the Village head quits, the Village Consultative Body reports to the Regent/Mayor through other designations.

In this case, where the fact was found that the Village Consultative Body (BPD) of Sumbarang Village seemed reluctant to carry out the Tegal Regent's order to propose the dismissal of the Donation Village head, even up to 3 (three) times, the Sumbarang Village Consultative Body (BPD) insisted on only proposing warning sanctions. According to the author, by looking at the legal facts above, there is an error from the Tegal Regency Regional Government in drafting the regulations so that it resulted in problems in the implementation of the dismissal, the Plaintiff's argument arose that the Sumabarang Village Head could not be dismissed without going through the proposal of the Sumbarang Village Consultative Body (BPD) this seemed to make the Sumbarang Village Consultative Body (BPD) an institution that had the authority to do so. is not limited and cannot be directed even by the Regent.

This makes the Village Consultative Body (BPD) of Sumabarang Village which should have the obligation to maintain norms and ethics in society, in this case does not show its firmness and instead tends to in its policy favor the Sumbarang Village Head who in fact has violated the Village Head's prohibition, namely committing immoral acts in the form of adultery. Article 8 paragraph (3), paragraph (4) and paragraph (5) of the Regulation of the Minister of Home Affairs Number 82 of 2015 concerning the Appointment and Dismissal of the Village Head states that if the Village head quits the Village Consultative Body reports to the Regent/Mayor through the Camat or other designations accompanied by The Village Consultative Body Leader's report to the Regent/Mayor contains material on the situation that occurred to the Village Head concerned and on the report of the Village Consultative Body Leader, the Regent/Mayor conducts a study for the next process.

The Village Consultative Body (BPD) only has the authority to report if there are Villages who meet the requirements to be dismissed, the results of the report are used as study material for the Regent/Mayor to determine the next process, not an absolute requirement that must be met. So according to the author, even without a Village Consultative Body (BPD) report, it is essentially the Regent/Mayor who has the authority to ratify the dismissal if the Village head is proven to meet the requirements to be dismissed.

Regarding the argument to Sumbarang Village (Plaintiff) which states that the object of dispute procedure is invalid because there is no temporary suspension for a period of 3 (three) months and a maximum of 6 (six) months to see the good intentions of the person concerned to carry out his obligations and/or not to violate the prohibition, based on the legal
considerations put forward by the Panel of Judges which stated "no temporary suspension is carried out for a period of 3 (three) months and a maximum of 6 (six) months to see the good intentions of the person concerned to carry out his obligations and/or In order not to violate the prohibition, which is stated in Article 76 and Article 77 of the Tegal Regent Regulation Number 27 of 2018 concerning Village Heads, the Panel of Judges is of the opinion that the essence of the temporary dismissal procedure regulated in Articles 76 and 77 above lies in the opportunity for guidance related to attitude the performance of a village head is not related to the attitude of an community association (Ethics)". The author appreciates the legal considerations of the Panel of Judges mentioned above and agrees that the essence of a temporary suspension lies in the opportunity for coaching. Based on this description, it is hoped that the legal considerations from the Panel of Judges can become the basis and reference regarding the provisions regarding issues related to premature suspension in the legislation.

3.3 The substance of the Object of the Dispute

As on page 86, Decision on Case Number 86/G/2020/PTUN.SMG. The Chairperson of the Panel of Judges and Member Judges II, considers that as stipulated in Article 77 paragraph (6) of the Tegal Regent Regulation Number 27 of 2018 concerning the Village Head, one of the reasons for the dismissal of the Village Head is violating the prohibition as a Village Head, which has been described by Article 3 of the Regulation Tegal Regent Number 27 of 2018 concerning Village Heads, especially letter e. "to carry out actions that disturb a group of villagers". Whereas based on the facts above, based on evidence P-13 = T-1 = Object of the Dispute, in the form of Decree of the Regent of Tegal Number: 141/826 of 2020 - concerning the Dismissal of Mr. The head of village from the position of Head of Sumbarang Village, Jatinegara District, Tegal Regency dated September 15, 2020, was associated with evidence T-2, in the form of a Special Examination Result Report on Alleged Immoral Acts carried out by Mr. The head of village Head of Sumbarang Village Number: 356/03/0634 dated May 12, 2020, obtained legal facts that the Defendant's basis for dismissing the Plaintiff as Head of Sumbarang Village, S.Pd.I, the Village Head of Sumbarang, had been proven to have committed immoral acts, which caused unrest in a group of people in Sumbarang Village, thus violating one of the prohibitions as Village Head and recommended to be dismissed as Sumbarang Village Head.

Consider in substance the object of the dispute as referred to in Article 77 paragraph (6) of the Tegal Regent's Regulation Number 27 of 2018 concerning the Village Head, namely taking actions that disturb a group of village communities. This is corroborated by the fact that Br. The head of village (Head of Sumbarang Village) has been proven to have committed adultery and caused a demonstration which was attended by 150 (one hundred and fifty) community members. Based on this, according to the author, the Panel of Judges has been right because in terms of aspects of authority, procedure and substance it does not violate the provisions of the applicable laws and regulations.

Based on the description above, according to the author, this is in accordance with the philosophy of life of the Indonesian nation, Indonesia is a legal state based on Pancasila and the 1945 Constitution of the Republic of Indonesia by upholding moral, ethical, moral and noble values of the nation, having faith and piety. to God Almighty, and respecting diversity in the life of society, nation and state and protecting the dignity and worth of every citizen. The
The author is of the opinion that in the trial there were 2 (two) important keys to the fulfillment of the substantive requirements for the issuance of the dismissal decision, namely: First, the Report of the Special Examination Results of the Tegal Regency Inspectorate against the Sumabarang Village Head Number 356/03/0634 dated May 12, 2020, the results of which stated that the Head of The village of Sumabarang has been proven to have committed immoral acts. The second is the statement of Witness Nastiti Nasiatul Aisiyah and Witness Uly Maria Ulfah, which corroborates the results of the report because they witnessed the examination process firsthand. If the 2 (two) evidences mentioned above are not fulfilled, then in substance it will certainly be more difficult to prove the fulfillment of the substantive requirements for the dismissal of the Village Head, then related to the authority to issue a dismissal decision. Judges who only use the Tegal Regent Regulation Number 27 of 2018 as amended by the Regent's Regulation Number 31 of 2019 as the sole legal basis in assessing the procedure are not appropriate, because to strengthen legal considerations in deciding cases the Panel of Judges needs to consider the laws and regulations above, namely Minister of Home Affairs Regulation Number 82 of 2015 as amended by Minister of Home Affairs Regulation Number 66 of 2017.

4. Conclusion
   According to the author of the Panel of Judges in ijtihad to decide the case, it has fulfilled a sense of justice for the community, this is due to immoral acts in the form of adultery committed by Mr. The head of village (Head of Sumabarang Village) certainly cannot be justified and violates the norms that exist in the community, that there is no process in the criminal justice system that proves this, and there is also no proposal from the Village Consultative Body and no temporary suspension. for the Head of Sumabarang Village, it does not necessarily eliminate responsibility - and becomes a factor that can cancel the decision to dismiss. The need for harmonization of laws and regulations on legal products that regulate the dismissal of the Village Head as well as optimizing the role and function of the Functional Position of Invitation Designer in the Legal Division of Tegal Regency in the preparation of Regent Regulations and Tegal Regent Decrees, so that legal products are produced in accordance with the formulation and procedures as well as the basis for drafting laws and regulations.

References

Principles of Good Governance in Population Administration Services in The Village

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Abstract. The principle of good governance has become a paradigm of the existence of a good government related to the effectiveness of performance by public management and the eradication of KKN practices. Good governance will be realized from the effectiveness of clean government, but this also requires implementation by good government. Using the foundation on the principle of good governance creates stability in the performance of the government and the community. In theory there are 9 principles of good governance that must be applied in carrying out various public services including population administration services in the village, namely Openness (Transparency), Participation / Contribution, Accountability, Effectiveness and Efficiency, Strategic Vision (Strategic Vision), Justice (Equity), Legal Maintenance (Law Maintenance, Responsiveness, and Consensus Orientation).

Keywords: Good Governance, Public Administrations

1. Introduction

Indonesia as a legal state has a very large population density. The population in Indonesia also produces very complicated problems, therefore the government is obliged to regulate every element in society in law which aims to create public order and social welfare. The state and government have a responsibility to ensure the provision of a quick, convenient and inexpensive Population Administration. Guarantees of certainty in the provision of Population Administration must be regulated in the legal product of the Act. This may consist of one main law that regulates general provisions regarding Population Administration, namely Law Number 24 of 2013 Law on Amendments to Law Number 23 of 2006 concerning Population Administration[1]. The law regulates managerial technical matters in the provision of Population Administration. With the existence of the Act, it is expected to be able to maximize public services in the administration of the Population Administration system.

Public services are increasingly developing following the movement of the community and the demands of the community who want quality services from the bureaucracy[2]. In relation to the administration of government, the bureaucracy as the spearhead of implementing public services includes various development programs and government policies. But in reality, the bureaucracy which is intended to carry out the general tasks of government and development, is often interpreted differently by the community. However, in reality, public services by the government bureaucracy are sometimes always plagued with problems, such as inefficient service procedures, long periods of time causing people to be reluctant to take care of them and some people asking for unreasonable additional fees. This
causes public distrust of the bureaucracy so that people look for alternative ways to get services through certain methods, which usually involve outsiders and insiders[3,4].

Another thing is that the public has not received clear information regarding the administration of government because the government is still not completely transparent. The practice of good governance requires transparency in the overall governance process. With transparency from the government, public participation will also increase, because the public gets clear information directly from the government. The realization of quality administrative services is one of the characteristics of good governance as the goal of the utilization of the state apparatus. For this reason, the state apparatus is expected to be more efficient and effective in carrying out their duties and responsibilities in administering government, development, and protecting the community to realize the implementation of good governance, and provide excellent service to the community[5,6].

Population Administration services cover many layers of bureaucracy and include Population Administration services at the village level. The village is the smallest government structure in the country and is managed by the village head and his apparatus. The village itself serves various kinds of public administration services, including KTP and KK, Certificate of Disability, Cover Letter for Birth Certificate, Cover Letter for Death Certificate, Cover Letter for Divorce Certificate, Cover Letter for Marriage Certificate, Marriage Cover Letter, Cover for Moving Come/Domicile and others. This paper will further examine whether a bureaucratic service in the village is in accordance with good governance and whether administrative services in the population are appropriate and ideal.

2. Method

The type of research used in writing this law is normative-empirical research. This research uses normative-empirical legal research. Normative-empirical (applied) legal research is research that examines the implementation or implementation of positive legal provisions (laws) and written documents in action (factual) in each particular legal event that occurs in society. The study aims to ascertain whether the results of the application of the law to legal events in concreto are in accordance with the provisions of the legislation. Or in other words, whether the provisions of the legislation have been implemented properly, so that the interested parties achieve their goals or not.

Sources of data in this study obtained from secondary data sources. Secondary data sources, namely data obtained from library materials or literature that has to do with the object of research. The secondary legal materials used by the author as supporting data in this research are books, references, related legal journals, magazines, internet, and other sources related to the topics discussed. The technique of collecting legal materials in this research is by observation and literature study.

Data obtained by conducting library research (library research). This data collection is done by studying or researching literature (library research), namely by studying regulations, documents and books that have to do with the problem being studied and the doctrines or opinions of scholars.

3. Result & Discussion

3.1. Population Administration Services in the Village

According to Law Number 25 of 2009 concerning Public Services, public services are activities or series of activities in the context of fulfilling service needs in accordance with
laws and regulations for every citizen and resident of goods, services, and/or administrative services provided by public service providers.

In Law Number 25 of 2009 concerning Public Services, it also discusses the obligation to serve every citizen and resident to fulfill their basic rights and needs within the framework of public services which is the mandate of the 1945 Constitution of the Republic of Indonesia. Furthermore, it is also stated that the state must Building public trust in public services carried out by public service providers is an activity that must be carried out in line with the expectations and demands of all citizens and residents regarding improving public services. Article 1 of Law Number 24 of 2013 concerning Population Administration states that population administration is a series of structuring and controlling activities in the issuance of population documents and data through population registration, civil registration, management of population administration information and the utilization of the results for public services and other sector development. This is done in the context of orderly administration, so that the state has an obligation to provide recognition of personal status and legal status to its citizens, including residents in villages.

The definition of Administration according to Law Number 24 of 2013 concerning Population Administration is a series of structuring and controlling activities in the issuance of Population documents and Data through Population Registration, Civil Registration, Population Administration information management and the utilization of the results for public services and other sector development. Law Number 24 of 2013 also regulates the objectives of the Administration of Population and Civil Registration, namely to:
1. Provide identity validity and legal certainty on Resident documents for every Population Event and Important Event experienced by Residents;
2. Provide protection of the civil rights status of the population;
3. Provide population data and information nationally regarding Population Registration and Civil Registration at various levels in an accurate, complete, up-to-date, and easily accessible manner so that it becomes a reference for policy formulation and development in general;
4. Realizing an orderly and integrated National Population Administration;
5. Provide population data which becomes the basic reference for related sectors in the implementation of every government, development, and community activity.

Law Number 24 of 2013 has accommodated the local government of the Mayor/Regent, to carry out the administration of population administration affairs, including giving assignments to villages to carry out some population administration affairs, based on the principle of co-administration carried out by the Registration Officer.

3.2. The Importance of Applying Good Governance Principles in the Implementation of Population Administration in Villages

Good governance is the main prerequisite for realizing the aspirations of the people in achieving the goals and ideals of the nation and state. In this context, it is necessary to develop and implement an appropriate, clear and tangible accountability system so that the administration of government can take place efficiently, effectively and responsibly and free of KKN (corruption, collusion and nepotism). One of the strategic options for implementing good governance in Indonesia is through the provision of public services. There are several considerations why public services are strategic to start implementing good governance. The implementation of a clean and authoritative good government (clean and good governance) is the ideals and hopes of every nation. The concept of "government" refers to a management
organization based on the highest authority (state and government). The concept of "government" involves not only the government and the state but also the role of various sectors outside the government and the state, so the parties involved are also very broad.

The theory of good governance is a mirror that cannot easily be separated from the theory of governance, which historically was first adopted by international development institute activists, which means the implications of effective performance related to public management and corruption. The application of the principles of good governance is very important in the implementation of public services to improve the performance of the state apparatus. This is because the government designed the principles of good governance to increase the potential for changes in the bureaucracy in order to realize better public services, besides that the public still considers public services carried out by the bureaucracy to be slow, unprofessional, and expensive. The principles of good governance that must exist in every administrative service order including population administration in the village are:

1. Openness (Transparency); Transparency is an official process that requires channels or flexibility for the entire community to obtain information about the implementation of government, namely news about regulations, the formation process and the inputs achieved. According to Mardiasmo, transparency means the government's openness in presenting information related to public resource planning activities to parties who wish to obtain information. Openness is good governance that has characteristics, especially the spirit of an open era and as a result of the information revolution. Transparency covers all aspects of activities related to all public interests. The government should provide financial information and other information that will be useful for decision making by interested parties. In carrying out population administration services, every layer and village apparatus must always be open and transparent to the community and other interested parties.

2. Participation / Contribution; Participation is mental and emotional involvement in group situations that encourages them to contribute to group goals and share their shared responsibilities. All citizens have the responsibility to take over the mechanisms of state, government and society directly. The contributions of these citizens are made at the overall implementation stage from the stages of making regulations, implementing, considering and utilizing the results.

3. Accountability; Public lawsuit liability is the existence of clear task limitations and responsibilities. Accountability refers to developing a sense of public responsibility for decision makers in government, the private sector and civil society organizations as well as for owners. The definition of public accountability is as follows: "Accountability is the obligation of the trust holder to provide accountability, present, report and disclose all activities that are his responsibility to the trustee who has the right and authority to ask for such accountability.

4. Effectiveness and Efficiency; Systems and institutions produce according to what has been determined by using the best available resources. Strategic Vision (Strategic Vision) All leaders and the public must have aspects of good governance and strategic expansion the village leader, namely the Village Head, of course, must have good and strategic aspects and principles of expansion in managing village government so that he can also manage all forms of population administration services in the village.

5. Justice (Equity); All people have the same opportunity to get peace. The government management process must support equality and justice so as to be able to form the management of good governance in terms of providing opportunities and
opportunities, equal service and treatment. A pattern in management requires honesty and fairness, so that it will lead to trust, including gaining strong legitimacy by the community. Support will be obtained from people's participation to build elements of governance that are equal and fair in terms of positively correlated public services. All village communities must have equal opportunities in population administration services.

6. Legal Maintenance (Law Maintenance); Good Governance is implemented as a democratization of the life of the nation and state. One of the conditions for democratic life is the maintenance of a law that is just and implemented equally. Therefore, starting with the formation of good governance, it is to establish a healthy legal order, as well as human resources who carry out the order.

7. Responsiveness; Responsiveness as a reasonable risk from transparency, then every element that participates in the mechanism of establishing good governance must have reactive power at the will or objections of each stakeholder.

8. Orientation consensus: Good Governance is a bridge between different needs to achieve the best alternative for more equitable needs, in regulations.

3.3. Obstacles in the Implementation of Good Governance Principles in Orderly Services for Village Population Administration

The role of the village government as a service provider agency is very central, so it must also be balanced with the development of the competence of its service officers. Service users will also have their rights fulfilled for quality services with competent officers. It seems impossible that the obligation to assist the community in understanding their rights and responsibilities as service users can be carried out if the service officers themselves do not know the rules related to public services. In practice, there are still many rural areas that are not covered by population administration services. The lack of budget is still the reason for the difficulty of accessing administrative services in the village. Whereas Government Regulation Number 40 of 2019, provides a solution, so that the administration of population administration affairs in the District can run effectively and efficiently, a technical implementing unit (UPT) of the Population and Civil Registration Service, which is responsible for the Regency Population and Civil Registration Office, can be established. Cities, by prioritizing remote geographical conditions, are difficult to reach by public transportation, and very limited access to public services.

There are still many people who are not aware of the importance of population administration, both from the Identity Card (KTP), Family Card (KK), and Child Birth Certificate. As a result of this unawareness, data regarding the population becomes less accurate and inappropriate. Then regarding the community's non-compliance with existing regulations, there are some people who still do not comply with the regulations in population administration in the village. Like the impatience of people who want the required files to be completed immediately, even though there is a process that must be passed to create these files. As a result of this, many people use shortcuts so that the completion of files can be completed more quickly, it is not uncommon for people to be less aware of the requirements for managing various village population administration files.
4. Conclusion

According to the author of the Panel of Judges in ijtihad to decide the case, it has fulfilled a sense of justice for the community, this is due to immoral acts in the form of adultery committed by Mr. The head of village (Head of Sumbarang Village) certainly cannot be justified and violates the norms that exist in the community, that there is no process in the criminal justice system that proves this, and there is also no proposal from the Village Consultative Body and no temporary suspension. for the Head of Sumabarang Village, it does not necessarily eliminate responsibility - and becomes a factor that can cancel the decision to dismiss. The need for harmonization of laws and regulations on legal products that regulate the dismissal of the Village Head as well as optimizing the role and function of the Functional Position of Invitation Designer in the Legal Division of Tegal Regency in the preparation of Regent Regulations and Tegal Regent Decrees, so that legal products are produced in accordance with the formulation and procedures as well as the basis for drafting laws and regulations.

References

Analysis of Criminal Aspects in Health Quarantine Law

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\textbf{Abstract.} Indonesia as a state of law has an obligation to make regulations regarding the COVID-19 pandemic. One of the health measures to reduce the spread of COVID-19 is quarantine. The difficulty of implementing criminal sanctions in the Health Quarantine Act. The purpose of this study is to analyze the form of criminalization in the Health Quarantine Act and analyze aspects of criminal liability in the Health Quarantine Act. The results show that the formulation of Article 93 of the Health Quarantine Act is problematic because it contains a rubber word clause, cannot be measured, and its application is potentially arbitrary. The clause in question is not complying with and must comply with the implementation of health quarantine. In addition, there is the term obstructing and causing a public health emergency. So there is ambiguity and liberal interpretation. Sentencing as an effort to provide appropriate criminal responsibility for violators of health quarantine is in the form of a restorative punishment, namely the restoration of the situation to the perpetrator and his environment and an integrative punishment, namely in the form of comprehensive prevention of a fatality in a public health emergency.

\textbf{Keywords:} Quarantine, Pandemic, Criminal

\section{1. Introduction}

The number of COVID-19 cases since it was first detected in Indonesia on March 2, 2020 and announced directly by the government, has shown a significant increase. Covid-19 is one of the legal and health events or phenomena that occur globally. This incident eventually caused several countries affected by COVID-19 to do everything they could to suppress the spread of the virus, one of which was to make regulations for the sake of handling COVID-19. Indonesia as a state of the law has the obligation to make regulations regarding the COVID-19 pandemic, both in the context of regulating health protocols, and the mechanism for implementing public activities, to the aspect of imposing sanctions on anyone who violates the provisions of the applicable laws and regulations. It is very appropriate if the Government of the Republic of Indonesia to publish a policy regarding the COVID-19 pandemic.

The legal policy is common in a country of law. The policies taken are based more on legal policy [1], which aims for the safety of citizens. Efforts to save citizens are the highest law for a country (Salus Populi suprema lex esto) [2]. This policy has been implemented by the government through Presidential Decree No. 11 of 2020 concerning the Determination of the Public Health Emergency of Coronavirus Disease 2019 (Covid-19). The Presidential Decree stipulates that COVID-19 is a type of disease that causes a public health emergency. This is a legitimacy that in Indonesia there has been a health emergency. Therefore, the state has fulfilled the requirements to carry out health quarantine efforts as regulated in the Law of the Republic of Indonesia Number 6 of 2018 concerning Health Quarantine.

One of the health measures to reduce the spread of COVID-19 is quarantine. Quarantine involves restricting the movement of both healthy and sick people with the aim of monitoring
and ensuring early detection of new cases. Quarantine policies were then modified in such a way by various countries. Some apply in full, Partially or locally and to a minimum. Indonesia modified it with the name Large-Scale Social Restrictions which were carried out per region based on the severity of the outbreak whose assessment was determined by the central government through the Ministry of Health [3].

A law is needed to save citizens from the covid-19 pandemic, and regulate people's lives so that order is created in an effort to handle the covid-19 pandemic which includes criminal sanctions to anticipate if other legal functions do not fulfilled. The law that contains criminal sanctions is nothing but criminal law, as a law that has the characteristics of criminal sanctions [4]. Criminal law really deserves space in the policy package for handling the COVID-19 pandemic in accordance with the general functions and special functions of criminal law. However, this argument does not deny the principle of criminal law as the ultimum premium. Ultimum premium is needed to consider first the use of other sanctions before harsh and sharp criminal sanctions are imposed, if other legal functions are lacking, then criminal law is used [5]. The legislators have formulated a legal policy for handling public health emergencies into a statutory regulation which then becomes a reference for efforts to handle the COVID-19 pandemic, namely the Health Quarantine Law and provides space for criminal law in it. Criminal provisions are contained in CHAPTER XIII Article 90 to Article 94.

During the implementation of Large-Scale Social Restrictions, no one is subject to criminal sanctions, even though the activities carried out by the community are contrary to the policy of Large-Scale Social Restrictions. This is because the criminalization policy for criminals in a state of health emergency in the Health Quarantine Act is suspected to have been blurred so that it has an impact on the difficulty of implementing the criminal sanctions. The law is formed in such a way as to cope with the existing pandemic, but technical problems in law enforcement often occur in a regulation. Precisely in Article 93 of the Health Quarantine Act. If you look at the provisions, it is clear that in its elements there are two acts regulated in the article and can be punished. The ambiguity of the criminal provisions of Article 93 of the Health Quarantine Act is not limited to the aspect of determining the perpetrators of the crime, but also with regard to criminal causality. With the enactment of the Health Quarantine Law, it is hoped that there will be legal certainty regarding the control and prevention of significant virus transmission. Of course, the law does not only regulate the technical aspects of preventing and controlling the spread of the virus, but also regarding the application of criminal sanctions when a health emergency occurs. Based on the description of the background of the problem, the problems in this study can be formulated What is the form of criminalization in the Health Quarantine Act?, And What is the aspect of criminal liability in the Health Quarantine Act?

2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials [6]. The approach used in this research is the statute approach. A legal approach is an approach that uses legislation and regulation [7]. Sources of data used in this study in the form of secondary data. Secondary data are data obtained from official documents, books related to the object of research, and research results in the form of reports, theses, dissertations, and laws and regulations [8]. This research data collection technique was carried out through conventional and online literature searches. Conventional library searches are carried out by searching for library materials, purchasing books, and journals, and attending scientific activities. The data analysis method
used in this research is qualitative. Qualitative data analysis is the process of organizing and sorting data into patterns, categories, and basic units of description so that themes can be found that are presented in the narrative form [9].

3. Result & Discussion

3.1. Forms of Criminalization in the Health Quarantine Act

Criminalization can be interpreted as an attempt to expand the validity of criminal law [10]. The legal principles of criminalization are basic conceptions, ethical norms, and basic principles of using criminal law as a means of overcoming crimes or things that are detrimental to the state and society. The principle of criminalization that is most important in determining whether an act is classified as criminalization is the principle of legality. The Indonesian government will not carry out a regional quarantine and this was conveyed by President Joko Widodo [11]. In his explanation, regional quarantine can have a big impact. The Minister of State Secretary also explained about not holding a regional quarantine because it is feared that the government will not be able to finance all the people who have been affected by COVID-19, so they can only carry out PSBB and lockdown, but if the situation becomes increasingly unfavorable, it is necessary to apply a lockdown and regional quarantine.

The formulation of Article 93 of the Health Quarantine Law is problematic because it contains word clauses that are rubbery, cannot be measured, and their application is potentially arbitrary. The clause in question is not complying with and must comply with the implementation of health quarantine. Both the words comply and disobey are clause formulations that have unclear measurements and give rise to multiple interpretations. In Article 93 of the Health Quarantine Law, a provision is clearly and clearly regulated regarding criminal provisions for violators of the implementation of health quarantine by dividing them into two types of offenses. In the first part, it is regulated that "Everyone who does not comply with the implementation of the Health Quarantine as referred to in Article 9 Paragraph (1)". The first element of Article 93 of the Health Quarantine Act is a formal offense that requires a criminal act to be judged from the aspect of action [12]. Second, it is regulated that "...obstructing the implementation of health quarantine so as to cause a public health emergency shall be punished with imprisonment for a maximum of 1 (one) year and/or a fine of a maximum of Rp. 100,000,000.00 (one hundred million rupiahs)."

The term "obstacles" is obscured (obscure libel) and gives rise to a liberal interpretation. This is contrary to the principle of clarity of formulation regulated in Law of the Republic of Indonesia Number 15 of 2019 concerning Amendments to Law of the Republic of Indonesia Number 12 of 2011 concerning the Establishment of Legislation, which expressis verbis reads that in forming laws and regulations must be carried out based on the principle of establishing good laws and regulations including the principle of clarity of formulation. The legislators did not provide a detailed explanation regarding the definition of "obstructing" in the article so that it would have implications for the application and enforcement of the law in society. The article which contains the phrase "obstructing" is experiencing problems in the field. It should be noted that in the KBBI the term hinder is the same as the meaning of hindering. Therefore, Article 93 of the Health Quarantine Act can cause obstruction of justice and legal uncertainty.

The next problem is in the phrase “causing a public health emergency”. If we examine Article 93 of the Health Quarantine Act, a legal view emerges that placing the phrase "cause" in a formulation that should refer to and lead to an "effect" namely "public health emergency" is a mistake in a law formation. A formulation of the elements of a crime should pay attention to the aspect of criminal causality. Causality (causation) is a relationship or process between
two or more events or circumstances of events where one factor causes or causes another factor [13].

Referring to this, it can be concluded that the use of the phrase "Causing a public health emergency" is irrational and irrelevant in criminal law. According to the researcher, the appropriate term to use is "caused" because previously there has been an active action, namely "obstructing" as a (cause). The consequences of the offense must be in het algemeen voorzienbaar (in general it can be recognized as something that is very likely to happen). In het algemeen voorzienbaar is een hoge mate van waarschijnlijkheid (it is realized as something that is very likely to happen).

Regarding the ambiguity of the formulation of the law, it is stated that [14]:

"Laws and statutory regulations regulate various dimensions of people's lives. So that there is no doubt in it, the sentences used must be correct in their content and structure, standard, effective, not long-winded, not convoluted, not winged, and not having multiple meanings. The meaning of the sentence must be clear, not vague, not ambiguous, and the content of the information must be correct so that it does not complicate the understanding and application of the law and the legislation itself."

The phrase “obstructing” in Article 93 of the Health Quarantine Act will open a gap for law enforcers to use analogies as an interpretation, especially for judges. This is because there is no clear definition in the Health Quarantine Act regarding the phrase “obstructing”. so if it can be concluded that the criminal provisions of the Health Quarantine Act are not in accordance with the current circumstances. And this rule is very difficult to use or enforce.

Article 93 of the Health Quarantine Act contradicts the legality principle of criminal law. In the formulation and application of the norms of criminal law articles, they must comply with several derived principles, such as lex stricta, namely the written law must be interpreted rigidly, cannot be expanded or have multiple interpretations, and lex certa which means that the law must be clear and prioritize the importance of certainty as a goal. the earliest laws.

In simple terms, it is not stated in the criminal element of the article that people who violate PSBB can be punished. However, in the interpretation of the legal text of the French Penal Code which reads la loi poenale est d'interpretation stricte (criminal law must be interpreted narrowly) [12]. Then it also relates to the interpretation of the law titulus est lex est rubrica est lex (the title of the legislation and the chapter of the legislation that determines). So it can be seen that Article 93 of the Health Quarantine Law already covers all health quarantine efforts, including the PSBB.

The ambiguity of the criminal provisions of Article 93 of the Health Quarantine Act is not limited to the aspect of determining the perpetrators of the crime, but also with regard to criminal causality. That the legal consequences of a criminal act can occur if there is a cause (causal verband) [15]. If that is the context, it will be difficult to determine when and to whom the article will be applied. Considering that public health emergencies have occurred before and have been determined by the President.

PSBB is different from quarantine. According to Article 93 of the Health Quarantine Law, only a violation of quarantine can be subject to criminal sanctions according to Article 93 of the Health Quarantine Law. Criminal acts for violating the PSBB are not regulated in the Health Quarantine Act. Sanctions for PSBB violators are regulated by the Regional Government (Pemda), either in the form of a Governor's Regulation (Pergub), a Mayor's Regulation (Perwali), or a Regent's Regulation (Perbup). For example, the DKI Provincial Government which includes a fine of Rp. 50 million for PSBB violators.

PSBB is not as much as regional quarantine. Government Regulation Number 21 of 2020 defines PSBB as restrictions on certain activities in an area suspected of being infected with
COVID-19. In the implementation of PSBB, according to Minister of Health Regulation Number 9 of 2020, restrictions include holidays from schools and workplaces, religious activities, restrictions on activities in public places, to modes of transportation, there is no prohibition against going in and out of an area and the necessities of life are not borne by the central government. While the criteria for regional quarantine are that the quarantine area is given a quarantine line and is always guarded by officers, quarantined residents cannot enter and exit the quarantine area, and the basic living needs of people and food for livestock in the quarantine area are the responsibility of the central government.

Local governments wishing to implement PSBB must obtain presidential approval, through the minister of health. Furthermore, the Minister of Health in determining the PSBB takes into account the considerations of the Chief Executive of the Task Force for the Acceleration of Handling Corona Virus Disease (Covid-19). On the other hand, the chief executive can propose to the minister of health to determine PSBB in certain areas and if the minister of health approves the proposal then the regions in certain areas are obliged to implement PSBB [16].

Everyone is obliged to comply with the implementation of health quarantine. This means that all residents in all regions of Indonesia can be punished according to Article 93 of the Health Quarantine Law. There are controversial regulations here, namely that there are areas that do not apply PSBB because there is no Ministry of Health approval. On the one hand, the government limits regions from implementing PSBB by requiring certain requirements, while the Health Quarantine Law, Article 9 Paragraph (1) states the obligation to comply with the implementation of health quarantine for everyone throughout Indonesia. In this case, the question is that the punishment is intended for quarantine violations only or PSBB or both. There are no regulatory documents that regulate it, giving rise to multiple interpretations and weak legal certainty.

3.2. Aspects of Criminal Liability in the Health Quarantine Act

Law enforcement in handling COVID-19 must be carried out comprehensively while still looking at a person's ability to carry out criminal responsibility. Accountability for criminal acts is only carried out by the perpetrator of the crime based on the principle that applies in criminal law, namely there is no crime without a criminal act, this principle can be understood that to charge someone with a legal responsibility must have committed a crime. Accountability can be held against individuals or legal entities in criminal law.

Criminal responsibility contains the principle of error, which is based on a monodualistic balance that the principle of error based on the value of justice must be aligned in pairs with the principle of legality based on the value of certainty. Criminal liability is a mechanism to determine whether a defendant or suspect is responsible for a criminal act that occurred or not. The ability to be responsible can be interpreted as such a psychological state, which justifies the application of a criminal effort. In order to be able to convict the perpetrator, it is required that the criminal act he commits fulfills the elements that have been determined in the law.

The provision of punishment for actions that do not comply with the implementation of health quarantine is in principle too excessive. Efforts that must be made by law enforcers together with those in power are preventive measures, this is in accordance with the principle of ultimum remidium (criminal as a last resort). The consideration is that if the country is in a state of emergency (health), sometimes criminal law enforcement can be excluded. However, the priority is to prevent the spread of infectious diseases, especially by utilizing the main duties and functions of health workers and law enforcement (action is ultimum remidium).
When the Covid-19 pandemic occurs, punishment can be used as a last resort, what needs to be done first is prevention and handling through enforcement of the main duties and functions of health workers, both through health socialization and vaccination. Another aspect that is recommended is to apply non-criminal sanctions, such as fines or administrative sanctions for violators of health quarantine. Moreover, the formulation of articles in the criminal provisions of the Health Quarantine Act is too abstract or broad.

Handling COVID-19 through simple health quarantine measures is considered a solution. However, it is necessary to analyze the regulation of criminal sanctions in the Health Quarantine Act. The law must be applicable and have a clear impact on society, such as the objectives of the law, namely certainty, justice and expediency. If the law is uncertain, so will its application. The Ministry of Law and Human Rights has practiced preventive measures in suppressing the spread of COVID-19, by issuing Minister of Law and Human Rights Regulation Number 10 of 2020 concerning Conditions for Providing Assimilation and Integration Rights for Prisoners and Children in the Context of Preventing and Overcoming the Spread of Covid-19. Followed by the implementing regulations, namely the Decree of the Minister of Law and Human Rights Number M.HH.19.PK.01.04.04 of 2020 concerning the Release and Release of Prisoners and Children Through Assimilation and Integration in the Framework of Prevention and Control of the Spread of Covid-19. This policy is certainly a good effort to implement rather than making criminal the main sanction in dealing with the spread of COVID-19.

When viewed in Article 2 of the Health Quarantine Law, it contains the principle of protection and the principle of state sovereignty. The principle of protection means that health quarantine must be able to protect the entire community from diseases and health risk factors that have the potential to cause public health emergencies. Meanwhile, the principle of state sovereignty means that in implementing health quarantine, national interests must be prioritized and participate in increasing efforts to control public health emergencies that are troubling the world. Both the principle of protection and the principle of state sovereignty, both prioritize control efforts (preventive actions) to prevent public health emergencies. Therefore, the act of imposing criminal sanctions on people who violate health quarantine should not be the main decision that must be taken by law enforcement officials.

The Government of the Republic of Indonesia has issued a Government Regulation regarding the implementation of PSBB as an action to suppress the spread of COVID-19 in Indonesia. The regulation is a derivation of Article 59 Paragraph (1) of the Health Quarantine Law which states that Large-Scale Social Restrictions are part of the response health emergency. Previously, the Government had issued Presidential Decree Number 11 of 2020 concerning the Determination of Public Health Emergency of Coronavirus Disease 2019 (Covid-19) and Presidential Decree Number 12 of 2020 concerning the Determination of Non-Natural Disasters Spreading Coronavirus Disease 2019 (Covid-19) as National Disasters. The entire policy is a formal procedure in dealing with any public health emergency.

The Indonesian public health emergency status that has been established through the Presidential Decree legitimizes law enforcement officers to immediately implement the criminal provisions of the Health Quarantine Act. Therefore, as a state of law (rechtsstaat), Indonesia is obliged to make and implement laws. Every criminal law product produced must contain provisions that can be implemented in the field. A law will only become a dead law if its implementation stops. Especially if the law opens up the potential for analogy or extensive interpretation. The Health Quarantine Act is a legal product that prioritizes punishment (primum remedium) while the Health Quarantine Law emphasizes control and prevention aspects. Health quarantine itself contains a meaning that verbatim puts forward the aspect of prevention. This of course raises an argumentum a contrario between the definition of health quarantine and the
existing criminal provisions. In the criminal provisions of the Health Quarantine Act, it is stated that the sanction given to health quarantine violators is imprisonment. In the Indonesian Criminal Code, imprisonment is a heavier punishment than confinement. The difference lies in the rights of the convict and the application of the time limit for the execution of the crime.

It is clear that the criminal provisions of the Health Quarantine Act contain an absolute punishment system. Whereas in a public health emergency, the aspect of punishment should be used as a last resort or not prioritized. Even though it is needed, appropriate sanctions are given to violators of the implementation of health quarantine, not necessarily an absolute punishment. Remembering a health emergency is not the same as during a normal situation.

Law is present not only in tackling crime and violations, but also as a means of social control or control. The role of law as social control is a normative aspect that applies in people's lives, can be in the form of prohibitions, demands, punishments, and can also be in the form of giving compensation. The role of law as a tool of social control does not stand alone in society, but that role is carried out together with other social institutions that both carry out the function of social control. Here the law is passive, meaning that the law must adapt to the existing conditions of people's lives.

The proper punishment for violators of health quarantine is in the form of a restorative punishment, namely restoring the situation to the perpetrator and his environment and an integrative punishment, namely in the form of comprehensive prevention of a fatality in a public health emergency. This is because, the application of a crime must also be rational for a community condition. The Health Quarantine Act was established on the basis of non-natural disaster management. Thus, it is appropriate if the punishment of health quarantine violators is directed at prevention and recovery:

4. Conclusion

Based on the discussion, it can be concluded:
1. The formulation of Article 93 of the Health Quarantine Law is problematic because it contains word clauses that are rubbery, cannot be measured, and their application is potentially arbitrary. The clause in question is not complying with and must comply with the implementation of health quarantine. In addition, there is the term obstructing and causing a public health emergency. So there is ambiguity and liberal interpretation.
2. Sentencing as an effort to provide appropriate criminal responsibility for violators of health quarantine is in the form of a restorative punishment, namely the restoration of conditions to the perpetrator and his environment and an integrative punishment, namely in the form of comprehensive prevention of a fatality in a public health emergency.

References

Impact of Marriage Dispensation on Children Under The Age Review from Sociological Perspective

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Abstract. This article describes and examines the problem, of how to apply for a marriage dispensation to a religious court, so that it has an impact on when the dispensation is granted or not. This research is descriptive empirical or sociological legal research. Types of primary and secondary data covering primary, secondary, and tertiary legal materials. Data collection techniques used are field studies and literature studies, then the technical analysis used is qualitative methods. The results show that the practice of applying for a marriage dispensation cannot be granted to all, sometimes it is rejected with various considerations so that the impact of determining a marriage dispensation on minors if granted will be able to carry out marriages at the Office of Religious Affairs, Bojong District, on the contrary, if the application for dispensation is rejected then as a result, the marriage cannot be held at the Bojong Religious Affairs Office, Tegal Regency.

Keywords: Determination of Marriage, Dispensation, Minors

1. Introduction

Marriage is a form of nature that has been given by God Almighty to every creature of His creation. Especially humans who are the best creatures in this world, because they have several advantages compared to other creatures[1–3]. Some of these advantages, among others, are humans have a mind that can distinguish between right and wrong actions[2,4]. Therefore, the provisions contained in the law of human marriage are different from other creatures. Marriage is not only a relationship between husband and wife but also aims to get offspring to continue their generation. Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage, explains that the minimum age for marriage for women is the same as the minimum age for marriage for men, which is 19 (nineteen) years (Article 7 paragraph (1) Law Number 16 of 2019 concerning marriage).

If the child is less than 19 years old, whether male or female, the parents and/or guardians of the child are required to apply for a marriage dispensation to the religious court. When the religious court has decided, there will be an impact from the determination of the marriage dispensation on minors. Thus, we will discuss what are the factors that influence the community to implement a marriage dispensation for minors and how the impact of the determination of the marriage dispensation on minors.

2. Method

This research was conducted in Bojong District, Tegal Regency. The location selection was based on the number of underage marriages at the Office of Religious Affairs, Bojong District, Tegal Regency[5]. This research is a descriptive empirical or sociological legal research. Types
of primary and secondary data covering primary, secondary, and tertiary legal materials. Data collection techniques used are field studies and literature studies, then the technical analysis used is qualitative methods.

3. Result & Discussion

3.1 Practice of Marriage Dispensation for Minors

Based on article 6 point (1) of the Supreme Court Regulation Number 5 of 2019, the party who is placed as the Petitioner in the application for a marriage dispensation or the party entitled to apply for a marriage dispensation is the parent of the child who is being applied for a marriage dispensation. The parents referred to here are the biological mother and father. If the parents are divorced, the application for dispensation for marriage is still filed by both parents, or by one of the parents who has custody of the child based on a court decision. If one of the parents has died or the place of residence is unknown, the application is submitted by one of the parents. If both of them have died, then the application is submitted by the person appointed as the guardian of the child. Parents or guardians of children who are unable to attend can be represented by a power of attorney based on a power of attorney (Article 6 numbers 2 to 5 of Perma 5/2019).

There are a number of administrative requirements in the application for a marriage dispensation as referred to in Article 5 of Perma Number 5 of 2019 and the provisions of Article 7 paragraph (2) of Law Number 16 of 2019 as follows:

1. Application Letter. If the identity of the parties, the posita and the petitum of the application do not meet the qualifications for a good and correct dispensation application as explained above, then based on article 119 HIR/143 RBG the court gives instructions to the applicant to make improvements to comply with the formal and material requirements of a good application. and right;
2. Photocopy of the identity cards of both parents/guardians;
3. Photocopy of family card;
4. Photocopy of the child's identity card or identity card and/or child's birth certificate;
5. Photocopy of identity card or child identity card and/or birth certificate of the prospective husband or wife; and
6. Photocopy of the child's latest education certificate and/or certificate of still schooling from the child's school;
7. A certificate from a health worker (doctor or midwife) that supports the parents' statement that the marriage is very urgent to be carried out.

The Clerk of the Court has the obligation to ensure that all administrative requirements must be completed before the application is registered in the register, after paying the downpayment of court fees. If it is not complete, the Registrar returns the application for a marriage dispensation to the applicant to be completed (Article 9 of Perma 5/2019). When the application for a marriage dispensation has been determined and is granted, then the stipulation can be submitted to the Bojong Religious Affairs Office along with other requirements that have been met for a valid marriage to be carried out.

3.2 The Impact of Determining Marriage Dispensation on Minors From a Sociological Perspective

Regarding the application for marriage dispensation submitted by the applicant to the Religious Court, not all applications will be granted, but there are also applications that will be
rejected by the Religious Court Judges. With the approval or rejection of the application for a marriage dispensation by the Panel of Judges, it will have an impact on the determination of the dispensation. As for the impact of being granted or refused a marriage dispensation application, among others:

1. The impact of the granting of a marriage dispensation application.
   a) Obtaining a determination in the form of granting the application for a marriage dispensation. If the application for dispensation of marriage submitted by the applicant to the Religious Court is granted by the Panel of Judges, a decision will be issued by the Religious Court, that the marriage can be carried out. Then the stipulation is brought to the local Religious Affairs Office (KUA) which is used as the basis by the KUA to be able to carry out the marriage of minors.
   b) Can Hold Marriages at KUA, When the application for a marriage dispensation submitted to the Religious Court has been examined and a decision has been made in the form of a Decision which contains the approval of the application for a marriage dispensation by the court, then a copy of the new Dispensation Determination is submitted back to the Office of Religious Affairs for registration of the marriage. With the issuance of the dispensation determination, the Office of Religious Affairs has the authority to serve the marriage, so that the party who has received the determination of the dispensation can carry out the marriage at the local Office of Religious Affairs;
   c) Legal marriage: The judge of the Religious Court stated that, if a marriage dispensation has been stipulated from the Religious Court, then the marriage which is carried out based on the dispensation is considered a marriage as usual. The position of husband, wife, and children born on the basis of the stipulation of marriage dispensation by the court is legal according to law.

2. The impact of the rejection of a marriage dispensation application
   a) Obtaining a determination in the form of rejection of the application for a marriage dispensation. If the application for dispensation The marriage proposed by the applicant has been examined by the Panel of Judges of the Religious Courts in the trial, but if the evidence submitted is incomplete, submitted by an unauthorized person, there is a relationship that causes the marriage to be prohibited, or the prospective groom does not have income to guarantee married life, the Panel of Judges will issue a determination in the form of refusing the application for a marriage dispensation to the applicant.
   b) Unable to carry out the marriage When the application for dispensation for marriage is rejected by the Panel of Judges of the Religious Courts, then there is no right to marry. The child of the applicant must wait until the minimum age is met as regulated by statutory regulations Article 7 paragraph (1) of the UUP, namely the minimum limit for being able to enter into marriage for women 16 (sixteen) years and men 19 (nineteen) years. Even if the child of the applicant is already pregnant, he must wait for the minimum age limit that has been determined.

The minors whose marriages are carried out and legally become husband and wife have several impacts, including:

1. Vulnerable to economic problems;
Financially, the young couple is practically unstable. Especially if they do not have the ability to support a career, because education is hampered and even stops because of marriage.

2. Vulnerable to reproductive problems;
3. Vulnerable to domestic violence
   Couples who marry underage can be mentally immature, especially when faced with various household problems. Violence can occur due to psychological instability.
4. Psychological problems that may occur because they are not stable

4. Conclusion
   Based on the discussion that the author has described, it can be concluded that the process of applying for a marriage dispensation is not immediately granted, if it is rejected it cannot carry out the marriage, on the contrary if the application for a marriage dispensation is granted then the marriage can be carried out and registered at the KUA / Office of Religious Affairs. Likewise, minors who marry based on the determination of the marriage dispensation have several impacts, including being vulnerable to economic problems, and vulnerable to reproductive problems.

References
Problems of Police and Regional Police Coordination Implementation in Corruption Handling in Central Java Impact of Marriage Dispensation on Children Under The Age Review from Sociological Perspective

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Abstract. The purpose of this study was to analyze the implementation of the coordination of handling corruption crimes in the Police and to analyze the obstacles in the implementation of the coordination of the Polres and Polda in handling corruption crimes in the Central Java Region. The results of the study show that the National Police have an important role in launching the mission of eradicating corruption in various regions in Indonesia, because the Police have a function in the field of law enforcement. Specifically for eradicating corruption, this function is carried out by the directorate of criminal acts of corruption at the National Police Headquarters, which is structurally tiered from the Polda Sub-Directorate to the Polres Tipikor Unit. Coordination is carried out in investigation and investigation activities in areas prone to corruption. Every organization has obstacles that hinder the achievement of high performance. Internal obstacles faced are the slow process of disbursing funds in the submission of the annual budget and problems with the quality of human resources for investigators in the field of corruption. External obstacles are faced in the form of a lack of public understanding about the dangers of corrupt behavior, so that public participation in overcoming corruption is still minimal.

Keywords: Regional Police, Coordination Implementation, Corruption Handling

1. Introduction

One of the problems that can damage the concept of the rule of law is the problem of corruption[1]. The bad result of corruption is the birth of economic inequality and the birth of injustice and inequality of income as well as poor facilities and infrastructure of public interest[2]. Corruption crimes are not only committed by state administrators, between countries, but also by state administrators with other parties so as to damage the joints of social, national, and state life, and endanger the existence of the state [3]. This crime is not only detrimental to state finances but is also a violation of the social and economic rights of the community[4]. Corruption in Indonesia has spread throughout the government and all levels of society so efforts to eradicate it are still stalled, especially with the resistance carried out by parties whose interests are disturbed by the agenda of eradicating criminal acts of corruption [5]. The handling of corruption cases carried out by law enforcers from the first semester of 2016 to the first semester of 2020 has fluctuated. However, the total value of state losses that have been estimated to have been lost or have been calculated by the Supreme Audit Agency and/or the Financial and Development Supervisory Agency has increased. In 2018 the value of state...
losses decreased from the previous year, although when viewed from a trend perspective, it increased [6].

Corruption has really become an acute and systemic problem that is very dangerous and detrimental to the state and society. The modes and perpetrators of corruption crimes are always changing rapidly. Meanwhile, the pace of changing the law itself is always a few steps behind the crime [2]. The success of ensnaring the perpetrators of corruption is highly dependent on law enforcement officials. The police have a very strategic position as the holder of the key to the gate of corruption cases to be brought to court (the key administration office in processing of cases) as stipulated in the legislation [7]. The first step taken by the National Police as a sub-criminal justice system in an effort to eradicate corruption as a law enforcement process is to conduct an investigation by investigators. If during the investigation it is found that there is an alleged criminal act of corruption, then the next step is to conduct an investigation.

Police plays an important role in launching the mission to eradicate corruption in various regions in Indonesia because Police has a function in the field of law enforcement. Eradication of criminal acts of corruption is a priority for the Police. Specifically for eradicating corruption, this function is carried out by the directorate of criminal acts of corruption at the National Police Headquarters, which is structurally tiered from the Polda Sub-Directorate to the Polres Tipikor Unit. To be able to carry out their duties to the Sub-Directorate of the Regional Police to the Polres Corruption Unit, the authority is given within the limits that have been determined. The granting of this authority must explicitly be adjusted to the needs of each task. Therefore, the use of this power or authority can only be used for investigation purposes. The use of power or authority beyond what has been determined by law means that there is an abuse of power or authority (abuse de Droit; misbruik van recht).

The existence of the Polda Sub-Directorate and the Polres Corruption Unit with their respective duties and powers requires good coordination between the two in handling corruption. Both horizontal coordination and vertical coordination. The implementation of their duties must be collected in harmonious cooperation. Cooperation within the boundaries of their respective work assignments, helping each other so as to create a work team. This collaboration requires good coordination. Coordination can be done if both parties create an activity in which they are related to each other. Such coordination must be reflected in the laws and regulations as well as the actions of the equipment assigned to it. In-laws and regulations, it is possible to regulate the authority of state equipment in general, in particular the authority of law enforcement officers, with statutory regulations it can be determined the limits of each law enforcement officer regarding the rights, obligations, and authorities as well as their relationship with each other so that they are always sustainable functional relationships are established, which will create a mechanism for mutual supervision among fellow law enforcement officers in a series of integrated criminal justice systems.

Based on the description of the background of the problem, the problems in this study can be formulated, namely: How is the coordination of handling corruption crimes in the Police? And what are the obstacles to implementing the coordination of the Polres and Polda in handling corruption crimes in the Central Java Region?
2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials[8]. The approach used in this research is the statute approach. The legal approach is an approach that uses legislation and regulation [9]. Sources of data used in this study in the form of secondary data. Secondary data are data obtained from official documents, books related to the object of research, research results in the form of reports, theses, theses, dissertations, and laws and regulations [10]. This research data collection technique was carried out through conventional and online literature searches.

3. Result & Discussion

Efforts to eradicate corruption are the main agenda that must be realized immediately. In order to be effective, these efforts must be preventive and repressive. The two efforts must be carried out properly and can be synergistic with each other, or it is likened to the two sides of one coin. Without preventive efforts, repressive efforts will fail in carrying out their mission. Considering the impact of corruption, various laws and regulations and institutions appointed to handle corruption cases emerged. The institutions in question are the National Police, the Corruption Eradication Commission, and the Attorney General's Office. Among the three institutions, the National Police is the most experienced institution in investigating various criminal cases.

Polri plays an important role in launching the mission to eradicate corruption in various regions in Indonesia, because Polri has a function in the field of law enforcement. Specifically for eradicating corruption, this function is carried out by the directorate of criminal acts of corruption at the National Police Headquarters, which is structurally tiered from the Polda Sub-Directorate to the Polres Tipikor Unit. In terms of law enforcement regarding criminal acts of corruption, the police have duties as investigators, as has been stipulated in Article 1 Paragraph (1) of the Criminal Procedure Code [11].

The National Police's strategy in law enforcement for criminal acts of corruption, among others, are:

1. Synergy with law enforcement officials.
2. Improve the function of coordination in investigation and investigation activities in areas prone to corruption.
3. Focus on carrying out investigations and investigations of criminal acts of corruption.
4. Responding to public demands to accelerate the investigation of corruption in the due process of law.

According to the Criminal Procedure Code, those who are entitled to become investigators are police officers who meet the rank requirements. The explanation of the requirements for this rank is explained in more detail through a Government Regulation. The Government Regulation in question is Government Regulation Number 27 of 1983 which has been updated with Government Regulation Number 58 of 2010 concerning the Implementation of the Criminal Procedure Code. Similar to other criminal cases, in investigating corruption cases the police must prioritize the Standard Operating Procedures (SOP) this is in accordance with the National Police Chief Regulation Number 14 of 2012 concerning Management of Criminal Investigations. The regulation emerged with various
considerations, including as stated in point b, considering the regulation that in carrying out law enforcement duties, the State Police Investigators of the Republic of Indonesia have the duties, functions and authorities in the field of criminal investigations, which are carried out professionally, transparently, and accountable for every criminal case for the realization of the rule of law that reflects a sense of justice.

Police as law enforcement officers who have the duty and authority to investigate or investigate in every criminal case in accordance with the provisions of the Criminal Procedure Code, including corruption, are only authorized to investigate corruption cases that harm state finances under Rp. 1,000,000,000, - (one billion rupiah). The rest is handled by another institution, namely the Corruption Eradication Commission as stipulated in Article 11 Paragraph (2) of the Law of the Republic of Indonesia Number 19 of 2019 concerning the Second Amendment to the Law of the Republic of Indonesia Number 30 of 2002 concerning the Corruption Eradication Commission. To achieve a cleaner and more humane law enforcement, law enforcement must receive supervision. Thus, a good and regular monitoring mechanism in the work unit will improve work performance. With a good and regular monitoring mechanism, if any deviation is found, it can be detected as early as possible and returned to the goals and objectives to be achieved.

This system also minimizes the occurrence of irregularities and abuse of authority in the implementation of law enforcement. This means that each sub-system has the same position and is parallel. Not under or above any other subsystem. Thus, there is coordination of the implementation of law enforcement functions between sub-systems. Each of them carries out the provisions of authority and responsibility, in order to smooth and continue the completion of the law enforcement process. The linkage of each sub-system between one another is nothing but the law enforcement process. Delays and mistakes in one of the sub-systems have an impact on the damage to the implementation of coordination and synchronization of law enforcement.

In resolving the crime of corruption requires coordination among law enforcement [12]. Coordination is a process of integrating goals and activities in separate units (departments or fields) -functional areas) in an organization to achieve goals efficiently and effectively [13]. A coordination can be done if both parties create an activity in which they are related to each other. The nature of coordination aims to unite and adjust activities, connect with each other, interlink so that these activities become a work unit. In order to increase the effectiveness, efficiency, and productivity of work, coordination must be carried out at all levels, both at the center and in the regions, even in administrative units, such as fields, sections, sections, up to the smallest units.

Basically, the process of investigating and investigating corruption is the first step in repressive measures to eradicate corruption. Investigations and investigations begin after it is known or suspected that a criminal act of corruption has occurred based on reports, complaints, and information from the public. Both reports or complaints as well as information from the public received by investigators or investigators are raw materials and need to be researched and screened. After receiving the report, the police officers immediately took action, namely by conducting an investigation. This action is carried out to seek information and evidence to determine whether a reported event is a criminal act of corruption or not.

Investigation is the first stage of the investigation, but at the investigation stage the emphasis is placed on the act of seeking and finding an event that is considered or suspected to be a criminal act. Meanwhile, in the investigation process, the emphasis is placed on the emphasis on seeking and collecting evidence so that the criminal acts found can become clear
and in order to be able to find and determine the perpetrators. There is almost no difference in meaning between the two (investigation and investigation). Between investigation and investigation are interrelated and complement each other in order to complete the examination of a criminal event [14].

Corruption as a criminal act that is against the law, enriches oneself and harms state finances. This crime is classified as a crime with an economic motive, carried out by people who have certain positions and is carried out systematically (white collar crime), this crime is the main enemy of the Indonesian nation in addition to narcotics crimes and terrorism. Eradication of corruption requires law enforcement in the form of countermeasures (repressive) but preventive measures should be prioritized [15]. The development of corruption in Indonesia has become a virus that has spread throughout the government since the 1960s. Furthermore, it is said that corruption is also related to power because with that power the ruler can abuse his power for personal, family and cronies interests [16]. Therefore, corruption is no longer classified as an ordinary crime but has become an extraordinary crime. This is because the conventional methods that have been used so far have proven to be unable to solve the problem of corruption in society. Thus, the handling must also use extraordinary methods (extra-ordinary).

Cases of criminal acts of corruption are difficult to disclose because the perpetrators use sophisticated equipment and are usually carried out by more than one person in a disguised and organized state. Therefore, this crime is called a white-collar crime or white-collar crime. Realizing the complexity of the problem of corruption in the midst of a multidimensional crisis and the real threat that is bound to occur, namely the impact of this crime. So corruption can be categorized as a national problem that must be faced seriously through firm and clear steps. The role of the Police in corruption cases is very important, this is because the Police are the spearhead of law enforcement. The National Police is tasked with conducting investigations and investigations of all criminal acts in accordance with the criminal procedure law and other laws and regulations as described in the Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police. Investigations, prosecutions, and examinations in courts in cases of criminal acts of corruption must take precedence over other cases in order to expedite the settlement of the case.

The Police as investigators are given authority in accordance with the law because of several obligations, namely: (a) taking the first action at the scene of the incident, (b) ordering a suspect to stop and checking the suspect's identification, (c) making arrests, detentions, search and confiscation, (d) examine and confiscate letters, (e) take fingerprints, (f) summon someone to be heard and examined as a suspect or witness, (g) bring in the necessary experts in connection with the examination of the case. Based on data from Indonesia Corruption Watch (ICW), in the first semester of 2020, there were 169 cases, with 372 suspects and 18.1 trillion state losses. During the first semester of 2020, ICW monitored the value of bribes known and found by the prosecutor's office of around Rp. 20.2 billion and the value of illegal levies is around 40.6 billion. The data shows that on average there are 28 cases per month with an average of 60 suspects assigned to them. The police who handled 1,412 cases have been completed with state losses reaching 3 trillion throughout 2020. It is possible that the number of cases will increase over time. One of the efforts made by the police in tackling this so as not to increase is by carrying out several activities to prevent corruption cases in various agencies that have the potential to commit criminal acts of corruption.

Prevention of corruption can be done through various efforts. Eradication of criminal acts of corruption according to the Law of the Republic of Indonesia Number 30 of 2002
concerning the Corruption Eradication Commission Article 1 point 3 is a series of actions to prevent and eradicate corruption through coordination, supervision, monitoring, investigation, investigation, prosecution and examination in court, with community participation based on applicable laws and regulations. Based on the understanding provided by the law, it is clear that one of them, but there are always obstacles that are factors that hinder efforts to combat corruption so that it cannot run optimally.

Every organization has obstacles that hinder the achievement of performance) is high. These constraints should be identified and managed to improve a particular performance. Once a problem has been solved, the next problem can be identified and updated. This also applies in the context of overcoming corruption by the Police, which has encountered several obstacles, both internal and external. Internal obstacles faced are the slow process of disbursing funds in the submission of the annual budget and problems with the quality of human resources for investigators in the field of corruption. The length of the budget disbursement process is one of the obstacles for the police to carry out preventive activities in the form of outreach to the public. The use of funds for the activities in question is in the form of funds for billboards, banners, and the creation of anti-corruption educational videos. This activity is an effort to prevent corruption which is carried out through a non-penal approach, namely prevention without using criminal law or prevention without punishment.

The low quality of human resources in several police institutions related to the process of investigating corruption crimes is also a separate obstacle to overcoming corruption. A police officer is required to be able to understand the modus operandi of a crime that continues to develop and to know the legal instruments that are going to be threatened against the criminal. The low quality is because some investigators have not attended special training or education about corruption which affects the professionalism of investigators in investigating corruption crimes that occur.

External obstacles are faced in the form of a lack of public understanding about the dangers of corrupt behavior so that public participation in overcoming corruption is still minimal. Constraints in terms of the lack of public participation are closely related to the lack of public understanding in the context of preventing and prosecuting corruption. The constitution has stated that the public must be actively involved in dealing with criminal acts of corruption, in the sense that the community must participate in efforts to prevent and eradicate corruption. Community participation in question is the active role of individuals, community organizations or non-governmental organizations in preventing and eradicating corruption.

The difficulties faced by the police in taking action against elitist groups are also an obstacle in the process of overcoming corruption. Corruption crimes generally involve a group of people who mutually benefit from the crime. Everyone works together to cover up their own actions. This usually makes it difficult for law enforcers to uncover the existing evidence, thus causing the law to not be applied properly due to frequent conflicts of interest involving the authorities and the power itself.

4. Conclusion
Based on the discussion, it can be concluded that:
1. Polri plays an important role in launching the mission of eradicating corruption in various regions in Indonesia, because Polri has a function in the field of law enforcement. Specifically for eradicating corruption, this function is carried out by the directorate of criminal acts of corruption at the National Police Headquarters, which is structurally tiered from the Polda Sub-Directorate to the Polres Tipikor Unit.
Coordination is carried out in investigation and investigation activities in areas prone to corruption.

2. Every organization has obstacles that hinder the achievement of high performance. Internal obstacles faced are the slow process of disbursing funds in the submission of the annual budget and problems with the quality of human resources for investigators in the field of corruption. External obstacles faced in the form of a lack of public understanding about the dangers of corrupt behavior, so that public participation in overcoming corruption is still minimal.

References

The Authority of Shipping in Creating Safety and Security of Shipping

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Abstract. Shipping is a component of maritime transport. The government regulates and directs maritime transportation. The harbormaster is responsible for the significance of safety and security concerns in shipping. The goal of this study is to examine the regulation of shipping in positive law in Indonesia and the authority of the porter based on the Law of the Republic of Indonesia Number 17 of 2008 pertaining to Shipping as it relates to the creation of shipping safety and security. According to the findings of the study, the Law of the Republic of Indonesia Number 17 of 2008 pertaining to Shipping contains regulations pertaining to several areas of shipping. The law controls matters involving significant aspects of maritime transportation and offers guarantees for shipping in Indonesian waterways. The Law of the Republic of Indonesia Number 17 of 2008 pertaining to Shipping governs Syahbandar's functions and responsibilities for maritime safety. The harbormaster is responsible for shipping safety and security, which includes implementation, supervision, and law enforcement in the sector of transportation in waters and ports, as well as maritime environment protection in ports.

Keywords: Security, Safety, Harbormaster

1. Introduction

Sea transportation has a strategic role for Indonesia which has been recognized by the world as an archipelagic country. As with other transportation, sea transportation has risks that must be managed properly. The ability to manage to ship is very important in order to minimize the risks that may be caused so good communication is needed between related parties in regulating shipping safety. Shipping, which consists of water transportation, ports, shipping safety and security, and protection of the maritime environment, is a component of the national transportation system whose potential and role must be developed to realize an effective and efficient transportation system and contribute to the formation of a stable national distribution pattern. Considering the crucial and strategic role that shipping plays in controlling the livelihoods of a large number of people, the government controls and directs shipping. The government provides advice through regulation, control, and oversight.

The significance of safety and security issues in shipping is a port obligation, as the most common cause of ship accidents is a matter of one's skill and expertise in performing harbormaster duties[1]. Syahbandar is a government official who is appointed by the minister and has the authority to carry out and supervise the fulfillment of statutory provisions in ensuring the safety and security of shipping in the ports he regulates [2]. Syahbandar plays an important role in every sea transportation shipping activity, both in terms of supervision, law enforcement,
ports, maritime environmental protection, and shipping itself. The success of a voyage carried out by a ship or sea transportation is also the success of a harbormaster in carrying out his porter duties.

The Law of the Republic of Indonesia No. 17 of 2008 regarding Shipping stipulates the role and function of porters who have greater authority to carry out shipping safety and security functions, such as implementation, supervision, and law enforcement in water transportation, ports, and marine areas. [3]. The harbormaster oversees all port activities, including shipping. [4]. Syahbandar rules the port and oversees its activity. The syahbandar has great authority over maritime safety in his region. [5].

Shipping safety cannot be isolated from the porter's function because the main cause of shipping accidents is the porter's negligence. The harbormaster demonstrates the government's involvement in marine traffic, hence all shipping activities are governed by the government as per Law of the Republic of Indonesia Number 17 of 2008 [6].

Porters' tasks ensure the safety and security of maritime transportation in Indonesian waters. The Law of the Republic of Indonesia Number 17 of 2008 Concerning Shipping specifies porters' roles and responsibilities in ship safety and security. The role and function of port porters in shipping safety and security is not yet perfect. Based on the context, this study's difficulties are as follows: Indonesian law regulates shipping. What is the harbormaster's authority under Indonesian Law 17 of 2008 addressing maritime safety and security?

2. Method

This research kind is library research. Literature research is research conducted through library data collecting or research conducted to answer a problem that relies primarily on a critical and in-depth examination of pertinent library materials [7]. This investigation includes library research since data sources can be gathered from libraries or other written documents, including journals, novels, and other literature. The method utilized in this study is the statutory method. The legal strategy is one that employs statutes and regulations [8]. This study employs a legal methodology since it examines all laws and regulations pertinent to the studied legal topic.

3. Result & Discussion

3.1. Regulations About Shipping in Positive Laws in Indonesia

The sea, especially the oceans, has special properties for humans. Likewise, the law of the sea, because the law in general is a series of rules regarding the behavior of people as members of the community and aims to establish order among the members of that community. Since the sea is used as a shipping lane, trade and as a source of life such as fishing, since then legal experts have begun to devote their attention to the law of the sea.

In a broad sense, the law of the sea governs all elements of the use or exploitation of the ocean and its resources. In continental countries such as the Netherlands, the law of the sea is often characterized as shipping law, which focuses primarily on regulating the operation of maritime transportation and related problems. In nations that adhere to the Anglo-Saxon legal system, marine law refers to the body of international trade-related maritime transportation regulations. The law of shipping or maritime law is, in a broad sense, a subset of the law of the sea.[8].

Talking about shipping in a broad sense, it cannot be separated from aspects of transportation in waters (in the sense of ships), port aspects, and security and safety aspects, while shipping in a narrow sense only concerns the transportation aspect. Shipping is carried out, of course, must
provide benefits to all parties, in carrying out business activities in the shipping sector using fair
competition and also not causing environmental pollution. Considering the crucial and strategic
role that shipping plays in controlling the livelihoods of a large number of people, the
government controls and directs shipping. In actuality, a number of laws and regulations enacted
by the Dutch East Indies administration spanned a variety of disciplines, including navigation,
shipping, ports, and transportation, which were no longer in conformity with the requirements
and advancements of the period, science, and technology. On the basis of these considerations,
a law on shipping was drafted, which is a refinement and codification, so that the operation of
shipping can provide the greatest benefit to all the people, nation, and state, cultivate and
develop the maritime spirit, by prioritizing the public interest, sustainability environment,
coordination between the center and the regions as well as agencies, sectors, and related
elements, and state defense and security.

After Indonesia's independence in 1945, the regulation of shipping in Indonesian waters was
still based on the Indonesian shipping ordinance (Indische Scheepvaartwet Staatsblad 1936-
700) [9]. Although the regulation does not explain the shipping court in detail, it remains the
legal umbrella for shipping and shipping regulations in Indonesia. As a form of activity that
affects people's lives, the world of shipping requires regulations governing shipping business
because Indonesia is a state of law and everything must be regulated by law. So to regulate it all
the government issued the Law of the Republic of Indonesia Number 17 of 2008 concerning
Shipping. As a positive law, the Law of the Republic of Indonesia Number 17 of 2008 regulates
matters in which there are important factors of transportation in waters.

One of Indonesia's most significant maritime laws is Law of the Republic of Indonesia
Number 17 of 2008 Relating to Shipping. Due to its extensive territorial waters, which have
legally defined boundaries, rights, and sovereignty, Indonesia is regarded to be an archipelagic
nation. It is believed that the Law of the Republic of Indonesia Number 17 of 2008 pertaining
to Shipping will increase national resilience and promote awareness of the archipelago. Prior to
this, shipping was governed by Law of the Republic of Indonesia Number 21 of 1992 Governing
Shipping. However, it is believed that the law's provisions no longer satisfy the needs of the
current maritime industry, necessitating its revision. [10].

Due to various paradigm shifts and strategic environments, both in the Indonesian
constitutional system, such as the implementation of regional autonomy, and in the scientific
and technological fields, the Law of the Republic of Indonesia Number 21 of 1992 Concerning
Shipping must be modified over time. Additionally, the definition of shipping as a system has
expanded to include ports, water transportation, shipping safety and security, and protection of
the maritime environment, necessitating modifications to meet contemporary needs and
developments as well as scientific and technological advancements so that the shipping industry
can participate in the global community.

On the basis of these considerations, a new Shipping Law, which is a refinement of Law No.
21 of the Republic of Indonesia from 1992, was drafted. It is anticipated that the operation of
shipping as a system will bring the greatest advantage to all individuals, nations, and states. By
prioritizing the public interest, environmental sustainability, coordination between the center
and the regions, and state defense and security, this law is expected to nurture and develop a
marine spirit. The Law of the Republic of Indonesia Number 17 of 2008 pertaining to Shipping
defines shipping as a cohesive system comprising of water transportation, ports, safety and
security, and preservation of the marine environment. Compared to the former shipping law, it
may be claimed that this law provides a fairly comprehensive set of requirements. The most
noticeable difference is the increase in the number of articles in the new shipping law, which
now contains 355 compared to the previous law's 132. [8].
The Law of the Republic of Indonesia Number 17 of 2008 Concerning Shipping contains clearer provisions than the previous law, including its application to all maritime activities, ports, safety, shipping security, and maritime environment protection in Indonesian waters, as well as to foreign ships traveling through Indonesian waters and all ships flying the Indonesian flag. Since the passage of Law of the Republic of Indonesia Number 17 of 2008 Concerning Shipping, several provisions in other shipping laws and regulations, such as the KUHD (Wetboek van Koophandel), the Territorial Sea Ordinance and the Maritime Environment of 1939, Law of the Republic of Indonesia Number 1 of 1973 Concerning the Indonesian Continental Shelf, and Law of the Republic of Indonesia Number 5 of 1983 Concerning the Indonesian Exclusive Ecosystem, have been repealed.

The harbormaster has the authority to create shipping safety and security under Indonesian Law 17 of 2008. Safety and security are non-negotiable components of shipping that must be considered. All parties involved in maritime transportation maintain passenger and cargo safety from departure to destination. Shipping safety and security depend on a ship's seaworthiness at the departure port. The port's harbormaster implements and supervises safety and security rules and regulations.

Syahtbandar is important for maritime oversight, law enforcement, ports, environmental protection, and commerce. In other words, a ship's or sea transport's voyage is also a harbormaster's syahbandar success.

The Law of the Republic of Indonesia Number 17 of 2008 Concerning Shipping and the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 76 of 2018 Concerning the Second Amendment to the Regulation of the Minister of Transportation Number PM 36 of 2012 Concerning Organization and the Work Procedure of the Harbormaster Office and the Port Authority govern Syahbandar's roles and responsibilities regarding shipping safety. The harbormaster's duties are stated in Indonesian Shipping Law 17 of 2008. According to Article 207 Paragraph 1 of Law of the Republic of Indonesia Number 17 of 2008 Concerning Shipping, the harbormaster is responsible for shipping safety and security, including implementation, supervision, and law enforcement in waters and ports, as well as protecting the maritime environment in ports.

According to the above laws and regulations, the task of carrying out supervision by the harbormaster is not only centered on shipping activities but on all activities within the port. Among other things, namely rescue activities and carrying out an underwater working condition, dredging and expanding the port area or reclamation, controlling pollution, protecting the maritime environment around the port, as well as carrying out search and rescue assistance for ships. In accordance with the Law of the Republic of Indonesia Number 17 of 2008 Article 212 Paragraph (2) that the harbormaster may request assistance from the Police and the TNI to immediately secure anchored ships when an act of theft or acts of piracy occurs and is reaffirmed in the Law of the Republic of Indonesia. Number 17 of 2008 in Article 212 Paragraph (3) explains that security and order assistance is under the authority of the harbormaster. Where security and order assistance at the port is under coordination within the authority of the harbormaster and depends on the problems that occur on the ship, because any problems that arise will be handled differently according to the duties and responsibilities of the relevant agencies.

In the Law of the Republic of Indonesia Number 17 of 2008 concerning Shipping, Article 1 Paragraph (32) states that shipping safety and security is a condition of fulfilling safety and security requirements concerning transportation in waters, ports, and the maritime environment. Shipping safety is very decisive in the implementation of national and international sea transportation, both for commercial ships, passenger ships, war ships, and even fishing vessels.
Article 207 Paragraph (2) of the Law of the Republic of Indonesia Number 17 of 2008 explains that a harbormaster also takes part in the search and rescue of a sea transportation if the sea transportation has an accident or is disturbed while carrying out shipping activities. The duties and responsibilities of a porter are very important in providing a ship's seaworthiness certificate, sailing permit, safety and security, as well as all sea transportation shipping activities in Indonesian waters.

Every ship that wants to make a voyage must have a sailing permit. Syahbandar before giving a sailing permit (port clearance) must examine the completeness of the ship's documents and others. If there are no things that are contrary to the regulations, then a sailing permit can be given and if there are things that are in violation or there are deficiencies on the ship, then a sailing permit cannot be given. In carrying out the safety and security functions in accordance with the provisions of the laws and regulations regarding Indonesian shipping, the harbormaster has tasks are:

1. Supervise the ship's seaworthiness, safety, security, and order in the port.
2. Supervise the orderly traffic of ships in waters, ports and shipping lanes.
3. Supervise ship tow activities.
4. Supervise the order of passenger embarkation and disembarkation.
5. Supervise loading and unloading of dangerous goods and hazardous and toxic waste.

The duty of the harbormaster in carrying out safety and security functions is regulated in Article 208 of the Law of the Republic of Indonesia Number 17 of 2008 concerning Shipping, namely:

1. Shipworthiness, safety, security and order in the Port.
2. Orderly ship traffic in port waters and shipping lanes.
3. Activities of loading and unloading in port waters.
4. Salvage activities and underwater work.
5. Ship delaying activities.
7. Loading and unloading of dangerous goods and hazardous and toxic waste.
8. Refueling.
9. Orderly embarkation and disembarkation of passengers.
10. Dredging and reclamation.
11. Activities for the construction of port facilities.
12. Search and rescue assistance.
13. Pollution control and fire suppression in ports.
14. Protection of the maritime environment.

From the provisions of the preceding article, it is clear that the seaworthiness of the ship is strongly tied to shipping safety; if the seaworthiness of the ship is not supported by shipping safety facilities, the probability of ship accidents is extremely high. The existence of a ship's seaworthiness certificate is evidence of a ship's seaworthiness. The harbormaster issues a certificate of seaworthiness based on class test results from the Indonesian Classification Bureau [12]. Users of sea transportation services that utilize unseaworthy vessels can cause damages ranging from the destruction of cargo to the death of passengers and crew. The implementation of water transportation safety has not been carried out optimally in practice. The port is responsible for the significance of safety and security issues, as well as the overall activities in sea transportation shipping, because one of the biggest problems in ship accidents in shipping
is the issue of a person's ability and expertise to carry out his Syahbandar duties both in carrying out all duties in the port or in cooperation with other business entities.

4. Conclusion
Based on the discussion, it can be concluded that:
1. Law 17 of 2008 of the Republic of Indonesia on Shipping covers several shipping concerns. The law controls major aspects of shipping in Indonesian waterways.
2. The Indonesian Shipping Law Number 17 of 2008 regulates the harbormaster's roles and duties. The harbormaster oversees shipping safety and security, including implementation, oversight, and law enforcement in water, port, and maritime environment protection.

References
Role of Local Government in The Implementation of Good Government

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Abstract. The regional government is the leader of the region as a component of regional government organizers who oversees the execution of government affairs that are the responsibility of the autonomous region. According to statute number 23 of 2014 pertaining to government, there is both a central government and a regional government. The implementation of government operations in this instance must adhere to the principles of good governance. There are three primary stakeholders in the most fundamental idea of governance: the state, the private sector, and society. This study employs descriptive analytic research specification, normative legal research, and an analytical normative juridical approach. Each region develops regional apparatuses based on regional traits, potential, and requirements. Regional government is a component of regional administration that includes the governor, regent, or mayor, as well as the regional apparatus. The notion of good governance in the administration of local government serves as a guideline for local governments in the context of achieving a democratic, clean, transparent, responsible, and efficient government.

Keywords: Good Governance, Regional Organizationm, Local Government

1. Introduction

The enactment of Law Number 23 of 2014 concerning Regional Government as amended by the first amendment in Law Number 2 of 2015 and the second amendment of Law Number 9 of 2015 marks a new phase of autonomy policy and relations between the Center and the Regions today[1,2]. Restructuring of affairs, strengthening the position of Governors and provincial governments, and the introduction of the concept of transition management in the form of the status of preparatory regions for regional expansion are just a few examples that can be taken as evidence of change. Changes to the pattern and hue of the connection between the central government and the regions have introduced new dynamics to the future administration of autonomy and implementation of regional government[3]. According to Government Law Number 23 of 2014, there is a Central Government and a Regional Government; these two terms correspond to the region. Regional Government is the administration of government affairs by the Regional Government and the Regional People's Representative Council according to the principle of autonomy and co-administration with the principle of the widest possible autonomy in the system of principles of the Unitary State of the Republic of Indonesia as stated in paragraph 2 of the 1945 Constitution of the Republic of Indonesia (1). According to Article 3 of the 1945 Constitution of the Republic of Indonesia, the Regional Government is the regional
head as a component of the Regional Government organizer who directs the implementation of government matters that fall under the autonomous region's jurisdiction.

Local governments have a strategic role in terms of coaching and supervision in their regions[4]. In Law Number 23 of 2014 concerning Regional Government Chapter I concerning General provisions Article 1 number 5 states that government affairs are government powers which are the authority of the President whose implementation is carried out by state ministries and regional government administrators to protect, serve and empower and prosper the community. Law No. 22/1999 on regional government in principle regulates the implementation of regional government which prioritizes the implementation of the principle of decentralization[5]. Taking into account the experience of implementing regional autonomy in the past which adhered to the principle of real and responsible autonomy with an emphasis on autonomy which is more of an obligation than a right, then in Law No. the principle of decentralization in the form of broad, real and responsible autonomy. So, what is the local government law in Indonesia, and what is the role of local government in implementing good governance?

2. Method

The method used in this research is descriptive-analytical research specification, and the type of research used is normative legal research and normative analytical juridical approach.

3. Result & Discussion

Regional Government is a component of regional government that includes the Governor, Regent, or Mayor, as well as regional apparatus. Regional Government and DPRD are regional government administrators based on the principle of autonomy and co-administration, with the principle of autonomy being as broad as feasible within the system and principles of the 1945 Constitution of the Unitary State of the Republic of Indonesia. The regional government system is the totality of interdependent and interconnected parts whose principal elements are the Regional Head and DPRD, who formally have the responsibility and right to regulate and manage their regional household, as well as the responsibility and right to absorb and formulate the aspirations of the people in the form of various government administration efforts.

Theoretically, the government's capacity is shaped by the decentralization principle, which involves the hierarchical delegation of authority from the organizational level to its lower levels. Decentralization is described as the transfer of government authority to autonomous regional governments within the framework of the Unitary State of the Republic of Indonesia, which is completely and unanimously implemented in regencies and cities. The objectives of decentralization are:

1. Reduce the burden on the central government and intervene on small issues at the local level. It also provides opportunities for coordination of implementation at the local level.
2. Improving people's understanding and their support in socio-economic development business activities. Likewise, at the local level, they can benefit from the contribution of their activities.
3. Preparation of programs for socio-economic improvement at the local level so that they can be more realistic.
4. Train the people to be able to manage their own affairs.
5. Fostering national unity.
Each region develops regional apparatuses based on regional traits, potential, and requirements. Local regulations determine regional apparatus organizations by referencing Government Regulations. The creation of regional apparatus in the form of an organization is primarily motivated by the need to manage government issues. The size of the regional apparatus organization should take into account at a minimum the factors of financial capacity, regional needs, the scope of tasks, including the task objectives that must be met, the type and number of tasks, the area of work and geographical conditions, the number and population density, and the regional potential associated with the affairs to be carried out.

Several factors must serve as the primary guide for the implementation of the regional government so that the notion of implementing autonomy may be carried out effectively. Among these different factors, the adoption of effective local government is one of the requisite principles. The government is one of the actors in government administration. The executive arm of government possesses two characteristics: first, as a tool, and second, as a state person acting on behalf of the state. Executive action as a state instrument is a state act. Second, as a state administrative body with independent state-granted powers. This autonomy enables the state administration to act independently in the sphere of regulation (regelen) and in the administration of the state administration (besturen).

There are two measuring tools for the legitimacy of government acts, namely laws and regulations as written legal rules and general principles of good governance as unwritten legal rules. Such a formulation is a norm of state administrative law which in its development in several countries is currently being accommodated in a codification of general state administrative law. The three functions of administrative law are normative functions, instrumental functions, and guarantee functions. The description illustrates that administrative law includes:

1. Arrangement of means for the government to regulate and control society
2. Regulating the ways in which community members participate in the process of regulating and controlling and protecting the law
3. Establishment of fundamental norms for rulers for good governance

Thus an understanding of the concept of administrative law consists of the following main elements:

1. The law on governing power which is at the same time linked to the law on community participation in the implementation of government
2. Laws on government organizations
3. Law on legal protection for the people

Based on the description above, administrative law has a scope that the legitimacy of government acts can be formulated and/or limited to government tasks that are part of the authority, procedure and substance. Regarding how state administrative officials obtain the authority to carry out the government, it can be observed from the point of view of the procedure and substance of the granting of authority. In this case, it is necessary to understand that the general principle of procedure rests on three main foundations of administrative law, namely;

1. The principle of the rule of law;
2. The principle of democracy;
3. Instrumental principles.

The principle of the rule of law in its main procedure relates to the protection of basic rights. Meanwhile, the principle of democracy in procedures relates to the principle of openness in the administration of government. Meanwhile, the instrumental principles in the procedure include the principles of efficiency and effectiveness. The basis for the authority of the state administration to issue policy regulations is derived from the freedom of action possessed by
The state administration. The principle of good governance in the process of administering local government is a guideline for local governments in the context of realizing a democratic, clean and transparent government as well as being accountable, effective, and efficient. Good governance implies upholding values in the life of the nation and state and those related to leadership. Good governance is also a tangible manifestation of the implementation of a clean state government or good and correct governance.

There are three primary stakeholders in the most fundamental concept of governance: the state and government (state), the private sector or business world (private sector), and society (society). Government institutions function to create a favorable political and legal environment, while the private sector generates jobs and income, and the community plays a role in fostering social, economic, and political interactions, such as by inviting community groups to participate in economic, social, and political activities. Leadership is a crucial component in the evolution of institutions. Leadership is a group of individuals actively engaged in shaping the institution's doctrine and program, as well as building and fostering relationships with the surrounding community. In order to avoid the state administration from making policy regulations that exceed the limits of freedom of action and damage the applicable legal order, it is necessary to find principles of administration that can be used as control limits for policy regulations. The principles in question are the principles of good governance, namely:

1. The principle of equality
2. The principle of trust
3. The principle of legal certainty
4. Asa careful
5. The principle of giving reasons (motivation)
6. The principle of prohibition of abuse of authority
7. The principle of the prohibition of acting arbitrarily

Regarding good governance above, in Law Number 23 of 2014 concerning Regional Government Article 58 states that in carrying out regional government, it is guided by the principles of implementing state government which consists of:

1. Legal certainty
2. Orderly state administrators
3. Public interest
4. Openness
5. Proportionality
6. Professionalism
7. Accountability
8. Efficiency
9. Effectiveness
10. Justice

4. Conclusion

As a component of the Regional Government organizer, the regional Government is the head of the region, directing the implementation of government affairs that fall under the competence of the autonomous region. Regional Government is a component of regional government that includes the Governor, Regent, or Mayor, as well as regional apparatus. Each region develops regional apparatuses based on regional traits, potential, and requirements. In the framework of achieving a democratic, clean, and transparent government as well as being
accountable, effective, and efficient, the idea of good governance in the administration of local government serves as a guideline for local governments. Good governance entails respecting national and state ideals, as well as those associated with leadership.

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Formulation of Legal Interpretation to Prevent Differences in Interpretation of Article 112 Section (1) and Article 127 Section (1) Letter a of The Narcotic Law

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Abstract. The difference in the application of the article shows that there are different interpretations of the law. The purpose of this study is to analyze the causes of differences in interpretation by judges in the application of Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter a of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics and to analyze the formulation of appropriate legal interpretations to prevent discrepancies, interpretation of Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter a of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics. The results of the study show that there are differences in the interpretation of Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter a of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics resulting in the law being weak and causing uncertainty so that it can lead to injustice. Differences in interpretation can be seen from the intentions, the ambiguity of the very broad meaning of the text, and the complexity of the problem when applied to concrete cases. There are several alternative formulations for Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter a of the Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics, namely: by changing Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter a of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics.

Keywords: Dynasty, Formulation, Law, Narcotic

1. Introduction

Narcotics are harmful and create crime. Crime as a social phenomena is not just a banned deed, biological disorder, or psychological disorder; these behaviors are harmful and violate public sentiment [1]. It takes a law to limit drug misuse and distribution. Only the Verlovene Middelen Ordonnante (Staats blad No. 278 jo No. 536) [2] regulates drugs. As narcotics have developed, restrictions have changed. The current narcotics law is Indonesia's Number 35 of 2009. The Indonesian government passed Law 35 of 2009 to combat narcotics criminality [3].

No less interesting is the discovery of several formulations of articles that indirectly try to attach the status of the victim to the perpetrators of certain narcotic crimes such as narcotics addicts. Narcotics addicts who are classified as narcotics abusers Group I basically meet the qualifications as perpetrators of narcotics crimes, but in certain circumstances, narcotics addicts will be more domiciled towards the victim [4]. What is more interesting is that the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics was born with the injection of the "principle of error" in the trunk which is used as the basis for imposing criminal penalties
on perpetrators, dealers, dealers, and even narcotics abusers or victims. Following the principle of error, the proof of a narcotics crime does not automatically mean that the perpetrator is sentenced to a crime or action because it depends on whether the defendant has made a mistake or not [5].

Article 112(1) of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics is utilized to catch narcotics traffickers. The parts in this article are too vague and not particularly directed to whom because the law's explanation says "very clear," yet Article 127 Paragraph (1) Letter an of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics often applies to drug abuse victims. The two multi-interpreted clauses of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics will result in narcotics criminals (traffickers) taking sanctuary as if they were victims of narcotics crimes. Narcotics users are subject to Article 127 Paragraph (1) Letter a, which carries a maximum 4-year prison sentence and medical and social rehabilitation measures. It's unreasonable to condemn someone who has never used drugs to Article 112 Paragraph 1, which carries a minimum sentence of 4 years plus a minimum fine of Rp. 800,000,000, - (eight hundred million rupiah)[6].

Differences in article applicability reflect various legal views. Legal interpretation differences are inherent in the judicial process, but the problem is with the varied interpretations of the law assuming the quality of the laws and regulations is poor or cannot give legal certainty [7]. Article 112 Paragraph (1) and Article 127 Paragraph (2) Letter an of Law of the Republic of Indonesia Number 35 of 2009 regulating Narcotics cause multiple interpretations and legal confusion. To achieve the aim of the law, a legal rule must be firm, explicit, consistent, and unambiguous. Legal certainty of this positive law can be diminished by its ambiguous wording or by legislative modifications[8].

Various techniques of interpretation can result in different outcomes (disparity), but for judges, what matters is whether verdict is acceptable or appropriate for justice seekers (justiciable) and society in general[9]. The current practice of drugs addicts and abusers is charged under Article 112 Paragraph (1) and Article 127 Paragraph (1) of Indonesia's 2009 Narcotics Law. Based on the context of the situation, the study's questions are: What leads judges to read Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter an of Law 35 of 2009 on Narcotics differently? What is the correct formulation of legal interpretation to prevent multiple readings of Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter an of Indonesia's 2009 Narcotics Law?

2. Method

This type of research is library research. Literature research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials [10]. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books, and other literature

3. Result & Discussion

Eradicating narcotics criminality at a certain level is a dilemma. On one side, the state must assure the availability of narcotics, but on the other, it must remove narcotics addiction. This problem has been anticipated with the preparation of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics, which states that the law was formed to improve health
services by seeking the availability of certain types of narcotics needed as drugs and preventing and eradicating abuse and illicit trafficking. Narcotic precursors.

Law 35 of 2009 has 2 sides. It's humanistic in that addicts and abuse victims must undergo rehabilitation, yet it's tough with a high criminal punishment and little criminal threats. Narcotics crime is a victimless crime. Drug dealers also suffer. Court decisions punishing drug traffickers sometimes lack justice and legal certainty. Same legal occurrence prosecuted or resolved under different article or vice versa. Different law enforcement attitudes cause this. Inaccurate sentencing for drug crimes is implied. This error could increase narcotics criminality. Repeat offenders can be caused by criminals who should be rehabilitated but are imprisoned.

Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter an of Indonesia's 2009 Narcotics Law have various difficulties. These concerns can be seen in the increase in narcotics cases submitting legal remedies, which affects the number of convicts in narcotics cases in correctional institutions. With a big number of narcotics inmates and extended interaction, the prisoners can influence one other, which increases the quality of the perpetrators, who were initially merely users who could become sellers. Legal remedies are rights granted by law, but if you look closely, the legal remedies proposed in handling narcotics crimes are due to differences in interpretation between law enforcers, whether public prosecutors, legal advisors, and even judges at every level, where judges at the first instance may differ from appellate or cassation judges. Several cases with the same place on the article's application show this.

Differences in article applicability reflect various legal views. Legal interpretation differences are inherent in the judicial process, but the difficulty is when the quality of the laws and regulations is poor or cannot give legal clarity, which is the legal purpose. Legal certainty doesn't happen by itself; law enforcers must apply it. For that, we require legal certainty in its implementation, in this instance positive law. The law's ambiguity can damage it.

Legal certainty and justice are two mutually supportive factors in an effort to maintain harmony between the interests contained in society. The existence of different interpretations by law enforcement caused by the ambiguity (fuzzy) of the positive law in the form of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics, resulted in the law being weak and causing uncertainty so that it could lead to injustice.

Issues of legal interpretation raise issues of language and interpretation, text and signification through the meanings given, ranging from institutional, axiological, socio-political questions, to analytic questions about which method of interpretation is the most adequate. Based on the issues of legal interpretation, there are three important problems in the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics, namely intent, ambiguity and complexity. Based on this, the ambiguity of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics in particular Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter can be seen from:

### 3.1 Intentions

Law enforcement officials have distinct interests than prosecutors with legal counsel or the defendant and judge. The prosecutor interprets the law to prove the case, and legal advisers to defend the defendant. The judge interprets the law based on his beliefs. Article 112 Paragraph (1) of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics states, "Anyone who illegally owns, keeps, controls, or delivers Narcotics Category I is not a plant." The word owns, keeps, controls, or provides covers a wide range of events or activities. The intent of these laws covers various occurrences or actions.
For the public prosecutor, it is useful because the perpetrator's acts are easy to show. However, legal counsel or the defendant will find it difficult to mount a defense. The main problem isn't who wins or loses, but how law enforcement balances certainty, benefit, and justice. Article 127 Paragraph (1) Letter an of Indonesia's Law Number 35 of 2009 on Narcotics states, "Every Category I narcotics abuser is for himself." Abuse is illegally using or eating opioids without a doctor's recommendation.

3.2 Vagueness (Vagueness)

Article 112 Paragraph (1) of Law No. 35 of 2009 on Narcotics is ambiguous due to its broad interpretation, which embraces activities. Legal text netted many acts. This can criminalize someone's acts, making justice impossible to enforce and imprisoned in legal certainty. Article 127 Paragraph (1) Letter an of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics is clearer and more detailed. Legal norms and legal texts are easier to understand, especially for law enforcement officials, so their application does not require intricate legal interpretations.

3.3 Complexity

Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter an of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics conflict, causing complications in particular circumstances. The abuser's acts nearly always involve possessing, storing, controlling, or supplying. In a specific instance, judges must interpret the law intelligently to establish whether crimes were committed.

Law 35 of 2009 on Narcotics is a good norm in narcotics criminality. Supreme Court Circular Number 4 of 2010 about Placement of Abuse, Victims of Abuse, and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions guides judges in the application of rehabilitation penalties that can only be imposed on criminal crimes. When caught, 1 day's use, or 1 gram, is found. Supreme Court Circular Number 1 of 2017 concerning the Enforcement of the Formulation of the Results of the 2017 Supreme Court Chamber Plenary Meeting as a Guide to the Implementation of Duties for the Court contains, among other things, if the defendant is not caught taking narcotics and the defendant is found with narcotics. The defendant's urine test proves positive for methamphetamine, but the prosecution doesn't charge him. Article 127 Paragraph (1) of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics classifies the defendant as a narcotics abuser (1).

In practice, Circular Letter of the Supreme Court Number 4 of 2010 regarding Placement of Abuse, Victims of Abuse, and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions has not been used to enforce narcotics crimes, especially by law enforcement officers outside the Supreme Court. First and second level Supreme Court courts have diverse interpretations and are not based on SEMA, therefore many narcotics cases get to court. The Supreme Court, based on SEMA, decides on drugs cases only based on the amount of narcotics controlled by the culprit, not on the case's position or profile of the perpetrator, hence decisions often differ and lack fairness and legal certainty. actors, society

Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter an of Law of the Republic of Indonesia Number 35 of 2009 regulating Narcotics provide multiple interpretations and legal confusion. To achieve the aim of the law, a solid, unambiguous, non-ambiguous, regularly applied, and certain legal rule is needed. Article 1 Paragraph 1 of the Criminal Code is the cornerstone of legal certainty and the rule of law.

Article 112 Paragraph (1) of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics specifies that a person without rights or against the law owns, holds,
controls, or supplies Narcotics Category I. This should be accompanied by the purpose or legal facts. With this clarity, it doesn't cause numerous interpretations and isn't used as a backup article because several articles in Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics contain possessing, storing, and regulating aspects that can be imposed on all acts.

Legal certainty under Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter an of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics requires a clear, firm, non-ambiguous legal rule. Legal certainty also requires legal structures that apply the law consistently. So, Article 112 Paragraph (1) of the Law of the Republic of Indonesia Number 35 of 2009 about Drugs must be consistent that it is used for narcotics criminals, not abusers. Inconsistent interpretation of the article by law enforcement has led to criminals being classified as narcotics abusers. Inconsistency harms drug abuse victims [8].

There are numerous possible formulation strategies for Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter an of Law of the Republic of Indonesia Number 35 Year 2009 Concerning Narcotics. The amendment adds "selling, circulating" to Article 112 Paragraph 1. With this development, drug criminals can't pose as addicts. This change is needed to catch narcotics criminals. With these adjustments, Paragraph (1) and Article 127 Paragraph (1) Letter an of Law 35/2009 on Narcotics can be met.

Alternatives to eradicating narcotics misuse include balancing punishment with recovery or rehabilitation. This balance of measures is employed to overcome the opioids problem by emphasizing prevention, treatment, and eradication [13]. Indonesia's Law of the Republic of Indonesia Number 35 of 2009 Concerning Narcotics mandates rehabilitation for addicts and abuse victims and jail for narcotics abusers. Indonesia joined the United Nations agreement in 1998, where abusers are provided a rehabilitation alternative. The Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics governs a double track system, namely criminal sanctions and action sanctions [14].

The policy to place abusers in rehabilitation institutes through an assessment procedure without a formal trial decriminalizes narcotics offences by replacing criminal sanctions with rehabilitation. With the correct penalty for narcotics criminals, the legal goals of justice, certainty, and benefit can be attained. For this reason, law enforcers must have a common vision of narcotics crime law, notably Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter an of the Law of the Republic of Indonesia Number 35 of 2009 Concerning Narcotics, to avoid divergent interpretations that lead to injustice. Drug cases that suggest legal remedies and treat culprits properly can reduce drug offenses.

4. Conclusion

1. There are different interpretations of Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter a of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics resulting in the law being weak and creating uncertainty so that it can lead to injustice. Differences in interpretation can be seen from the intentions, the ambiguity of the very broad meaning of the text, and the complexity of the problem when applied to concrete cases.

2. There are several alternative formulation policies to Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter a of the Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics requiring a clear, firm, non-ambiguous legal rule. Legal certainty also requires legal structures that apply the law consistently.
concerning Narcotics, namely: by changing Article 112 Paragraph (1) and Article 127 Paragraph (1) Letter a Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics. The amendment is sufficient to add the elements of the article contained in Article 112 Paragraph (1) with the element of "selling, circulating" in the editor.

References
Relocation of The Country's Capital: Effort to Achieve Equality Development and Decentralization

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Abstract. Moving the State Capital out of Jakarta has been discussed for a long time, starting with the Dutch East Indies government in the era of President Soekarno, President Suharto, up to President Soesilo Bambang Yudhoyono, and finally in the era of President Joko Widodo with various rational reasons that accompany it. The previous government requires firmness so that the goal of equitable development can be realized. In this study, the author uses a qualitative research method that seeks to view the object of research holistically. However, decentralization is a concept for IKN that should not conflict with the constitution.

Keywords: Capital Relocation, Decentralization

1. Introduction

The plan to move the state capital out of Jakarta has been discussed for a long time, starting with the Dutch East Indies government, the era of President Soekarno, President Soeharto, and President Soesilo Bambang Yudhoyono, and finally the era of President Joko Widodo. The reasons for equitable development, geographical strategic position, government security factors, Jakarta congestion, and natural disasters are the driving forces for the government to try to realize the relocation of the National Capital. President Sukarno initiated the relocation of the state capital to Palangkaraya during the inauguration of Palangkaraya as the Capital of Central Kalimantan Province in 1957. Even President Sukarno twice visited directly the potential of Palangkaraya to become the nation's capital.

The geographical position of Palangkaraya is considered unique because it is right in the middle of Indonesia. However, the plan to move the capital to Palangkaraya failed due to difficulties in providing building materials and pressure from several ambassadors who wanted Jakarta to remain as the nation's capital. After issuing the Decree of 5 July 1959, President Sukarno abandoned the idea of moving the capital and refocused on development in Jakarta, which later became a symbol of Indonesia's revival.

The plan to relocate the capital continues, during the New Order government period, President Suharto had also initiated the transfer of the state capital to Jonggol, West Java through Presidential Decree 1 of 1997 concerning the Coordination of Development of the Jonggol Area as an Independent City. This decision supports the plan to develop an independent township in Jonggol, West Java covering an area of 30,000 hectares which was initiated by one of Suharto's sons, Bambang Trihatmodjo. The plan to move the capital to Jonggol did not continue with the fall of the New Order government in May 1998.

In the era of President Soesilo Bambang Yudhoyono's administration, the plan for the relocation was carried out by forming a small team in September 2010. President SBY suggested the formation of a small team tasked with reviewing the idea of moving the nation's
capital. Then three scenarios emerged in the relocation of the state capital, namely: (1) maintaining Jakarta as the state capital and making improvements to all problems; (2) moving the center of government from Jakarta to a new location that remains on the island of Java; (3) move the national capital.

President Joko Widodo decided to move the capital city from Jakarta to outside Java. This decision was taken at a limited meeting held at the Presidential Office, Jakarta, Monday, April 29, 2019. The pros and cons of this plan are unavoidable. There are those who view the plan as a big and strategic idea for the progress of the nation, but there are those who view this plan as a crazy idea, a diversion of opinion, and thick political nuances, during Indonesia's economic condition which is still slumping because at the same time the Covid-19 pandemic is still ongoing. hit the Indonesian people. President Joko Widodo's persistence in realizing the move of the State Capital from Jakarta to Penajam Paser Utara, East Kalimantan is not a figment. His wish was welcomed by the House of Representatives with the ratification of Law no. 3 of 2022 concerning the State Capital.

Considerations for the establishment of Law no. 3 of 2022, it is stated that the governance of the State Capital is not only a means to meet the needs of the Indonesian people but also to create a safe, modern, sustainable and resilient State Capital, as well as being a reference for development and other regional arrangements in Indonesia. In contrast to the State Capital of Jakarta, the Capital of the Archipelago in North Penajam Paser is a special authority area led by a Head of the Special Region for the Capital of the Archipelago whose position is at the same level as the Minister. In his position as an Institution at the Ministerial level, the Head of the Authority is appointed, appointed, and dismissed by the President after consultation with the DPR.

Interestingly, the state capital in terms of administering regional government, the special region for the capital of the archipelago is given the authority to regulate and manage the administration of its own government. No. 3 the Year 2022. The restrictions imposed by the Central Government on the Regional Government of the Capital of the Archipelago are an interesting study to be described in this article. Where the policies contained in this country's legislation have different dimensions, in addition to the study literature related to this matter, there is still not much to find. From the description of the background above, the author would like to further analyze the efforts to move the national capital concerning two things: the concept of equitable development pursued by the Central Government. The concept of decentralization in the Special Capital Region of the Archipelago

2. Method

This research activity uses the type of library research with qualitative research methods with descriptive research types. According to [1], the qualitative research method is a research procedure that produces descriptive data, namely written or spoken words from people and observed behavior.

Qualitative research looks at the object being studied holistically. So in this case, do not isolate individuals or organizations into variables or hypotheses but view them as part of a whole. While the type of descriptive research can be interpreted as research that seeks to describe the solution of existing problems based on existing data. So it also presents data, analyzes, and interprets.
3. Result & Discussion

The Special Capital Region of Jakarta (DKI Jakarta) is the nation's capital and the largest city in Indonesia. Since the era of colonialism began to come and stick its nails in the country, the city of Jakarta has been popular and has become the "center" of government and the business center of the entire group of islands in the archipelago. As the center of "everything", development seems to never stop in the city. This. Starting when the name Jakarta was Batavia which was only limited to the ruins of the port city of Jayakarta, the fruit of the conquest of Jan Pieterszoon Coen on May 30, 1619, until now Jakarta continues to grow. All activities are located in Jakarta, ranging from politics, government, business, economics, and education, to various social activities, all of which are located and centered in this city.

After the Proclamation of Indonesian Independence on August 17, 1945, Jakarta remained the center of Indonesia's political and economic power, although during the independence era several times the capital had to move to Yogyakarta, Bukittinggi to Bireun (Aceh) because of the war situation. Indonesian sovereignty in 1949, the capital "back home" marked the return of the wheels of government to Jakarta. As things began to return to normal, Jakarta was polished in such a way as to become a world-class city with the construction of various infrastructures and various monuments depicting the modernization of this colonial heritage city. With its status as the center of the Indonesian government and the extraordinary attractiveness of Jakarta, massive urbanization occurred in various parts of Indonesia, especially at its peak during the era of President Suharto whose program was to strengthen Jakarta as the economic and political center of Indonesia.

Along with the development of the central government followed by the construction of skyscrapers, especially in commercial areas along Jalan MH Thamrin, Sudirman, and Kuningan, the population of Jakarta continues to increase significantly. According to data from the Central Statistics Agency (BPS), the population of Jakarta in 1971 reached 4.58 million people, but by 2010 it had more than doubled to 9.61 million. Even according to the latest data from the BPS Intercensuses of Population and Housing Surveys (SUPAS) in 2015, the population of Jakarta has exceeded 10.2 million people and is projected to reach its peak in 2040 with 11.28 million people. With a population that is classified as very dense, the potential for stress, crime, and poverty is very high. The land that should have been used as a city park as a stress reliever for Jakarta residents has been exhausted due to misappropriation or land privatization.

The population is increasingly crowded, and the number of motorized vehicles soars, unable to be followed by road developments, causing Jakarta to have congestion problems which also make Jakarta's air quality unhealthy. Based on the Airvisual website, on March 15, 2022, Jakarta had the worst air quality in Indonesia with the Air Quality Index (AQI) at 155. AQI is an index that describes the severity of air quality in an area. The AQI is calculated based on six main types of pollutants, such as PM 2.5, PM 10, carbon monoxide, sulfuric acid, nitrogen dioxide, and ground-level ozone. The range of values for the AQI is 0 to 500. The higher the value, the higher the level of air pollution in the area. A score of 0-5 means good air quality, 51-100 means moderate, 101-150 is unhealthy for sensitive people, 151-200 is unhealthy, 201-203 is very unhealthy, and 301-500 and above means dangerous. Another thorny issue is the large population growth is also accompanied by uncontrolled development in the downstream area, irregularities in urban land use and land subsidence due to water exploitation by industry, causing a decrease in the water distribution capacity of the river system, which causes massive flooding in Jakarta.
The city's spatial layout changes frequently, causing air pollution and flooding to be difficult to control. Although the government has designated the southern area of Jakarta as a water catchment area, this provision is often violated by continuing to build new housing and business centers. Some areas are designated for settlements, many of which have been converted into commercial areas.

### 3.1 Equitable development

The concept of equitable development between regions is not directed towards a situation where every province has the same level of income. However, equity means that every relevant component in the economy can employ all the economic resources it has. The conception of regional development is that the development process is not just a unilinear process and one field, but is multidimensional. Indicators of the success of this development process are not enough only with economic measures. More than that, it is necessary for both the central government and regional governments to understand that their role in regional development will be more demanded in the future in the context of realizing the implementation of regional autonomy more broadly [2].

Efforts to move the nation's capital city from Jakarta to East Kalimantan can be seen from a glass half-filled with water, failure is probable if you look at it from the side of an empty glass, but it can also be seen from a full glass for the probability of success. It depends on who and how to carry out the plans that have been prepared with existing studies. The goal is to eliminate the gap between reality and planning so that whatever choice is chosen, it is the best and will succeed later. [3–5]. Usually, the relocation of capital cities in several countries is caused by several factors such as the basis of efficiency, disasters, politics, and so on. The displacement in the capital city of Indonesia can be identified by some factors:

1. **Regarding effectiveness and efficiency, where Jakarta is considered ineffective and efficient as the capital city, due to chronic congestion in Jakarta, both inland, air (airport) or sea (port) traffic**7. Therefore, based on effectiveness and efficiency, the President of the Republic of Indonesia has determined that the relocation of the capital city will be carried out in stages starting in 2024. (This determination was carried out before the COVID-19 Pandemic in Indonesia, and there has been no further decision regarding whether or not the transfer will be canceled. capital).

2. **Related to economic equity. Development in Indonesia since independence in 1945 has tended to be centralized on the island of Java. So that the island of Java is far more advanced than other regions in Indonesia. Various institutional centers are located on the island of Java. 54 percent of Indonesia's total population (150 million people) and 58 percent of Indonesia's economic GDP are located on the island of Java.** It is hoped that with the relocation of the capital city, the economic cycle will no longer be concentrated on the island of Java.

When associated with concepts in Economics, this is in line with location theory which is related to location decisions, namely decisions about how companies decide where to locate their factories or production facilities optimally.9 Moving the center of government will certainly be followed by some Many companies, or at least SOEs in Indonesia will move to Kalimantan. Because the production location, especially SOEs, should be close to the center of government [6].
DPD RI member, Fahira Idris stated that the development of the new IKN must prioritize aspects of transparency, participation, and accountability. To maximize IKN Nusantara, the government must be faithful to the IKN development goals stated in the National Medium-Term Development Plan (RPJMN) 2020–2024 which includes economic diversification and increasing non-traditional economic output. With the achievement of these goals, there will be further benefits, such as increasing the distribution of welfare in Indonesia, especially in the eastern region, changing the orientation of development from Java-centric to Indonesia-centric, as well as reducing the burden on the island of Java. The President's statement at the TNI-Polri leadership meeting at TNI Headquarters, Jakarta regarding the reasons for moving the State Capital was quite clear. According to him, various studies on moving the state capital (IKN) that have been carried out for a long time must be executed immediately. According to him, it takes courage even though there are risks in moving, but we know we want equality. Not Java centric but Indonesia centric.

In detail, there are at least six reasons underlying the relocation of the national capital. The six reasons include on it. First, the main reason for moving to the capital city of this country is that the burden of Jakarta and Java is too heavy. The Inter-census Population Survey (SUPAS) in 2015 stated that 56.56 percent of Indonesia's population or 150.18 million people was concentrated on the island of Java. While on other islands, the percentage of the Indonesian population is less than 10 percent. Except for the island of Sumatra, which is 22.1 percent or 58.45 million people. In Kalimantan, the percentage of Indonesia's population is only 6.1 percent or 16.23 million people. In Sulawesi, the percentage of Indonesia's population is 7.4 percent or 19.56 million people. Then in Bali and Nusa Tenggara, the population is 14.90 million people or 5.6 percent of the Indonesian population. Meanwhile, Maluku and Papua have the smallest percentage, namely 2.8 percent or 7.32 million people. See Photos Some of the reasons why the nation's capital moved from Jakarta to Penajam Paser Utara, East Kalimantan

Second, the reason for moving the country's capital city is that the economic contribution of the island of Java to Indonesia's economic growth, or Gross Domestic Product (GDP), is very dominant. While other islands are far behind. Jokowi wants to abolish the term "Java-centric" so that the economic contribution of other islands must also be boosted. Based on data from the Central Statistics Agency (BPS) 2020, the economic contribution to GDP in Java is 59 percent. Meanwhile, economic growth in Java was 5.52 percent. In Sumatra, the economic contribution is 21.31 percent. As for Kalimantan, the economic contribution is 8.05 percent with economic growth of 4.99 percent. As for Sulawesi, the contribution is 6.33 percent with economic growth of 6.65 percent. Then in Bali and Nusa Tenggara, the contribution was 3.06 percent with economic growth of 5.07 percent. Then in Maluku and Papua, they contributed 2.24 percent with economic growth of 7.40 percent.

Third, The availability of clean water. Based on 2016 data from the Ministry of Public Works and Public Housing (PUPR), Java and Bali experienced a severe water crisis. The worst conditions are in the Greater Jakarta area and East Java. Only a small part of the island of Java has green indicators or the availability of water is still healthy, namely in the area of Mount Salak to Ujung Kulon. Forth, The largest land conversion occurred on the island of Java. In the last few decades, the island of Java experienced the largest land conversion among other island groups in Indonesia. This trend is expected to continue for the next few years. The proportion of consumption of built-up land on the island of Java dominates, even reaching five times that of Kalimantan. It is predicted that the built-up land in Java in 2030 will be 42.79 percent. In Kalimantan, land development was 9.29 percent in 2010. The proportion of developed land in Kalimantan is predicted to increase in 2030 to 11.08 percent.
Fifth, Very high urbanization growth. In addition, the reason for moving to the capital city is the very high urbanization growth, with the largest population concentration in Jakarta and Jabodetabekpunjur. In 2013, Jakarta was ranked as the 10th most populous city in the world (UN, 2013). Then in 2017, it was ranked as the 9th most populous city in the world.

Sixth, The threat of flooding, earthquakes, and landslides in Jakarta. The increasing burden on Jakarta causes a decrease in the carrying capacity of the environment and large economic losses. Such things as prone to flooding, land subsidence, and sea-level rise, and river water quality is heavily polluted. About 50 percent of the Jakarta area has a flood safety level below 10 years (ideal for a big city with a minimum of 50 years). Read also: OJK Explains Causes of Proliferation of Illegal Pinjol The Jakarta area is threatened by volcanic activity (Krakatau, Gunung Gede) and the potential for earthquakes-tsunami, South Megathrust, West Java and the Sunda Strait and land earthquakes of the Baribis Fault, Lembang Fault, and Cimandiri Fault. In addition, the soil decreased by 35-50 cm during the period 2007-2017.

3.2 Decentralization

Democratic decentralization processes often involve intensive political bargaining and coalition-building among elites from various levels of government. From a central government perspective, the basis of decentralization includes two important things. First, in terms of bureaucratic efficiency, strengthening local government stems from the belief that community needs can be more efficiently implemented by bringing government closer to local constituents; with sufficient knowledge of the conditions and Local authorities to manage local affairs, and district governments can improve people's quality of life. Second, community participation is easier and more effective at lower levels than at higher levels because more authority is given to districts than to provinces. Therefore, decentralization is expected to increase not only bureaucratic efficiency but also government accountability [5].

With the enactment of Law no. 3 of 2022 concerning the State Capital on January 18, 2022, the debate and the pros and cons of relocating the State Capital Jakarta shifted towards other, more substantial contents related to policies imposed on the special area of the capital of the Archipelago. Referring to article 36 of the IKN Law, it is stated that the Archipelago Capital Authority will start operating no later than the end of 2022. Although it does not automatically change the State Capital, Jakarta, considering the transfer of the position, function, and role of the State capital from DKI Jakarta Province to the Nusantara Capital is stipulated by Presidential Decree. This means that President Joko Widodo and his successor have the authority to determine when the official transfer of the State Capital is to East Kalimantan, as well as to replace Jakarta as the State Capital.

As a regional authority, the head of the regional authority for the Special Capital Region of the Archipelago is responsible for the preparation, development, and transfer of the National Capital, as well as the administration of the Regional Government for the Special Capital Region of the Archipelago. The position of the head of the authority is also different from the position of the head of the Special Capital Region of Jakarta, which is held by a governor who is directly elected by the people of Jakarta. The Head of the Archipelago Capital Authority is the Head of the Special Regional Government regulated by the IKN Law. Together with the Deputy Head of the Authority, he holds a position for 5 (five) years from the date of the inauguration and thereafter can be appointed and reappointed for the same term of office.
In terms of authorities and regional government affairs, the authority of the Capital of the Archipelago according to Article 12 of the IKN Law, is given special powers, including the authority to grant investment licensing, ease of doing business, as well as providing special facilities to parties that support financing in the context of preparation, development and transfer activities. The capital of the State, as well as the development of the Capital of the Archipelago and other regions. Referring to the existence of Article 18, 18A paragraph (1), and 18B paragraph (1) of the 1945 Constitution which states the types of regional government in the government system, including provinces and districts/cities, each of which is headed by a Governor, Regent or Mayor. There is no regional government other than the province and district/city in the regulation of these articles. Article 18B of the 1945 Constitution does recognize the existence of special regional governments, but the regulations are still in the form of provinces and districts/cities. This specificity is practically like the regulation of the Special Capital Region (DKI) Jakarta, the Special Region of Yogyakarta (DIY), Papua, and Nanggroe Aceh Darussalam.

In the regional government system, it is known that authority is a form of the special area. However, the form of authority as a special area does not carry out regional government affairs. Its authority is limited to the linkage of the interests of the specially managed areas. Such as port areas and free trade; protected forest areas; marine park areas; etc. Conceptually, the regulation of the Authority system in the IKN Law is also not under the concept in the regional government system. This is because the position of the head of the Authority is at the ministerial level, but his role is related to the administration of regional government. The regulation of special regional government authority for the authority of the capital of the archipelago which is considered contrary to the provisions of the constitution can have a broad impact on the implementation of regional government. Considering that other laws and regulations that are more technical have not been made as to the basis for legal certainty in the implementation of regional autonomy authority.

4. Conclusion

From the results and discussion above, the author concludes in 2 things related to the concept of equitable development and the concept of decentralization in the policy of moving the State Capital, namely:

1. The policy of relocating the State Capital which has been initiated for a long time by the Dutch East Indies government, the Old Order, and the New Order to the reform order requires firmness from the central government, in this case, the President so that efforts to distribute development can be carried out by paying attention to other regions so that they are not Javanese centric. The urgency of moving to the capital city of Jakarta also provides positive benefits considering the condition of Jakarta, which is currently undergoing quite rapid urbanization. The economic contribution of the island of Java, which is quite dominant, the impact of air pollution in Jakarta, the availability of clean water, the conversion of a large area of land, and the threat of flooding, earthquakes, and landfall are rational reasons that are deemed appropriate for the government of Joko Widodo’s policy to move the capital city of Jakarta to Penajam. Paser Utara, East Kalimantan.

2. The concept of decentralization in the Regional Government of the Special Autonomy of the Archipelago can lead to constitutional juridical confusion, considering that the concept of the Special Regional Government contained in the 1945 Constitution Article 18 does not regulate the Special Regional Government in the form of an Authority
Region. The Regional Government in question is only known in the form of Provinces and Regencies headed by a Governor and a Regent/Mayor.

References
Bankruptcy as An Effort to Ultimum Remedium Debt Settlement

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Abstract. Creditors who are informed about the Debtor no longer able to pay their debts will try to be the forefront of getting payment of their receivables. Usually the trick is to force the Debtor to hand over his assets. This makes the other parties a loss. One solution to such a problem is to use an insolvency institution. The problems in this study include: (1) Is bankruptcy an effort by ultimum remedium in order to resolve debts of debts? (2) What are the obstacles faced by the Debtor for debt settlement. This type of research is library research. This study used secondary data as the main data. The source of the data can be obtained using document searches in the form of literature studies. Furthermore, this research is Normative Law Research. Namely conducting an assessment of the positive law aka written law. The results of this study show that in reality the applicable Law cannot explain in detail the concept of debt in insolvency, due collectible, Creditor and Debtor insolvent. The problem has the effect of understanding the meaning of simple proof, so that the application for a declaration of bankruptcy is used as a means of collecting debts rather than as an ultimatum premium. The above Electoral Act also does not touch the stakeholders of the parties, does not anticipate the domino effect and does not hold an insolvency test in insolvency matters.

Keywords: Bankruptcy, Ultimum, Remedium, Settlement, Debt, Debtor

1. Introduction

Progress in the economic sector, especially in Indonesia, cannot be separated from the development of growth of economic actors who carry out all activities in the economic world. The progress of economic actors can be carried out due to a number of factors that support this, as well as a conducive atmosphere of trying to be conducive which is a prominent factor. However, there is a reason that is relatively crucial and mandatory. The reason is the availability of funds and sources of funding. This is because funds or financing are the main drivers for activities in the business world in general.

In each economic institution, whether in any form or having any proportion, it definitely requires sufficient financing so that the course of its activities and development can be realized in accordance with what has been planned by the people in the institution. Financing needs, can be met from within or independently according to existing abilities, but not always it can be done. Therefore, external assistance or outside the institution is needed who are willing and able to help provide funds according to what is needed. The method used is to borrow, or arguably through the procedure of carrying out debts. Regarding debt, it is a very common thing used by business actors. Whether it's an individual or a company. In practice, business activities do not always run smoothly. One of the obstacles that often occurs is the financial condition of business actors which for some reason becomes not good. This can trigger a situation that makes payments bad, namely a condition where business actors are no longer able to clean up their debts, even though they have fallen in time.
Creditors who are informed about the Debtor no longer able to pay their debts will try to be the forefront of getting payment of their receivables. Usually the trick is to force the Debtor to hand over his assets. In addition, the Debtor can also carry out actions that only provide benefits to one party or several. Of course, this makes the other parties a loss. The actions of the Creditor and the behavior of the Debtor like this will inevitably cause uncertainty for other Creditors who have good faith and do not participate in taking over the Debtor's assets for repayment of their receivables. The result is that the receivables of the good faith Creditor cannot be guaranteed repayment. The act was clearly an unfair attitude by the Debtor to his Creditors. One solution to such a problem is to use an insolvency institution.

From what has been described, there is a conclusion from Sri Redjeki Hartono that the insolvency institution will provide a way out to the parties involved if the debtor is in a condition of stopping paying or unable to pay. Unfair actions and can make losses of all parties can be avoided with insolvency institutions. The two things are: avoiding the punishment / mass execution of the Debtor or Creditor and anticipating the occurrence of fraudulent acts committed by the Debtor himself.

The provisions of Article 226 of Law Number 37 of 2004 concerning insolvency and postponement of debt payment obligations, it is said that the management must immediately make announcements about decisions and announcements about temporary delays in debt management obligations in at least 2 (two) daily newspapers ordered by the State Gazette of the Republic of Indonesia and the Supervisory Judge must also contain an invitation meeting. A meeting of the judges which includes the date and time of the hearing, the name of the supervisory judge, and the name and address of the board of directors.

The requirement that the Debtor can be declared bankrupt is if the Debtor has 2 (two) or more Creditors and does not make payments until at least one debt that has fallen over time and can be collected (Article 2 paragraph (1) of the Insolvency Law No. 37 of 2004). Meanwhile, the verdict of the bankruptcy statement application was filed for the Commercial Law Tribunal. The legal tribunal, which is defined as the one in charge of the territory where the legal role of the Debtor is suitable, is regulated in the Insolvency Act.

Therefore, the insolvency regulations and the postponement of debt repayment obligations are crucial. The regulation is a legal product for the sake of ensuring protection, certainty, enforcement, and order of the law that contains justice and truth needed now to support the economic development of the country.

In fact, doing business in today's global era cannot be separated from problems. A business that gets a bankruptcy declaration will have a detrimental impact and have an impact not only on the business world but also on a global scale. From there, insolvency is a core need in business activities. With insolvency, business actors withdrew from the market. If entrepreneurs can no longer afford to play in the market, they may be forced to leave the market. Therefore, bankruptcy organizations have several roles to play. In accordance with the above elaboration, the author concludes the formulation of the problem as follows: Is bankruptcy an attempt at ultimatum remedium in order to settle the Debtor's debt? And What are the obstacles faced by the Debtor for debt settlement?

2. Method

The type of research used is library research. This study used secondary data as the main data. The source of the data can be obtained using document searches in the form of literature studies. Furthermore, this research is Normative Law Research.
normative legal research that conducts an assessment of positive law aka written law. The method used for this research is a qualitative analysis technique that has inductive properties, or in other words an analysis rooted in the data obtained, then a certain relationship pattern is developed. Furthermore, anything that must be passed in data analysis includes data reduction, data display, and conclusion drawing or verification. Triangulation techniques are used to see and compare data and explore the truth of the data obtained.

3. Discussion

In accordance with Article 2 paragraph (1) of Law Number 37 of 2004, which regulates the requirements for debtors to be declared bankrupt, they must be met in the decisions of the bankruptcy statement. That is, if these requirements are met, the judge must declare bankruptcy, and not be able to declare bankruptcy with careful consideration. Therefore, in this case, judges are not given the freedom to give a broad assessment of their case. This is reinforced in the provisions of Article 8 paragraph (4), which explains that an application for a declaration of bankruptcy must be granted whenever there are facts or circumstances that can be related to the simple legal relationship of the parties. So that there are no problems in the simpleness of the relationship such as breaking promises or other complicated legal issues. From the conditions that have been explained, it turns out that none of the conditions for the unhealthy financial situation of the Debtor will be complicated. must pass a series of tests from the expert. It can be concluded that this is one of the weaknesses that exist in bankruptcy law in Indonesia.

The Insolvency Law in Indonesia must provide benefits and not cause harm to Creditors, Debtors and stakeholders. in particular also the rules on which the insolvency or application for a declaration of insolvency is based. The purpose of the existence of law among others is to maintain peace and order in society. The enforcement of stakeholder interests in addition to the interests of Creditors and Debtors, seems to have not been touched by Law Number 4 of 1998 and Law Number 37 of 2004.

Simple proof only includes the condition that there are two or more creditors and at least one debt that is due and collectable, that is, if those conditions are proven, then the judge is required to issue an application for bankruptcy without taking into account the financial condition of the debtor. As a result, debtors can easily be declared bankrupt, although the explanation of Law No. 37 of 2004 regulates the principle of business continuity. For this reason, it is necessary to influence the role of this principle in the decisions of commercial court judges.

In everyday life we often hear various terms or mentions related to principles or some call them principles. Basically, principles with principles are the same. Principles and principles are the source of a norm. Furthermore, we also often hear the terms of legal principles, divine principles, judicial principles, economic principles, business principles, educational principles, nationality principles and so on. Sutan Remy Sjahdeini, said that insolvency arrangements in the law should contain various principles as below:

1. The Insolvency Law should be a driver of increasing foreign investment enthusiasm, become a driver of the capital market while making Indonesian companies get credit from foreign parties more easily;
2. The Insolvency Act shall provide balanced protection for both Creditors and Debtors;
3. The agreement of the majority Creditor should be the basis of the judgment of the bankruptcy declaration;
4. An application for a declaration of bankruptcy should only be filed with an insolvent Debtor, i.e. one who is unable to pay his debts to the majority Debtor. From the commencement of filing an application for a declaration of bankruptcy, a state of silence (standsill or stay) should be enforced.
5. The Insolvency Act should recognize the separatist rights of the Creditors holding the right of guarantee.
6. The application for a declaration of bankruptcy should have been decided in a short time or not to drag on.
7. Insolvency proceedings must be open to the public.
8. The management of a company whose fault results in the company being declared bankrupt must be personally responsible.
9. The Insolvency Act should have allowed the Debtor's debt to be restructured first, before the filing of the application for declaration of bankruptcy.
10. The Insolvency Act should criminalize fraudulent acts relating to the insolvency of the Debtor.

In addition to this, related to the elements that should be regulated in the Insolvency Law, Sutan Remy also explained several kinds of insolvency principles globally that must be understood by creditors and debtors in insolvency, namely; the principle of encouraging investment and business, the principle of balance of interests, protection of creditors and debtors, the principle of bankruptcy decisions is not applied to repaid debtors, the principle of approval of the award of the bankruptcy award must obtain the approval of the regulatory body, the majority of creditors, the principle of silence (stand still or stay), the principle of recognition of the right of separation of creditors of the holder of guarantee, the principle of procedures for declaring bankruptcy without dragging on, the procedural principle of decision-making to declare bankruptcy in public, the principle of managing the debtor's company with the personal responsibility of the bankrupt company, the principle of providing the possibility of debt restructuring before making a decision to ask for a statement bankruptcy for the debtor. There are still activities in the future, and taking action against the property of the bankrupt person is an offense that can be sued. With insolvency, the first thing that creditors and debtors do is to restructure or file for bankruptcy. Insolvency in the form of the remaining ultimatum.

3.1. Bankruptcy as an Effort to Ultimum Remedium

Good insolvency provisions are indispensable to give a chance to a reputable debtor who finds it difficult to pay his debts, even though he wants to continue running his business. In accordance with the philosophy of insolvency, it is crucial for judges to be careful in making judgments about an insolvency case. The judge must also pay attention to the continuation of the activities of a business entity. To evaluate the potential activities of an enterprise, among other things, activities can consider from the point of view, the number of assets owned by the debtor, the number of potential assets that can be maximized by the debtor, future diversification and cooperation between the debtor and other parties.

The author argues that, the assessment of the future performance of a company or individual can be the basis for examining insolvency or checking the ability to repay debts, thus becoming a reference to whether the debtor is able to pay, whether the debtor can pay, has a problem with his obligations. For future insolvency laws, in addition to being a reference for judges in deciding bankruptcy applications, it should be understood as an ultimatum. Insolvency law in the future must be able to benefit debtors, creditors, and stakeholders. If the insolvency law can
set terms in favor of debtors, creditors, and stakeholders, it does not necessarily create a civil matter that is a potential waste of time.

Delaying the payment of solvent debts until they are able to pay is a possible solution, law number 37 of 2004 actually proposes an alternative payment of deferred debt payment obligations (PKPU). In context, the above paragraph also offers a choice, whether it is necessary to reschedule or restructure the joint debt repayment between the debtor and the creditor. The author argues, if indeed the individual Debtor is unable to pay his debts after passing the inability to pay debts test or insolvency test because meeting his basic needs alone is unable and the debt is greater than his assets, then the Creditor can carry out the release of all debts.

Proof is simply defined in Law Number 37 of 2004. This type of proof is proof of the creditor's right to collect his rights simply, or in other words, there should be no complexity in its implementation. The bankruptcy applicant is required to prove the valid agreement of both parties bound by rights and also obligations. Then, there is no problem with the third party related to the agreement of both parties, if the obligation has not been paid and it must be proved simply.

Explanation of Law Number 37 of 2004, regarding the principle of business continuity, in this case the law provides that the Creditor is not allowed to bankrupt the Debtor, if there is a provision that gives the possibility that the prospective debtor's company or business can still continue to carry out its business, it clearly indicates that the application for bankruptcy statement becomes ultimum remidium because it prioritizes the reorganization and restructuring of the Debtor's business. In Indonesia, there is no known solvency test before filing for bankruptcy. The law on insolvency should contain provisions regarding the financial state of the debtor as a condition for being declared bankrupt, but the insolvency law does not regulate the financial condition of the debtor at all as a condition. The insololvency test, in addition to fulfilling the principle of business continuity, to maintain the value of fairness (also included in the principle of insolvency), to avoid opportunistic factors in the downturn, which means that the solvent debtor is not the main target for creditors who want to assert their interests, the solvency test is also to explain that if it is true that the debtor is mathematically bankrupt, he is worthy of bankruptcy.

3.2. Obstacles Faced by Debtors for Debt Settlement.

The purpose of enactment of the bankruptcy law is to achieve fast, fair, general and efficient settlement of debts and obligations. The Bankruptcy Law has explained the steps for managing bills. Unfortunately, in practice there are still many obstacles. Several obstacles to the settlement of debtors' debts to creditors through bankruptcy include:

a) In the management and settlement of bankrupt assets, there is no financing.

The costs required for the management and settlement of bankrupt assets can reach tens of millions of rupiah. Meanwhile, the budget for the heritage hall sometimes cannot be used for this purpose in advance because it is not what it was intended for. Sometimes, for household expenses, this hall is quite minimal. To resolve a bankruptcy case requires quite a lot of money. At the time of the decision to declare bankruptcy is obtained by the curator. In a short period of time there should be provision of funds from the curator to carry out the announcement of the bankruptcy statement, then the last deadline for submitting creditors' claims as well as the deadline for submitting creditors' claims/organizing a credit matching meeting. Announcements in accordance with Article 15 paragraph (4) and Article 114 are provided with financing
exceeding Rp. 10,000,000 (ten million rupiah). Unfortunately for that sometimes there is no allocation in the routine budget of the state heritage hall.

Actually, the UUK has prevented the possibility of obstacles from appearing for the Curator regarding this financing issue for the smooth management and settlement of bankrupt assets. The guarantee is stated in Article 107 paragraph (1). Unfortunately, in reality, the sale of bankruptcy estate takes time. This is due to demands regarding the release at the maximum price. In fact, this is done so that there is no loss to the bankruptcy estate. Not only that, the permission of the Supervisory Judge is also required. This means that obtaining the permit also takes time, even though the funds must be fulfilled immediately.

As for the method of the treasurer's office as the bankruptcy administrator, to cover the lack of capital to finance the management and settlement of the bankruptcy estate, it is for the debtor's family, creditors, and others. This method is a method that can be explained. Article 69 paragraph (2) b explains that when carrying out his work, the Curator may lend funds to third parties in order to increase the value of the bankruptcy estate. The Curator has the task of managing and/or liquidating the bankruptcy estate for the benefit of the Debtor and Creditor. Therefore, if the Curator experiences financial difficulties and then takes steps to borrow from the family of the Debtor or the Creditor is used to manage the interests of the Debtor/Credit, of course, this approach can be done fairly. The manager's loan will of course be repaid after the bankrupt property is sold.

b) Bankrupt debtors who do not want to cooperate

Types of uncooperative debtors include: difficulty asking for ownership data, not attending credit reconciliation meetings scheduled on a date and time, debtors running away and others. The Curator needs data on the Debtor's assets. This is necessary in order to make a record of bankruptcy assets as regulated in Article 100 paragraph (1) of the UUK, namely the curator must make it a maximum of 2 (two) days after receiving a decision on his appointment as Curator.

Debtors who are reluctant to provide data regarding their assets will make it difficult for the Curator to carry out the recording of bankruptcy assets. In addition, debtors who do not attend the matching meeting whose implementation has been determined can cause the meeting to be postponed. In accordance with Article 121 paragraph (1), the presence of the bankrupt Debtor is absolute. Therefore, if the Bankrupt Debtor does not attend the meeting, the meeting cannot be continued and the Supervisory Judge is forced to postpone it. Of course this makes bankruptcy resolution more time consuming/

The way to deal with Bankrupt Debtors who are uncooperative and do not want to be asked for information on the condition of their assets by the Curator, as described above, is another way of systematizing forward or crossing certificates using a bank before the information on the condition of the debtor's equipment appears in a bank. The bank usually complains about adding information on the condition of the customer's equipment calculation using the letter of the bank key. Before taking the bank key, the curator must give up the main point of practice that is strongly suspected, namely the explanation of Article 105 of the UUK which essentially says that according to article 34 and 69, starting with the bankruptcy decision, all authority is reported. belonging to the debtor related to the control and management of bankruptcy assets which also includes obtaining an explanation of the books, records, accounts from the bank, as well as debtor deposits provided by the bank that is related to the debtor will be transferred to the curator. Since the uncooperative Bankrupt Debtor is preventing the bankruptcy settlement, the Curator is allowed to take firm action. The legal basis is Article 93 paragraph (1). The curator can ask the Commercial Court to order the arrest of the debtor.
c) Prior to the declaration of bankruptcy, the debtor hides or transfers his assets.

The curator has one of the tasks of carrying out the management and/or administration of the bankruptcy estate. The point is that if the assets of the bankrupt debtor are transferred or sold before the bankruptcy occurs, the Curator must take care of when the sale is made, as well as to whom the assets will be sold. The activity of tracing where assets have been transferred or hidden, along with the cancellation process can take a long time. The cost is also not small. Of course, this is again an obstacle in the settlement of debtors' debts to creditors through the bankruptcy process.

Steps to overcome obstacles that prevent bankrupt debtors from transferring or hiding their assets before being declared bankrupt is to take legal action. This is of course for the sake of canceling the sale/transfer. Then, the hidden assets will be reported to the authorities in this case the police. The legal case of a bankrupt debtor who sells his assets 1 (one) year before being declared bankrupt can be postponed in accordance with UKK Article 41 paragraph (1). What the Balai Harta Peninggalan does to overcome the obstacles to the actions of a bankrupt debtor selling his property by filing a lawsuit is a professional act, as a trustee must try his best to return the assets that have been sold to the bankrupt while the buyer will generally maintain that what he has purchased has not been released. Debtor assets/assets that were hidden before bankruptcy were declared bankrupt.

Bankruptcy debtors who conceal and have not declared bankruptcy can be said to have embezzled bankruptcy assets. However, there are other methods that can be done before reporting explicitly to the police. The debtor can make peace with the inheritance hall as long as the goods are returned so that the process can proceed quickly. This is a very wise act and can provide a win-win solution for both parties involved. If the debtor is reported, he will automatically undergo a criminal process which of course hinders the ongoing bankruptcy process. This of course makes everything unproductive and contrary to simple principles and low costs.

4. Conclusion

In the bankruptcy law there is a very important principle. The principle is business continuity. If the debtor's business has signs it will continue to be prospective to continue. The going concern principle is at the root of the nation's bankruptcy laws. If you adhere to this principle, the bankruptcy application should be the ultimum remedium option. However, in reality Law Number 4 of 1998 as well as Law Number 37 of 2004 cannot explain in detail the concept of debt in bankruptcy, collectible maturity, creditors and debtors in bankruptcy. These problems have an impact on the complexity of understanding the meaning of simple evidence, so that the application for a declaration of bankruptcy is used as a means of collecting debts, not as an ultimum remedium. The Bankruptcy Law above also does not touch stakeholders from the parties, does not anticipate a domino effect and does not hold insolvency tests in bankruptcy issues.

In addition, the prevailing bankruptcy regulations should provide a sense of justice for the parties involved in it. With the enforcement of justice, it will anticipate the arbitrariness of the collectors in demanding settlement of debts to debtors by ignoring other creditors.
References


Impact of Diversion Determination for Children of Narcotics Abuse Reviewed in Sociological Perspective

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Abstract. This study aims to examine the application of the determination of diversion for children who abuse narcotics and the impact of the determination of diversion for children who abuse narcotics in terms of a sociological perspective. The type of this research is Field Research or field research, using a sociolegal approach and qualitative data analysis. The results of this study indicate that for children who abuse narcotics, diversion can be carried out by considering the principle of feasibility based on the considerations of law enforcement on the basis of the laws and regulations that govern it, and involving children, parents, police, public prosecutors/prosecutors, judges, and other parties involved in Diversion. Diversion can be carried out at 3 (three) levels, namely Investigation, Prosecution, and Trial. In the case stipulated by Letter Number 9/Pen.Div/2020/PNTgl which is the object of this research, Diversion is carried out at the Investigation stage with facilitation provided by the Police by involving elements that must exist in the implementation of Diversion according to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System and Law no. 35 of 2009 concerning Narcotics.

Keywords: Child Narcotics Abusers, Diversion, Sociological Perspective

1. Introduction

Formal criminal law has triggered alternative efforts to overcome problems related to criminal acts that occurred [1]. The community's response to this phenomenon usually leads to vigilantism and peace efforts. The thought of the development of the theory of punishment is basically based on the community's perspective on crime [2]. Antony Duff and David Carland distinguish between consequentialist and non-consequentialist theories. In consequentialist theory, displacement is a behavioral effect that results in harm. Sanctions are used as a way to prevent future crimes (forward locking). In contrast to the consequentialist theory, in the non-consequentialist theory, the effort to impose sanctions is a response to the perpetrator of a crime (approach response). Seeing the phenomenon that has occurred, many experts believe that improvements in law enforcement are needed to achieve the goals to be achieved [3]. Restorative justice is an alternative to the criminal justice system because it is implemented with an approach that is considered more human and in accordance with legal objectives [4]. The involvement of perpetrators, victims and the community as a unit to find solutions is deemed more appropriate and effective in handling legal cases [5]. Through Restorative Justice, all parties can be involved, consulted, and empowered to achieve justice and benefit in order to improve the situation [6]. One of the efforts to implement Restorative Justice carried out in Indonesia is the establishment of a policy of providing a diversion for children who use narcotics [7]. It can not be separated from the psychological perspective of the child. Children are subjects who do not have the ability to think and act like adults. Special treatment and regulations for
children deserve to be applied so that separated children get appropriate treatment based on the right portion and separate from the law for adults [8]. The establishment of the Diversion policy basically aims to protect children from mishandling because the position of children is very important for human survival [9]. In this case, the State is obliged to provide guarantees for every child so that their rights are fulfilled. Article 28 B Paragraph 2 of the Constitution states that children's rights include 3 (three) things. These three rights relate to survival, growth and development, and protection from violence and discrimination. Physical and psychological development of children is a focus that must be the main consideration in supporting the fulfillment of their rights.

The problem of children involved in narcotics crimes is not only limited to the factors that cause the formation of their character but also relates to their existence after being designated as Child Victims of Narcotics Crime. Prevention or countermeasures of drug abuse are an effort taken in order to enforce both against use. [10] Negative stigma and alienation are the two impacts that are most often shown by society in general. The existence of a Diversion policy as the implementation of Restorative Justice is expected to help children who abuse narcotics crimes to regain the right to live, grow, and develop[11]. The Diversion Policy as the implementation of Restorative Justice is expected to help children who abuse narcotics crimes to regain the right to live, grow, and develop [12]. The fulfillment of the needs of children who have become victims of Narcotics Abuse to live, grow and develop in their environment can be known if it is related to the social facts they receive [13]. Durkheim argues that social facts are at the core of the study of sociology. Social facts are behavioral patterns that characterize social groups in society. Based on these reasons, Diversion as the implementation of Restorative Justice needs to be studied from a Sociological Perspective because basically one of the functions of law is as a means of social control. When children experience alienation/exclusion from the social environment as a result of the stipulation of Diversion against Narcotics Abusing Children, this is certainly contrary to the social rehabilitation function that should be carried out by the community to assist children in obtaining and utilizing their rights [14]. Law in the Sociological Perspective includes several elements, namely Law as: a) A reflection of people's habits; b) Reflection of the morals of society and humanity in general; and c) Reflecting the need for justice and order in social interactions between people in a group [15]. If these elements are connected with Durkheim's opinion on Social Facts in the study of Sociology, the impact of legal policy from a sociological perspective can be interpreted as a reality or pattern of social behavior that appears as a response to the administration of law in a community group [16].

Each community group has different characteristics. This opens the possibility of differences in social responses even though the stimulants that affect them are the same or almost the same. The researcher gives area and object boundaries in this study in order to obtain systematic factual data according to the objectives to be achieved. The limitation is based on the Letter of Determination Number 9/Pen.Div/2020/PNTgl. The two Decision Letters related to Diversion were issued by the District Court of Tegal City in the period 2020 and 2021. The problem that will be discussed in this study is how to apply the Diversion Determination for children who abuse narcotics? And how is the impact of diversion for children who abuse narcotics in terms of a sociological perspective?

2. Method

Types of Research This research is included in the type of research field research [17]. In Field Research, the researcher conducts research in order to reveal the meaning given by society to the behavior and reality around it [18]. Field Research is usually concerned with case studies of certain events. Research Approach This research uses socio-legal research or a sociolegal
approach. Legal research with a sociolegal approach is a form of research related to social phenomena [19]. The function of this research is to analyze the law in terms of behavior and interaction systems that occur in society. The purpose of the analysis is so that the phenomena that occur can be described clearly and in accordance with the existing reality, as well as collect data from the actual situation.

3. Discussion

3.1. Determination of Diversion for Children Abusing Narcotics

Law is an institution or institution that cannot be separated from ideology. A legal system must reflect a sense of justice for all parties involved, be made according to procedures, understandable and understandable by the parties it regulates [20]. Law has several important aspects related to its meaning. The law must have validity which will be closely related to the substance of its existence [21]. The substance is then wrapped in a rule that is general, universal, as well as formal to keep away from discrimination and arbitrary actions [22]. The normative nature of law requires the achievement of order and certainty even though the concepts, doctrines and parts of procedural law and legal materials in practice have diversity. This diversity will later be arranged logically, rationally, and systematically so that every problem can be solved based on the law [23]. The meaning of law is also closely related to morality because basically morality is the essence of law, so morality must be placed higher than law.

Kant distinguishes morality into 2 (two) views, namely heteronomous morality and autonomous morality. Heteronomous morality is an attitude of obedience that is carried out not because of demands for obligations that come from within the individual, but outside his will. In contrast to heteronomous morality, autonomous morality is described as an individual's awareness to obey obligations that are believed to be good and right based on the values that have been owned. This gives rise to ethical and juridical obligations. Ethical obligations stem from the values that grow in individuals, while juridical obligations originate from parties who have authority. Ethical Obligations and Juridical Obligations will be followed by Ethical Attitudes and Juridical Attitudes. This pair of attitudes becomes the legal basis in a more general context. Ethical and juridical attitudes make individuals not put forward the ego but also realize the importance of the position of others in the social environment that must be managed in order to obtain order [24].

Various views on ethics and law ultimately lead to 3 (three) legal principles as expressed by Gustav Radbruch, namely Rechtmatigkeit or certainty, Gerectigheit or justice, and Zwech Matigheid or expediency. To obtain certainty, justice, and benefits as stated by Gustav Radbruch, various approaches are taken in law enforcement. This is inseparable from the fact that the existence of the law does not only function to provide sanctions for perpetrators of criminal acts, but also to overcome crimes so that they do not happen again. In the perspective of criminal law, there are three approaches to crime prevention, namely [25]:

a. Penal Approach, namely Criminal Law Application or the application of criminal law that focuses on repressive policies.

b. Non-Penal Approach, is an effort to overcome criminal acts through preventive development. Preventive action serves to prevent, ward off, and control before a crime occurs. The target of the Non-Penal Approach is to deal with the factors that cause criminal acts.

c. Integrated Approach, is a combination of Penal Approach and Non Penal Approach. The Integrated Approach is considered a more rational approach than the other two approaches because it respects the principles of certainty and proportional benefit.
To realize justice as well as human rights through law enforcement is not an easy matter. One of the things that criminal law experts often reveal is the lack of attention to the rights of victims of crime. Law enforcement is more focused on the interests and human rights of criminals. To bridge the fulfillment of the rights of victims of crime, law enforcement is applied with a Restorative Justice approach. Restorative Justice provides opportunities for problems to be resolved by litigation parties, law enforcement, and also elements of society in order to create justice that can be accepted by all parties. The implementation of Restorative Justice is always emphasized on repairing or providing compensation for the impacts caused by criminal acts [26]. This makes the application of Restorative Justice carried out cooperatively and always tries to involve all parties. As an alternative to resolving cases, the Restorative Justice mechanism is no longer focused on punishment. Dialogue and mediation are strategies used to resolve cases by involving related parties.

One form of Restorative Justice in handling narcotics crime cases is implemented in the form of Diversion for Narcotics abusers. Protection of children is the main consideration in this policy. In Diversion, children are seen as parties whose knowledge and understanding are not yet mature enough to affect the decision-making process that will be carried out. The implementation of Diversion in the context of realizing Restorative Justice in narcotics crime cases involving children is strongly influenced by the existing legal structure. This is inseparable from the implementation of Diversion which requires cooperation between parties. Law enforcers, children, parents, and elements of society who are trying to achieve the goals of Diversion must be able to work together and understand each other according to their respective roles.

Lawrence believes that the effectiveness of the legal system must be supported by three components, namely the legal structure (structure of law), legal substance (substance of the law) and legal culture (legal culture). Law is not only seen as a series of rules that give orders or commands (imperative) and obligations that are das sollen, but also must be seen as a subsystem which in reality is also determined by many factors. In this case, political policy is very influential as a legal subsystem because it is directly related to the formulation of regulatory material as well as the implementation and enforcement of the law. The legal structure consists of elements of the number and size of courts, jurisdiction, and appeal procedures from each level of court. The legal structure also implies the way in which the legislative body is organized, the policies that are allowed and not allowed by the authorities, and standard operating procedures for the police. Broadly speaking, the structure (legal structure) consists of legal institutions that are intended to carry out legal instruments.

Legal institutions involved in the implementation of Diversion for Children Abusing Narcotics consist of the Police, the Prosecutor's Office, BAPAS, BNN, and the Judiciary. The legal institutions involved then collaborate with children who are perpetrators of narcotics crimes, their parents or guardians, social institutions, and community leaders who are involved in the Diversion process as well as other parties who are stated to be needed to be involved to maximize the achievement of the goals of Diversion [27]. Each party carries out a different role according to its duties and functions in the Diversion implementing regulations. The Restorative Justice approach is explicitly stated in Article 5 of the Juvenile Criminal Justice System Law which states that in the implementation of the Juvenile Criminal Justice System, it is obligatory to prioritize the Restorative Justice approach [28]. The implementation of the Restorative Justice approach is not only carried out at the stage of investigation, prosecution, trial, but also carried out in the process of coaching, mentoring, supervising, assisting during the action process and after it, and must ratify the implementation of Diversion [29].
According to the Head of the Tegal District Court who is also a judge, Toetik Ernawati, SH., MH stated that diversion can only be applied if it fulfills the elements of Article 127 of Law no. 35 of 2009 concerning Narcotics which carries a penalty of less than 7 (seven) years in prison and only applies to children. In addition to Article 127 of Law no. 35 of 2009 concerning Narcotics and if the perpetrator is not a child, then Diversion cannot be applied. In some cases there is an impression that investigators tend to force the use of Article 127 of Law no. 35 of 2009 concerning Narcotics as an article on threats to children who are perpetrators of narcotics crimes. Toetik asserted that if in the process it turns out that the fact that children who abuse narcotics are not only abusing but also circulated, automatically the use of article 127 of Law no. 35 of 2009 concerning Narcotics as a threatening article used to make demands will be invalid and Diversion cannot be applied.

Referring to the opinion of the Judge of the Tegal City District Court and Law no. 35 of 2009 concerning Narcotics, the effort to implement Diversion can be carried out if it meets 2 (two) elements of consideration, namely the threat of imprisonment for less than 7 (seven) years and is not a repetition of a crime. Another consideration used in the effort to implement Diversion for Children Abusing Narcotics is that the perpetrator only uses Narcotics and does not act as a dealer, and does not cause unrest for the community. To prove the occurrence of narcotics abuse by children who are perpetrators of criminal acts, investigators can perform urine tests, blood tests, hair tests, dioxyribonucleic acid (DNA) tests, and/or other body parts tests, or obtain based on information spoken, sent, received, or stored electronically or by other similar means. If evidence is found at the time of arrest, the Police investigators, BNN, and Civil Servant Investigators have a maximum of 3 (three) times 24 (twenty four) hours from the time of the confiscation to conduct sample testing in the laboratory, and submit information on the confiscation of goods. evidence to the head of the state prosecutor's office.

After the arrest, the investigator determines the article Threats to use. The determination of the article on the threat will affect the consideration of the investigator to determine the status of the child who is the perpetrator of the narcotics crime. If, based on the results of the investigation, it turns out that the Narcotics Abusers not only misused but also circulated, they will be prosecuted based on articles in accordance with the status and evidence found. If it turns out that the criminal act committed is only abusing or using Narcotics without rights and there are no other aggravating elements, then the child who is the perpetrator of the crime will be prosecuted under Article 127 No. 35 of 2009 concerning Narcotics with charges under 7 (seven) years, and Diversion is sought. In the investigation process, if there is evidence with the use of Narcotics under the rules of SEMA No. 4 of 2010, the Investigator can carry out an Integrated Assessment carried out by the Integrated Assessment Team or commonly referred to as TAT. This team consists of the Legal Team and the Medical Team to determine whether the Suspect is eligible for rehabilitation efforts and is not involved in the illicit drug trafficking network.

According to the Tegal City Police Investigator, the implementation of diversion has been regulated in the Juvenile Criminal Justice System Law in articles 7, 27, 28, and 29. Diversion can be carried out at the level of investigation, prosecution and trial.

a. Diversion at the investigation level is carried out through the following steps:

1. Investigators make arrests on children suspected of having committed a narcotic crime. The process of investigating narcotics crimes is carried out based on the applicable SOP, accompanied by a warrant, and reported in the investigation report. The investigation process includes arrest, detention, confiscation, examination of witnesses, examination of experts, examination of suspects, and the results of a thorough investigation by the police.
2. Furthermore, the investigator writes to request written consideration from the Community Counselor or Correctional Center (BAPAS). After conducting the research, the Correctional Center (BAPAS) submits the results of its social research to the investigators.

3. Investigators who have received the results of the BAPAS research will then endeavor to carry out Diversion by taking into account the applicable laws and regulations and the results of the BAPAS research.

4. If the Child Abusing Narcotics agrees to carry out Diversion, the Police, Community Counselors, BAPAS and Professional Social Workers begin the process of deliberation to resolve the case by involving related parties.

5. If the diversion effort is agreed, then the results of the agreement are stated in the form of a Diversion Agreement. The results of the diversion agreement are submitted to the superiors of the officials who are responsible for each level of examination to the District Court.

6. The Court shall then issue a Decision. The period for making the Decision by the Court is no later than 3 (three) days from the receipt of the Diversion Agreement. The determination is then submitted to the Community Advisor, Investigator, Public Prosecutor, and Judge. Furthermore, the Investigator issues an Order for Termination of Investigation (SP3)

In cases related to the Letter of Determination Number 9/Pen.Div/2020/PNTgl and being the object of this research, Diversion is carried out at the investigation level. The diversion process begins with the arrest of the suspect according to the applicable SOP, followed by an examination and case title. After this process, it was also continued with the Implementation of the Integrated Assessment conducted by the Integrated Assessment Team (TAT) formed by BNN. This team consists of a medical team (doctors & psychologists) and a legal team (investigators and prosecutors). The next process is a request for consideration submitted by investigators to the Correctional Center (BAPAS). The Correctional Center (BAPAS) will follow up the application with research and submit the results to investigators.

Based on the results of the Correctional Center (BAPAS) research, Investigators seek Diversion by holding a Diversion Deliberation to make a mutual agreement and pour the results into a Diversion Agreement [30]. The parties involved in the Diversion deliberations were the litigated parents of the children, the Head of Child Client Guidance Subsidy from the Pekalongan Class II Correctional Center, the Social Advisory Officer from the Pekalongan Class II Penitentiary, the Addiction Counselor for the Rehabilitation Section of the Tegal City National Narcotics Agency, the Social Service Social Service Officer. Brebes Regency, Religious Leaders in Dukuh Tengah Village, Keuntungan District, Brebes Regency, Community Leaders in Dukuh Tengah Village, RT. 003/001 Liability District, Brebes Regency, Head of PPPA DP3KB/ PPT Tiara, Brebes Regency, Head of Section for Protection and Fulfillment of Child Rights of PPPA DP3KB/ PPT Tiara Brebes Regency, Legal Advisor/Legal Counsel for litigants

The Diversion Agreement resulting from the Diversion Deliberation is then submitted to the superior of the official in charge at each level of examination to the District Court, and followed by the issuance of a Decision by the Court. The decision issued by the Court is then submitted to the Community Advisor, Investigator, Public Prosecutor, and Judge. The final stage of efforts to resolve this case is the issuance of an Investigation Termination Order (SP3) by the Investigator in accordance with the mandate of Determination Number 9/Pen.Div/2020/PNTgl issued by the Tegal District Court Class I A.
The contents of the agreement against Child Narcotics Abusers as stated in the Diversion Agreement Letter and become a consideration for the issuance of Determination Number 9/Pen.Div/2020/PNTgl are based on the consideration that:

1. Children of Narcotics Abusers are Narcotics Abusers of Category I for themselves.
2. As referred to in the formulation of Article 127 paragraph (1) letter a of RI Law no. 35 of 2009 concerning Narcotics, the threat of punishment for Narcotics Abusing Children under 7 (seven) years must be sought for Diversion in accordance with the mandate of Law no. 23 of 2002 concerning Child Protection and Law no. 11 of 2012 concerning the Juvenile Criminal Justice System.

After a meeting through Diversion activities at the level of investigation of the Indonesian National Police in the Central Java area at the Tegal City Resort, each party agreed to resolve the case as follows, namely the Submission of Narcotics Abusers as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl to his parents for full guidance and supervision, must undergo outpatient drug rehabilitation at a government agency (namely BNNK Tegal) 1 (one) time a week for 8 (eight) meetings, carry out social rehabilitation in the form of following spiritual guidance (following studies/ recitation) 3 (three) times a week for 2 (two) months and must pray 5 (five) times in congregation at the mosque or prayer room at his residence and become Mu'azin at the dawn prayer for 2 (two) months, obligatory carry out physical activities (morning exercise/jogging for at least 15 minutes) every morning for 2 (two) months and Restrictions on the use of communication tools (mobile phones), except for family interests or in educational/school activities (online)

Based on the Diversion Agreement, the Tegal City District Court then issued Determination Number 9/Pen.Div/2020/PNTgl which contained the Investigator's request, an order to implement the Diversion agreement, and an Order to the Investigator to issue an Investigation Termination Order after the Diversion Agreement was fully implemented.

3.2. The Impact of Determining Diversion for Children Abusing Narcotics

Sociological Perspective The involvement of children in criminal acts that occur raises concerns that there will be community stigmatization of children who are perpetrators of narcotics crimes. Stigma is a negative view of a person's personal nature. Stigma against children who abuse narcotics can lead to discrimination and alienation from society, thus affecting the psychological development, behavior, and social interactions of children. Negative stigma or stereotypes will usually be followed by discrimination or other negative attitudes. The stigma arises because of the distinguishing characteristics such as mental illness, health conditions, or other specific characteristics. Psychological stigma attached to a person tends to be more negative in severity when compared to stigma caused by a person's medical condition. Stigma usually arises as a result of fear and lack of understanding. The amount of information that cannot be justified also often affects the public's perspective, so that when faced with certain cases, they will act according to the information they have. Stigmatization of Child Narcotics Abusers as referred to in Stipulation Number 9/Pen.Div/2020/PNTgl does not occur.

Based on the research results of the Pekalongan Class II Correctional Center (BAPAS), in the Report on the Results of Community Research for Diversion No. Litmas Register: 07/ I. A/ 2020 found the fact that children who commit crimes experience normal growth and development and do not have special needs. Physically and mentally in good health, although in daily interactions, they tend to be somewhat closed. In addition to the relatively reasonable personal conditions, based on the admission of the Child Abusing Narcotics as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl, the harsh treatment of parents against him is the background for the child to commit deviant acts outside the home [31]. This
psychological condition is almost undetected by parents and other family members because according to their parents the interaction between family members takes place normally as in other families. From an environmental point of view, Child Narcotics Abusers as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl are also not given special attention. Based on the researcher's interview with community leaders who live in the vicinity of their homes, the child is considered to be somewhat introverted and tends to be quiet. Only on certain occasions the child is involved in social activities and relates to the community around the child's domicile [32]. Based on the results of the Sociological and Juridical Analysis of the Class II Penitentiary (BAPAS) of Pekalongan, the deviant behavior of Narcotics Abusers as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl is motivated by a lack of love and supervision from parents so that children's behavior is more influenced by his social environment which is actually relatively limited and tends to be closed. According to Calhoun, J.F (1990) humans and the environment interact continuously and influence each other. There are 4 (four) conditions of environmental influence on human behavior, namely:

1. The environment hinders humans. Humans are not entities that are free from their surroundings and can do anything. In certain circumstances, the environment is able to force humans not to act according to their wishes, but to follow the existing conditions.
2. The environment invites and elicits behavior. In certain circumstances the environment is able to stimulate humans to take an action. The urge or motivation does not come from within, but can be caused by external factors such as threats, invitations, or persuasion to do something.
3. The environment forms the self. Actions that are carried out continuously will become behaviors or habits. In this case, environmental support for an action taken by humans and giving him comfort to continue doing the same action can affect the formation of one's character.
4. Environment affects self-image. Self-image (personal branding) starts from the way a person appears among the people or the surrounding community. The self-image will be assessed and interpreted through brush symbols and actions as a form of environmental appreciation for the person's personality.

The results of the study show that the development of Narcotics Abusing Children as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl is strongly influenced by their social environment. This is in accordance with Calhoun's opinion who said that the environment can invite and bring about behavior. In this case the environment is not restricted by real conditions that intersect physically, but also social interaction through virtual networks (internet). In the investigation conducted by the Police, it was found that the child who was the perpetrator of the crime obtained Gorilla Tobacco through the Online Shop and used it for himself. From the same investigation, no correlation was found between crimes committed by children in relation to their peers and the social environment around them.

This is the basis for including recommendations in the Diversion Agreement so that children are limited to the use of digital communication tools that are commonly used, namely cellphones (HP). Observing the Recommendation of the Class II Pekalongan Correctional Center (BAPAS) and the Letter of Determination Number 9/Pen.Div/2020/PNTgl, the contents of the Diversion Agreement are in full accordance with the needs of the Child Abusing Narcotics in question. Submission of children to parents to be fully guided and supervised needs to be implemented because based on the recognition so far children feel less cared for and receive affection. The drug rehabilitation process that the child must undergo is (one) time a week for 8 (eight) meetings is carried out because the child who is a criminal act has abused Narcotics Category I as stated in the Diversion Report. In other cases, children who commit crimes are
also required to carry out social rehabilitation by following rokhani guidance (study/recitation) because so far children tend to be closed and less involved in social activities.

Likewise, children are required to pray 5 (five) times at the mosque in congregation and become Muezzin for Fajr prayers for 2 (two) months because so far the children have not carried out their obligations regularly and have disciplinary problems. Related to this, children are also required to do sports activities (jogging for a minimum of 15 minutes) every morning because so far, children who are perpetrators of crime are more likely to do activities in the room and involve less physical activity. This can have an impact on the psychological and physical health of children. After the Diversion decision was determined by the Tegal City District Court through the Letter of Determination Number 9/Pen.Div/2020/PNTgl, there was a significant change in the child perpetrators of criminal acts.

This is known from the results of the researcher’s interviews with related parties involved in Diversion:

1. Child Abuse / Child perpetrator of Narcotics crime From the results of the interview, it was known that from the Diversion policy that was applied to him, the Narcotics Abused Child regretted his actions and wanted to be better. The positive impact that is felt can be seen from worship activities which are increasing compared to before and starting to be open to parents. In addition, the care and empathy given by the environment for his existence makes him feel valued and recognized. This prompted him to be kinder to his parents and neighbors. A positive attitude is also shown by the peer environment. Although there are some parties who don't care about their situation when undergoing Diversion, the changes in the attitude of their peers on average feel better, fun, and even support the process being undertaken. To maximize the rehabilitation undertaken, one of the processes carried out is to stay away from the negative environment that can affect it because the child feels that the environment has lied a lot.

2. Parents Interviews with the parents of children who are perpetrators of criminal acts lead to the conclusion that there has been a very significant change in the child. This can be seen from the daily activities that are very different from before, the level of craftsmanship in carrying out prayer services and involvement in social activities, as well as the attitude of children who are much more open than before. Changes in children's attitudes do not happen by themselves, but are greatly assisted by the family environment and other environments where children socialize such as neighbors and peers. The positive response from several parties who know that the child is undergoing Diversion is also very helpful and facilitates the process that the child is undergoing. As long as their child undergoes Diversion, there are obstacles experienced by parents. The obstacle occurred because the cost of the diversion carried out by his son turned out to be borne independently. In the Diversion process, the parents claimed to have borne the cost of approximately Rp. 20,000,000.00 (Twenty Million Rupiah). These costs must be incurred to support every process and activity that must be undertaken during the Diversion.

3. Community Leader
   a. Head of District, Brebes According to Joko Rahmono as the Head of the RT in the neighborhood where the Children of Narcotics Abusers live in this study, there are several changes that have occurred in their lives. Before the Diversion process is carried out, the child tends to be quiet. It gradually changed as the implementation of the Diversion process was implemented.
Children become more open, sociable, and experience other positive attitude changes. In addition, Joko Rahmono also saw that there were many parties around him who tried to support the change in attitude, even though this support did not appear because they were motivated by knowledge of Diversion information that the child was undergoing. Information regarding the implementation of Diversion tends not to be disseminated to protect the good name of the child. In supporting Diversion, Joko Rahmono also involves religious leaders so that the results are more effective.

b. Religious leaders in RT. 003/001 Keuntungan District, Brebes
Changes in children's attitudes in a positive direction were also conveyed by Religious Leaders who accompanied Narcotics Abusing Children in undergoing Diversion. Besides being directly involved, H. Aminuroachman, LC also involved several other Ustadz to help children. From the results of the guidance and supervision carried out, H. Aminuroachman LC concluded that Ustadz and parties who know the child is undergoing Diversion tend to empathize and want to help without giving negative stigma to the child. This is increasingly seen when children also show changes in attitudes and behavior that tend to be better and more positive.

4. Secretary of PPT Tiara Brebes
Based on the confession of Eni Listiana, S.IP as Secretary of PPT Tiara Brebes, the Diversion activities carried out went smoothly and there were almost no problems. Many changes in children's attitudes during Diversion, especially changes in attitudes towards their environment. Another change that is very visible is if the children are invited to talk, they are more focused and the conversation is well connected (connected). During monitoring, PPT Tiara Brebes also involved a psychologist and his team. This involvement has positive benefits because based on the observations made, the people involved tend to provide maximum support according to their respective abilities and fields. During the Diversion process, problems only occur at the beginning because children tend not to be honest. It didn't last long because after intensive interaction, the children became more open and willing to talk.

5. Police Investigator
There are 2 (two) police investigators involved in the Diversion process of Child Narcotics Abusers as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl, namely Fendi Arizal as Investigator and Aan Ristianti, SH, M.Si as Child Investigator. From the results of both interviews, a relatively similar conclusion was obtained that stigmatization of children did not occur. This happens because the child's identity is kept secret and does not involve many people to protect the child's psychological condition. The involvement of other parties is always carried out in a directed, measurable, and adjusted manner with the objectives of the implementation of Diversion.

6. BNN Counselor
According to Riza Fauzal, SKM as the BNN Counselor, apart from looking at the legal side, the BNN Counselor also looks at the medical and social side to determine whether a client deserves to be rehabilitated or not. From the interviews conducted, Reza is actually worried that the existing legal regulations will be misused and searched for loopholes by traffickers and narcotics traffickers by using children in their modus operandi. In general, Riza is of the opinion that
Diversion has a positive effect on children who are criminals and the community or social environment around them provides good support. In this case, the counselor helps children in building trust, educating about the dangers of narcotics, MI (Motivational Interviewing), CBT (Cognitive Behavioral Therapy), relapse prevention, and evaluation of rehabilitation. During outpatient treatment, children who commit crimes always come on time and show good faith to change. This makes the environment support directly or indirectly. Other positive changes were also shown by an increase in body weight, a neater and more well-groomed appearance, and an increase in school grades compared to before.

Based on the research findings through interviews and collecting supporting data, it can be concluded that the impact of the determination of Diversion for Child Narcotics Abusers is reviewed from a Sociological Perspective as follows:

1. There is an improvement in social interaction between Narcotics abusers and the environment and vice versa during the implementation and after the implementation of Diversion;
2. Diversion does not cause community stigmatization of children who use Narcotics who undergo Diversion, but instead creates positive empathy and support;
3. Changes in attitudes and behavior of children who abuse narcotics are key factors that affect social responses to themselves when undergoing diversion;
4. The burden of costs that must be borne by parents in the Diversion process becomes an obstacle during the implementation of Diversion for the families of Children of Narcotics Abusers.

4. Conclusion
   1. Diversion for Children who abuse Narcotics can be carried out by considering the principle of feasibility based on the considerations of law enforcement on the basis of the laws and regulations governing it, and involving Children, Parents, Police, Public Prosecutors/Prosecutors, Judges, and other parties involved in Diversion. Diversion can be carried out at 3 (three) levels, namely Investigation, Prosecution, and Trial. In cases decided by Letter Number 9/Pen.Div/2020/PNTgl, Diversion is carried out at the Investigation stage. This means that Diversion is carried out with facilitation provided by the Police by involving elements that must exist in the implementation of Diversion in accordance with Law no. 11 of 2012 concerning the Juvenile Criminal Justice System and Law no. 35 of 2009 concerning Narcotics. Diversion at the investigation stage through the stage of making a police report, submission of considerations from the Correctional Center as the basis for the Police to seek to carry out Diversion efforts and carry out Diversion Deliberations. From the results of the Diversion deliberations, a Diversion Agreement will be made which will be submitted to the local District Court for its determination. Based on the stipulation letter from the District Court, it will be followed up in the next process as stated in the Diversion Agreement.
   2. The sociological impact of the implementation of Diversion tends to be positive. In terms of Narcotics Abusing Children, children feel that their rights are being fulfilled and the people around them support the process of resolving cases and the recovery they are undergoing through the Diversion policy. Children who use narcotics do not experience negative stigmatization, but instead get empathy which has a positive effect on their recovery efforts. This happens because it is caused by 2 (two) main factors, namely changes in attitudes and behavior of Narcotics Abusing Children during...
Diversion, as well as a positive social environment so that they provide good and supportive responses or feedback to changes in children's behavior. Sociological constraints that occur are only experienced by parents of Narcotics Abusing Children related to the costs that must be incurred to support the implementation of programs and activities related to Diversion. If so far one of the goals of Diversion is to reduce the cost of punishment which is repressive and less effective in reducing the number of abuse and illicit trafficking of Narcotics and turning it into a preventive cost, the cost of Diversion should not be borne by the public but allocated in state expenditure.

References

The Policy of The City of Tegal Government in The Implementation of The Development of The City Walk of Malioboro Viewing from The Aspect of Dignity Justice

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Abstract. State goals implemented in the regional scope are a form of embodiment in the welfare of the community whose implementation is based on regional autonomy. Cities and regencies are autonomous regions, where cities and regencies have full authority and freedom to develop and implement regional policies based on their regional potential and the aspirations of their own people, this is regulated in law number 23 of 2014 concerning regional government. The method used in this research is a philosophical approach method that reviews legal issues from the ideal value, with observation and interview data collection methods as well as literature review and data analysis methods, namely inductively carried out by translating various sources related to the research topic, so that conclusions are obtained in accordance with the research objectives formulated. The problem that will be discussed in this article is what is the legal basis for the Tegal City Government in determining the policy for the development of the Malioboro City Walk in Tegal City and how is the relevance of the development of the Malioboro city walk in Tegal City in relation to social justice for the community?

Keywords: City Walk, Dignity Justice, Malioboro Viewing

1. Introduction

State goals implemented in the regional scope are a form of embodiment in the welfare of the community whose implementation is based on regional autonomy. Public services is one of the entry points for the Republic of Indonesia to achieve the big dream towards a country whose ability to run good governance. [1] Regional autonomy is the right, authority, and obligation of autonomous regions to regulate and manage their own government affairs and the interests of local communities in the system of the Unitary State of the Republic of Indonesia, the mention of which is in Article 1 paragraph (6) of the general provisions of Law Number 23 of 2014. Cities and regencies are autonomous regions, where cities and regencies have full authority and freedom to develop and implement regional policies based on their regional potential and the aspirations of their own people, this is regulated in law number 23 of 2014 concerning regional government.

The policy in determining the development of the City Walk Malioboro organized by the Tegal City government is an effort to improve public services by providing city public open spaces whose main function is to develop commercial and retail areas in an effort to revive the urban center area. Policies in development must include interests that are not only a form of implementing regional autonomy, but also a form of welfare for the community and social justice,
Development planning must be able to describe and show projections of economic activity and land use in the area in the future, and the location can be used for various activities, the determination of certain activities at the location must provide maximum added value to the community, the determination of the location must ensure special harmony, harmony between sectors, optimizing investment, creating efficiency in life and ensuring environmental sustainability [3].

Optimization is a process in which the goal is to achieve an ideal result or optimization. In other words, optimization can be interpreted as a form of optimizing things that already exist, or designing and making something optimally. Problems that have arisen and are even happening within the scope of the government and the people of Tegal City related to the construction of the Malioboro city walk create issues and views that are spread among the people of Tegal City, especially in the Ahmad Yani road area itself which is basically a dense and productive area in various fields. So, the problems are What is the legal basis for the Tegal City Government in determining the City Walk Malioboro Development policy in Tegal City? and What is the relevance of the development of the city walk Malioboro, Tegal City in relation to social justice for the community?

2. Method

The type of research that will be carried out by the researcher is field research that uses primary data as the main data. With data sources obtained through observation and interviews. A philosophical approach that examines legal issues from the ideal value that should be. With this philosophical approach, the researcher hopes to be able to examine the legal issues/legal policies that are taken or set by the Tegal city government in the construction of the City Walk Malioboro, Tegal City, whether they have considered the benefits ideally and should, as well as taking into account the laws that regulate it.

3. Discussion

3.1. Legal Basis for the Tegal City Government in implementing the Malioboro City Walk Development policy.

Policy making in a legal product which involves the welfare of a local community, of course the government must pay attention to the basics and foundations in policy making. [4]The basis and basis in this case are laws and other regulations that make a local government policy valid as a legal product. Law number 23 of 2014 concerning regional government is one of the legal umbrellas in the implementation of regional autonomy.

Regional autonomy is the authority, rights and obligations of autonomous regions for the implementation of regulating and managing their own government affairs and the interests of regional communities in accordance with the regulations contained in the legislation. The essence
of regional autonomy is an effort to empower the region to make regional decisions more freely and responsibly to manage their own resources in accordance with the interests, priorities and potential of the region itself. The policy for the development of the city walk of Malioboro, Tegal City is based on the law:

1. The development of the City Walk Malioboro in Tegal City is a form of policy taken by the Tegal City government, the scope of which has been regulated in the Tegal City Regional Regulation. Article 4 of the Regional Regulation of the City of Tegal Number 4 of 2012 states that the policy on the spatial structure of the city area includes:
   a. improvement of city service centers that strengthen regional-scale trade, service and industrial activities;
   b. development of city service centers; and
   c. improving the quality and service coverage of the public facilities infrastructure system.

   The strategy for improving city service centers that strengthen regional-scale trade, service and industrial activities as referred to in Article 4 letter a includes:
   a. developing ring roads between cities;
   b. determine the hierarchical structure of the service center system on a regular basis;
   c. develop regional-scale trade centers;
   d. develop coastal tourism activities;
   e. develop meeting service activities and exhibition services;
   f. develop non-polluting industrial activities;
   g. develop seaport services as regional gateways;
   h. develop regional public transport terminals and urban public transport; and
   i. develop a goods terminal that synergizes with sea ports.

   Article 8 also regulates policies and strategies for strategic areas, which include:
   a. Increasing and developing the function of defense and security areas within the framework of national security;
   b. Preserving the environment and increasing the function of area protection;
   c. development and improvement of regional functions in economic development; and
   d. preservation and enhancement of social and cultural values.

   The strategy for developing and enhancing regional functions in economic development as referred to in Article 8 letter (c) includes:
   a. develop regional infrastructure for the development of trade and service activities by;
   b. trade and service activities are developed by revitalizing the old city's trading area.
   c. Trade and Service Areas in the City of Tegal have been regulated in Article 51 of Regional Regulation Number 4 of 2012.

   Article 70 of the Regional Regulation of the City of Tegal Number 4 of 2012 concerning the spatial plan of the City of Tegal for the years 2011-2031 states that the control of space utilization is carried out to realize spatial order through:
a. General provisions of zoning regulations
b. Permissions
c. Provisions for the provision of incentives and disincentives, and
d. Imposition of sanctions

3.2. The relevance of the development of the City Walk Malioboro, Tegal City in relation to social justice for the community.

Social justice and socialism are often considered the same, but basically there are fundamental differences. Socialism is brotherly togetherness, while social justice is concerned with treating human rights. Despite these differences, both of them have the same goal, namely to achieve mutual prosperity, but the common prosperity in social justice is nothing but to achieve a just and prosperous society, spiritually and materially. Irwan Soleman, Social Justice as a Constitutional Mandate.

Justice can be well understood, if people agree that everyone in society has something that must be respected, and cannot be violated or attacked even if the welfare of the community cannot be used as an excuse to ignore it. That's why justice can be well known because it is justice that rejects a situation, when the loss of freedom or independence possessed by a number of people can be justified if there is a better object that can be enjoyed jointly by others. Justice is known from the fact that there are no circumstances in which a few people can be sacrificed as long as a large number of other people accept and enjoy the benefits of the sacrifices of a few. In a just society, in matters regulated by applicable laws and regulations, the same freedoms of citizens cannot be contested.

The theory of dignity justice investigates the characteristics of knowledge about the legal system based on Pancasila and the ways in which it is formed and acquired [5]. In the thought process, a number of observations on legal materials were carried out by combining various approaches in legal research methods [6]. Pancasila is the basic attitude in the development of a dignified justice legal system. It was stated that the Indonesian legal system does not absolutely adhere to the statute law system, nor does it absolutely adhere to the common law system, although many support the opinion that the judge-made law system upholds the dignity of Halim as an institution or law-making institution, through a process that This is called legal discovery [7].

Dignified justice theory observes, classifies, examines, falsifies and justifies various legal rules and principles that exist, and apply within a legal system. The theory of dignified justice also observes, analyzes and discovers as well as assesses and justifies the existence of laws that not only regulate the rules in the life of the nation and state or society, but this theory also observes individuals, especially humans, the Indonesian people. a philosophical thought it can be observed that this thought conforms to its fundamental or radical character; the theory of dignified justice has a basis for approaching law philosophically. The theory of justice, has an appeal to understand the law of wisdom; This philosophy means loving wisdom.

The word or concept of philosophy has the equivalent of a word with the same meaning as the Greek language, namely philosphia; Philo/Philos/Philen. Which means love/Lovers Loving and Sophia or wisdom and wisdom according to the law. Pay attention to the phrase according to the law. This means according to applicable law. People are not only wise, but wisdom, in the science of law, must be in accordance with applicable laws. Wisdom and wisdom must obey the
law (the lage lata). That is, by the theory of dignified justice, the law becomes the central point or focal point in the study, as well as the construction, deconstruction or reconstruction process of thinking about law and society in depth. The theory of dignified justice examines the roots, to the essence of various legal issues. As a legal philosophy, the theory of dignified justice has a high abstraction value, which is an umbrella theory (drand theory) but can also function as a middle range theory or applied theory [8].

The theory of dignified justice, upholding positive law solves the problems of everyday people and society from a legal perspective, down to the deepest essence, the essence that transcends sensory knowledge. Fair social structures greatly affect the implementation of social justice. Because of social injustice, a lot of it is caused by injustice done by the social structure. Efforts for social justice are carried out through the struggle to improve social structures that have not been fair. Social justice means justice that applies in society in all areas of life, both material and spiritual. In this regard, justice applies to all Indonesian people without any distinction between officials and ordinary people. The concept of social justice is the key to justice aspect of humanity.

The concept of social justice contains the same human rights, in this case the requirements for the implementation of social justice are as follows:
1. All citizens are obliged to act fairly, because social justice can be achieved if each individual acts and develops a fair attitude towards others;
2. All humans have the right to have human values, so they are also entitled to everything related to the necessities of life.

The meaning of the Embodiment of Justice and Social Justice in the rule of law is more focused on the realization by distributing the needs of the community. This distribution is not always related to physical but also non-physical, including: goods, services, business capital, position, social roles, authority, power, opportunities and others that have value for human life. The essence of justice includes:
1. give to everyone what should be received;
2. to give to every person who according to the basic rules in interpersonal relations to the whole, both material and spiritual, the law is his right;
3. the benevolence of giving the result of which it has been a part;
4. provide something that can satisfy people's needs;
5. personal equality;
6. granting independence to individuals to pursue their prosperity;
7. giving everyone the opportunity to seek the truth;
8. give something worthily.

The breadth and abstraction of the concept of justice, the mapping of the character or characteristics of justice, is as follows: Whereas the concept of justice has a pluralistic-radical character, there is no universal law on justice. This has been stated by Michael Walzer. Justice must be the creation of a political community, and its judgment based on that given from within the community itself. It is irrational to say that society with a hierarchical type is unfair, because the distribution of social needs does not take place according to the principle of equality.

Equality and freedom are the cornerstones of legal practice, and cannot be separated from certain ideologies, namely the ideology of liberalism or neoliberalism. In the context of
international law, economics in the concept of equality considers the economic background of the State to be the same. So that countries with different economies are considered to have an equal position. Equality before the law describes legal subjects as individuals who have an equal position in the social world, which in the view of western philosophy is called egalitarian. The concept of equality before the law, is the uniformity of what is actually not uniform. Uniformity will only benefit the strong social groups and weaken the lower classes.

In fact, social justice according to the 1945 Constitution of the Republic of Indonesia carries the understanding of people with differences which therefore need to be assumed to be equal or equal, not the credo of egalitarianism (understanding of society without differences and therefore everyone is equal without exception). The basic meaning of the creed of equality in the context of the Indonesian state is the teaching not to equate something different and not to force equality to overcome differences. Social justice must be defined by the attitude to treat the same and treat different things differently.

Social justice in Article 33 of the 1945 Constitution of the Republic of Indonesia before the amendment and after the amendment underwent a shift. Prior to the amendments to the 1945 Constitution of the Republic of Indonesia, social justice was defined as the meaning of a socialist economic system or, more accurately, Indonesian socialism. Meanwhile, after being amended, the meaning of social justice in the economic sector is more directed to the meaning of Indonesian Neosocialism because of the addition of paragraph (4) to Article 33 of the 1945 Constitution of the Republic of Indonesia. In paragraph (4), new principles of the economic system have been introduced. liberal is not communal like democracy, efficiency, independence and so on which often marginalizes the spirit of togetherness as the essence of social justice.

Social justice demands that humans live properly in society. The implementation of development needs to rely on and realize justice and propriety. The term human decency can also be referred to as reasonable or proportional propriety. The provisions of Article 33 of the 1945 Constitution of the Republic of Indonesia tend to reveal that social justice is more dominant in its relation to economic justice. The essential principle that is interdependent in the concept of economic justice, Louis Kelso and Mortimer Adler states as follows:

1. The principle of participation, that everyone is free to participate to provide input into the economic process to build a common life. The opportunity to obtain rights to both private property and to engage in productive work should be shared by everyone. This principle cannot guarantee results is the same as will be obtained. The principle of participation is only access for all to be able to participate in the production process, whether workers or owners. While the distribution principle is related to results, about the output obtained from the economic system for each person (worker) and for each capital (owner). Through the pattern of distribution of personal wealth in a free and open market, distributive justice is automatically linked and must be balanced with justice.

2. The principle of distribution is about the results, the outputs obtained from the economic system and every capital. Through the pattern of distribution of private wealth in a free and open market, distributive justice is automatically linked and must be balanced with participatory justice, and income becomes related to participation in the production process. The free
and open market is considered to be the most objective and democratic means in determining the price of wages and fair profits. However, without the role of the state as a controller, distortions in a free market system will create injustice in itself.

3. This principle of harmony is an indispensable counterweight to overcoming distortions in both input and output of the economy and making necessary corrections to restore a just and balanced economic order for all (justice for all).

Social justice is always associated with a goal that is none other than the welfare of society. As it is understood that social justice in the state of Pancasila law is related to the distribution of resources to create prosperity for low-income groups or people who are socio-economically weak [9]. The purpose of social justice is the formation of a just, orderly and orderly society, with everyone getting the opportunity to live a decent life so as to create general welfare. General welfare means that the human rights of every citizen are recognized and respected and that the availability of goods and services for the necessities of life is affordable by the people's purchasing power. The embodiment of justice and social justice in our country is the main, basic, complex and broad-dimensional element [10].

Justice is the will and ideals of every person and individual, which should be accepted. The Constitutional mandate emphasizes that social justice always aims to realize or create social welfare for all Indonesian people [11]. The embodiment of social justice aspires to equal distribution of resources so that economically weak communities can be lifted, eradicated from poverty and so that socio-economic inequalities in society can be reduced. Still in the same frame of mind about the importance of social justice, Frederickson revealed that the issue of social justice occupies an important position in public policy making. As a development process, it is better if public (economic) policy makes social justice an important value or basis in the weighting of values used, because social justice (social equity) can be used [12].

Therefore, in making and implementing a policy, especially economic policy, the government must be able to pay attention to the value of social justice in every decision and action taken, so that it does not harm the community, and there is no inequality in society due to injustice in the distribution and allocation of resources. Social justice for all Indonesian people is the ideals of the Indonesian State and Nation as stated in Article 5 of the Pancasila. Of course, there is political, social, cultural, economic justice as well as in all aspects of the life of every Indonesian people, and which is no less important, namely a sense of security, meaning that there is no longer any arbitrariness of policy makers towards society.

Justice is known from the fact that there are no circumstances in which some people can be sacrificed as long as a large number of others accept and enjoy the benefits of the sacrifices of a few. In a just society, in this case regulated by applicable laws and regulations, the same freedoms of citizens cannot be contested.

4. Conclusion

The implementation of the construction of the City Walk Malioboro, Tegal City is regulated in Article 4 of the Regional Regulation of the City of Tegal Number 4 of 2012. The implementation of the City Walk Malioboro development which is precisely carried out on Jalan
Ahmad Yani is a form of authority which basically aims for the welfare of the community, development that is driven in the economic sector is a breakthrough in improving the welfare of society. Equitable development efforts are also a goal that should be emphasized in the implementation of the City Walk Malioboro, Tegal City.

The purpose of social justice is the formation of a just, orderly and orderly society, where everyone has the opportunity to build a decent life so as to create general welfare. General welfare means that the human rights of every citizen are recognized and respected and that the availability of goods and services for the necessities of life is affordable by the people's purchasing power. The embodiment of social justice is behavior to give to others what is their right for the realization of a just and prosperous society.

References
Corporate Strict Liability in Environmental Crimes in Indonesia and the Netherlands

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Abstract. The purpose of this study is to analyze the regulation of corporate responsibility between the Indonesian and Dutch legal systems and the development of the principle of strict liability for corporations in environmental crimes in Indonesia and the Netherlands. The approach used in this research is a statutory approach and a comparative approach. This research data collection technique was carried out through conventional and online literature searches. The data analysis technique used in this research is qualitative because the data is presented in a descriptive-narrative way. The results of the study show that in Indonesian criminal law it has been recognized that corporations are the subjects or perpetrators of criminal acts, but responsibility in criminal law is still ambiguous. Several laws and regulations outside the Criminal Code formulate that corporations are explicitly recognized as legal subjects and can be accounted for. Regulations on the corporate responsibility system in the Netherlands are no longer scattered outside the Criminal Code. The application of the principle of strict liability to corporations committing environmental crimes is regulated in the Law on Environmental Protection and Management. In the Job Creation Act, there is an abolition of the strict liability provision which risks liberating corporations destroying the environment from liability.

Keywords: Comparison; Corporation; Environment

1. Introduction

Environmental damage in Indonesia is getting worse day by day. This damage is generally caused by human activities that are not environmentally friendly. Disgraceful acts and crimes against the environment, not only humans as private entities can do them, but corporations as a legal entity can also commit such acts [1]. Environmental damage carried out by corporations results in physical changes in an environment. The sustainability of a clean and healthy living environment is decreasing, this is caused by several factors. The first factor is due to the fact that the earth is currently getting older and the other factor is caused by human activities. To be able to fulfill life satisfaction, humans often ignore environmental sustainability by triggering environmental damage to fulfill personal satisfaction and business activities.

The perspective of workers is a determinant of the paradigm and politics of employment. [2] Environmental crimes are categorized as crimes in the economic field in a broad sense because the scope of crimes and environmental violations is wider than other conventional crimes, the impact of which results in economic losses for the country, as well as environmental damage [3]. The consequences of pollution and/or environmental destruction are the victims [4]. Victims are also the ones who suffer the most losses, both material and immaterial losses and even result in the victim being disabled for life. Some examples of environmental crime cases involving corporations are the environmental pollution case in
Rancaekek and the Lapindo Mud case. The environmental pollution case in Rancaekek stems from the disposal of toxic and hazardous industrial liquid waste which was allegedly carried out by three textile factories located around the Cikijing River, Rancaekek District. The Regional Environmental Control Agency of West Java Province stated that 24,000 meters$^3$ of wastewater from one factory is discharged into the river every day. Another example of a case that has caught the public's attention is the Lapindo Mud case. Apart from inundating agricultural land, the mudflow also affects the irrigation canal which functions to irrigate the residents' rice fields and plantations as well as the carrier channel during the rainy season for the Porong community.

To prevent the spread of corporate crime, the legal system in Indonesia since 1951 has introduced corporations as the subject of offenses [5]. It didn't stop there, in 1955 it was reaffirmed the position of the corporation as the subject of a crime so that it could be held criminally responsible [6]. With the existence of a wet economische delicten in the Netherlands, since 1950 it has been possible for corporations to be held criminally responsible [7]. A corporation in the Netherlands that is considered capable of committing a criminal act is no longer a problem, because it has been regulated in the Dutch Criminal Code, so it is no longer an exception but there has been a development in criminal law in the Netherlands. Corporations in Indonesia which are considered to be able to commit a criminal act are still an exception, because in principle in Indonesian criminal law only humans can commit criminal acts, whereas if in an association a criminal act occurs, accountability can be asked for the person who made a mistake or The association is represented by its management to account for criminal acts that occur in the association [8].

The existence of corporations as the subject of criminal acts in criminal law reform policies has consequences on the principle of criminal law, namely that corporations can be accounted for the same as natural persons [9]. It is not easy to determine when criminal responsibility can be requested from the management of a legal entity or to the management and legal entities, so this becomes a problem in itself in practice. The number of environmental cases involving corporations certainly needs specific and firm regulations to deal with these problems [5]. Considering that Indonesia is a legal state as stipulated in the provisions of Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The state of law in question is a state in which all its operations must be based on law. Legal practitioners are still fixated on the principle of no crime without guilt adopted by Indonesian general criminal law, it is suspected to be one of the causes that make it difficult for investigators and prosecutors to include corporations as suspects, defendants, and even convicts [10]. The formulation of the problem in this research are: How are corporate liability arrangements between the Indonesian and Dutch legal systems?, and How is the principle of strict liability for corporations developed in environmental crimes in Indonesia and the Netherlands?

2. Method

This type of research is library research [11]. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. [12] This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Discussion

3.1. Corporate Liability Arrangements Between Indonesian and Dutch Legal Systems
Indonesian criminal law provides a broader understanding of corporations when compared to Indonesian civil law[13]. According to civil law, legal subjects consist of two types, namely humans (natural persons) and legal entities (rechtspersoon) [14]. Corporations in the sense of civil law are legal entities (rechtspersoon). However, in criminal law, the notion of a corporation is not only a legal entity, but includes a business entity that is a legal entity or not a legal entity.

In Indonesian criminal law, it has been recognized that corporations are the subjects or perpetrators of criminal acts, but accountability in criminal law is still ambiguous. If we look at the Criminal Code, corporate crimes cannot be caught, because corporations are not legal subjects or perpetrators. In the Criminal Code, the subject of law is only a human or a person [10].

However, several laws and regulations that are outside the Criminal Code include Law of the Republic of Indonesia Number 7 Drt of 1955 concerning Economic Crimes, Law of the Republic of Indonesia Number 2 of 1992 concerning Insurance Business, Law of the Republic of Indonesia Number 11 Year 1995 concerning Excise, the Law on Environmental Protection and Management and the Law on the Eradication of Criminal Acts of Corruption have formulated that corporations are expressly recognized as being legal subjects or perpetrators and can be accounted for in criminal law. However, there are other laws that have no clear direction regarding corporate criminal liability.

From a historical perspective, recognition of corporations as criminal law subjects who are considered capable of committing criminal acts and can be held criminally responsible has been going on since 1635. Recognition of corporations as subjects of criminal law began when the British legal system recognized that corporations could be criminally responsible but limited. on minor crimes[15].

In the national legal system, it is necessary to realize that the development of the regulation of corporate criminal liability in the fourth stage is still ius constituendum. The regulation regarding corporate criminal liability at this fourth stage is by regulating corporate criminal liability in general in Book I of the Indonesian Criminal Code, so that it applies to all criminal acts. [16]Thus, at this fourth stage, we no longer talk about who can be held criminally responsible (whether organ or corporation or both) but will focus on regulating corporate criminal liability in general criminal law which will apply to all criminal acts.

Given that corporations are currently qualified as subjects who can commit criminal acts and can be accounted for in addition to people (management), this is a reflection of two things, namely the ability of corporations to commit crimes and the ability of corporations to be accounted for in criminal law. With regard to the position as maker and nature of corporate criminal liability, there are three models of corporate responsibility, namely corporate management as responsible maker and manager, corporation as responsible maker and manager, corporation as maker and also responsible person.

Corporations can be blamed if there is intentional or negligence or negligence on the part of the people who are the tools of the corporation. The fault is not individual but collective. Corporations can still have errors with the construction of errors of management or members of the board of directors.

The principle of wrongdoing in corporations does not absolutely apply, but it is sufficient to base it on the adage res ipsa loquitur (the facts speak for themselves). Actually this is not foreign anymore because in Anglo Saxon countries the principle of mens rea (inner attitude) is known with the exception of certain offenses, namely what is known as strict liability and vicarious liability [17].
Being accountable for the corporation on the basis of these two principles is very much
needed in its development. Because with the development of technology, it is not easy to get
adequate evidence of wrongdoing from the owner of the corporation. The two doctrines
mentioned above need to be considered to what extent they can be taken over.

The Netherlands as a country with a European Civil Law tradition views the criminal
justice process as a process that must be carried out legally to find the truth rationally and
impartially [18]. Therefore, the legal system is seen as a rational instrument that applies the
scientific method to find truth and justice, so that law is a science because it is a product of
rational decisions that can present truth and provide justice through balanced logic and
analysis.

The Netherlands is a country that adheres to a civil law system. the legislators (formal
wet) are carried out by the royal government (regering) and the general staten, but not all
regulations, especially in the material sense (wet materiele zin) which are equated with laws,
are not always made or formed by the royal government (regering) and staten general, but can
be made by the minister, governor and mayor. The Netherlands has a constitution or
constitution called the Regeringsreglement (R.R.) then the constitution was changed to Wet op
de Staatsinrichting van Nederlands Indie, abbreviate Indische Staatsregerling (I.S.).

The civil law system emphasizes the principle of binding force and legal certainty for a
norm, this principle must be realized in regulations in the form of laws that are systematically
arranged in the form of a written codification or compilation [19]. The basic principle and
main value of the law adopted by the Continental European legal system is that legal certainty
and legal certainty will be realized if the regulations are in written form. The principle that
emphasizes that a norm must be in written form is a principle that is influenced or follows the
codification school of thought, this is different from the principles adopted in the Anglo Saxon
legal system or the common law system.

The legal system in the Netherlands accepts corporate criminal liability more quickly and
in a more pragmatic way, without academic and theoretical debate. In practice, prosecution of
legal entities does not appear to be a problem. Corporate criminal liability is not limited to
specific categories of actions and corporations are considered to be able to commit acts or
have the intention of committing crimes.

From a historical point of view, provisions regarding the corporate criminal liability
system were generally introduced and regulated in the Dutch Criminal Code in 1976.
Previously, the provisions regarding the corporate criminal liability system had been explicitly
regulated in the law governing economic crimes. However, the regulation regarding the
corporate criminal liability system in this law is regulated in a narrow sense. The corporate
criminal responsibility system in the Netherlands has entered its fourth stage, namely the
regulation of the corporate responsibility system is no longer spread outside the Dutch
Criminal Code (KUHP-WvS), because with the enactment of the law on June 23, 1976 Stb
377, which ratified on September 1, 1976, a new formulation of Article 51 of the Dutch WvS
emerged.

With the enactment of this law, all provisions of the special criminal legislation that are
spread outside the Dutch Criminal Code which regulates corporate criminal liability are
revoked because they are deemed unnecessary, because with the regulation of the corporate
criminal liability system in Article 51 of the Dutch Criminal Code, as a provision In general,
based on Article 91 of the Dutch Criminal Code, this provision applies to all regulations
outside the codification as long as they are not violated.

The criminal responsibility of a legal entity (rechtspersoon/legal person) is regulated in
Article 51 Paragraph (1) of the Dutch Criminal Code (wetboek van strafrecht). This article
stipulates that a criminal act can be committed by natural persons (natuurlijkheapersoon) and corporations. If a crime is committed by a corporation, criminal prosecution is very likely and criminal penalties are very likely to be imposed against (a) the legal entity or (b) the person who ordered or directed the commission of the crime or (c) the person referred to in (a) and (b) jointly (Article 51 Paragraph (2) of the Dutch Criminal Code), where the public prosecutor has full authority to choose who will be charged depending on each case [20].

In the Dutch Criminal Code, individuals (humans) and legal entities (corporations) are equal. This equality is accepted for practical reasons, namely that it is possible to hold corporations accountable for the behavior they may be associated with, as if they were human beings. Unincorporated corporations, partnerships, shipping companies and special purpose funds are considered the same as legal entities for the above purposes.

In 2003, the Dutch Supreme Court (Hoge Raad) in its decision stated that whether or not a corporation is responsible for a criminal act must be judged from the special circumstances contained in a case. Whether or not criminal liability can be imposed on the corporation in the circumstances of whether a criminal act can be properly imposed on the corporation.

### 3.2. Development of the Strict Liability Principle on Corporations in Environmental Crimes in Indonesia and the Netherlands

Strict liability or absolute liability or in some literature is also called liability without fault or called no fault liability or liability without fault. In this principle, criminal liability can be requested without having to prove the guilt of the perpetrator of the crime. Therefore, strict liability is a principle that negates the principle of error that applies absolutely in criminal law [21].

Since Indonesia does not recognize the strict liability teaching originating from the Anglo-American legal system, then as a justification, the feit materiel teaching originating from the Continental European legal system can be used as a justification. In these two teachings it is not important that there is an element of error [22]. The strict liability teaching is only used for minor criminal offenses (regulatory offences) which only threatens a fine, as in most public welfare offenses. However, because Indonesia has taken over concepts originating from legal systems with different roots into the legal system in Indonesia, it requires the perseverance of Indonesian criminal law experts to explain this concept by linking it to the principles that have been institutionalized in Indonesian criminal law.

In the Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management, the concept of responsibility is known, namely liability based on fault and strict liability, especially Article 87 and Article 88. Article 87 regulates regarding liability for environmental pollution in general which is based on unlawful acts.

Based on the explanation of Article 88, what is meant by absolute responsibility or strict liability is that the element of fault does not need to be proven by the plaintiff as the basis for payment of compensation. The provisions of this paragraph are lex specialists in lawsuits regarding unlawful acts in general. The amount of compensation that can be charged to polluters or environmental destroyers according to this article can be determined to a certain limit, what is meant by a certain limit, is if according to the stipulation of the prevailing laws and regulations and/or the activity concerned or environmental funds are available [23].

Observing the regulation of strict liability in the Law on Environmental Protection and Management requires restrictions on the implementation of strict liability [24]. Its implementation is limited to activities related to the utilization and management of hazardous
and toxic materials, as well as those related to the utilization and management of hazardous and toxic wastes. Based on the Law on Environmental Protection and Management outside of these activities, strict liability cannot be applied.

The limitation is reasonable because its implementation ignores the element of error. This means that the implementation of strict liability itself is unusual. Usually a person is sentenced to pay compensation if he is proven guilty of committing the act he is accused of.

One of the ideals that the Indonesian government is trying to realize in the field of law is the simplification and harmonization of laws and regulations [25]. It aims to bypass complex bureaucracies that are vulnerable to various corrupt actions. The embodiment of these noble ideals was the emergence of the omnibus law on the Job Creation Act (which was later changed to the Job Creation Act).

One of the points that got the spotlight was the issue of the environmental impact of the existence of the Job Creation Act. There is a high risk to the environment behind the investment efficiency and ease of doing business offered by the Job Creation Act when a permit is granted easily, there is a high risk involved.

The Job Creation Law contains changes and deletions related to articles that regulate environmental management as a matter of responsibility in carrying out business activities. The Job Creation Act tries to simplify all existing permits in carrying out activities or businesses that have an impact on the environment. In running a business, of course it will produce waste from the remnants of production. The waste has the potential to disrupt the community in facing a decent life in terms of the environment.

There are many articles in the Job Creation Act that can accelerate environmental damage. The most visible thing in environmental protection in the Job Creation Act is the weakening of law enforcement. This can be seen from the amendments to Article 88 of the Law on Environmental Protection and Management. The existence of the abolition of the provision of absolute responsibility or strict liability for environmental destroying corporations previously contained in Article 88 of the Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management.

Absolute responsibility (no fault liability or liability without fault) itself in the literature is usually known as the phrase strict liability. Absolute responsibility is defined as responsibility without having to prove a fault. Strict liability focuses on the impact of an action regardless of whether it was intentional or not or consciously or negligently by the maker who caused an effect. This means that the maker can already be punished if he has committed the act as formulated in the law regardless of his inner attitude.

In the Law on Environmental Protection and Management, it is stated that any person whose actions, business, or activities either use, produce or manage B3 waste so as to pose a serious threat to the environment are absolutely responsible for the losses that occur without the need to prove the element of guilt. Different things can be seen in the Job Creation Act, the word "without the need for proof of an element of error" is omitted [26].

Initially Dutch environmental law was based on the Nuisance Act of 1875. Legislation on environmental protection only started in the 1960s. Sectoral laws were enacted afterwards, namely the Act on Chemical Waste 1976, Act on Waste 1977 and the Noise Nuisance Act 1976. Each of these laws has different procedures, thus requiring uniform procedures from environmental law regulations. This goal was realized in 1979 since the Provisions on Environmental Health which have been amended several times and the last was on January 18, 1990 Stbl. 45. In its development, this law was finally adopted into the Environmental Management Act in 1993 and was amended in 2004 so that it is now regulated in the Environmental Management Act 2004 (EMA 2004).
The Dutch Minister of Justice has concluded that all elements of the Instruction on environmental protection through criminal law are covered by the combination of the Criminal Code, the Criminal Procedure Code, and the Economic Crime Law [27]. Environmental crimes can be seen as lex specialis in relation to the Dutch Criminal Code and the Dutch Criminal Procedure Code.

Dutch environmental criminal law has a fairly high degree of relevance to a set of administrative law regulations. In other words, the environmental laws and regulations for the most part consist of regulations that stipulate that environmental pollution is completely prohibited and acts of pollution are permitted provided that a permit or administrative license has been obtained beforehand. These environmental laws and regulations also regulate the basic requirements for the authorities through general rules or a licensing system to allow or allow certain acts of environmental pollution to be carried out.

The 1989 Dutch Criminal Code has added several new environmental crimes which are categorized as crimes. The environmental crime contains provisions that threaten to be punished with actions in the form of illegally entering materials above and/or into the ground, air or surface water, whether done intentionally or due to negligence, if the act poses a threat to public health or the lives of people.

In the Dutch legal system, the equivalent of strict liability teachings is risicoaansprakelijkheid. Responsibility based on risk is a form of responsibility that is not based on an element of error. Liability based on risk is limited. As for determining whether an activity can be applied to the strict liability principle, it is the duty of the judge in court. These conditions are not cumulative, but only one of them is fulfilled, so the activity can be classified as very dangerous or abnormal.

Strict liability or risico-aansprakelijkheid in the Netherlands its implementation is limited to activities related to:
1. Hazardous material processing activities.
2. Hazardous material waste treatment activities.
3. Activities of transporting hazardous materials by sea, river and land.
4. Drilling and soil activities that cause explosions.

4. Conclusion

In Indonesian criminal law, it has been recognized that corporations are the subjects or perpetrators of criminal acts, but accountability in criminal law is still ambiguous. Several laws and regulations that are outside the Criminal Code formulate that corporations are explicitly recognized as legal subjects or actors and can be accounted for in criminal law. The regulation on the corporate responsibility system in the Netherlands is no longer spread outside the Dutch Criminal Code (KUHP-WvS), which was previously explicitly regulated in the law governing economic crimes (WED).

The application of the principle of strict liability to corporations that commit environmental crimes is regulated in the Law on Environmental Protection and Management, particularly in Articles 87 and 88. In its development, the Employment Creation Act has eliminated the strict liability provision which risks liberating destructive corporations. The implementation of the strict liability principle against corporations that commit environmental crimes in the Netherlands is not carried out in court, but instead submits a claim to the insurance company. The value of the loss that must be borne is not limited, depending on the evidence.
References


Legal Protection For Abandoned Children According To Law Number 35 Of 2014 In Tegal Regency

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Abstract. This research was conducted to examine the protection of neglected children with a focus: How is the legal protection for neglected children based on Law Number 35 of 2014 and What are the forms of legal protection provided by the P3AP2 and KB Offices of Tegal Regency in dealing with neglected children. Research on Legal Protection of Abandoned Children According to Law Number 35 of 2014 in Tegal Regency obtained the results: The P3AP2 and KB Offices are more understanding and aware of the rights of children and the protection of neglected children. Law Number 35 of 2014 is an amendment to Law Number 23 of 2002 concerning Child Protection which has explicitly regulated and even clarified criminal sanctions and fines for perpetrators of cruelty to children and legal protection is all efforts to guarantee and protect children and their rights. so that they can grow, live, develop and participate optimally with human dignity. DP3AP2 and KB Tegal Regency have carried out various efforts to protect abandoned children for the fulfillment of children's rights through freeing education fees for neglected children and poor families, increasing access to get assistance for neglected children, increasing community participation and the formation of the Tegal Regency Regional Regulation Number 5 2016 concerning the Implementation of Child Protection.

Keywords: Legal Protection, Abandoned Children

1. Introduction

Indonesia is a legal state based on Pancasila, the 1945 Constitution of the Republic of Indonesia, hereinafter referred to as the 1945 Constitution of the Republic of Indonesia, there is a balance and integration of regular functions and development functions. The integration of these two functions causes the obligation of the Indonesian state to its people to become wider, where the state has the authority to regulate and direct all aspects of people's lives.

Children are a mandate given by God Almighty, which we must always protect because they have inherent dignity, worth and rights as human beings that must be upheld. Children's rights are part of the human rights contained in the 1945 Constitution of the Republic of Indonesia and the United Nations Convention on the Rights of the Child. In terms of national and state life, children are the future of the nation and the next generation of the nation's ideals, so that every child has the right to survive, grow and develop, participate and have the right to protection from acts of violence and discrimination as well as civil rights and freedoms.

According to the 1945 Constitution of the Republic of Indonesia in article 34 paragraph (1) that "abandoned children are cared for by the state" means that the government has a responsibility to neglected children, including street children. Law Number 23 of 2002 which was changed to Law Number 35 of 2014 concerning Child Protection was changed to Law Number 35 of 2014 concerning Child Protection. Abandoned children according to Law Number 35 of 2014 in Article 1 paragraph (6) explains that "Children whose needs are not met properly, both physically, mentally, spiritually, and socially".
The problem of abandoned children is not only the responsibility of the government, but the community, both individually and in groups, has a moral obligation to care and participate in helping abandoned children according to their respective abilities [1]. However, from the point of view of the existence of the ruler/government as a regulator of community affairs that functions as a protector, the government's responsibility is certainly much greater and far more strategic in handling neglected children. Abandoned children are one of the victims of the downturn in social welfare in Tegal Regency. With the lack of effectiveness and the implementation of various things that are efforts to protect children who are not under the care of their parents anymore. The formulation of the problem in this research are What is the legal protection for children who are neglected victims based on Law Number 35 of 2014?, and What is the form of legal protection provided by the Tegal Regency P3AP2 and KB Office in dealing with neglected children?

2. Method
This research is a normative juridical research, namely research that is based on secondary data by using Statute Approach and Conceptual Approach [2]. [3] The research specifications used in this research are descriptive - analytical, namely research that seeks to examine and provide a complete picture of the various data that are the object of research, then synergistically and systematically analyzed to obtain answers to the problems that have been formulated and provide solutions.

3. Discussion
Indonesia adheres to the concept of a modern/material legal state (welfare state) with the aim of realizing a just and prosperous society both spiritually and materially based on Pancasila and the 1945 Constitution of the Republic of Indonesia; so it is called the state of Pancasila law. In such a legal state, the functions/duties of the Indonesian state are as follows:

a. Functions of security, defense, and order (defense, security, and protective functions). Included in this function are the function of protecting life, property rights, and other rights in accordance with those stipulated in the legislation.

b. The welfare function, including it social services and social welfare. What is clear is that all activities aimed at the realization of the welfare of the community and social justice for all Indonesian people.

c. The function of education (educational function), including it task of general information on nation and character building, cultural enhancement and so on.

d. The function of realizing world order and prosperity peace and human welfare) in a broad sense

The Indonesian legal state is based on Pancasila and the 1945 Constitution of the Republic of Indonesia, thus there is a balance and integration of regular functions and development functions. Through the definition of the state as stated above, each The state has a state function. A legal expert named Wolfgang Friedman argues that the functions of the state include :

a. as organizer or guarantor of welfare, or as the state as provider;

b. as regulator or regulator, or the state as regulator;

c. as entrepreneur, or the state as entrepreneur; and

d. as referee, or the state as umpire

The state guarantees the rights and obligations of its citizens, in accordance with the 1945 Constitution of the Republic of Indonesia, namely in Article 34 paragraph (1), which reads, "The poor and neglected children are cared for by the state". In this case it is clear, the state as
a protector and protector and must be directly responsible for handling and fostering neglected children. This article is basically a constitutional right for all poor people and neglected children throughout Indonesia as subjects of human rights whose rights should be guaranteed by the State. The guarantee of the rights of a child since he was still in the womb has been regulated in the law. If the child is born dead, then these rights are considered to have never existed, this shows that the law views the baby in the womb as a legal subject who has civil rights. Children's rights are very numerous, commensurate with the right of care (protection) for themselves. So it is not an exaggeration if the state provides a protection for children from treatments that can threaten their future.

Legal protection for children can be interpreted as legal protection efforts against various violence and children's rights as well as various efforts related to child welfare [4].

Arif Gosita stated that child protection is an effort to provide conditions and situations that allow the implementation of rights and obligations of children humanely [5]. Therefore, every child's rights must be respected for the sake of achieving the goal, namely the birth of a healthy young generation for the survival of the nation. Article 1 of the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, the definition of a child is "A child is someone who is not yet 18 (eighteen) years old, including a child who is still in the womb."

Law of the Republic of Indonesia Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection, in principle, child protection is based on Pancasila and the 1945 Constitution. The principle of protection is regulated based on the best interests of the child, where this principle stipulates that in all actions involving children carried out by the government, society, legislative and judicial bodies, the interests of children must be the main consideration. From a legal point of view, children have a strategic position and position before the law, not only as successors and heirs of the family but as part of the legal subject with all the fulfillment of needs for children who receive legal guarantees [6]. From a social perspective, the honor and dignity of the family depend on the attitude and behavior of the child to excel, and the culture of the child is a wealth that must be protected and is the successor of the tribe, nation, and economy [7].

[8]Social welfare includes various actions taken by humans to achieve a better level of community life. According to Sumarno Nugroho, social welfare is Social welfare as an organized function is a set of activities aimed at enabling individuals, families, groups and communities to cope with social problems caused by changing conditions. Some sources that can give us an understanding of The definition of an abandoned child, which includes:

1. **The definition of abandoned child is a child aged 5-18 years who spend most of their time earning a living or roaming the streets and in public places**
2. **Abandoned children are children aged 6-18 years who experience mistreatment and neglect for certain reasons (because of some Possibility: poor/poor, one of his parents/guardian sick person, one/both parents/guardian or the caregiver dies, the family is not harmonious, there is no guardian or caregiver), so that basic needs cannot be met by natural, physically, spiritually and socially.**
3. **Abandoned children are children whose needs are not fully met natural, physically, mentally, spiritually, and socially.**

The condition of abandoned children based on the description has been described above, then The problems experienced by neglected children can be formulated as follows:

1. Abandoned children take to the streets because of the family's economic pressure so that instead parents tell their children to go down to the street to use...
looking for an addition to the family. This happens because no function of the
family in meeting the needs of the family.
2. The low education of the parents of neglected children so that they do not
knowing the functions and roles as parents and also their ignorance regarding
children's rights.
3. There is no policy umbrella regarding children who take to the streets either
policies from the police, local government, social services as well as P3AP2 and
family planning services.
4. Social control is not yet optimal in society.
5. The role of social organization institutions has not yet been there is a
multi-system base handling.
6. The social environment in which abandoned children live does not support them
from the mental psychological side to enter formal school.
7. Lack of public appreciation of the potential and creativity of children displaced.

Legal protection is all efforts to guarantee and protect children and their rights so that they
can grow, live, develop and participate optimally with human dignity [9]. Children are
stewards of the ideals of the nation and must protect all the rights that exist in children, so that
every child can grow and develop physically, mentally and socially. Therefore, there is a need
for legal protection of children for the fulfillment of children's rights and treatment without
discrimination. The legal umbrella for handling neglected children and street children needs to
be issued a Regional Regulation (Perda) as the implementation of the Law on homelessness,
which regulates the technical implementation, coordination, monitoring and evaluation of the
handling of neglected children as well as family and community responsibilities. With the
existence of a regional regulation, it is hoped that programs to improve the education, health
and welfare of neglected children can run effectively and efficiently, transparently and
accountably [10]. In this case, Tegal Regency has issued Regional Regulation Number 5 of
2016 concerning the Implementation of Child Protection.

In addition to the role of law enforcement, the role of the community is also important in
the context of law enforcement which is manifested in the form of obedience. Legislation is
made, of course, needs to be enforced. [11]What is meant by law enforcement is a series of
activities in the context of implementing legal provisions both which are both preventive and
repressive, covering all technical and administrative activities carried out by law enforcement
officers so as to create a safe, peaceful and orderly atmosphere. to obtain legal certainty in
society.

4. Conclusion

The P3AP2 and KB services better understand and are aware of the rights of children and
the protection of neglected children Law Number 35 of 2014 is an amendment to Law Number
23 of 2002 concerning Child Protection which has explicitly regulated and even clarified
criminal sanctions and fines for child abusers.

Legal protection is all efforts to guarantee and protect Children and their rights so that they
can grow, live, develop and participate optimally with human dignity. DP3AP2 and KB
Tegal Regency have carried out various child protection efforts, increased access to social
assistance, increased Community Participation and formed the Tegal Regency Regional
Regulation Number 5 of 2016 concerning the Implementation of Child Protection.
References

Urgence for Establishing Rules of Authority Of The Chairman State Court to Change Determination of The Execution of the Execution Created Officer First

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Abstract. One of the things that hindered the confiscation of executions was the change in the chairman of the District Court because they had to wait for a new official. The purpose of this study was to examine the urgency of establishing the rules of authority of the Head of the District Court to change the decision on confiscation of executions made by previous officials and to examine the factors that hindered the implementation of confiscation of executions. The approach used in this study is an empirical normative approach. This research data collection technique was carried out through conventional and online literature searches. The data analysis technique used in this research is qualitative because the data is presented in a descriptive-narrative way. The results of the study indicate that the granting of authority to change the determination of the confiscation of execution of the Head of the District Court aims to resolve a case and determine the position and legal rights of a case. The granting of this authority is usually carried out due to a mutation of the Head of the District Court. Execution assignments that can be changed back are executions that are condemnator. The amendment to a confiscation of execution must be based on a request from the applicant for execution, because this change in application can also relieve the new Head of the District Court in carrying out his duties.

Keywords: Execution, Authority, Urgency

1. Introduction

The existence of a dispute that arises will cause an attempt by one party to obtain their rights from the other party. When his rights are violated and if it cannot be resolved amicably, he will file a lawsuit in court. [1] This is regulated in formal civil law or what is known as civil procedural law. If their case cannot be resolved non-litigation, then the problem or dispute is forced to proceed to the district court so that a clear decision can be obtained on the dispute that occurs. This compulsion is a picture of law and human rights in Indonesia that need to be addressed and the best solution found, because the law must essentially be certain and fair [2]. It must be a code of conduct and fairness because the code of conduct must support an order that is considered reasonable.

A case is submitted to the court for settlement and resolution. The examination of the case ends with a decision, but with the decision alone the problem is not finished. The decision must be implemented, therefore the judge's decision has executorial power, namely the power to enforce what is stipulated in the decision by force. As for what gives the judge the power to execute the execution, it is the head of the decision which reads "For the sake of Justice Based on the One Godhead" [3].
Implementation of the decision begins with a warning by the Head of the District Court to the losing party within a maximum of 8 (eight) days to implement the decision voluntarily. The losing party can voluntarily implement the decision, thereby completing the case without requiring assistance from the court in implementing the decision. If there is a decision which in the first instance is decided and examined by one of the district courts, the execution of that decision is under the orders and leadership of the Head of the District Court concerned (Article 195 Paragraph (1) or Article 206 Paragraph (1) RBg). In this case, the law gives absolute rights to the court of first instance, namely the district court.

One of the things that hindered the confiscation of executions was the change in the chairman of the District Court because they had to wait for a new official. The mutation and replacement of the Head of the District Court in strengthening the career of the Chairman of the District Court opens the possibility that the execution process will be carried out during the leadership period of two different court chiefs, in which case a letter or an order for execution has been issued by the former chairman of the court, but the execution is carried out during the leadership period of the chairman of the court. the new one. In other words, the head of the old court that stipulates the execution decision is replaced by the new chairman of the court before the execution is carried out.

This raises two practices in the field and raises questions about the determination of execution. The new Head of the District Court only carries out the executions that have been determined or can review or change the execution order issued by the old Chief Justice of the District Court [4]. There are no rules regarding this matter in Indonesian civil procedural law. The formulation of the problem in this study based on the description of the background are: What is the urgency of establishing a regulation on the authority of the Head of the District Court to amend the confiscation of executions made by the previous official?, and What are the inhibiting factors for the execution of confiscation?

2. Method

This type of research is library research [5]. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. [6]This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Discussion

3.1. The Urgency of Establishing Rules on the Authority of the Head of the District Court to Change the Decision on Execution Seizures Made by Previous Officials

Disputes in material civil law can be in the form of default and acts against the law or actions that control and cause harm to other people related to defending the rights in question
Sometimes the parties resolve the matter in a familial (peaceful) way, but it is not uncommon for the parties concerned to settle the case to the district court. The implementation of decisions in cases at the first instance being examined by a district court is by order and or by the leadership of the head of the district court who at the first level examines the case according to the method regulated in the articles.

The court, with all the existing considerations, tries to make a decision that is fair or at least close to the sense of justice itself. Dispute resolution in court is basically carried out by applying the principles of simplicity, speed and low cost, in accordance with Article 2 Paragraph (4) and Article 4 Paragraph (2) of the Law of the Republic of Indonesia Number 48 Year 2009 concerning Judicial Power. Courts as a place to seek justice and judges as case breaker are required to fulfill legal objectives. The main legal objective that must be fulfilled by judges is justice (gerechtigkeit) [8].

A court decision is meaningless if it is not implemented, therefore the judge's decision has executorial legal force, namely the power to enforce what is stipulated in the decision by force with the help of state instruments. The executive power of the judge's decision is the head of the decision which reads "For Justice Based on God Almighty". New rights can be obtained after execution or execution of court decisions. In other words, executions are carried out in order to have meaning for justice. If the execution is difficult to carry out then the enforcement of justice will be disrupted.

Judge decisions that can be executed are judges' decisions with permanent legal force (inkracht van gewisde) which are condemnatoir (punishment) and cannot be implemented against judges' decisions which are declarator and constitutief. The judge's decision is punitive, for example punishing the losing party to carry out the contents of the judge's decision, for example so that the losing party pays a debt or destroys a building.

Decisions that already have legal force still have 3 (three) kinds of power, so that the decision can be implemented, namely binding force, evidence strength, and power to be implemented. It should also be stated that not all decisions that already have definite force must be carried out, because what needs to be carried out is only condemnatoir decisions, namely punishments containing an order to a party to do an act.

The convicted party (the defendant or the opponent) is required to obey and fulfill its obligations listed in the decision which has permanent legal force voluntarily. A voluntary decision is when the losing party voluntarily fulfills itself perfectly in carrying out the contents of the decision. However, it is possible that the decision will not be implemented by one of the parties because in the future there is one party who is dissatisfied with the decision, then what will happen is denial or denial of the decision. A denial is a form of an act that does not want to do what it should do or which is an obligation.

To deal with execution problems, court officials have their own characteristics, among others, in the form of an agreement on time to consider and make decisions, many issues are left to the discretion of the Head of the District Court or High Court because the non-execution participants are incomplete [9]. Execution either in the Law of the Republic of Indonesia Number 14 of 1970, Law of the Republic of Indonesia Number 4 of 2004 and even the Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power, basically implements court decisions that aim to make a decision effective into a decision. forced performance. How to carry out a judge's decision or execution is regulated in Article 196 to Article 208 of the HIR.

Execution confiscation is a confiscation that is determined and carried out after a case has a decision that has permanent legal force. The meaning of confiscation of execution which
can be summarized from Article 197 to Article 200 Paragraph (1) HIR is the confiscation of the respondent's or debtor's assets after the warning period has been exceeded.

Execution confiscation is intended as a guarantor of the amount of money that must be paid to the applicant (creditor or bank). The way to pay off the payment of this amount of money is by selling the property auction defendant who has been confiscated. The confiscation of the debtor's assets or the defendant's execution is as a payment fund for the amount of money that was sentenced to him.

One of the things that hindered the confiscation of executions was when there was a change in the Head of the District Court because they had to wait for a new official. The mutation and replacement of the Head of the District Court in strengthening the career of the Chairman of the District Court opens the possibility that the process of confiscation of executions will be carried out during the leadership period of two different Heads of the District Court, in which case it is possible that a letter or stipulation of an order for confiscation of execution has been issued by the former Chairman of the District Court, but the execution is carried out within the leadership period of the new Chief Justice of the District Court. In other words, the previous Head of the District Court who determined the decision to confiscate the execution was replaced by the new Head of the District Court before the execution was carried out.

According to Article 195 Paragraph (1) of the HIR or Article 206 Paragraph (1) of the RBG, it is explained that the authority to carry out an execution confiscation is only given to the District Court. In general, the authority of the head of the court and the judge is different. The chairman of the court may serve as a judge, but the judge may not necessarily serve as the chairman of the court because to become the chairman of the court, he must be a judge and deputy chairman of the court for at least 10 years. The judge does not have the authority possessed by the head of the court, as well as the authority to determine the confiscation of execution.

The urgency of granting the authority of the Head of the District Court to amend the confiscation of execution is motivated by the following reasons:

1. The granting of the authority to amend the confiscation of execution by the Head of the District Court is aimed at resolving a case and determining the legal status and rights of the case, which can complete the execution by force.
2. The existence of a mutation of the Chairman of the District Court may result in a change in the determination of the confiscation of execution.
3. Facilitate efforts to resolve changes to the confiscation of executions given by the previous Head of the District Court to the new Head of the District Court.

The granting of the authority of the Head of the District Court to change the confiscation of the execution of the previous Chief Justice is usually carried out due to a mutation of the Chairman of the District Court so as to allow the execution to be carried out under the leadership of two different Chief Justices. This is with the intention of a confiscation of executions that has been issued by the previous Chairperson of the Court, but the execution is carried out by the new Chairperson of the Court. This provides an opportunity for the new Head of the District Court to amend the confiscation of execution which has permanent legal force. The determination of the execution that can be changed back is the execution that is condemnator, that is, it is punishing. The urgency of the establishment of a regulation on the authority of the Head of the District Court to change the determination of the confiscation of execution is given if:
1. There is a decision by the Head of the District Court who previously stated that the decision could not be implemented.
2. There was a strong protest from the community during the execution.
3. There is a decision by the Head of the District Court which has not previously been implemented due to a different object.
4. There was an error or mistake from the previous Head of the District Court because the community referred to the confiscation of executions carried out by the new Head of the District Court.

The amendment to a confiscation of execution must be based on a request from the applicant for execution, because this change in application can also relieve the new Head of the District Court in carrying out his duties. There has not been found a rule regarding the authority of the Head of the District Court to change the confiscation of executions made by the previous Chief Justice. For the sake of legal certainty, a provision is needed to allow the granting of authority to the new Head of the District Court to amend the confiscation of executions issued by the previous Head of the District Court in a clear and detailed manner and by reflecting justice.

3.2. Factors Inhibiting the Implementation of Execution Seizures

A civil law dispute is submitted by the party concerned to the court for resolution or settlement. The case examination is indeed ended with a decision, but with the imposition of the decision alone, the problem is not necessarily resolved, but the decision must be implemented or executed which in this case is referred to as execution of the decision.

Execution is an important thing in the litigation process and is the culmination of civil cases carried out against judges' decisions that have permanent legal force (inkracht van gewisde). The judge's decision is said to have permanent legal force, if the decision is accepted by both parties in the lawsuit and no legal action is taken.

Legal provisions governing how to implement decisions judges are regulated in Articles 195-224 HIR or Articles 206-258 RBG. The implementation of the judge's decision can be done voluntarily and by force. The voluntary implementation of the judge's decision is carried out directly by the defeated party without coercion from any party, while the forced implementation of the judge's decision is carried out based on the request of the winning party to the Head of the District Court who decides the case because the losing party is not willing to carry out the judge's decision voluntarily.

Implementing the judge's decision by force, if the judge deems it necessary can ask for assistance from law enforcement officers (police and military) to maintain security and overcome all things that can hinder the smooth implementation of the execution. The implementation of the judge's decision requires intervention from the District Court that decides the case. The definition of execution is almost the same that execution is the execution of a decision by force. The winning party in the case as an interested party submits a request for execution to the Head of the District Court who decides the case.

The implementation of the judge's decision is carried out voluntarily without court intervention but is carried out directly by the losing party voluntarily without any element of coercion from any party in accordance with the judge's decision. The implementation of the judge's decision is carried out voluntarily on the awareness and willingness of the losing party to surrender the rights of the winning party in accordance with the verdict. The judge's decision which is carried out voluntarily will not find any obstacles in the implementation of the decision because the decision is carried out on the consciousness and will of the losing
party without any coercion from any party. The losing party realizes that the object in dispute is no longer his right and has also admitted it before the judge, in good faith the losing party carries out its obligations in accordance with the judge's decision.

However, in practice, not always a judge's decision that has legal force is still carried out by the losing party voluntarily carrying out their obligations according to the judge's decision. The losing party has bad intentions, deliberately stalls for time and is not even willing to carry out its obligations according to the judge's decision.

One of the principles in civil procedural law states that whoever has an interest must be active. In a judge's decision that has permanent legal force, if the losing party is not willing to carry out the judge's decision voluntarily, then the party won in the case must be active so that the judge's decision is carried out by the defeated party in the case according to the judge's decision. Efforts that can be taken by the winning party is to apply for the implementation of the judge's decision by force through the District Court which is authorized to carry out the execution, namely the District Court which decides the case.

Even in realizing a court decision that has permanent legal force, it will never run smoothly according to the theory of execution, but there will be obstacles that are intended to prevent the execution of the decision or confiscation of execution. Some of the obstacles in carrying out execution confiscations are:

1. Juridical Technical Barriers

The purpose of this juridical technical obstacle is an obstacle that occurs from within or because of certain legal means that provide an opportunity for the executed party to delay the execution, various kinds of juridical technical obstacles such as:

a. Third party match (derden verzet)

Derden verzet is a form of legal effort carried out by a third party against a judge's decision which has permanent legal force. This can be caused by the clerk or bailiff wrongly executing or the object of execution has been transferred to the hands of a third party. Basically a third party can file a fight against the execution of a decision, based on the provisions of Article 193 Paragraph (6) HIR or Article 200 Paragraph (6) RBG. So the only condition for being accepted by a third party to file a challenge is that the object to be executed belongs to him, therefore if the reason for filing a lawsuit is outside the property rights. A third party's resistance basically does not delay the execution (Article 207 HIR or Article 227 RBG), unless the Head of the District Court gives an order for the execution to be postponed until a court decision is filed against the resistance.

b. Executed party fight

Similar to the resistance of the third party, the resistance of the executed party also basically does not postpone the execution unless the Head of the District Court orders that the execution be postponed.

c. Request for reconsideration

The judicial review is an extraordinary legal effort, so basically it does not delay the execution so that if the Head of the District Court or the Supreme Court intends to suspend execution because there is a review must really examine whether it really has
met the extraordinary reasons. If it is clear that the reasons for the judicial review are well-founded and supported by complete evidence, so that it is estimated that the application for judicial review will be granted by the Supreme Court, then with the permission of the Head of the High Court, the execution of the decision is intended to be postponed.

d. The verdict is not clear

If the decision is not clear, then the Head of the District Court must examine the legal considerations of the decision or ask the panel of judges who made the decision. The discrepancy between the decision and its implementation may be due to the lack of clarity, for example the area, boundaries, and the location of the land to be executed, which are listed in the decision, are not in accordance with field conditions.

e. The object of execution is state property

This is because the goods belonging to the government are state assets so that the execution process must go through the state auction agency so that it cannot be judged by the judge alone.

f. Convoluted execution procedural

The procedural matters referred to are technical, cost, administrative, security execution, and others.

2. Non-Juridical Barriers

The purpose of these non-technical barriers are obstacles that come from outside the scope of the legislation which are intended to prevent execution. Various kinds of non-technical barriers, among others, such as:

a. Mass mobilization

Mass mobilization is an act carried out by the losing or executed party by mobilizing the masses or their supporters with the aim of delaying or canceling the execution. This condition becomes even more complicated if the execution applicant also mobilizes a mass of supporters, this can not only delay the execution but can also trigger conflicts between their respective supporters.

b. Intervention of the other party

The meaning of the other party here is not a third party who is submitting a resistance, but outside the litigation party who appears to be an obstacle to the execution of the execution by interfering with the execution process.

c. The destruction of the object of execution or natural disaster

Obstacles in the form of destruction of the object of execution or due to natural disasters are unexpected and unavoidable, therefore this is one of the risks in the execution if the execution process takes too long.

Efforts to overcome obstacles in the implementation of confiscation of executions include preventive measures and countermeasures in every procedural procedure as well as the
firmness of the apparatus, clear rules for the community that hinder the execution, the good faith of the parties and there must be a legal approach to the parties involved. Efforts to overcome the need for good coordination between the parties and the courts and officials related to the implementation of the execution so that there are no errors that can hinder the execution.

In order to prevent the possibility of events occurring that may cause obstacles in the execution of executions, especially those carried out by the losing party, the implementation of executions by the District Court may request assistance from law enforcement officers such as the Police or the TNI who can assist in securing and smoothing the execution of executions. The security forces will take action if an incident is found in the field that can disrupt the smooth execution of the execution. If during the execution in the field there are no things that can interfere and hinder the execution, the security forces will not act. All costs incurred in carrying out the execution shall be borne by the applicant for execution. If during the execution it is found that there are parties who oppose or threaten the clerk or bailiff in carrying out their duties to carry out the execution, then the party who opposes or threatens it can be threatened with criminal law (Article 211 in conjunction with Article 214 of the Criminal Code).

Another effort is to increase the number of personnel or increase the number of security personnel in order to carry out executions safely without the need for interference from outside parties. The execution applicant is able to prepare the tools or the place for the executed goods to be placed temporarily, in practice the execution applicant has provided a transport vehicle and a place so that the executed goods can be stored safely.

The confiscation of execution system needs to be reformed, in addition to realizing people's rights, of course, to enforce the law and create legal certainty. In addition to several problems that are inhibiting factors for confiscation of executions as mentioned above, another problem is related to outdated regulations. The HIR, which is the law of execution procedure, has been in effect since the Dutch era, so it is no longer in accordance with the times and society.

4. Conclusion

Granting the authority to amend the confiscation of execution by the Head of the District Court is aimed at resolving a case and determining the position and legal rights of the said case. The granting of this authority is usually carried out due to a mutation of the Head of the District Court. The determination of the execution that can be changed back is the execution that is condemnator, that is, it is punishing. The amendment to a confiscation of execution must be based on a request from the applicant for execution, because this change in application can also relieve the new Head of the District Court in carrying out his duties. However, until now there has not been found a rule regarding the authority of the Head of the District Court to change the confiscation of executions made by the previous Chair of the Court.

The impediments to confiscation of executions do not only come from outside or from the respondent's refusal efforts, but technically sometimes parties can take advantage of legal remedies that are common to prevent or try to thwart the confiscation of executions. Efforts to avoid these obstacles are that each execution confiscation is always accompanied by the
assistance of law enforcement such as the Police and the Army who can assist in security and smooth execution of executions.

References

Legal Protection Against Business Small Medium Micro Affected By The Covid-19 Pandemic

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Abstract. This study aims to evaluate government policies on micro, small, and medium-sized businesses impacted by the COVID-19 pandemic, as well as legal protections for micro, small, and medium-sized businesses impacted by the COVID-19 pandemic. This research employs an empirical normative methodology. This strategy for collecting research data involved traditional and online literature searches. This research employs qualitative data analysis because the data is presented in a descriptive-narrative format. The results of the study indicate that since the year 2020, the government has issued a variety of policies to support the recovery of the micro, small, and medium business sector, including the implementation of strict health protocols in conducting economic activities, structural policies, assistance to micro, small, and medium enterprises, introduction of digital technology and training for perpetrators and micro, small, and medium business workers, and the provision of a national economic strategy. Article 7 of the Law of the Republic of Indonesia No. 20 of 2008 respecting Micro, Small, and Medium-Sized Enterprises outlines the government legal protection for the development of the micro, small, and medium-sized business sector in Indonesia.

Keywords: Law, Pandemic, Economy

1. Introduction

The COVID-19 pandemic has changed the map of the world economy. The health crisis that has occurred has had a negative impact on the business world. Since the last year, many business actors have been forced to take extreme policies such as cutting production costs, reducing employees, operating policies, to selling products or even going out of business. Not only in the small business sector but in large companies as well. This situation was carried out with the reason that the Covid-19 pandemic was a forced situation. Force majeure is a condition that cannot be predicted in advance. This is not only caused by a lack of consumer purchasing power, but also the implementation of social and physical distancing policies that have prevented many business places from running normally. The employment policy or politics is oriented towards returning the position of workers to their nature as human beings with apparent dignity and worth. [1]

There are several industrial sectors that have had a very severe impact due to the COVID-19 pandemic, namely the tourism industry, the aviation industry, the manufacturing industry, and micro, small and medium enterprises. Micro, small and medium enterprises that have been affected by the COVID-19 pandemic have resulted in supply chain problems, resulting in lower production yields [2]. Micro, small and medium enterprises are business groups that have a large number when viewed from the perspective of their development [3].
The number of micro, small, and medium enterprises in Indonesia has reached 64.19 million, with micro, small, and medium enterprises comprising 99.92 percent of the whole business sector, or 64.13 million. This group is similarly adversely affected by the COVID-19 pandemic [4]. If this sector is disturbed, so too will be the national economy. The challenge that Indonesian micro, small, and medium-sized businesses confront today is that the impact of the COVID-19 storm has not only disrupted commercial activity, but also put 30% of micro, small, and medium-sized businesses out of business. When there is no confidence that the pandemic will stop, capital and marketing concerns are the most significant impediments. In accordance with Presidential Regulation Number 96 of 2020 pertaining to the Ministry of Cooperatives and Small and Medium Enterprises, the government, through the Ministry of Cooperatives and Small and Medium Enterprises, which is charged with increasing community participation in the field of cooperatives and small and medium enterprises, has provided breakthroughs for business actors to continue to be able to survive in the future. the covid-19 epidemic and throughout the transition to the new normal. This presidential order is a continuation and implementation of the Law of the Republic of Indonesia No. 39 of 2008 pertaining to State Ministries.

The government has actually provided protection for micro, small and medium enterprises as formulated in the Law of the Republic of Indonesia Number 20 of 2008 concerning Micro, Small, and Medium Enterprises. However, in practice, this has not been effective given the absence of a supervisory mechanism from the government. On the other hand, this provision is considered only a formality because often national business actors are only used as silent partners so that the goal of empowering national business actors or micro, small and medium enterprises is not achieved. There are two things that become problems for micro, small and medium enterprises that need special attention and protection from the government, namely because of the large number of micro, small and medium enterprises in Indonesia and the weakness or lack of micro, small and medium enterprises when entering the free market competition system. The formulation of the problem in this study based on the description of the background are What is the government's policy towards micro, small and medium enterprises affected by the COVID-19 pandemic?, and What is the form of legal protection for micro, small and medium enterprises affected by the COVID-19 pandemic?

2. Method

This is an example of library research [5]. Library research is research conducted through the collecting of library data or research conducted to answer an issue that primarily relies on a critical and in-depth examination of relevant library items. This research includes library research since data sources can be gathered from libraries or other written documents, including journals, novels, and other types of literature [6].

3. Discussion

The impact of the outbreak of COVID-19 which is now a pandemic in all corners of the world is very influential in all aspects. The Indonesian economy is no exception. Production will decrease, goods will become scarce and prices will soar up, resulting in high inflation rates, mainly due to exports and imports of raw materials as well as capital goods being widely
affected by the COVID-19 pandemic, while raw materials in Indonesia are still dependent on China coupled with the pandemic. Covid-19 has made the distribution of raw materials difficult.

The COVID-19 pandemic has also affected the economies of countries around the world, including Indonesia. The global economy is certain to slow down, following a decision from the WHO which declared the COVID-19 pandemic as a pandemic affecting the business world. Some of the impacts that can be caused include bankruptcy, mass layoffs, laid-off workers and several micro, small and medium enterprises that were forced to close due to a large economic impact on the running of the business so that it could cause financial difficulties in the community and cause a lot of unemployment. The impact of Covid-19 on micro, small and medium enterprises on average experienced a fairly large decline in turnover. This happens due to reduced community activities outside the home.

Micro, small and medium enterprises are business activities that can expand employment opportunities and absorb labor. The growth of micro, small and medium enterprises will have a positive impact on increasing the number of workers, reducing the number of poor people, income distribution and economic development, micro small and medium enterprises are also economic stimulants in developing countries. It is not surprising that there has been a crisis that has hit the world and even the United States, but the crisis is almost not felt by the Indonesian state, whose economic activities are carried out by micro, small and medium enterprises.

[7] Recently, developing countries have begun to consider the importance of micro, small and medium enterprises for three reasons, namely: the first reason is that the performance of micro, small and medium enterprises tends to be better in producing a productive workforce. Second, as part of its dynamics, micro, small and medium enterprises usually increase productivity through investment and technological change. Third, it is generally believed that micro, small and medium enterprises have an advantage over large companies in terms of flexibility.

In addition to advantages, micro, small and medium enterprises also have weaknesses. One of the weaknesses that often occurs in the micro, small and medium business sector is limited capital. Capital is very important in developing a business. The power possessed in a business comes from capital [8]. There are still many micro, small and medium enterprises who have relatively low capital and have not been able to expand their scope of business.

According to WHO, so far, COVID-19 has spread to more than 122 countries, including Indonesia. Meanwhile in Indonesia itself, COVID-19 has spread to 279 districts/cities spread across 34 provinces. In handling it, the government prefers a policy path from two directions, namely the substance policy (prevention) while focusing on economic improvement policies [9]. Two policies that are implemented at the same time cause the implementation to be not optimal and inconsistent, and there is even a tendency to miscoordinate between the central government and local governments. In the end, the two goals to be achieved, namely breaking the chain of spreading the virus and improving economic conditions, have not been achieved, and are even getting worse. Meanwhile, economic growth is estimated to decline from 5.4% to 2.5%, and could even be minus 0.4%. This condition has not only disrupted the economy but has also disrupted economic movement.

The government's national economic recovery measures during the COVID-19 epidemic include encouraging the micro, small, and medium business sector, which plays a vital role in the national economy due to the huge number of directly involved workers. In addition, there were 65.48 million micro, small, and medium firms in Indonesia. This population is likewise adversely affected by the COVID-19 pandemic.

It takes serious handling and firm and targeted policies to resolve the economic crisis. To support economic growth during the COVID-19 pandemic, the Indonesian government issued
a policy which was summarized into 3 (three) stimuli, namely fiscal stimulus, non-fiscal and the economic sector. The three stimuli are related to all the needs of the community, especially in several fields, including the business sector, business sector, tax sector and so on. The Minister of Finance has also coordinated this together with several institutions such as banks, financial services authorities, deposit insurance institutions and so on.

In the current pandemic crisis, the government has a significant challenge and an early chance to build new micro, small, and medium-sized businesses, necessitating the need for short-term remedies to aid micro, small, and medium-sized businesses and their employees. Followed by long-term solutions, particularly if it is related with the industrial era 4.0, which requires digital technology to support economic activity.

One of the most essential options for the recovery of micro, small, and medium-sized businesses is the 2020 and 2021 continuation of micro, small, and medium-sized business incentives under the federal government's National Economic Recovery program. Consequently, certain informal sector and micro, small, and medium-sized businesses will be able to withstand the effects of the COVID-19 pandemic [10]. This indicates that its current crisis is not as serious as that of numerous other significant businesses. In addition, it is anticipated that this initiative will reduce the number of layoffs in micro, small, and medium-sized businesses. According to BPS statistics as of August 2020, new job possibilities are being created due to the addition of 760 thousand entrepreneurs and an increase of 4.55 million informal workers.

The government must ensure that National Economic Recovery funds or support for micro, small, and medium-sized businesses is the 2020 and 2021 continuation of micro, small, and medium-sized business data is not yet integrated, which is an issue. In addition, the support program for micro, small, and medium firms through interest subsidies for people's business loans need additional attention, as there are still a significant number of micro, small, and medium enterprises that do not have access to banking services.

The government also continues to promote micro, small, and medium-sized businesses to join digital platforms through the Proudly Made Indonesia National Movement Program (Gernas BBI), with 11.7 million micro, small, and medium-sized businesses already on board by the end of 2020. The goal is for 30 million micro, small, and medium-sized firms to use digital technologies by 2030.

Expansion of Indonesian product exports for micro, small and medium enterprises is also carried out through the ASEAN Online Sale Day (AOSD) in 2020. Of the 64.20 million micro, small and medium enterprises in Indonesia, 64.13 million are still micro and small businesses that are still in the business sector. informal sector so that it needs to be encouraged to transform to the formal sector. The encouragement of micro, small and medium enterprises to take advantage of digital platforms is very much needed, especially in the current state of the COVID-19 pandemic. The use of digital platforms can increase efficiency and add sales or marketing channels for the micro, small and medium business sector which currently has limited physical access to customers or service users.

To reestablish confidence in public consumption, including among employees and micro, small, and medium-sized firms in Indonesia, it is also advised to expedite vaccinations. To achieve herd immunity among 181.55 million individuals, free vaccinations have been and will be administered. However, money for the mutual cooperation immunization program is provided by legal or commercial enterprises with sufficient financial resources.

It is believed that the government's policy of constructing an ultra-micro SOE holding in the second semester of 2021 will promote the empowerment of micro, small, and medium-sized businesses. PT Bank Rakyat Indonesia (Persero) Tbk, PT Pegadaian (Persero), and PT Madani
National Capital require the development of an ultra micro BUMN holding in order to synergize their operations (Persero). Without holding, the development of micro, small, medium, and microbusiness players by these three state businesses will proceed autonomously. It is anticipated that the construction of an ultra-micro SOE holding will result in the distribution of micro-credit financing that is more focused, has lower interest rates, and is accessible to a large number of potential consumers [11]. The anticipated benefits will enable micro, small, and medium-sized businesses to access a larger market and more marketing options than before. With this BUMN holding, it is also projected to be able to solve the problem of unintegrated data for micro, small, and medium-sized businesses.

Article 17 of Presidential Regulation of the Republic of Indonesia Number 96 of 2020 establishing the Ministry of Cooperatives and Micro, Small, and Medium Enterprises stipulates that the government is responsible for executing micro, small, and medium enterprise policies. Article 18 regulates the mode of policy implementation as well as the coordination and synchronization of policy implementation in the sector of micro, small, and medium enterprises by stating that the central government will provide technical guidance and supervision in the area of the development and empowerment of micro, small, and medium enterprises. All elements of the Ministry of Cooperatives and Micro, Small, and Medium-Sized Enterprises are responsible for carrying out the central government's directives.

3.2. Forms of Legal Protection for Micro, Small and Medium Enterprises Affected by the Covid-19 Pandemic

The Law of the Republic of Indonesia Number 20 of 2008 on Micro, Small, and Medium-Sized Enterprises was issued at the end of 2008. This law represents the government's political stance toward bolstering the economic resilience of the nation, particularly in the sector of micro, small, and medium-sized businesses. As stated in the preamble letter c, the empowerment of micro, small, and medium-sized enterprises must be carried out comprehensively, optimally, and sustainably through the development of a conducive climate, providing business opportunities, support, protection, and business development as widely as possible, so as to enhance the position, role, and potential of micro, small, and medium-sized enterprises in realizing equitable economic growth and ii.

The COVID-19 pandemic has had a major impact on people's purchasing power. The public is required to reduce interactions with other people with the aim of suppressing the spread of this virus. With this condition, many consumers are turning to digital purchases in order to keep their distance from other people. The COVID-19 pandemic has indirectly made a very big change to the sales system in Indonesia from previously being able to sell their merchandise directly, being forced to sell their merchandise digitally (online).

The COVID-19 pandemic has shaken the country's economy in almost all business sectors. This condition threatens to even cause some companies to close their businesses. Although there are debt restructuring policies to tax incentives, the relaxation is temporary without any certainty of stopping the spread of the corona virus. As a result, the national economy, health and welfare are uncertain. The economy, which still comes from public consumption, due to the COVID-19 pandemic, has resulted in decreased purchasing power due to a decrease in production as well as supply which results in reduced income causing losses for business actors.

The government has been trying to focus on stopping the spread of the virus more broadly as this creates a crisis risk that threatens the economy. Various policies such as social assistance, credit restructuring to tax incentives have been pursued by the government to support the business world in surviving the crisis during this pandemic. The funds disbursed will run out
because the source of the problem is not extinguished and the spread of the virus is increasing and economic problems are also increasing [12].

The problem of micro, small and medium enterprises during the COVID-19 pandemic needs to be given a legal umbrella, so that with a legal umbrella, micro, small and medium enterprises can carry out their business activities in an orderly and orderly manner, have the value of legal certainty, and justice is given if one day there is a problem. The legal protection that regulates the economy can be found in its elaboration in the hierarchy of laws that apply in our country. We can see the main umbrella of the legislation in the Preamble to the 1945 Constitution of the Republic of Indonesia, paragraph 4, the 1945 Constitution of the Republic of Indonesia Article 33 and Article 34 Paragraph (1), and the Law of the Republic of Indonesia Number 20 of the Year 1945. 2008 concerning Micro, Small and Medium Enterprises. The 1945 Constitution of the Republic of Indonesia Article 33 and Article 34 Paragraph (1) regulates the economy and social welfare.

As a state of law, Indonesia carries out its responsibilities for economic development in accordance with applicable positive laws [13]. Responsibility in the field of economic development is not only borne by the central government, but also becomes the responsibility of local governments according to the authority attached to them based on the principle of decentralization [14].

The function of law in developing Indonesian society is not sufficient in its traditional function, namely to ensure certainty and order, but law as a means of renewal other than as a regulator or a means of development to channel human activities in the direction desired by development and renewal [15]. In carrying out its functions, the law is used as planning and countermeasures, because it is the result of exploring ideas that regulate people's lives in order to provide certainty, security, protection, and balance that is believed to guard social change as well as a means of development. Law is the principles and rules that govern human life, which embodies the application of those principles and rules into reality. The presence of law in society that connects and regulates the interests of organizations in society, plays a role in minimizing turmoil in the process of realizing it.

The problem of economic recovery for micro, small and medium enterprises is not only focused on the problem of funds alone which leads to the non-maximal absorption of government funds. However, the understanding of business actors regarding legal protection is also a determinant of the recovery and development of the small business climate. Such as the ease of licensing sector, intellectual property protection of trademarks, and protection of digital platforms. To reduce the obstacles faced by these micro, small and medium enterprises, the government must make several regulatory changes so that these regulations can provide space for small business actors to develop.

Legal protection is needed for micro, small and medium enterprises, both in terms of ease of licensing, protection of intellectual property rights, and also protection of digital platforms. These three things are the key to the success of micro, small and medium businesses to survive and to continue to develop during this covid-19 pandemic.

Related to the government's efforts to foster a business climate, this is regulated in the Law of the Republic of Indonesia Number 20 of 2008 concerning Micro, Small and Medium Enterprises, especially Article 7 where the central government and regional governments foster a business climate by establishing laws and policies that covers aspects:

1. Funding.
2. Facilities and infrastructure.
4. Partnership.
5. Business license.
7. Trade promotion.
8. Institutional support.

If the aspects in Article 7 are examined, all of these are a form of government legal protection for the development of the micro, small and medium business sector in Indonesia. However, in practice, there are several things that are important to note. This is related to the COVID-19 pandemic situation which requires the government and business actors to be more active in using information technology facilities if they do not want to go out of business [16].

Licensing management is a fairly high expense for business actors. Licensing cuts are certainly very helpful for business actors in the micro, small and medium business sector. The government has initiated an online licensing system which is also known as OSS (Online Single Submission) Presidential Regulation Number 91 of 2017 in September 2017 concerning the Acceleration of Business Implementation. Online Single Submission is a business licensing system that is integrated electronically with all ministries or state agencies to local governments in Indonesia.

Protection of intellectual property rights related to registration of trademarks and service marks is very important for business actors, including the micro, small and medium business sector. Ignorance of micro, small and medium enterprises regarding the protection of trademark registration has caused a new problem. This is important so that brand owners can protect their brands from piracy by irresponsible parties and brand owners can raise their brands so that they can expand markets, both domestic and foreign markets.

The COVID-19 pandemic has changed the trading ecosystem a lot. Entrepreneurs are forced to adapt to digital commerce. According to Ministry data, the COVID-19 pandemic has changed the trading ecosystem a lot. Entrepreneurs are forced to adapt to digital commerce. According to data from the Ministry of Micro, Small and Medium Enterprises, it was recorded that during the pandemic, trade through digital platforms increased by 26% throughout 2020 or in other words, it could reach 3.1 million transactions per day. However, the digital trading platform that dominates Indonesia today has not been fully able to provide space for increased trade in the micro, small and medium business sector. If we look at the largest digital trading platform in Indonesia, it is played by big companies.

Where each of these marketplaces has cooperation with several fintechs or e-wallets, which means it makes it difficult for micro, small and medium enterprises to compete at the national level, let alone the international level. The circulation of money will only occur in big cities, where digital trading takes place. The digitalization promised by the government as a form of support for the improvement of micro, small and medium enterprises has not yet shown a real form. The regulations produced by the government are still only about bureaucratic formalities. The legal protection of digital platforms for micro, small and medium enterprises, where business actors in this sector are more widely spread in rural areas, must be ensured to be able to compete with digital platforms that are already large.

4. Conclusion

The government's national economic recovery measures during the COVID-19 epidemic include supporting the micro, small, and medium-sized business sector, which plays an essential role in the national economy. Predictions of global economic growth must be incorporated into the creation of economic policies, particularly those pertaining to micro, small, and medium firms. Since 2020, the government has issued various policies to support the recovery of the
micro, small, and medium enterprise sector, including the implementation of strict health protocols in conducting economic activities, structural policies, assistance to micro, small, and medium enterprises, the introduction of digital technology, and training for micro and small business actors and workers. medium, the provision of a national economic recovery program, the Indonesian-made proud national movement program, the vaccine acceleration program, loan restructuring, and the development of an ultra-micro BUMN holding.

Protection of micro, small, and medium enterprises, namely the regulation based on social justice-based legal principles in the preamble of the Republic of Indonesia's 1945 Constitution. Article 7 of the Republic of Indonesia Law No. 20 of 2008 respecting Micro, Small, and Medium-Sized Enterprises outlines the government legal protection for the development of the micro, small, and medium-sized business sector in Indonesia. Regarding the COVID-19 pandemic situation, legal protection for micro, small, and medium-sized businesses is required, both in terms of licensing simplicity, protection of intellectual property rights, and legal protection of digital platforms. These three factors are crucial to the survival and growth of micro, small, and medium-sized enterprises during the covid-19 pandemic.

References

Government Responsibility for Lost of People's Life In Prison Fire Class I Tangerang

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Abstract. The purpose of this study was to identify and examine the institutional arrangements of the penitentiary and the government's responsibility in the case of the Tangerang Class I Penitentiary fire which resulted in the loss of people's lives. The approach used in this research is the law approach and the case approach. This research data collection technique was carried out through conventional and online literature searches. The data analysis technique used in this research is qualitative because the data is presented in a descriptive-narrative way. The results of the study indicate that the legal basis for the existence of correctional institutions in Indonesia is contained in Article 1 Paragraph (3) of the Law of the Republic of Indonesia Number 12 of 1995. Correctional institutions carry out the duties and functions of correctional facilities, namely to provide guidance to inmates based on systems, institutions, and ways of coaching. Based on Pancasila. Regulations of correctional institutions must try to minimize the differences between prison life and free life which aims to reduce the responsibility of prisoners or respect for their dignity as human beings.

Keywords: Fire; Government; Criminal

1. Introduction

A major fire incident occurred at the Tangerang Class 1 Penitentiary on Wednesday, September 8, 2021 in the early hours of the morning. Based on information from the media, in this incident, at least 41 people were identified, 8 people were seriously injured, and 72 people were lightly injured. The death toll on September 9, 2021 has increased by 3 people, bringing a total to 44 people dead. The police have raised the status of the Tangerang Class I Penitentiary fire case from investigation to investigation. This means that in this case there is a criminal element that must be accounted for. There are no suspects yet, but the police are continuing to examine witnesses. A number of items of evidence confiscated by the Police include CCTV footage, dozens of cellphones, padlocks and keys, as well as other evidence related to criminal acts.

The government is urged to take quick steps to conduct a thorough investigation and evaluation of the building and the condition of prison safety. The government also needs to immediately determine accountability measures for the loss of life and casualties. Including recovery and accountability to the victim's family. The government must also determine strategic steps in resolving the excess capacity of the correctional facilities by involving cross-sectoral law enforcement officers. In Indonesia, the principle of government accountability is not regulated in general criminal law (KUHP), which is adopted by corporate crimes which are spread in special criminal law.

Based on the monitoring of ICJR, IJRS, and LeIP, during the last three years there were 13 correctional institutions in Indonesia that experienced fires. He noted, of the 13 prisons that
were burned, there were 10 that were burned in overcrowding conditions or on the verge of overcrowding. Of the 10 prisons that were burned, 9 of them were in an overcrowding condition, while 1 of them was a prison with the number of occupants almost reaching the maximum limit. One such penitentiary is the Kabanjahe Penitentiary, with 97 percent of its occupants at the time the fire occurred. The overcrowding rate of the Tangerang Class I Penitentiary reaches 245 percent and is currently inhabited by 2,069 people. The density of correctional facilities is one of the contributing factors in exacerbating the dangers that occur due to the emergency caused, while other factors are the lack of readiness and training and the lack of funds from the government. The potential fire hazard in prisons when combined with the lack of preparedness in prisons and the lack of necessary resources can result in a risk of injury not only to prisoners but also to public safety.

The condition of correctional institutions that experience excess capacity will have an impact on the low fulfillment of the rights of inmates. The inmates will not get proper facilities such as proper housing, adequate cell space, clean sanitation, and medical care. Inmates in prisons are vulnerable to emotional changes. They will experience dissatisfaction with these conditions which can lead to disorder and then have the potential to create riots. This excess capacity is the root cause of the chaos in prisons lately, in addition to drug problems, lack of officers, conflicts between inmates and others. This is evidenced by the many riots in the correctional institutions which led to the fire of the correctional institutions. There are five penitentiaries that were burnt down due to rioting by the occupants. One of them was the fire at the Manado Class IIA Penitentiary in April 2020 [1].

The excess occupancy capacity of correctional institutions is the result of the accumulation of the number of inmates associated with the function of law enforcement officers who carry out functions in criminal cases [2]. On the other hand, if not, it will lead to "the crisis of overcriminalization" and "the crisis of overreach of the criminal law" (crisis of excess of criminal law) [3]. If this happens, in the end, the penitentiary as the last door in the criminal justice system will experience a surge in occupants which results in excess occupancy capacity and not achieving the purpose of sentencing itself [4]. The formulation of the problem in this research are How is the institutional arrangement of the correctional institution?, and What is the government's responsibility in the case of the Tangerang Class I prison fire which resulted in the loss of life?

2. Method

This type of research is library research [5]. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature. The approach used in this research is the statutory approach and the case approach [6]. The statutory approach is an approach that uses legislation and regulations.

3. Discussion
3.1. Institutional Arrangements of Correctional Institutions

Initially, there was no known prison system in Indonesia. The prison system was only known in the colonial era. In the VOC era, there were no prisons as they are today, there were detention houses that were intended for prostitutes, unemployed or drunken vagrants and so
on. Improvements began to be made in the British era (Raffles). After the government returned to the Netherlands, Raffles' efforts were repeated by the Dutch government, with the classification of people sentenced to forced labor using chains and people sentenced to ordinary forced labor for wages. The prison system is a treatment system for convicts (convicts), where this system is the goal of imprisonment. For those who have been proven to have committed a crime and were subsequently sentenced (criminal) by the court, then by the court the person who was sentenced was then sent to prison to carry out and serve his sentence until the end of his sentence. The guilty person in this place was treated in such a way by using a certain treatment system (in the form of torture and other corporal punishments) in the hope that the convicted person would really feel deterred.

From April 17 to May 7 1964, the Directorate of Corrections Service Conference was held in Lembang, Bandung. The conference issued a result in the form of a system of treatment of prisoners in Indonesia based on Pancasila which is called the correctional system. Correctional conception was first stated in 1964 by Dr. Sahardjo, S.H. when he received the title of Doctor Honoris Causa (Speech Banyan Tree Protection). The correctional system is a therapeutic process carried out based on the principles of humanity, Pancasila, protection, and Tut Wuri Handayani. The correctional system is an order regarding the direction and boundaries as well as the method of fostering correctional inmates based on Pancasila which is carried out in an integrated manner between the coaches, those who are fostered, and the community to improve the quality of correctional inmates so that they are aware of their mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted. returned by the community, can play an active role in development, and can live normally as good and responsible citizens. The form and method of coaching the convict in all aspects of his life and limiting the freedom of movement as well as his association with the community outside the institution are adjusted to the progress of his attitude and behavior as well as the length of his sentence that must be served. Thus, it is hoped that the convict at the time of his release from the correctional institution is truly ready to live in society again properly.

The correctional system is a series of criminal law enforcement units, therefore its implementation cannot be separated from the development of a general conception of punishment [7]. The correctional system in addition to aiming to restore the prisoners as good citizens, also aims to protect the community against the possibility of repeating criminal acts by correctional inmates. Penitentiary as the spearhead of the implementation of the principle of protection is a place to achieve the goals of the correctional institution by providing guidance and coaching through education, rehabilitation, and integration.

The name change resulted in changing the purpose of the prison system to a correctional system. In the correctional system, the goal is no longer for prison, but for coaching. Coaching is carried out as a preparation to live again in the community in a fair and responsible manner. The purpose of the imprisonment is to inflict suffering on prisoners by eliminating their freedom, as well as to guide prisoners to repent and educate prisoners to become useful members of society. The implementation of imprisonment with the correctional system in Indonesia currently refers to the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections. The Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections consists of 8 chapters and 54 articles. The first chapter regulates general provisions, the second chapter regulates coaching, the third chapter regulates community fostered citizens, the fourth chapter regulates the community consideration center and community observer team, the fifth chapter regulates security and order, the sixth chapter
regulates other provisions, the seventh chapter regulates transitional regulations, the eighth chapter regulates closing provisions.

The concept of penitentiary is not merely to formulate the purpose of imprisonment, but is a system of guidance, methodology in the field of treatment of offenders which is multilateral oriented with a potential-centered approach, the potential that exists both in the individual concerned, and in the community as a whole (community base treatment). Thus, the correctional system and the prison system are conceptually different at all, in the prison system that is applied is a system based on rehabilitation with the focus of treatment being almost exclusively centered on the individual concerned, because in the prison system what is more highlighted is the goal of the treatment itself, namely deterrence (deterence or afschrikking). It can also be seen in the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections regarding the purpose and function of the correctional system, namely that it is held in the context of forming correctional inmates so that they become fully human, realize mistakes, improve themselves, and do not repeat criminal acts so that they can accepted by the community, can play an active role in building and can live naturally as good and responsible citizens. The correctional system functions to prepare the prisoners so that they can integrate in a healthy manner with the community so that they can play a role again as good and responsible members of society.

The implementation of imprisonment with the penitentiary system implemented in Indonesia today is more due to the demand that the implementation of imprisonment must also respect and respect the rights of a prisoner as a human being created by God who has human rights [8]. Based on the principles of the correctional system as stated in the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections, it appears that the correctional system views the prisoners not only as objects but as subjects who are no different from other humans who are subject to criminal sanctions from time to time, so that they actually do not have to be eradicated, what must be eradicated are the causative factors that can cause the convict to commit acts that are contrary to law, morality, religion or other obligations that can be criminalized [9]. In other words, the strategy that must be addressed is a problem or condition that can either directly or indirectly lead to or kill the proliferation of crime.

The technique of implementing the full correctional system can only be carried out in institutions where most of the residents are sentenced to one year and above, this effort is carried out continuously and progressively in stages for each prisoner concerned from the time he enters as a prisoner until his release. It can be seen in general that the stages of implementing the correctional system begin with accepting prisoners and completing their administrative records, followed by observation or complete personal identification by a correctional council, after which the form and method of treatment will be determined. in addition to being given information about the rights and obligations as well as the way of life in the institution.

Correctional institutions are the final part of the criminal justice system in Indonesia after 3 (three) criminal justice systems, namely the police, prosecutors and courts that impose imprisonment (revocation of independence) on convicts. The legal basis for the existence of correctional institutions in Indonesia is contained in Article 1 Paragraph (3) of the Law of the Republic of Indonesia Number 12 of 1995. Of course, in the daily journey of the existence of prisons, it is certain that there are rules regarding the procedures for implementing the
development of prisoners and children. Correctional education. This is called the correctional system as stipulated in Article 1 Paragraph (2) of the Law of the Republic of Indonesia Number 12 of 1995.

Correctional institutions are classified into 4 (four) classes based on capacity, domicile, and place of work activities. The four classes are:

1. Class I Correctional Institution.
2. Class IIA Penitentiary.
3. Class IIB Penitentiary.
4. Class III Penitentiary.

Institutional regulations should seek to minimize differences between prison life and free life with the aim of reducing the responsibility of prisoners or respect for their dignity as human beings. Prior to the completion of the sentence, it is desirable that measures be taken to ensure for the prisoner a gradual return to life in society. This goal may be achieved depending on the case by a pre-release regulation organized within the same institution or at another appropriate institution by probationary release under some kind of unreliable supervision. will to the police but must be combined with effective social assistance.

3.2. Responsibilities of the Government in the Case of the Tangerang Class I Penitentiary Fire which resulted in the loss of people's lives

The Tangerang Class 1 Penitentiary fire robbed the prisoners of their rights as regulated in Article 14 of the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections, and caused losses to the victim's family. There are at least 3 articles of the Criminal Code that can be used in the case of a Tangerang Class 1 Penitentiary fire, namely Article 187 Paragraph (3), Article 188 and Article 359 of the Criminal Code. Article 187 Paragraph (3) of the Criminal Code regulates fire on purpose, which states that anyone who intentionally causes a fire, explosion or flood, is threatened with life imprisonment or for a certain period of twenty years at most, if the act causes danger to the lives of others. and cause people to die.

Article 188 of the Criminal Code which regulates fires due to negligence states that whoever due to his fault causes a fire, explosion or flood, is threatened with a maximum imprisonment of five years or a maximum imprisonment of one year or a maximum fine of four thousand five hundred rupiahs, if due to the act of there is a general danger to goods, if because of that act there is a danger to the lives of others, or if the act results in the death of a person. Furthermore, Article 359 of the Criminal Code which regulates negligence resulting in death states that whoever because of his mistake (negligence) causes another person to die, is threatened with a maximum imprisonment of five years or a maximum imprisonment of one year.

The application of Article 188 stipulates that a person's death is caused by a fire that occurs as a result of the negligent act of the perpetrator. Meanwhile in Article 359, the death of a person is caused by the negligence of the perpetrator to perform an obligation, thus causing death due to fire, but the occurrence of the fire is not the result of the act of the perpetrator. For example, not opening prison cells when a fire broke out, causing the death of the inmates.
It is possible that the officer on duty when a fire occurs can be punished under Article 359 of the Criminal Code. For Article 359 of the Criminal Code, investigators have determined three correctional officers who are on duty as suspects. The determination was made after investigators obtained three pieces of evidence, namely witness statements, documents, and statements from the suspect. So far, investigators have not found any element of intent based on the title of the case. Therefore, investigators and related parties agree that there was no intentional element, but that exists because of his negligence.

It is known that the fire incident occurred last Wednesday, September 8, 2021. It is estimated that the fire started at 01.45 WIB in the morning in Block C2 which has 122 prisoners. The fire was seen grabbing the roof behind a ceiling. Because the ceiling is made of flammable plywood, the fire then spreads quickly. The origin of the fire is thought to have been caused by a short circuit. It could be due to the high use of gadgets by the inmates that lead to electrical network engineering that is not up to standard.

Allegedly, based on existing information, the warden only arrived 15 minutes after the fire had grown and burned several cells. Their arrival was judged late and could only open 5 of the 19 cells in block C2. The absence of a light extinguisher makes it more difficult for the firefighters to extinguish the fire. Reportedly, a perfunctory blackout had occurred, before 12 fire engines arrived at 02.00 in the morning.

The Ministry of Law and Human Rights is currently auditing the buildings of all prisons in Indonesia. The Head of the Regional Office of the Ministry of Law and Human Rights is deployed to conduct an audit to check facilities and infrastructure that have the potential to disrupt security and order [10]. One of the facilities and infrastructure that is very important to note is the electrical installation. This is considered very important because considering the condition of prisons in Indonesia, most of them are old buildings, such as the Class I Penitentiary in Tangerang, which was established in 1972, whose electrical installations have never been updated. The possibility of a penitentiary being burned down is actually not something unexpected. The Ministry of Law and Human Rights has anticipated this possibility through Article 24 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 33 of 2015 concerning Security in Community Institutions and State Detention Centers.

Where in Article 24 it is explained that in certain circumstances, including fires in it, the Emergency Response Team is the party that must take immediate action to save human lives. Because the incident occurred at night, at a time when people usually rest, the steps that had been arranged became chaotic. Rescues, which according to the guidelines allow officers to open and remove prisoners and detainees from their rooms to safer or more open places, were not able to be carried out. While waiting for the results of the investigation, the Minister of Law and Human Rights has promised to give condolence money to the families of the victims who are known to have died. Each family will be given compensation of Rp. 30 million rupiah. The compensation does not mean closing the investigation carried out by the Police. The police still have to carry out an investigation. If the results of the investigation find negligence, this humanitarian tragedy could result in a criminal offence.

Negligence in a crime does not mean it has a direct purpose and purpose. Such as intentionally wanting to cause harm to someone or deliberately wanting to kill another person's life which is already a real crime. Negligence, or so-called culpa, occurs because of the carelessness of the party or person who is responsible for his carelessness that harms others. Negligence imposed on criminal sanctions is not minor negligence (culpa levis). Negligence in a crime must be proven in advance that the negligence that occurred was clear and clear (culpa lata).
Regarding the government's responsibility to correctional institutions, it is based on Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections in Article 50 which states that provisions regarding security and order in prisons are further regulated by a Ministerial Decree [11]. The decision is contained in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 33 of 2015 concerning Security in Correctional Institutions and State Detention Centers.

Article 2 Paragraph (1) states that the Minister has the authority to provide security. The authority as referred to in paragraph (1) is carried out by the Director General of Corrections. The Director General of Corrections as referred to in Paragraph (2) delegates the authority to implement security to the Head of the Correctional Division through the Head of the Regional Office of the Ministry of Law and Human Rights. The Head of the Correctional Division as referred to in Paragraph (3) delegates the authority and responsibility for the implementation of security to the Head of the Correctional Institution or state detention center. As stated in Article 46 of the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections, it is stated that the Head of the Correctional Institution is responsible for security and order in the correctional institution he leads.

Fulfilling the rights of prisoners is fully the responsibility of the government [12]. Responsibility according to the legal dictionary is a must for someone to carry out what has been required of him. Responsibility is human awareness of their intentional or unintentional behavior or actions. Responsibility is an obligation that must be borne as a result of an act of the party doing it.

Government responsibility arises as a result of the authority possessed by the government. In carrying out its authority there are rights and obligations that must be carried out by the government according to applicable regulations. Authority in legal language is not the same as power. Power only describes the right to do and not to do. Authority means rights and obligations. The parameters used in the use of authority are legal compliance and legal disobedience, so that if there is a use of authority that is not in accordance with the law, the government agency and/or official must be held accountable for it [13].

The fire at the Class I Penitentiary in Tangerang is proof of the government's unpreparedness in managing the inmates' premises. The incident was purely the correctional institution's negligence in controlling the environment. The prison emergency response team did not function in the fire conditions, as stated in the Regulation of the Minister of Law and Human Rights Number 33 of 2015 concerning Security in Corrections and State Detention Centers which was signed by the Minister of Law and Human Rights Yasonna Laoly on October 15, 2015.

In the case of this fire, not only the Head of the Correctional Institution must be held accountable, but the Director General of Corrections including the Minister of Law and Human Rights, Yasonna Laoly, must be removed or resign. This is a form of official and moral responsibility for a human tragedy that is purely due to their negligence as the holder of the authority to administer security.

4. Conclusion
The legal basis for the existence of correctional institutions in Indonesia is stated in Article 1 Paragraph (3) of the Law of the Republic of Indonesia Number 12 of 1995. Correctional institutions carry out the duties and functions of correctional facilities, namely to provide guidance to inmates based on systems, institutions, and methods of guidance based on Pancasila. Regulations of correctional institutions must try to minimize the differences between prison life and free life which aims to reduce the responsibility of prisoners or respect for their dignity as human beings.

The government's responsibility in the case of the Tangerang Class I Penitentiary fire is based on Article 50 of the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections and Article 24 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 33 of 2015 concerning Security in Correctional Institutions and State Prison House. The two articles state that the Minister of Law and Human Rights, the Director General of Corrections, the Head of the Correctional Division, and the Head of the Tangerang Class I Penitentiary must be responsible for the administration of security and order in prisons.

Reference

Comparison of Criminal Actions Between the Legal System of Indonesia and Thailand

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Abstract. The purpose of this study is to examine the arrangement of trial criminal offenses in Indonesia and Thailand as well as the similarities and differences between attempted criminal offenses between the Indonesian and Thai legal systems. The approach used in this research is a statutory approach and a comparative approach. This research data collection technique was carried out through conventional and online literature searches. The data analysis technique used in this research is qualitative because the data is presented in a descriptive-narrative way. The results of the study show that the law does not provide a definition of what is meant by trial, but only provides provisions regarding the terms of probation for what kind of criminal act can be punished. Attempted criminal acts in Indonesia are regulated in Article 53 and Article 54 of the Criminal Code. Provisions regarding attempted criminal acts in Thailand are regulated in Articles 80 to 82 of the Thai Criminal Code Book I. The similarity between attempted criminal acts between Indonesia and Thailand, namely the Indonesian Criminal Code and the Penal Code of Thailand (KUHP Thailand) does not provide a definition of what is meant by attempted criminal acts because are both considered as unfinished offenses and the Indonesian Criminal Code and the Thai Criminal Code both impose a penalty of two-thirds of the principal sentence.

Keywords: Law, Comparison, Probation

1. Introduction

Probation is very important regulated in criminal law [1]. A trial can be punished if a person has started an act which, by its nature, can have direct consequences that are prohibited and threatened with punishment by law [2]. Trial is a criminal act and can be punished if it is combined with one of the articles in the Criminal Code.

The trial in this criminal act is unique because in the formulation of this trial offense it is often difficult to determine the limits of the experiment itself and another difficulty that is often found is determining the boundaries between preparatory and implementing actions [3]. Generally, the act can be assumed as an act of execution, if a person has committed a part of a criminal event, if a person has not started a part of a criminal act, then his act must be viewed as a preparatory act.

The purpose of the trial of a criminal act is so that the person's evil intentions do not develop further by being realized in such a way that the implementation is completed perfectly. So for the prevention of such people should be threatened with a criminal. Threatening punishment on trial is aimed at eradicating evil wills that are evident in actions and protection of the law, which are threatened with danger.

The criminal law setting in the trial of a criminal act is different from the criminal law setting in the completion and non-completion of the act solely not because of his own will [4]. Trials are regulated in Book I on General Rules, Chapter IV Articles 53 and 54 of the Criminal
Code [5]. The definition of trial is not explained by the law, but it is stipulated that an attempt to commit a criminal act is punishable by a criminal if it meets certain requirements, such as an experiment in Article 53 of the Criminal Code and an experiment in Article 54 of the Criminal Code.

The cause of the non-arrangement of an attempted violation is because the offense is light enough to be punished. Attempted violation of specific criminal provisions may also be punished. For example, someone who tries to violate an economic crime [6].

Unlike the case with attempted criminal acts from Thailand [7]. The provisions of criminal law in Thailand regarding attempted criminal acts can be found in Book I on General Provisions. A trial can be sentenced to meet several conditions or elements that have been formulated in Article 80 of the Thai Criminal Code.

It is interesting to note that in the Thai Criminal Code the term “to attempt to commit an offense” is used. The terms attempted to commit crimes and violations are not used, but only use the terms specific offenses in Book II and petty offenses in Book III. The experimental formulation contained in the Thai Penal Code does not explicitly include an element of intention and the implementation is not completed not by one's own will as is the case in the Indonesian Criminal Code. If a trial of a criminal act ends due to an incapacitated trial of a criminal act, then in the Thai Criminal Code, no more than half of the criminal penalties stipulated for the crime in question will be imposed.

The principle is that in the Indonesian Criminal Code trying to commit a criminal act is a prohibited act and the perpetrator can be subject to criminal sanctions, even though the punishment is not up to the maximum limit as specified in the legal article that is violated, but reduced by one third of the maximum threat of criminal sanctions [8]. Only an attempt to commit a crime is punishable by a crime, while an attempt to commit an offense is not punishable. Attempts to commit a crime in the Thai Criminal Code are not punished in principle but as a reason for eliminating the crime. However, an experiment can also be punished if it is a separate crime according to the law, meaning that the maker is convicted for the crime in question.

Indonesia cannot turn a blind eye to the development of the laws of countries in the world. For the perfection of the provisions and the implementation of the trial of a criminal offense in Indonesia, it is necessary to conduct a comparative study between the criminal law of Indonesia and Thailand to find out how the provisions in the trial of a criminal act are made so as to see the merits and weaknesses of the provisions concerning the trial of a criminal offense in each country. The formulation of the problem in this research is: What are the arrangements for attempted criminal acts in Indonesia and Thailand?, and What are the similarities and differences between the Indonesian and Thai legal systems?

2. Method

This type of research is library research [9]. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials [10]. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Discussion

3.1. Criminal Trial Arrangements in Indonesia and Thailand
Basically the law does not provide a definition of what is meant by probation, but only provides provisions regarding the terms of probation for what kind of criminal act can be punished. The experiment itself can be said as an act of going to something but not reaching the intended thing or it can be said that it wants to do something and has started, but is not finished. The Criminal Code itself does not provide a definition of what is meant by an attempted criminal act, but an explanation is given regarding the conditions for a crime to be said to be a trial and can be subject to punishment, namely:

1. The existence of an intention or voornemen in the sense that the person must have an intention or a voornemen to commit a certain crime.
2. There has been a start of execution or a start van uitvoering in the sense that the person's intention has been manifested in an initiation to commit the crime he wants.
3. The execution to commit the crime that he wanted was later not completed due to problems that did not depend on his will, or in other words the incomplete execution of the crime he had started must be caused by problems that were beyond his will alone.

The reasons for including the experiment as a separate offense are:

1. Basically a person is convicted for committing an offense.
2. The concept of "criminal act" (dualistic view) the size of an offense is based on the main idea of the dangerous nature of the act itself for the safety of the community.
3. Customary law does not recognize trial as an imperfect offense (onvolkomen delictsvorm), for which the offense is completed.
4. There are several acts in the Criminal Code which are considered as stand-alone offenses and are completed offenses, even though the actual execution of the acts has not been completed, so they are only trials. For example, the offenses against treason (aandlagdelicten) in Article 104, Article 106, and Article 107 of the Criminal Code.

In the Dutch literature, an attempt to commit a crime is considered an unfinished offense. Attempts to commit a crime are considered a special offense. This means another offense regulated in the second book of the Criminal Code. The opinion that an attempt to commit a crime is referred to as an unfinished offense can be expressed in several opinions in the Dutch decision.

The article regarding probation is only given by an ausdehnungsgund staff, namely that the punishment specified in the formulation of the offense can also be imposed on perpetrators who are unsuccessful in their efforts to resolve the crime. The confinement of a trial means an extension of the punishment for an offense, even though the act has only been partially carried out. It is as if there are still elements left that have not been carried out by the perpetrators, but have been subject to criminal penalties.

It can be sentenced to trial, legislators broaden the understanding of the perpetrator, including the perpetrator is a person who has not had time to complete what he wants to carry out, has not had time to complete all elements of the offense in the act he wants. The trial is a completed and stand-alone offense. For this reason, three reasons are given. The first relates to the difference in the criminal law system where it is distinguished between criminal acts and criminal liability [11].

Trial is not a stand-alone offense. It is proven that the experiment is regulated in the Criminal Code. So that if someone is accused of carrying out an experiment, an article must be charged against the desired act. Because the article has not fulfilled all of its elements due to the unfinished business of the act, the article on trial is an article that must be included in the indictment. Thus proving that the article on trials contained in the Criminal Code cannot be
indicted independently. Of course, the indictment of the experiment was followed by the crime the perpetrator wanted, namely the crime contained in the Criminal Code.

In general, the arrangements for trials are regulated according to Article 53 of the Criminal Code which states:

1. Attempts to commit a crime shall be punished, if the intention for that has been evident from the beginning of the execution, and the execution was not completed solely due to one’s own will.
2. The maximum principal penalty for crimes, in the case of probation, is reduced by one third.
3. If the crime is punishable by death or life imprisonment, a maximum imprisonment of fifteen years shall be imposed.
4. The additional penalty for probation is the same as a completed crime.

If you pay attention to the first sentence of Article 53 of the Criminal Code above where it says "attempting to commit a crime is punishable", it shows that what can only be convicted is an attempt on the type of crime offense, which means that trying to commit a violation offense cannot be punished. The above is reinforced by Article 54 of the Criminal Code whose original text reads "poging tot overtrending is niet strafbaar" which means "attempting to commit an offense is not punishable".

The purpose of making the law not to punish those who voluntarily resign against a malicious intent can be seen from the memo van toeliching (M.v.T) there are two reasons stated in the M.v.T. The first is that the law does not convict someone because there is an intention. Although it has been realized in the beginning of the implementation, but if the intention is deliberately canceled then the person has no more intention to commit the crime that was originally intended. The second reason is related to the interests of the community. The legislature will provide a guarantee not to convict someone if that person voluntarily no longer continues his intention.

Thailand or previously known as Siam is the only country in Southeast Asia that was never colonized by western colonialism. The name Siam was changed to Thailand which means land of free. Since 1923, Thailand, the capital city of Bangkok, has been a unitary state and has a parliamentary system of government. Parliament in Thailand uses a two-chamber system. A constitutional monarchy led by a king as a protector of Thai Buddhism and a symbol of the identity of the nation's unity.

Thailand bases their legal system on civil law. Civil law originally originated in Continental Europe which upholds formal sources of law in the form of a written constitution, such as legislation, customs, and jurisprudence. Meanwhile, common law (Anglo Saxon) bases the legal system on jurisprudence where the previous judge's decision becomes the basis for subsequent decisions.

The three main values in civil law are: (1). Codification, (2). The judge bases the decision on the law, (3). The justice system is inquisitorial. This school argues that legal certainty as one of the objectives of making law can apply because the habits of life and legal actions of the community are contained in the form of written rules that have clear binding power. Meanwhile, the function of judges in giving judicial decisions is guided by the interpretation and determination of existing regulations in accordance with the limits of their authority.

Provisions regarding attempted criminal acts in Thailand are regulated in Articles 80 to 82 of the Penal Code of Thailand Book I concerning General Provisions. The conditions or elements for which a trial may be sentenced are formulated in Article 80 as follows:
Sub 1: Whoever commences to commit an offense, but does not carry it through, or carries it through but does not achieve its end, is said to attempt to commit an offense. (It is said to have attempted a criminal act, whoever begins to commit a criminal act, but does not finish it or carries out or completes it but does not achieve its result or purpose).

Sub 2: Whoever attempts to commit an offense shall be liable to two thirds of the punishment provided for such offense. (Anyone who tries to commit a criminal act will be sentenced to two thirds of the penalty imposed for the crime in question).

From the above formulation, it can be seen that the elements of an attempted criminal act according to the Penal Code of Thailand are:

1. Has started to commit a crime (so there has been a start of implementation).
2. But the execution:
   a. Not solved, or
   b. The result or goal is not achieved.

It is also interesting to note that the Penal Code of Thailand uses the term “to attempt to commit an offense”. So the term “attempt to commit a crime” is not used because the Penal Code of Thailand does not distinguish between types of crimes and violations, but only uses the terms specific offenses in Book II and petty offenses in Book III. The basic provisions governing criminal offenses can be found in the Penal Code of Thailand and the Thai Criminal Procedure Code.

According to Article 80 Paragraph (1) above, it is said that there is a trial if the implementation is not completed or the objective is not achieved. If the goal is not achieved due to an incapacity trial, Article 81 of the Penal Code of Thailand formulates the following:

“Whoever does an act by aiming at the effect which the law provides as an offense shall, if his doing of the act is certainly incapable of achieving its end on account of the factors employed in the doing, or on account of the object at, be deemed to attempt to commit an offense, and shall be inflicted with the punishment of not more than one half of the punishment provided by the law for such offense”. (Whoever performs an action aimed at the result according to the law, which is stipulated as a criminal act, it will be considered to have attempted a criminal act if the act is definitely unable to achieve its objectives, either because of the factors or tools used in the act or because the object for which it is intended and will be subject to a penalty of no more than half of the penalty imposed for the crime in question).

From the above formulation, it is clear that according to the Penal Code of Thailand, if a person already has the intention or purpose to commit a criminal act, but the goal is not achieved because of an incapacitated experiment (either unable to use the tool or unable to carry out the object), he/she remains sentenced to a maximum of half of the criminal penalty for the crime in question. So a little lighter than the experiment formulated in Article 80 above.

The termination of the implementation of one's own free will (there is a voluntary resignation) in the Penal Code of Thailand is formulated separately in Article 82. The non-completion of the execution (in the trial) of one's own free will, according to the Penal Code of Thailand, does not automatically constitute a reason for the abolition of the crime. The non-completion of the trial of his own free will can be the reason for the abolition of the crime as long as the act committed does not constitute a criminal act. However, if it is a separate crime, the perpetrator will still be punished for the crime in question.
3.2. Similarities and Differences in Trial Crimes Between Indonesia and Thailand

Attempted criminal acts can occur in any country, because when a person commits a criminal act, there will be a possibility that the criminal act he has committed is not completed due to reasons, where these reasons are regulated by law. Of course, there are some differences or similarities from one country to another. The following will describe the legal comparison between Indonesia and Thailand to find out the similarities and differences between Indonesia and Thailand attempted criminal acts.

1) Similarities of Trial Crime Between Indonesia and Thailand

The legal rules of both the Indonesian Criminal Code and the Penal Code of Thailand do not provide a definition of what is meant by an attempted criminal act, but only provide provisions regarding the conditions for which trial of a criminal offense can be punished. The trial conditions in the Indonesian Criminal Code are contained in Article 53 of the Criminal Code, namely:

   a. The intention or will of the perpetrator.
   b. There is the beginning of the implementation of the intention or will.
   c. Implementation is not completed solely beyond the intention or will of the perpetrator.

Therefore, in order for a person to be convicted of trying to commit a crime, these three conditions must be proven to exist for him, in other words an experiment is considered to exist if he fulfills these three conditions. The requirements or elements of the attempted criminal act in the Penal Code of Thailand are contained in Article 80 of the Penal Code of Thailand, namely:

   1. Has started to commit a crime (so there has been a start of implementation).
   2. But the execution:
      a. Not solved, or
      b. The result or goal is not achieved.

Attempts to commit a crime in the Indonesian Criminal Code and the Penal Code of Thailand are both considered an unfinished or incomplete offense as a criminal act. Article 53 of the Indonesian Criminal Code states that an attempt to commit a crime is punishable by punishment, if the intention of the maker has been confirmed by the start of the act and the act is not completed until it is completed only because of things that do not depend on his own will. Article 80 of the Penal Code of Thailand stipulates that in carrying out an attempted criminal act, whoever begins to commit a criminal act, but does not complete it or carries out or completes it but does not achieve its result or purpose.

In imposing criminal charges against perpetrators of attempted criminal acts, both the Indonesian Criminal Code and the Penal Code of Thailand both impose a penalty of two-thirds of the principal sentence, although each Criminal Code differs in the delivery of the amount of the sentence imposed. Article 53 Paragraph (2) of the Indonesian Criminal Code states that the maximum principal penalty for crimes, in the case of probation, is reduced by one third. In Article 80 Paragraph (2) of the Penal Code of Thailand, it is stated that whoever tries to commit a crime will be sentenced to two-thirds of the penalty imposed for the crime in question.

2) Differences in Trial Crime Between Indonesia and Thailand

Attempted criminal acts in Indonesia are regulated in Article 53 and Article 54 of the Criminal Code. Trials in the Indonesian Criminal Code distinguish between attempted crimes
and violations. Provisions regarding attempted criminal acts in Thailand are regulated in Articles 80 to 82 of the Penal Code of Thailand Book I concerning General Provisions. The basic provisions governing criminal offenses can be found in the Penal Code of Thailand and Thailand's criminal code of procedure.

The Penal Code of Thailand uses the term to attempt to commit an offense. So the term "attempt to commit a crime" is not used because the Penal Code of Thailand does not distinguish between types of crimes and violations, but only uses the terms specific offenses in Book II and petty offenses in Book III.

In the terms or elements of the experiment as stated in Article 53 of the Indonesian Criminal Code, it is stated that there is an intention or will of the experimenter. Unlike the case with Article 80 of the Penal Code of Thailand, the intention or will of the perpetrator is not stated in the article as an element or condition of an attempted criminal act. In addition, Article 80 of the Penal Code of Thailand states that there are elements of results or goals that are not achieved that are not stated in Article 53 of the Indonesian Criminal Code.

According to Article 81 of the Penal Code of Thailand, it is stated that the trial is not capable of being punished with a maximum sentence of half of the criminal penalty for the crime in question. This incapacity trial is not mentioned in the Indonesian Criminal Code and is not mentioned in the Indonesian Criminal Code.

An incapacitated experiment whose object is relatively imperfect is an act aimed at manifesting certain evils on certain objects, which can generally be achieved, but in certain special circumstances the object causes the crime not to occur. For example a safe which generally contains money, which in general, thieves can take the money in it. But in certain circumstances, for example during the day the money has been used to pay employee salaries, so the safe is empty.

Article 53 Paragraph (3) of the Indonesian Criminal Code stipulates that if a crime is punishable by death or life imprisonment, a maximum imprisonment of fifteen years is regulated, while in Paragraph (4) an additional sentence of trial is regulated which is the same as the completed crime. This is not regulated in the Penal Code of Thailand. The Penal Code of Thailand only states that if what is done is included in or constitutes a crime according to the provisions of the law, he will be punished for the crime in question.

4. Conclusion

Basically, the law does not provide a definition of what is meant by probation, but only provides provisions regarding the conditions for probation for what kind of criminal act can be punished. Attempted criminal acts in Indonesia are regulated in Article 53 and Article 54 of the Criminal Code. Provisions regarding attempted criminal acts in Thailand are regulated in Articles 80 to 82 of the Penal Code of Thailand Book I concerning General Provisions.

The similarity of attempted criminal offenses between Indonesia and Thailand, namely the Indonesian Criminal Code and the Penal Code of Thailand do not provide a definition of what is meant by attempted criminal acts, attempts to commit a crime in the Indonesian Criminal Code and the Penal Code of Thailand are both considered as unfinished offenses and The Indonesian Criminal Code and the Penal Code of Thailand both impose a penalty of two-thirds of the main crime. The trial in the Indonesian Criminal Code distinguishes between attempted crime and violation while the Penal Code of Thailand does not distinguish between types of criminal acts and violations, the Indonesian Criminal Code states that there is an intention or will of the perpetrator of the experiment, in contrast to Article 80 of the Penal Code of Thailand, the intention or will of the perpetrator of the experiment. the whereabouts of the
perpetrator were not stated, and there was an incapacitated trial according to the Penal Code of Thailand.

Reference

Harmonization Of Central Government Regulation Number 21 Year 2020 With Regulations Tegal City Region Number 10 Year 2020 In Handling Covid-19

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Abstract. The purpose of this study is to analyze the regulation of the authority of the central government and local governments within the Unitary State of the Republic of Indonesia and the harmonization of Central Government Regulation Number 21 of 2020 with the Regional Regulation of the City of Tegal Number 10 of 2020 in handling COVID-19. The approach used in this research is a statutory approach and a conceptual approach. This research data collection technique was carried out through conventional and online literature searches. The data analysis technique used in this research is qualitative because the data is presented in a descriptive-narrative way. The results show that the relationship between the central and local governments is complementary and interdependent. The central government cannot function without local government, and vice versa. The difference is only in the scope of power and authority of each. The division of authority in the relationship between the central government and regional governments is related to the division of household affairs or referred to as government affairs. Therefore, the legitimacy of the central government is determined by the existence and trust of local governments, on the other hand, local governments need central justification in administering government independently and autonomously.

Keywords: Authority, Pandemic, Government

1. Introduction

The 1945 Indonesian Constitution's Preamble lists the country's aspirations. In the preamble to the fourth paragraph of the 1945 Constitution of the Republic of Indonesia, the country's national and international goals are stated: to protect the entire Indonesian nation and homeland, promote public welfare, educate the nation's life, and implement a world order based on freedom, lasting peace, and social justice. The independence of Indonesian nationality is arranged by the Republic of Indonesia, which is sovereign by the people based on the One and Only God, just and civilized humanity, Indonesian unity and democracy led by wisdom in deliberation/representation, and by realizing social justice for all Indonesians.

Indonesia has begun limiting COVID-19's expansion. Indonesia has had issues with COVID-19. COVID-19 has caused economic, social, cultural, security, and government challenges. Problems in government management stem from the spread of COVID-19, which is related to decentralized health affairs \cite{1}. The central government and local governments in each province and district/city have taken precautions to prevent the spread of COVID-19 in Indonesia. The government must build this properly and synergistically, he said.

As circulated on social media and mass media, the handling of the COVID-19 outbreak between the central government and regional governments is not going well and synergistically.
The Indonesian government from the beginning has emphasized not to impose a lockdown or regional quarantine. The government even emphasized that according to the mandate of the law, the authority to carry out a lockdown is entirely the authority of the central government, not the regional government. Various reactions from the central government and regional governments led to a debate as to who actually has the authority to handle the affairs of the COVID-19 outbreak, the central government or regional governments. Uniformity in responding to this pandemic needs to be coordinated between the central government and local governments. Responding to the fact that the Covid-19 case is a pandemic so that it is declared to be an extraordinary public health event that poses a health hazard across regions or countries. This has fulfilled the element of a public health emergency so that the applicable provisions refer to the Law of the Republic of Indonesia Number 6 of 2018 concerning Health Quarantine.

Efforts to prevent the spread of COVID-19 in Tegal City continue to be carried out in 3 (three) pillars. One of the efforts carried out was the socialization of the Tegal City Regional Regulation Number 10 of 2020 concerning the 2019 Corona Virus Disease Management in the City of Tegal. This socialization aims to provide an understanding to the ranks of the kelurahan, the community and various other related parties, so that they can know, understand and implement the provisions of the Tegal City Regional Regulation Number 10 of 2020.

There are various things that need to be considered in the formation of a legal product, including paying attention to the hierarchy of laws and regulations, the principles of the formation of laws and regulations, content material, and other legal principles so that the legal products to be formed do not conflict with each other or there is no overlap. arrangements with other laws and regulations [2]. In other words, it is necessary to do a harmonization in the formation of a legal product. The implementation of harmonization of a legal product is not limited only when the formation of a legal product will be carried out, but the implementation of harmonization is also carried out on legal products that have been formed [3]. Harmonization is carried out because of the legal dynamics of the establishment or promulgation of a new legislation, causing some of these legal products to be inconsistent with the newly promulgated legislation. Based on the background above, the researchers formulate the problems that will be studied further as follows How is the authority of the central government and local government arranged in the Unitary State of the Republic of Indonesia?, and How is the harmonization of the Central Government Regulation Number 21 of 2020 with the Regional Regulation of the City of Tegal Number 10 of 2020 in handling Covid-19?

2. Method

This type of research is library research [4]. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. [5] This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Discussion

3.1. Regulating the Authority of the Central Government and Regional Governments in the Unitary State of the Republic of Indonesia

Government authority is the power that exists in the government to carry out its functions and duties based on statutory regulations. In other words, authority is power that has a basis for taking legal actions or actions so that legal consequences do not arise, namely the realization of
arbitrariness (onwetmating). The whole implementation of government authority is carried out or carried out by the government, without government authority then of course the government will not be able to carry out an action or act of government. The purpose of the state is to provide welfare for all its people. In achieving the goals of the state, the state does not do or act alone. It takes a government organ that can run the country in order to achieve the country's goal of becoming a welfare state. Government organs are government officials who can run the wheels of government. In carrying out the wheels of government, of course it must be carried out in accordance with the affairs under its authority [6].

Multiple meanings exist for Indonesia's government. It can refer to the executive, legislative, and judicial branches of government. It's also interpreted as the executive and legislature combined, since they administer the country and make laws [7]. In a narrower sense, it refers only to the executive branch in the form of a government cabinet, which governs day-to-day. Indonesia is a republic. In a unitary state, the central government has the most jurisdiction over all state issues without delegating to local governments. The unitary state does not divide state affairs between the central government and local governments, hence the highest authority in the country is the central government. In a unitary state, the central government handles most government functions.

According to the Big Indonesian Dictionary, the definition of the central government is the ruler who serves at the center, covering all local governments. Central government is the entire administration of government which is not carried out by an autonomous region. According to the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, the definition of central government is the President of the Republic of Indonesia who holds the power of government of the Republic of Indonesia who is assisted by the vice president and ministers as referred to in the 1945 Constitution of the Republic of Indonesia.

In a unitary state, all government power is in the hands of the central government. The central government can delegate its powers to constituent units but what has been delegated may also be withdrawn. In a unitary state, all power is owned by the central government. This means that central government regulations determine the form and structure of autonomous regional government, including the type and extent of autonomy according to its own initiative. Autonomous regions also regulate and manage central matters (medebewind), the central government continues to control the supervisory power of these autonomous regions.

In Chapter IV which regulates government affairs, Article 10 Paragraph (1) of the Law of the Republic of Indonesia Number 23 of 2014 stipulates that absolute government affairs which become central affairs as referred to in Article 9 Paragraph (2) include: Foreign Policy, Defense, Security, Judiciary, Monetary and National Fiscal, and Religion. Article 10 Paragraph (2) also regulates government affairs which are the authority of the government outside of government affairs as referred to in Paragraph (1), namely that the central government may:

1. Do it yourself, or
2. Delegate authority to vertical agencies in the regions or governors as representatives of the central government based on the principle of deconcentration.

The Indonesian government system adheres to the principle of a decentralized unitary state, meaning that there are certain tasks that are managed by the local government itself. This will give birth to a relationship of authority and supervision. Based on the provisions of Article 1 Paragraph (2) and Paragraph (3) of the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, it is explained that what is meant by regional government is
the administration of government affairs by the regional government and the Regional People's Representative Council.

3.2. Harmonization of Central Government Regulation Number 21 of 2020 with Regional Regulation of Tegal City Number 10 of 2020 in Handling Covid-19

According to the 1945 Constitution of the Republic of Indonesia's idea of autonomy and co-administration with as much autonomy as feasible [8]. Regional governments, such as governors, regents, or mayors, administer regional government [9].

Article 18 Paragraph 7 of Indonesia's 1945 Constitution regulates regional government organization and procedures. Through service development, empowerment, and community engagement, as well as boosting regional competitiveness by considering democracy, equity, justice, and a region's uniqueness within Indonesia's Unitary State.

The Law of the Republic of Indonesia Number 23 of 2014 about Regional Government emphasizes the regional government's relationship with the government and other regional governments [10]. The relationship comprises fair and harmonious authority, money, public services, and natural resource use [11]. Administration and territoriality across government entities result from authority, finance, public services, and natural resource use [12].

Government Regulation 38 of 2007 regulates the division of government affairs between the government, provincial governments, and regency/municipal governments. According to Government Regulation No. 38 of 2007, government matters comprise foreign policy, defense, security, justice, national monetary and fiscal, and religion. Article 7 paragraph (2) of Government Regulation No. 38 of 2007 stipulates that provincial and district-city governments are responsible for education, health, environment, public works, spatial planning, development planning, housing, youth and sports, investment, cooperatives and small and medium enterprises, population and employment civil registration, food security, women's empowerment and child protection, family planning and recreation.

Article 7 Paragraph 4 of Government Regulation Number 38 of 2007 regulates elective affairs, which are government affairs that exist and have the ability to increase community welfare based on the region's conditions, peculiarities, and excellence. The elective topics under provincial and district municipal administrations are Marine and Fisheries, Agriculture, Forestry, Energy and Mineral Resources, Tourism, Industry, Trade, and Transmigration.

Article 7 Paragraphs (2) and (3) of Government Regulation 38 of 2007 clearly divide government affairs between the government, provincial governments, and district/city governments. This follows decentralization, deconcentration, and co-administration ideals. This is done to protect, empower, and prosper the people [13]. In the implementation of decentralization and co-administration, provincial and regency/municipal regions are led by a regional head, while in the context of deconcentration, each region is led by a provincial regional head called the governor for the province, and the State Capital Special Region and Special Regions or other Special Regions are called regents for districts and called mayors for cities.

The relationship between the central and local governments is complementary and interdependent. This is because the central government cannot function without local governments, and vice versa, complement each other, where the only difference is the scope of power and authority of each. Therefore, the legitimacy of the central government is determined by the existence and trust of local governments, on the other hand, local governments need central justification in administering government independently and autonomously. handling Covid-19
The World Health Organization (WHO) determined the status of the covid-19 pandemic based on the number of virus spreads, which has increased significantly and is sustainable globally. In response, the Indonesian government declared the covid-19 outbreak a national disaster on March 14, as stated in Decree President Number 12 of 2020 concerning the Determination of Non-Natural Disasters for the Spread of Corovirus. The president also organized a task force to expedite COVID-19 and coordinate national and regional government capacities.

The central government's relationship with local governments is often questioned since it produces overlapping interests. In a unitary state, the central government's efforts to maintain power are evident. The central-regional link has resurfaced in COVID-19. Uncertainty surrounds Covid-19's authority. Local governments' fragmented health affairs have led to unilateral efforts to combat COVID-19. The central government also acts. This is demonstrated when the local government takes steps to prepare for COVID-19. For example, Tegal's mayor has closed the city with a movable concrete barrier since March 23, 2020. (MBC).

The central government must set policies and define what's needed for good handling. OftenDespite unique needs, all regions must follow central government policies. Local governments must request the minister's authorization before adopting large-scale social restrictions, according Government Regulation 21 of 2020. This argument contradicts Indonesian Law 23 of 2014 on Regional Government and Local Government Authority. Since central government initiatives seem centralized, regional autonomy is a distinct discussion [14].

COVID-19 spread in Indonesia, causing issues. COVID-19 has caused economic, social, cultural, security, and government challenges. Problems in government are related to government administration, specifically the connection between the central government and regional governments in dealing with COVID-19, which is related to decentralized health matters.

The situation began when the authorities chose Natuna Island as a COVID-19 quarantine site for 238 Indonesians relocated from Wuhan City. Several regions have employed lockdown regimes or regional quarantines. The government highlighted that the national and regional lockdowns were solely the central government's responsibility and could not be delegated. Since the stipulation, the central government's relationship with regional governments has been strained. Some communities employ local lockdowns despite government guidelines against them.

Tegal City's government is responsible for providing health protection, social protection, and regional economic recovery to prevent COVID-19's influence on health, socioeconomic elements, and public services. 2020 for Corona Virus Disease Prevention in Tegal. This regional rule aims to legalize Tegal City's COVID-19 reaction. The 2020 Tegal City Regional Regulation intends to:

1. Implement the prevention of the transmission of covid-19 to provide protection to the community in the area.
2. Increase anticipation of the development of the escalation of the spread of COVID-19.
3. Strengthening efforts to handle the effects of covid-19.
4. Improving the application of discipline and law enforcement of the Covid-19 prevention protocol.

The federal government and regional governments' reactions led to a disagreement over who has control over Covid-19. Central and local governments must unite to respond uniformly to the pandemic. COVID-19 is a pandemic, therefore it is an extraordinary public health crisis
that poses a health concern across regions or countries. This qualifies as a public health emergency, thus the applicable provisions refer to Law No. 6 of 2018 on Health Quarantine.

Authority and responsibility have the same meaning in a broad sense, but responsibility is more important than authority. Giving responsibility always comes with authority. The Law of the Republic of Indonesia Number 6 of 2018 concerning Health Quarantine regulates the responsibilities of the central government and local governments, rights and obligations, public health emergencies, implementation of health quarantine at entrances, implementation of health quarantine in the region, health quarantine documents, health quarantine resources, health quarantine information, guidance and supervision, investigation, and crime.

Article 4 of the Law of the Republic of Indonesia Number 6 of 2018 respecting Health Quarantine states that the central and local governments are responsible for protecting public health from diseases and/or public health risk factors that can cause public health emergencies. Article 10 of Indonesia's 2018 Health Quarantine Law reaffirms the central government's power. Local and central governments are responsible for providing quality health facilities and qualified staff. Local governments oversee COVID-19 activities. Article 6 specifies that the federal and local governments are accountable for health quarantine resources.

Regional authority is a hot topic in the COVID-19 pandemic. The closest regional administration that knows the issue in their area should decide its fate in handling the COVID-19 epidemic, not the central government. Health is the most important part of the COVID-19 pandemic.

Local governments have a vital role in controlling COVID-19 because they understand the pandemic in their regions and the issues their people experience. The federal government should enable local governments flexibility to move. The federal government should give local governments more discretion in administering COVID-19, but they should be creative and imaginative. Thus, the local government's vision of a good future for the region can be realized by empowering and creating space for community participation in development.

The President asks central and regional governments to work together to combat the COVID-19 pandemic. Close coordination is needed to prevent COVID-19 from spreading. The Law of the Republic of Indonesia Number 6 of 2018 respecting Health Quarantine can be used as a reference and guidance.

4. Conclusion

The relationship between the central and local governments is complementary and interdependent. The central government cannot function without local government, and vice versa. The difference is only in the scope of power and authority of each. The division of authority in the relationship between the central government and regional governments is related to the division of household affairs or referred to as government affairs. Therefore, the legitimacy of the central government is determined by the existence and trust of local governments, on the other hand, local governments need central justification in administering government independently and autonomously.

The COVID-19 pandemic includes public health events that are extraordinary in nature and have fulfilled the elements of a public health emergency so that the applicable provisions refer to the Health Quarantine Act. The law stipulates that the handling of COVID-19 is determined by the central government as a public health emergency even though the Regional Government Law states that in terms of health, it is the authority of the regional government. The main
policies set by the central government serve as guidelines for local governments in making policies in their regions.

Reference

Implementation Practice Restitution of Children Victims of Sexual Crime

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Abstract. This paper analyzes Indonesian law on children’s rights against sexual offenses and restitution for kid victims. This research is legal. This investigation included traditional and internet literature searches. This research uses qualitative data analysis because it's descriptive-narrative. The study found that legal protection for child victims of sexual offenses is governed under numerous laws and regulations, including Law of the Republic of Indonesia Number 35 of 2014 Concerning Amendments to Law of the Republic of Indonesia Number 23 of 2002 Concerning Child Protection. Law No. 31 of 2014 amends Law No. 13 of 2006 on Witness and Victim Protection, Law No. 11 of 2012 on the Criminal Justice System for Children, and Law No. 23 of 2004 on Eliminating Domestic Violence. Without a particular statute regulating reparation, its execution is ambiguous.

Keywords: Children; Victim; Restitution

1. Introduction

Most of the victims found around the community are children. Many children are victims of criminal acts or victims of minor crimes or serious crimes. Children become victims of crime because they have experienced physical, psychological, sexual or social suffering as a result of unlawful acts committed by people, groups of people, institutions or the state [1]. One of the crimes that make children as victims is sexual crimes. The practice can be in the form of obscenity, harassment, rape or it can also be in the form of sodomy and incest. Children are used as a means of satisfying lust for those who suffer from these sexual disorders. Victims of child sexual violence not only suffer physical injuries, but also damage to their organs and sexuality, as well as contracting sexually transmitted infections [2].

The Indonesian Child Protection Commission recorded several cases of child victims of sexual abuse and harassment at schools throughout 2019. There were 20 students from a public elementary school in Malang who were victims of sexual harassment by honorary teachers. There were also 14 elementary school students in Lillaja District, Sopeng Regency, South Sulawesi who were victims of sexual abuse by the principal. A number of elementary school students in Cambai District, Prabumulih City, South Sumatra were also victims of sexual abuse by a sports teacher. The victim of sexual abuse by an unscrupulous sports teacher also occurred in a vocational school student in East Luwu, South Sulawesi. Cases of sexual crimes such as rape and sexual abuse of children dominate during the COVID-19 coronavirus pandemic. Based on data from the Indonesian Child Protection Commission, there were 419 cases of children facing the law for being victims of sexual crimes in 2020. Children who are victims should be given great attention for the suffering or losses experienced. Protection for children includes all activities to guarantee and protect children and their rights so that they can live, grow and develop optimally and receive protection from violence and discrimination[3]. Protection of
victims, especially victims' rights to obtain compensation, is an integral part of human rights in the field of welfare and social security [4].

The regulation of the Criminal Code is oriented towards the perpetrator so that the victim tends to be forgotten. In fact, the victim is one aspect that really suffers from the actions of the perpetrator. Likewise in the Criminal Procedure Code, the regulation regarding victims is completely marginalized. The Criminal Procedure Code regulates more about the protection of suspects while the protection of victims is not fully formulated [5]. The provision of total legal protection in Indonesia to children who are victims of sexual crimes is a matter of social reality and needs to receive great attention from all parties, namely the government together with law enforcement officers, the community and other social institutions that have the authority [6]. In terms of the form of protection for children in Indonesia, there are several institutions that are specialized based on the authority regulated by law in terms of providing assistance, both legal assistance, psychology and rehabilitation efforts for children who are victims of criminal acts, namely the Child Protection Commission (central), the National Child Protection Agency (KPK) [7]. Child Protection (regional) and Assistance Institution, namely the Witness and Victim Protection Agency.

Seeing the existing facts, that violence that often occurs against children can damage, endanger psychosocial conditions and cause prolonged fear due to events that have been experienced [8]. Children who are victims of violence in this case clearly have suffered losses, not only material, but also immaterial such as emotional and psychological shocks, which can affect the child's future life [9]. In contrast to the purpose of the provision of restitution, in an effort to protect through the fulfillment of their rights, it tends not to run smoothly after the child experiences deviant actions, so that the rights of the child that should be fulfilled are neglected. Including the mechanism for submitting the right to restitution or compensation suffered by the child as a result of the perpetrator's actions [10]. The process is not easy and literacy for the victims is minimal, which makes it an obstacle in seeking the right of restitution that should be received by children. The formulation of the problem in this research are: How to regulate children's rights against sexual crimes in positive law in Indonesia? And How is the practice of providing restitution to child victims of sexual crimes?

2. Method

This is a type of library research [11]. Library research is research conducted through the collecting of library data or research conducted to answer an issue that primarily relies on a critical and in-depth examination of relevant library items [12]. This investigation includes library research since data sources can be gathered from libraries or other written documents, including journals, novels, and other literature.

3. Discussion

3.1. Regulation of Children's Rights Against Sexual Crimes in Positive Law in Indonesia

Children, the next generation of the nation's principles, have a critical role in securing the nation's and state's future. To assume that responsibility later, they must grow and develop optimally physically, mentally, socially, and spiritually. They need rights, protection, and success. All child abuse must be stopped. Every citizen has the rights and obligations contained in the constitution and other laws. The fulfillment of rights and the implementation of obligations must be carried out in a balanced manner, so that there is no conflict. Criminal procedural law regulates various rights of suspects and/or defendants. The victim party should
receive protection, including the fulfillment of the victim's rights although in carrying it out must also be balanced with the existing obligations.

As a party seeking justice, the victim has been neglected [13]. Positive criminal law emphasizes rehabilitation, treatment of prisoners, social adaption, and correctional institutions. As the harmed party, the victim's human rights are often overlooked, which is an injustice. The protection of crime victims is necessary because society is viewed as an established belief system. This belief is reflected in the norms of institutional organizations such as the police, prosecutors, courts, and penal facilities, among others. The commission of crimes against the victim will result in the collapse of the belief system.

Second, further justifications for legal protection for crime victims include the social contract and social solidarity arguments [14]. It can be stated that the state monopolizes all societal responses to crime and prohibits private initiatives. Therefore, when a crime happens that results in victims, the state must be responsible for attending to their needs.

Third, the protection of crime victims is typically related with one of the currently priority goals of punishment, notably dispute resolution [15]. Resolving problems created by illegal behavior, restoring equilibrium, and fostering a sense of social harmony.

Regarding victims, children are the most prevalent victims in the community nowadays. Numerous children are victims of criminal acts or crimes, including both minor and serious offenses. Children are God's creations and social beings; from the time they are conceived until they are born, they have the right to exist, be autonomous, and get enough protection from their parents, family, society, nation, and state.

Children are frequently the victims of crimes that can be damaging, hazardous, and terrifying. Children who are victims endure not only monetary but also immaterial losses, such as emotional and psychological trauma, which can have a lasting impact on their future. Children may face physical, psychological, and sexual acts of violence as a result of criminal activity.

Worrisome is the increasing trend of sexual crimes against not only adult women but also children. Children who were victims of sexual crimes such as prostitution, rape, sexual abuse, and sexual harassment have been afflicted with venereal illnesses such as AIDS.

Sexual crimes include all sexual actions, attempted sexual acts, unwanted comments, and sex trafficking involving threats and physical coercion, regardless of the perpetrator's relationship to the victim and regardless of the setting, including but not limited to the home and workplace. Sexual crimes include rape, molestation, sexual harassment, forced prostitution, women's trafficking for sexual purposes, sex slavery, forced pregnancy, sexual assault, sexual exploitation and/or sex abuse, and abortion.

Sexual offenses encompass all sorts of sexual intimidation and compulsion. In other words, unwelcome sexual contact by one of the parties is a sexual offense. The essence of sexual offenses is verbal threats and compulsion (action). Sexual crime refers to deviant sexual activity or deviant sexual relations that hurt the victim and disrupt the social order.

Articles 285 and 289 of the Criminal Code also define sexual offenses. According to Article 285, anybody who coerces a woman who is not his wife to engage in sexual activity by the use of force or threats of force is guilty of sexual offense. According to Article 289 of the Criminal Code:

Any person who by force or threat of violence compels someone to commit or allow him to commit an obscene act, shall be punished for violating decency with a maximum imprisonment of nine years.
So it can be understood that the elements contained in the definition of sexual crime and contained in Article 289 of the Criminal Code consist of elements of threatening, coercing and raping. In recent years, cases of sexual crimes have become increasingly common in our society, especially against women and children. This phenomenon has become so troubling and worried for the community, so it needs serious attention and handling from all parties, especially the state must be present in providing protection for its citizens. The 1945 Constitution of the Republic of Indonesia has regulated the rights and obligations of every citizen, including obtaining the right to recognition, guarantee, protection, and legal certainty. Another article also stipulates that every child has the right to survive, grow and develop and is entitled to protection from violence and discrimination.

A kid who is a victim of a crime (victim child) is a child under the age of 18 who suffers bodily suffering, mental distress, or economic loss as a result of a criminal act. Children can experience both physical and non-physical losses as victims. Physical losses can include incapacity, injury, and even death. Non-physical losses can take the form of a child's disrupted mental state or an everlasting sense of dread.

Child victims have the right to be accompanied by their parents and/or people trusted by the child to accompany them. The victim's child is also entitled to:

1. Medical rehabilitation efforts as well as social rehabilitation, both within the institution and outside the institution.
2. Guarantees for safety, both physical, mental, and social safety.
3. Ease of obtaining information related to the development of the case.

In particular, legal protection for children in relation to the phenomenon of sexual crimes is protection that is carried out before and after children become victims of sexual crimes. Legal protection carried out before children become victims of sexual crimes is preventive legal protection. Legal protection that is carried out after a child has become a victim of a sexual crime is a repressive legal protection.

The government's legal protection of children must be based on the principle of children’s rights and the protection of children's rights [16] in order to ensure that children receive treatment and opportunity that meet their needs in various spheres of life. The legal protection of minor victims of sexual offences is governed by a number of statutes and rules. The rules and regulations governing the protection of child victims of sexual offences are as follows:

2. Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 13 of 2006 concerning Protection of Witnesses and Victims
3. Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System
4. Law of the Republic of Indonesia Number 23 of 2004 concerning Elimination of Domestic Violence
Child victims of sexual offences are afforded special protection through the following measures:

1. Education on reproductive health, moral and religious values.
2. Children's social rehabilitation services.
3. Psychosocial support throughout treatment and recovery.
4. Offering protection and help at every stage of the examination process, from the investigation and prosecution phases through the court examination.

I. The Practice of Giving Restitution to Children Victims of Sexual Crimes

As a party seeking justice, the victim's place in the criminal justice system has been overlooked. When viewed from the perspective of the goal of punishment under positive criminal law, criminals receive a greater amount of attention to rehabilitation, treatment of offenders, social adaption, and correctional facilities, among others. This is a type of unfairness for the victim, because as the wounded person, they are simply used as evidence and their human rights are generally disregarded.

The punishment for perpetrators of sexual crimes is sufficient in terms of regulation legislation; thus, the regulation of victims of sexual crimes, including how to strengthen their side, becomes homework. The subject of victim protection has always been a fascinating one to study, as the problem of victim protection is not only related to protection, but also to the barriers encountered.

The need for adequate legal protection for victims of crime is very important, considering that the consequences of a criminal act can cause a person to experience loss and suffering, both physically, psychologically and with human dignity. Through the legislation guaranteeing the protection of the rights of victims, it is necessary to obtain legal certainty and justice. Including sexual crimes, it is necessary to provide restitution and assistance in recovering from physical and psychological conditions.

Although normatively legal protection for victims of crime is considered important, at the implementation level in the field there are not no problems, there are still many obstacles and obstacles. Many events in people's lives show that justice and legal certainty have received less serious attention. Including issues of justice and human rights in the enforcement of criminal law relating to legal protection for victims of crime.

Victims of crime lack partiality and a sense of justice, in fact it is not balanced with the protection provided by law to perpetrators of crimes. As a result, when the perpetrator of the crime has been sentenced to criminal sanctions by the court, the condition of the victim of the crime is not cared for at all. In fact, the issue of justice and respect for human rights does not only apply to perpetrators of crimes, but also victims of crimes.

Restitution is compensation given to the victim or her family by the perpetrator or a third party; it can take the form of returning property, payment of compensation for loss or suffering, or repayment of costs for specific activities; it is based on a court order with permanent legal effect.[17].

Restitution or compensation is a fee paid by someone because of a loss suffered by another person economically. Theoretically in criminal law, restitution is defined as an effort to restore the condition of the victim to the situation before experiencing a number of losses caused by a crime experienced.
Restitution also applies the principle of recovery in its original state (restitutio in integrum), which states that the victim of a crime must be returned to its original condition prior to the commission of the crime, even if the victim is incapable of returning to its original state. This idea emphasizes the importance of restoring as many of the victim's losses as possible following a criminal act. With compensation, the victim's liberty can be restored, along with their legal rights, social standing, family life, and return to their residence.

Restitution is described as the act of making amends or compensating the victim for the loss, damage, or injury sustained. Criminals provide victims with recompense. If the victim suffers a loss, the criminal is obligated to provide a monetary payment to the victim. Restitution can take the shape of a quantity of money or the value of an object taken by the offender, burial expenses, lost wages, support and payment for medical bills, counseling, therapy, or finding a new work for the victim. The victim can only seek restitution if the perpetrator has been convicted of committing a crime.

Restitution that is both civil and criminal in nature is granted through the criminal justice system. Although restitution in this case remained civil in character, its criminal aspect cannot be disputed. A compensating fine is an example of restitution under this system. As a kind of compensation, this fine is a monetary obligation imposed upon the offender.

The primary objective of restitution is to compensate the victim for all damages incurred as a result of the perpetrator's culpability for the crime's consequences. The criterion used to determine the amount of reparation is difficult to articulate. This depends on the social standing of the offender and victim. If the victim has a lower social position than the perpetrator, material compensation will be prioritized, and if the victim has a higher social rank than the perpetrator, restoration of dignity and good reputation will be prioritized.

In the evolution of criminal law, restitution is viewed as a punishment for criminal offenders. In this context, the right of restitution offers ample room for the victim and the perpetrator to strike an agreement for the payment of compensation from the perpetrator to the victim or the victim's family or heirs. The method of compensation for the victim must be as comprehensive as feasible and encompass all consequences of the crime.

Restitution can restore the victim's liberty, legal rights, social standing, and family life. In practice, the notion of restitution is provided and developed for every crime victim in nearly all nations. In accordance with this notion, the responsible party must provide fair and adequate recompense to the victim and his family. The compensation at issue includes payment for damages or losses caused by the victim, repayment of expenses spent as a result of a criminal conduct, and the victim's right to recover.

There are challenges and misunderstanding at the level of execution since, among law enforcers, especially the U.S. The mechanism for filing for restitution is submitted by the victim to the court through the Witness and Victim Protection Agency. Under the pretext of the duties and functions of the Witness and Victim Protection Agency in assisting the rights of the victim, but when in practice the victim actually feels complicated with the requirements and mechanisms in obtaining restitution rights and the ignorance of the victim and/or the victim's family, so they prefer to ignore the rights of the victim [18]. The best rights or principles for the interests of the child contained in the juvenile justice system.

The main problem in seeking restitution for children is due to a lack of knowledge about children's rights and parenting skills during the recovery process for children who are victims. In addition, the community also does not understand the procedures and mechanisms for complaints and social referrals as well as applying for restitution rights for children.
One of the reasons why the request for restitution has not been implemented is because it is very difficult to determine the amount of immaterial compensation suffered by the victim. The immaterial losses are difficult to measure in nominal value. Besides the difficulty in determining immaterial losses, another difficulty is that there is no rule in the form of a law that determines the amount of the compensation.

A request for restitution has never been submitted by the public prosecutor, this can happen because on average the perpetrators of sexual crimes against children are close family members of the victim and in general the perpetrators include people who are financially underprivileged so that the Prosecutor's Office is very difficult when entering the right of restitution. in his claim because even if the court handed down a decision to punish the perpetrator to pay the right of restitution at the execution stage, it would face difficulties in its implementation.

On the other hand, in the judge's consideration, there is no criminal sanction for the perpetrator to compensate the victim because it is not in the prosecutor's request. Compensation can be submitted when the victim submits a request for compensation, and there is no obligation on the decision to include the victim's claim for compensation in a criminal case.

4. Conclusion


2. The absence of a special law that regulates restitution creates various problems and ambiguity in its implementation. Prosecutors as public prosecutors are very rarely willing to include restitution in their demands. In practice, victims feel complicated with the requirements and mechanisms for obtaining restitution rights and the ignorance of the victim and/or the victim's family so that they prefer to ignore the rights or principles that are best for the interests of the child contained in the juvenile justice system.

References

Implementation Of Judge's Decisions On Decisions In Connection Cases Criminal Justice System

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Abstract. The purpose of this study is to examine the formulation of connectivity cases in Indonesian positive law and the implementation of judges' decisions on connectivity cases in the criminal justice system. The approach used in this research is a normative approach. The data collection technique used is conventional and online literature search. The data analysis method used in this research is qualitative because the data is presented in a descriptive-narrative way. The results showed that before the birth of the Criminal Procedure Code, a joint decision was made between the Minister of Justice, the Minister of Defense and Security, and the Attorney General, Joint Decree Number B/16/XII/1971 regarding wisdom in the examination of criminal acts carried out jointly by people who are included in the Criminal Procedure Code. The basis for connectivity is contained in Article 22 of the Law of the Republic of Indonesia Number 14 of 1970 concerning the Basic Provisions of Judicial Power. The examination of connectivity in the Criminal Procedure Code is regulated in Chapter XI concerning Connectivity in Articles 89 to 94. In principle, all connectivity cases are examined and tried by a court in the general judiciary, except for the decision of the Minister of Defense and Security with the approval of the Minister of Justice, the case can be examined and tried by the court in the military courts. However, in practice irregularities are often found, namely connectivity cases are resolved separately, meaning that general civilians are examined and tried by the general district court, while members of the military/armed forces are examined and tried by the military court.

Keywords: Judge; Connectivity; Justice

1. Introduction

It is possible that in everyday life there are criminal acts committed by TNI soldiers together with civil society. If one observes these provisions, this indicates that the meaning of the word together, apart from being intended for criminal acts or criminal acts, is carried out jointly by those who are subject to general courts and military courts and also implies that they must be tried together or in one case. the same file. Criminal acts committed jointly by those who are included in the general court environment and the military court environment, according to the provisions, should be resolved according to the procedural law for the examination of connectivity [1]. The cases are resolved by splitting or in other words the perpetrators of civilian crimes are tried by the district court, as a court within the scope of the general court, while the perpetrators of crimes committed by TNI soldiers are tried by the military court as a court within the scope of military justice.
As in the case of Decision Number 92-K/PM I-01/AD/IV/2014 on behalf of the defendant Heri Shafitri, Decision Number 257/Pid.B/2014/PN Bna on behalf of the defendant Umar alias Mimbe bin M. Adam and Decision Number 258/ Pid.B/2014/PN Bna on behalf of the defendant Rasyidin alias Mario. The crime of misuse of firearms involving TNI soldiers and 2 civilians was tried by the military court for perpetrators of TNI soldiers and the district court for perpetrators of civilians. A TNI soldier is someone who is armed and prepared to do battle or war, especially in the context of national defense and security. As a TNI soldier, if he commits an act or criminal act that is classified as a military crime whose regulation is contained in the Military Criminal Code (KUHPM), the TNI soldier will be examined and tried in accordance with the examination procedure contained in the Law of the Republic of Indonesia No. 31 of 1997 concerning Military Courts.

Law enforcement in a legal state like Indonesia requires the existence of an institution called judicial power or a judicial body. This judicial power is tasked with enforcing the law and supervising the enactment of applicable laws and regulations. Judges have the most important role because judges have the right to decide cases. Judges in carrying out their duties, especially in deciding a connection case, must always adhere to the principles of an independent and impartial trial. The judiciary as a symbol of the rule of law and the last bastion of justice should be impartial and provide equal legal treatment, which is the dream of all levels of society. Judges who are the implementers and spearheads of the judiciary as well as those who interact with the community are required to have quality and professionalism in researching, weighing, and making legal decisions for connectivity cases.

A connection case where the authority to try it is within the general court environment, the examination process is carried out by a panel of judges. The composition of the panel of judges consists of presiding judges from general courts and member judges divided equally between general court judges and military court judges. Vice versa, if the authority to adjudicate cases is within the military court, then the panel of examining judges consists of the chief judge from the military court environment and the member judges divided equally between military judges and general court judges by being given the titular military rank.

Based on the description above, it can be seen that the judge in making a decision is based on various considerations. However, the judge's decision often becomes controversial and is widely opposed by various parties. The judge's consideration plays a very important role, especially in making a decision, whether the decision handed down is in accordance with the applicable laws and regulations, because it is not impossible that a decision that has been handed down is not in accordance with the applicable legal provisions. The formulation of the problem in this research are What is the formulation of the connectivity case in Indonesian positive law?, and How is the implementation of the judge's decision on the connection case decision in the criminal justice system?

2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature. The approach used in this research is a normative approach.
3. Discussion
3.1. Formulation of Connectivity Cases in Indonesian Positive Law


Connectivity is a judicial system that is applied to a criminal act where there is participation (deelneming) or jointly (mede dader) between civilians and people with military status (TNI soldiers). Article 55 Paragraph (1) The 1st Criminal Code which is commonly used in handling a criminal act that involves more than one perpetrator. Regarding Article 55 of the Criminal Code, it is theoretically known as what is called deelneming (inclusion). Deelneming is related to a criminal event where the perpetrator is more than 1 (one) person, so the roles and responsibilities of each perpetrator of the criminal event must be sought [11].

Connectivity can also be said to be a trial between those who are subject to the jurisdiction of the general court and the military court. In accordance with Article 89 of the Criminal Procedure Code which reads :

1. Criminal acts committed jointly by those belonging to the general judiciary and the military court environment, are examined and tried by a court within the general judiciary, except if according to a decision of the minister of defense and security with the approval of the minister of justice, the case must be examined and tried by a court within the military court environment.

2. Investigation of criminal cases as referred to in Paragraph (1) shall be carried out by a permanent team consisting of investigators as referred to in Article 6 and the Military Police of the Armed Forces of the Republic of Indonesia and military prosecutors or high military prosecutors in accordance with their respective authorities according to the applicable law applies to criminal investigations.

3. The team as referred to in Paragraph 2 is formed by a joint decree of the minister of defense and security and the minister of justice.

In practice, although there have been arrangements, between das sollen and das sein there has been no conformity, meaning that between what should be (das sollen) normatively is not in accordance with the reality or facts that occurred (das sein), because based on Article 89 of the Criminal Procedure Code that if a crime occurs which are both committed by military and civilian elements, they are tried in the scope of the general court, unless there is an approval from the Minister of Defense and Security and the Minister of Justice must be tried in the military court environment [12].
The basis for connectivity is contained in Article 22 of the Law of the Republic of Indonesia Number 14 of 1970 concerning the Basic Provisions of Judicial Power. The article reads:

Criminal acts committed jointly by those belonging to the general court environment and the military court environment are examined and tried by the court in the general court environment, except if according to the decision of the Minister of Defense/Security with the approval of the Minister of Justice the case must be examined and tried by a court within the military court.

Long before the birth of the Criminal Procedure Code, a joint decision was made between the Minister of Justice, the Minister of Defense and Security, and the Attorney General, Joint Decree Number B/16/XII/1971 regarding the policy of examining criminal acts carried out jointly by people who are included in the military court environment. which determines that:

1. The investigation is carried out jointly by the police and the public prosecutor's office together with the police and military administrative apparatus in accordance with their respective powers according to the applicable law in the investigation of criminal acts.
2. The determination of which court will adjudicate the connectivity offense shall be determined by joint research between the Prosecutor or the High Prosecutor and the competent Prosecutor or High Prosecutor of the Armed Forces. The results of the research were reported to the Attorney General and the ABRI prosecutor general. the determination of which court will adjudicate the connectivity offense is based on the losses it causes. If the loss is in the military field, then the judge is the Military Court. In addition, additional factors such as the nature of the crime, the role and number of perpetrators in each party are also considered.
3. If it is determined that the general court is adjudicating, then the official report is ratified (taken over) by the Public Prosecutor/Prosecutor. Likewise, it is commensurate if it is determined that the military court will adjudicate.

While waiting for the enactment of the law governing the examination of connectivity cases, in 1971 a joint decision was issued by three agencies that governed the policy for the completion of the examination of connectivity cases. Even if you pay close attention, the policy provisions outlined in the joint decision are almost the same as the articles formulated in Chapter XI of the Criminal Procedure Code. The joint decree is a transfer from the explanation of Article 22 of the Law of the Republic of Indonesia Number 14 of 1970.

The articles mentioned above stipulate that criminal acts committed jointly by those who belong to the general judiciary and the military court environment are examined and tried in the general judiciary, except according to a Decree of the Minister of Defense and Security with the approval of the Minister of Justice, the case must be examined and tried by a military tribunal. Furthermore, the investigation of the criminal case is carried out by a permanent team formed by a joint decree of the Minister of Defense and Security and the Minister of Justice consisting of General Judiciary Investigators, Military Police and Military Oditur (Otmil) or
As for the formation of a permanent connection team as regulated in Article 89 Paragraph (3) of the Criminal Procedure Code and Article 198 Paragraph (3) of the Law of the Republic of Indonesia Number 31 of 1997, there are implementing regulations, namely the Decree of the Minister of Defense and Security and the Minister of Justice Number K. 10/M/XII/1993 and Number M.57.PR.09.03/1983 concerning the Establishment of a Permanent Team. Article 4 Paragraph (3) of the joint decree states that the team leader remains in charge of coordinating and supervising the implementation of the investigation by the permanent team concerned so that it can run smoothly, directed, efficient and effective.

The joint decree is the implementation of Article 89 Paragraph (3) of the Criminal Procedure Code and Article 198 Paragraph (3) of the Law of the Republic of Indonesia Number 31 of 1997 concerning Military Courts, while in Paragraph (2) of each of the articles mentioned above, it is determined that the permanent team conducts investigations in accordance with their respective authorities according to the law applicable to the investigation of criminal cases. If a connection case is examined through the connectivity mechanism, the connectivity investigator consists of a permanent team consisting of prosecutors, police, military police and public prosecutors. The way the team works is adjusted to the authority that exists in each team element. In terms of the authority of each team element, suspected civilian perpetrators were examined by elements of the National Police investigators and suspected members of the TNI or Polri were examined by investigators from the Military Police and Military Prosecutor.

The criminal case of connectivity is tried or examined by the general court (district court), then the panel of judges consists of the presiding judge from the general court and member judges, each appointed from the general court and the military court in a balanced manner [14]. If a criminal case is tried or examined by a military court, the panel of judges consists of a presiding judge from the military court and a member judge from each military court and the general court who are given the titular rank.

In principle, all connectivity cases are examined and tried by courts within the general judiciary, except for the decision of the Minister of Defense and Security with the approval of the Minister of Justice, the case can be examined and tried by a court within the military court. However, in practice irregularities are often found, namely connectivity cases are resolved separately, meaning that general civilians are examined and tried by the general district court, while members of the military/armed forces are examined and tried by the military court.

This is clearly contrary to the provisions of the legislation in force because according to Article 89 Paragraph (1), criminal acts committed jointly by those belonging to the general court environment and the military court environment, are examined and tried by the court within the general court environment unless according to the the decision of the Minister of Defense and Security with the approval of the Minister of Justice, the case must be examined and tried by a court in the environment military court. The reason for the deviation according to the author is due to the length of the process or procedure that must be taken, both in the administrative, personnel and financial fields that support the settlement of the case and this is certainly contrary to the Criminal Procedure Code which applies the principle of fast justice.

Considering that the procedure for handling criminal cases regulated in the Criminal Procedure Code is not as simple as the principles applicable in the Criminal Procedure Code, according to the author's knowledge, the provisions stipulated in the Criminal Procedure Code are rarely applied properly in practice [15]. Therefore, if a criminal act of connectivity occurs, the suspect or defendant with the status of a member of the military is handled by law
enforcement officers and military courts, while the suspect or defendant with civilian status is handled by non-military law enforcement officers and the general court (Police investigators or Civil Servants Investigators). Civil Servants, Public Prosecutors, District Courts, High Courts and Supreme Courts).

3.2. Implementation of Judges' Decisions on Connectivity Case Decisions in the Criminal Justice System

The purpose and objective of connectivity is to provide a guarantee for the implementation of a speedy and fair trial of connectivity, although there is a possibility that this process will not be as easy as adjudicating ordinary criminal cases. With the connection between the two groups with different judicial environments in committing a crime, the legislators are of the opinion that it is more effective to simultaneously attract and try them in a judicial environment. In addition to these aims and objectives, this regulation on connectivity has a practical problem in the bureaucratic determination of the judiciary that will adjudicate rather protractedly, whereas in the Criminal Procedure Code a speedy trial system (speedy trial; contante justitie) is adopted [16].

As previously explained, a case can only be heard as a connection case if there is a decision from the Minister of Defense and Security and it has been approved by the Minister of Justice. Not to mention waiting for the results of the assessment from the investigative team formed to determine whether the case belongs to the general court or the military, so you can imagine the time it will take to settle the case. This issue should also need to be considered so that the aims and objectives of connectivity provide a guarantee for the implementation of a fast and fair judicial connection that can be realized without neglecting the true values of justice.

Deciding on a criminal case means upholding justice for a criminal case or in other words upholding material criminal law [17]. Enforcing material criminal law requires a process based on statutory provisions [18]. The concept of justice or equality is very important in every court [19]. As a judiciary that exercises judicial power, judges must be able to provide justice to justice seekers, so the judge's decision is also interpreted as justice given by the judge to justice seekers after going through the proceedings in the trial. It is found that the principles of justice in criminal procedural law must be understood and applied, both formally and substantively in order to realize a fair decision. Achieving a fair decision can only be realized if the criminal procedure law is implemented both formally and in substance in the examination of criminal cases [20]. Thus, the judge's decision that contains injustice can be avoided.

In the following, the author gives an example of a connection case. The case is the misuse of firearms. The problem of misuse of firearms that occurs is not only carried out by TNI soldiers who are supposed to provide a sense of security for the Indonesian people, but instead commit disturbing acts. The fact that TNI soldiers control firearms and misuse them is of course worrying because it involves the survival of the people themselves. So that people no longer feel safe in the protection of military members.

One of the cases of misuse of firearms involving TNI soldiers was the case of Praka Heri who was proven to have lent his inventory of SS2 V1 type firearms to two civilians. The firearm was used to strafe the post for candidates for the Nasdem Party legislative candidates in Kunyet Mule Village, Matangkuli District, North Aceh, on February 17, 2014 in the morning. Praka Heri gave the firearms along with 13 rounds of ammunition to Rasyidin alias
Mario and Umar alias Membe. No one died during the shooting at the NasDem Party post, but two NasDem party cadres were injured due to being mistreated by Umar.

The verdict in this case is Decision Number 92-K/PM I-01/AD/IV/2014 on behalf of the defendant Heri Shafitri, Decision Number 257/Pid.B/2014/PN Bna on behalf of the defendant Umar alias Mimbe and Decision Number 258/Pid.B/2014/PN Bna on behalf of the defendant Rasyidin alias Mario. The crime of misuse of firearms involving TNI soldiers and 2 civilians was tried by the military court for perpetrators of TNI soldiers and the district court for perpetrators of civilians.

The decisions analyzed in this study are 3 (three) decisions that already have permanent legal force, namely Decision Number 92-K/PM I-01/AD/IV/2014 on behalf of the defendant Heri Shafitri, Decision Number 257/Pid.B/2014/PN Bna on behalf of the defendant Umar alias Mimbe bin M. Adam and Decision Number 258/Pid.B/2014/PN Bna on behalf of the defendant Rasyidin alias Mario. The defendant Praka Heri was still tried in the military court, while the other two defendants who were civilians were tried in the district court, namely in the general court.

In Praka Heri's decision, the panel of judges considered that Praka Heri's act of lending firearms solely because he received a reward from Rasyidin and Umar and that Praka Heri's actions could not be justified. Praka Heri was legally and convincingly proven guilty of committing a criminal offense under Article 1 of the Firearms Act and sentenced to 3 (years) imprisonment and dismissed from military service as an additional crime.

In the decision of Rashidin and Umar, the panel of judges considered the existing legal facts, explained the elements of the crime and stated that Rashidin and Umar had fulfilled these elements. The panel of judges also did not find any forgiving reasons and justifying reasons that could erase the unlawful nature of Rashidin and Umar's actions. The panel of judges stated that both of them must still be found guilty and sentenced to a punishment commensurate with the actions they have committed. Rasyidin and Umar were proven legally and convincingly guilty of committing a criminal offense under Article 1 of the Firearms Law and sentenced to prison for 1 year and 6 months.

Looking at the three decisions, Praka Heri's decision is the one with the most severe punishment. Praka Heri was sentenced to 3 (three) years in prison and dismissed from military service, while Rasyidin and Umar were sentenced to 18 (eighteen) months in prison. The difference between these decisions is the dismissal of Praka Heri from military service. According to Article 62 of the TNI Law, TNI soldiers are dishonorably discharged if they have a character or act that can harm the discipline of the soldier or TNI. The actions taken by Praka Heri by lending firearms that do not belong to him, but the TNI inventory is an act that is detrimental to the TNI itself and cannot be justified.

The actions carried out by Praka Heri in the case above, are more accurately said to be abuse of possession of firearms because Praka Heri has a legal permit to carry and use firearms, so he has the right to the firearms. Praka Heri is an active member of the military, so the firearms he carries are inventory weapons under his control with a borrowed status. The firearms controlled by Praka Heri should only be used for official purposes, not loaned to Umar and Rasyidin. Praka Heri's actions were clearly not in accordance with the purpose of giving the firearms, so Praka Heri abused the control over the firearms he was holding. For Rashidin and Umar, the shooting they did was only done to scare them. Umar did abuse 2 (two) people who were in the post before leaving with Rasyidin, but did not use Praka Heri's firearm.

The Criminal Procedure Code and the Military Criminal Procedure Code in the judicial connection cases regulate the authority to try. The authority to adjudicate connectivity cases,
based on Article 91 of the Criminal Procedure Code. The determination of relative power to adjudicate in the case of connectivity, if the right is the district court, then Article 84 of the Criminal Procedure Code must be considered. If the connection case which is authorized to adjudicate is a court within the scope of a general court, it will be in line with if the focus of the loss caused by the crime lies in the public interest and therefore the criminal case must be tried by a court in a general court environment. However, the exclusion provisions are tried by a court within the military court environment, if the emphasis of the loss caused by the crime lies in the interests of the military, then the criminal case must be tried by a court within the military court environment. The complexity of the disagreements and the determination of the weight of loss between the public interest and the military interest at the investigation stage is a dynamic problem in its own right in legal practice. Even if this matter has been regulated expressly, if there is a difference of opinion between the investigators between the public prosecutors and the Prosecutor General then proceeded to a difference of opinion between the Attorney General and the Prosecutor General, the opinion of the Attorney General was decisive.

4. Conclusion

Prior to the birth of the Criminal Procedure Code, a joint decision was made between the Minister of Justice, the Minister of Defense and Security, and the Attorney General, Joint Decree Number B/16/XII/1971 regarding the policy of examining criminal acts jointly by persons belonging to the judiciary and military. The basis for connectivity is contained in Article 22 of the Law of the Republic of Indonesia Number 14 of 1970 concerning the Basic Provisions of Judicial Power. Connectivity checks in the Criminal Procedure Code are regulated in Chapter XI on Connectivity in Articles 89 to 94.

In principle, all connectivity cases are examined and tried by a court in the general court environment, except for a decision of the Minister of Defense and Security with the approval of the Minister of Justice, the case can be examined and tried by a court within the military court. However, in practice irregularities are often found, namely connectivity cases are resolved separately, meaning that general civilians are examined and tried by the general district court, while members of the military/armed forces are examined and tried by the military court. This is due to practical problems in the bureaucratic determination of the
judiciary who will adjudicate rather protractedly, whereas in the Criminal Procedure Code a fast and fair judicial system is adopted.

Reference

Limitations for Formulation of Criminal Provisions in Regional Regulations

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Abstract. The purpose of this study is to examine the formulation of criminal sanctions in regional regulations and the obstacles to enforcement of criminal sanctions in regional regulations. The approach used in this research is the legal approach. This research data collection technique was carried out through conventional and online literature searches. The data analysis technique used in this study is qualitative because the data is presented in a narrative-descriptive manner. The results of the study show that criminal sanctions in regional regulations still emphasize retaliatory criminal sanctions which view that punishment is retaliation for mistakes. Ideal regional regulations, the content of which is both the formulation of criminal acts and the sanctions, is the elaboration of higher laws and regulations. The content must contain the conditions of the area concerned, do not conflict with the public interest and the laws and regulations above it and do not conflict with the authority that has been given, either by law or by codified criminal law. Violations of regional regulations that occur generally occur due to a lack of public awareness and participation in maintaining peace and public order. It is known that there is a Civil Servant Investigator in enforcing criminal sanctions in regional regulations. It can be seen the problems faced by Civil Servant Investigators in Tegal Regency in enforcing criminal sanctions in regional regulations.

Keywords: Region, Regulation, Criminal

1. Introduction

Criminal law in its development turns out to be increasingly used and relied upon in order to regulate and bring order to the community through statutory regulations. The dynamics of the law can be seen from the existence of a policy on the use of criminal sanctions through the inclusion of a chapter on "criminal sanctions provisions" at the end of most of the products of legislation in Indonesia [1]. The inclusion of the chapter on criminal provisions is not only seen in the products of central legislation in the form of laws, but can also be seen in the products of local laws and regulations in the form of regional regulations [2].

So far, in legislative practice in the regions, there is a tendency to regulate various matters with regional regulations accompanied by criminal threats [3]. The existence of criminal law with its criminal sanctions is still prioritized in the policy of drafting regional regulations, even though regional regulations are not actually criminal legislation in the true sense. Regional regulations are seen from the basis of their formation and the material regulated is actually included in the scope of administrative law regulations.

The existence of criminal sanctions in regional regulations which are part of administrative law is only to strengthen administrative sanctions (administrative penal law)
The logic is that criminal sanctions should be used if administrative sanctions have not hit. In addition, regional regulations whose purpose is more to regulate economic activities and government administrative activities, if a violation occurs, it will actually be faster if they use more economical and administrative sanctions.

The use of criminal sanctions in regional regulations can essentially be said to be part of criminal politics or criminal policy. The main purpose of loading the threat of criminal sanctions in regional regulations is actually only to force the public to obey the contents of the regional regulations. It can be seen that enforcing the provisions of regional regulations, the use of the type of imprisonment is still prioritized for law enforcement of regional regulations in order to support the implementation of regional development. However, in the provisions of the Law of the Republic of Indonesia Number 23 of 2014, which gives the authority to local governments to use criminal law provisions in the formation of regional regulations, it becomes a separate problem when viewed from the overall criminal system.

The use of criminal sanctions against the provisions of regional regulations that are included in the scope of administrative law, it is interesting to question whether the use of criminal law in the field of administration in Indonesia can be referred to as administrative penal law and whether the offense it creates can be identified with terms known in the literature, namely administratief delikten, regulatory offenses. Formulating a criminal act in a regional regulation is a tough and difficult job. This matter that must be formulated is not a concrete event, but as far as possible the formulation must be in such a way that it covers everything and in all circumstances, so that no action or opportunity is left to escape the formulation. The formulation of the problem in this research are How to formulate criminal sanctions in regional regulations?, and What are the obstacles to enforcing criminal sanctions in regional regulations?

2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Discussion

3.1. Formulation of Criminal Sanctions in Regional Regulations


Regional regulations are formed by the Regional People's Representative Council which are discussed together with regional heads for mutual approval. Discussion and mutual agreement on the formed regional regulations take place in the Regional People's Representative Council. The formation of regional regulations does not just happen, but begins
with the process of drafting regional regulations. The quality of a regional regulation and
decision making on the draft regional regulation into a regional regulation is largely
determined by how and in the manner in which the draft regional regulation is drafted. It takes
shared wisdom between the regional government, the Regional People's Representative
Council, and the community in making regional regulations.

As emphasized in the 1945 Constitution of the Republic of Indonesia, Indonesia is a state
of law. The rule of law is a state that guarantees human rights [11]. The rule of law is an ideal
definition and is a condition (condition sine quanon) [12]. The rule of law is considered as a
complement to a democratic state. The product of regional regulations in which it regulates
permits and/or obligations of community members in certain contexts, especially in addition to
realizing security and public order, and harmony and success, also supports the income of
money for regional development.

The process of law formation (legislation) is a relatively very important process as it is
relatively important to see the process of implementation and enforcement of the law itself
[13]. The processes that occur in the formation of the law will, however, also influence the
process of implementing and enforcing the law. Errors in the process of forming the law can
have fatal consequences, because from the process of forming the wrong law, it can give birth
to legal products that are criminogenic in association with the community.

The making of regional regulations involves the ranks of the Regional People's
Representative Council and the regional government. Political and legal interactions in terms
of making local regulations, in the event that there are limited human resources at the Regional
House of Representatives and local governments, sometimes local regulations are found to be
handed over to academics in various law faculties, both private and public. In addition, the
Legal Division at the Regional Office of the Ministry of Law and Human Rights also provides
supervision and assistance to support the making of regional regulations.

As a democratic legal state, implicitly and explicitly all products of legislation in
Indonesia cannot conflict with Pancasila and the 1945 Constitution of the Republic of
Indonesia. In other words, the Indonesian legal system is based on Pancasila and the
Constitution of the Republic of Indonesia. Indonesia in 1945 [14]. In accordance with Article
238 of the Law of the Republic of Indonesia Number 23 of 2014, the product of regional
regulations contains the threat of imprisonment or fines, sanctions that are restoring to their
original condition, and administrative sanctions. The phenomenon of the inclusion of criminal
sanctions in regional regulations, in addition to enforcing the effectiveness of regional
regulations made, is also adjusted to the harmony and proportionality that violators of regional
regulations can or deserve to be given criminal sanctions [15].

Regarding the inclusion of criminal sanctions contained in the regional regulation itself,
it is closely related to the purpose of punishment [16]. Basically there are three main ideas
about the goals to be achieved with a punishment including:

1. To improve the personality of the criminal himself.
2. To make people become deterrent in committing crimes.
3. To make certain criminals incapable of committing other crimes, namely
criminals who by other means cannot be repaired.

The policy of criminal sanctions in regional regulations so far refers to the types of
crimes regulated in Article 10 of the Criminal Code. According to Article 10 of the Criminal
Code, the punishment consists of the main punishment consisting of the death penalty,
imprisonment, confinement, fines, criminal closures, and additional penalties consisting of
revocation of certain rights, confiscation of certain goods, and announcement of the judge's
The main types of crimes used in regional regulations are imprisonment and fines. Additional punishment in the form of confiscation of certain goods. In addition to using criminal sanctions regulated in the Criminal Code, regional regulations also use administrative sanctions.

The use of criminal sanctions in regional regulations is a warning (prevention) so that the substances regulated in the legislation are not violated. In general, there is no point in including obligations or prohibitions for citizens in local regulations, when the rules of conduct cannot be enforced by state administration.

The use of criminal law policies in tackling crime is the basis for the operation of the criminal justice system [17]. The existence of criminal sanctions in administrative law is essentially a manifestation of the policy of using criminal law as a means to enforce or implement administrative law or in other words it is a form of functionalization or operationalization or instrumentalization of criminal law in the field of administrative law. The function of administrative criminal sanctions mainly has an instrumental function, namely controlling prohibited acts. Administrative criminal sanctions are aimed at protecting the interests protected by the violated provisions. The existence of criminal sanctions in administrative law is closely related to efforts to achieve the objectives of the administrative law regulations themselves.

The types of criminal sanctions used in regional regulations are closely related to the weight and qualifications of criminal acts regulated in regional regulations [18]. Referring to the division of offense qualifications in the Criminal Code which divides crimes and violations, the Law of the Republic of Indonesia Number 9 of 2015 concerning the Second Amendment to the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government generally qualifies criminal acts of violating regional regulations as violations.

With regard to such qualifications, in general, the regional legislature in formulating the types of criminal sanctions in regional regulations places more emphasis on confinement as an alternative to fines [19]. The legislators of regional government assume that the offenses regulated in regional regulations are offenses which according to their nature are mild, do not indicate the existence of a mental breakdown and do not show any evil nature in the perpetrators, so they are only threatened with imprisonment. Only in certain regional regulations such as regional regulations on local taxes are threatened with imprisonment. If local regulations are free to include types of criminal sanctions in accordance with regulations that are higher above it will cause complications in the application of sanctions, whether carried out by Civil Servant Investigators in the region or Police Investigators, then legal remedies can be appealed to the high court or directly appealed to the Supreme Court. and if the criminal acts regulated in regional regulations are lighter in terms of punishment compared to the provisions of the laws governing them, of course, criminals will ask for lighter legal arrangements. Regional regulations must still have limitations on setting criminal sanctions as referred to in Law of the Republic of Indonesia Number 9 of 2015 concerning the Second Amendment to Law of the Republic of Indonesia Number 23 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 32 of 2004 concerning Governance Regions and Law of the Republic of Indonesia Number 20 of 2004 concerning Amendments to Law of the Republic of Indonesia Number 12 of 2011 concerning the Establishment of Legislation.

The basic concept of local governments in formulating criminal sanctions in regional regulations that are not delegated by law is that there is no uniformity, some regional regulations formulate sanctions by stating the minimum and maximum number of criminal sanctions, while some regional regulations only state the maximum limit of criminal sanctions.
imposed and the amount of the fine imposed. Criminal sanctions in regional regulations still emphasize retaliatory criminal sanctions (retributive theory), which views that punishment is retaliation for mistakes that have been made with the aim of giving suffering to violators so that they feel the consequences of their actions, judging by the types of regional regulations sanctions that exist in Central Java.

Ideal regional regulations, the content of which is both the formulation of criminal acts and the sanctions, is the elaboration of higher laws and regulations [20]. The content must contain the conditions of the area concerned, not conflict with the public interest and the laws and regulations on it. Many regional regulations were canceled because the formulation of the crime did not meet legal standards, as well as the sanctions that were formulated. If the process of making local regulations is in accordance with applicable legal standards, The ideal can be effective, because it has fulfilled the juridical, sociological and physiological elements. The fact that the enactment of regional regulations is not fully in accordance with the ideal, many legal products in this case regional regulations do not fulfill all elements of effective law enforcement.

Formulating criminal regional regulations as far as possible in sync with the law above them by using the principle of lex superiore derogat legi inferiore, and aspects of equality and legal deviations by using the principle of lex specialis derogat legi generalis. The distribution of criminal sanctions in regional regulations can be qualified into confinement sanctions, fines and sanctions for recommended actions with administrative sanctions. Criminal sanctions in regional regulations generally use imprisonment and fines.

### 3.2. Obstacles to Enforcement of Criminal Sanctions in Regional Regulations

Every local government has the authority and responsibility for the wheels of government and its economy, in the sense that there is a right to regulate and manage their own household, then the region has the right to make regional regulations [21]. These regional regulations of course only apply and are enforced within the territory of each region which are special regulations in each region, but remain within the limits and supervision of the central government. The regional regulations must fulfill the limits of authority that have been determined with the attachment in relation to the central government which is manifested in the form of preventive supervision, prevention control and general supervision.

Regional regulations are regulations that contain the characteristics of each region as well as an elaboration of higher laws and regulations. Regional regulations contain provisions for criminal sanctions in the form of confinement and fines which are intended so that these regional regulations have sanctions for every community who violates, as stated in Article 238 of Law of the Republic of Indonesia Number 23 of 2014 as amended by Law of the Republic of Indonesia Number 9 2015 concerning Regional Government. Thus, local regulations must be enforced as part of law enforcement efforts.

Law enforcement is a problem faced by every society. The word law enforcement has the connotation of upholding, implementing provisions in society, so that in a wider context law enforcement is an ongoing process of realizing abstract concepts into reality. The law enforcement process in reality culminates in its implementation by law enforcement officials themselves.

Enforcement of rules or laws is defined as an effort by special law enforcement officials to guarantee and ensure that a regulation can be implemented as intended. In this regard, law enforcers can forcefully enforce the law to ensure that the law is truly upheld. There are several things that affect the implementation and enforcement of the law. Success in law
enforcement is determined by the substance of the law (legal products to be produced), legal structure (authority of law enforcement agencies), and the legal culture and culture of the community.

There are several things that affect the enforcement of the law. Among them are legal factors, namely statutory regulations, besides that law enforcers are also influential where they are the ones who create laws and enforce the law, law enforcement is also supported by infrastructure factors, and community factors, namely the place where the rules are recognized and implemented (sociological), and cultural factors.

The term sanctions in regional regulations is sometimes placed to group parts of punishment to enforce the regional regulations themselves, namely in the form of administrative sanctions, civil sanctions, and criminal sanctions in one chapter or section. The meaning of criminal cannot be separated from the term criminal law itself because crime is the main force of criminal law. In principle, criminal sanctions are the last action (ultimum remedium) if legal steps do not get results for law enforcement. In determining the crime, in addition to considering the impact caused by criminal acts in society and the element of wrongdoing by the perpetrator, they must also consider the evil nature of the act.

Enforcement of regional regulations is one of the authorities of district/city regional governments. This is as contained in the attachment of letter E number 1 point b of the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government regarding the Division of Government Affairs in the Field of Public Peace and Order and Community Protection. With the enforcement of regional regulations, it is hoped that the number of violations of regional regulations in Tegal Regency will decrease. Violations of local regulations that occur generally occur due to lack of public awareness and participation in maintaining peace and public order. Activities that have been carried out are counseling, guidance and continuous supervision in order to increase understanding, awareness, and compliance with local regulations and regent regulations in order to maintain peace, public order and prevention of crime.

Seeing the vast territory of Tegal Regency which consists of 18 sub-districts and 286 villages/kelurahan and the population of Tegal Regency which reaches 1,437,225 people (BPS 2018 data), many issues of peace and public order must be addressed. As an effort to maintain peace and public order, the Civil Service Police Satpol conducts standby patrols throughout the Tegal Regency, which are the patrol targets, namely crowded places, night entertainment, street vendors selling along the shoulder of the road, places that are prone to disturbances to peace and order, general and local regulations violations.

Standby patrols are also carried out in the context of securing the anniversary of Tegal Regency, Eid al-Fitr, Independence Day of the Republic of Indonesia, Christmas and New Year and other local government activities. Enforcement of regional regulations for the Satpol Pamong Praja requires hard work and cooperation with relevant agencies and the community. It is known that there is a Civil Servant Investigator in enforcing criminal sanctions in regional regulations. This institution which according to the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government is entrusted with the authority to conduct investigations into violations of regional regulations. This is regulated in Article 74 of the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government which confirms that with regional regulations other officials can be appointed who are given the task of investigating violations of regional regulations.

It is possible to submit investigations of violations of regional regulations to institutions other than the Police based on Article 6 of the Criminal Procedure Code and Government Regulation Number 58 of 2010 concerning Amendments to Government Regulation Number
27 of 1983 concerning Implementation of the Criminal Procedure Code. After submitting the investigation of violations of regional regulations to the Civil Servant Investigative Agency, the authority to investigate violations of regional regulations that was previously submitted to the hulp magistrate (which mostly consisted of the Civil Service Police who had received a vet from the Attorney General's Office based on HIR and RIB) has ended its authority on August 1, 1985.

The problems faced by Civil Servant Investigators in Tegal Regency in enforcing criminal sanctions in regional regulations, namely:

1. Institutional
2. Human Resources
3. Network
4. Unfavorable Environment

Supporting and inhibiting factors will contribute to the success or failure of a process of implementing the authority of the Tegal Regency Civil Servant Investigator in enforcing criminal sanctions in regional regulations.

1. Supporting Factors
   a. The ability of the Tegal Regency Civil Servant Investigator to carry out investigations
   b. Level of education
   c. Role of government/regulation
2. Inhibiting Factor
   a. Facilities or equipment
   b. Giving punishment/deterrent effect

The existence of Civil Servant Investigators in the context of enforcing criminal sanctions in regional regulations is important in addition to being intended to overcome the limited number of Polri investigators, it is also intended to make these investigators more professional considering that most of the substances regulated in regional regulations involve the fields of understanding, legal awareness of the community, public order and local levies. The existence of this Civil Servant Investigator personally and institutionally is not ready yet. So far, law enforcement of regional regulations is still carried out by the Police, assisted by public order officers from the regional government. The consequence of this is that the enforcement of regional regulations is hampered. Many violations of regional regulations are then left untouched by law enforcement.

4. Conclusion

Criminal sanctions in regional regulations still emphasize retaliatory criminal sanctions which view that punishment is retaliation for mistakes. A good local regulation, namely the content of both the formulation of a criminal act and its sanctions, is a higher elaboration of legislation. The content must contain the conditions of the area concerned, do not conflict with the public interest and the laws and regulations above it and do not conflict with the authority that has been given, either by law or by codified criminal law. The use of criminal sanctions in regional regulations is a warning so that the substances regulated in the legislation are not violated. After the purpose of the punishment has been determined, then what type and form of sanction is most appropriate for the violation of the regional regulation.

Violations of regional regulations that occur generally occur due to a lack of public awareness and participation in maintaining peace and public order. It is known that there is a
Civil Servant Investigator in enforcing criminal sanctions in regional regulations. It can be seen the problems faced by Civil Servant Investigators in Tegal Regency in enforcing criminal sanctions in regional regulations. Among them are about institutions, human resources, work networks, an environment that is not yet conducive. The inhibiting factors for implementing the authority of Civil Servant Investigators in enforcing criminal sanctions in regional regulations include facilities or equipment and the provision of punishment or a deterrent effect.

Reference

Comparison of Criminal Evidence Between The
Indonesian and United States' Legal Systems

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Abstract. This type of research is library research. Library research is research that is
carried out through library data collection or research carried out to solve a problem which
basically relies on a critical and in-depth study of relevant library materials. This research
includes library research because data sources can be obtained from libraries or other
documents in written form, both from journals, books and other literature. Indonesian
criminal procedure law adheres to a negative statutory proof system in which proving the
defendant's guilt must be based on valid evidence according to law accompanied by the
conviction of the judge. The provisions of United States evidence law are regulated in the
Federal Rule of Evidence. The Federal Rule of Evidence regulates general matters in the
law of evidence that apply to all countries, while for more detailed matters of the law of
evidence it is regulated by each state. The United States' system of evidence is
conviction-in-time where the proof of guilt of the accused is only based on the judge's
judgment. Indonesia adheres to a negative evidence system, while the United States adheres
to a conviction-in-time system of evidence in terms of evidence that can be used in court.

Keywords: Comparison, Criminal Evidence

1. Introduction

Through valid evidence, the appointed official can decide on a choice by looking at the
issues being tried in court. This is on the grounds that evidence is seen as fair, objective and
provides data for judges to just decide. In the event that the evidence is not in accordance with
the demands of the public prosecutor and material law, the suspect and the reported party
cannot be disputed and must be submitted.

Every nation has tried to implement a strategy of criminal procedural law that is
generally in accordance with its way of life. The cycle for deciding whether a person is truly
guilty of the arguments of the lawbreakers charged against him will fluctuate starting with one
whole legal set then on to the next. Strategy doesn't always make sense starting with one
culture and then on to the next, but the exercises that have been carried out by different
countries can be a useful illustration of our way of life in determining the best technique and
game plan[1].

The law of proof between nations must be considered and mixed. It is hoped that the
treatment of legal settlements that may occur between Indonesia and the United State of
America (US) does not encounter obstacles. Practically speaking, evidence in Indonesia
actually includes an abstract idea from the sole adjudicator who handles it. Dynamic
adjudicators in viewing litigation and acknowledging presumptions are very important[2].
In US law, wrongdoing is seen as a debate between the state (addressed by investigators) and the suspect (addressed by legal authorization). The judge is not involved in the preliminary examination and opens the door for the investigator and suspect to collect evidence and their respective observers and after that both follow their situation under the supervision of the judge in the preliminary room[3,4].

The structure of evidence in criminal cases in the US adheres to the framework of jury justice. Where in executive law perceives a body called the jury. The jury are ordinary people named by the state and they are an impartial assembly and have no family ties to the litigants. The two players in the suit are free to meet and choose a judge of their choice. The judges are selected from the entire population, not from legal specialists or legal professionals. The discovery of this underlying perception aroused the desire of scientists to direct the investigation of the evidentiary frameworks of the two countries in these different sets of common law[5].

The US has 4 (four) legal springs, specifically protected law, managerial law, rules (official law written in a country), and precedent-based law (which incorporates case law). As it is recognized that the US and most Republics adhere to conventional customary law starting with the UK law chain as a whole, US law is one of a kind in some areas. This is on the grounds that US common laws are generally not tied to UK legislation as a whole due to the interference of freedoms in that country. The progress of the US made the country an autonomous state and separated itself from the laws of the British Federation as a whole.

The US as a British country previously fostered an alternative framework from the one in the UK, although it was still within the framework of the customary law framework. The US was a former British state. Nonetheless, during their lifetime, the US cultivated its own set of laws and legal substance. Nonetheless, most states are still within a precedent-based number law framework.

The US places a serious level of trust in Police stations, particularly the Environmental Police Administration and Sheriff's Specialties as the implementation of the law. In the meantime, state police are doing more to offer broader support. Government offices such as the Department of Examination Administration (FBI) and the U.S. Marshals Administration have more specialized duties. There are four laws that apply in the US, specifically protected law, regulatory law, resolution (formal law written in a country), and customary law (which incorporates case law). The four sources of law are valid and valid as definite laws and apply to all residents of the superpower country.

Carrying out legal research is relatively necessary to concentrate on the whole set of laws in Indonesia and different countries. Understanding the full range of laws of different countries is invaluable in supporting the agreement and improvement of public law, besides it can broaden the understanding of the basics of the regions and their own way of life and bring the basic mentality towards their own common set. law.

Based on the description above, a review can be developed that looks at the evidence of criminal cases that apply in Indonesia and the United States. Seeing evidence of criminal cases that apply in various countries is a positive effort to compare them and prove criminal cases that apply in Indonesia. If indeed the confirmation of criminal cases in various countries is better, it is inconceivable that Indonesia will involve it as a kind of perspective for improvement. The formulation of the research problem is how is the arrangement of proving criminal cases in Indonesia and the United States? and how is the comparison of proof of criminal cases between the Indonesian and United States legal systems.

2. Method
This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature[6].

3. Result & Discussion

3.1 Criminal Justice System

For this situation, the main thing to analyze is the Indonesian and US criminal justice arrangements. The US is also called the country of customary law (where we know that customary law originated in the UK). However, it is not finished to say that British pilgrims brought this customary law to the US. They did guarantee that they had the same rights as the British, but they felt English law was an instrument of concealment that made them flee. In view of these reasons the settlers from the upper east (New Britain), prevented the limiting power from obtaining customary-based laws. countless settlements consider this standard, but to be honest they have a code of law that is in some cases so complete and organized in its entirety that customary law only functions as an integral law, only three states have officially considered this English law during its existence, provincial period.

In an atmosphere of complete autonomy from Britain for more than two centuries, the US has gone through different legal advancements, during the nineteenth and twentieth centuries. This is due to several elements, including the existence of a structured constitution, both at the government and state levels. part, even as a result of increased legal surveys, meaning the most common way to test state and government laws against these different constitutions, it has power and states have their own laws. In certain states and surprisingly certain parts of the law depend on codification.

The general body of US law is essentially fifty or so whole sets of laws that are closely related, but all of them by no means indistinguishable in form or form. The United States of America is turning into an alliance of states with an autonomous set of common laws with any powers not delegated by the government's constitution to administrative organs. Assuming there are several fields that have similarities between the state government and the central government, then at that time bureaucratic law was seen as more important than state law. So from the clarification above, we turn to the applicable law of evidence in the US. State and state legislatures have their own evidentiary laws.

The US court framework is complex. Each state directs its own judicial framework independently, no two state frameworks are exactly alike. Court design complexities can be highly specialized and surprisingly confusing for legitimate guidelines. Significantly more confusing is the dual court framework in the US. There is a series of general (government) courts that are above (or near) each district court. There is something like one government court in every state, from Alabama to Wyoming. Most bustling states have more than one government court. Therefore, a person residing in Philadelphia falls under two completely different courts, the Pennsylvania neighborhood court and the nearest government court and can sue or be sued in both of these courts, largely but not entirely, depending on the case.

The US Constitution also regulates the legal part of the central government and determines the powers of bureaucratic courts. Government courts limit certain types of cases. State courts have strict legal control over the vast majority of cases.
Meetings for a question provide options for the jury to try in each single criminal case and the general case as a whole. A jury generally consists of a board that hears statements and applies laws, promulgated by the jury, with the ultimate goal of reaching a common choice based on the evidence presented at the time the jury confirms it by looking at the statement in the court. However, legal questions in the US can usually be resolved through a lawful motion or remedy, not through a court hearing.

Within the draft government court framework is the US constitution that establishes the US Supreme Court and empowers Congress to establish administrative courts. Congress has established two levels of government courts below the high court, specifically the US district courts and a series of US courts of inquiry. US local courts will be the first court of opportunity within a government framework. All states in the US have one high court, most of which are called the State Superior Courts, which function on a par with the high courts. Many states in the US also have moderate local courts, also called courts of appeal, whose job it is to hear requests from court procedures, in which defendants mostly make some rights to memory.

Indonesia's legal framework relies on the Dutch framework, criminal law is important to public law. Indonesian criminal law is currently divided into two parts, namely special material criminal law and formal criminal law. Material criminal law regulates the certainty of criminal demonstrations, perpetrators of violations and criminal demonstrations (sanctions). The material criminal law guidelines in Indonesia are directed at the Criminal Code and further from laws outside the Criminal Code which are remembered for unique violations. Formal criminal law control system to implement material criminal law regulations. In Indonesia, a formal criminal law plan has been affirmed by the Criminal Code as well as several arrangements outside the Criminal Code that are regulated by law which are extraordinary violations.

The application or implementation of accessible criminal law is carried out by instruments approved by law to exercise separate powers and controls and must be carried out in an efficient work to achieve its objectives. This efficient deployment of energy is carried out by utilizing each of the components associated with it as a bound and interconnected relationship, and generally influencing each other. These efforts must be recognized within the framework entrusted to carry out the ratification of criminal law, in particular the framework of criminal justice, which is basically a regulation of the ability to enforce criminal law.

Therefore, every mechanical assembly of the criminal justice framework must consistently follow the development of each given regulation on the grounds that the device in the criminal justice framework depends on the summons of criminal law with the ultimate goal of expecting violations to occur. This criminal justice framework is recognized or implemented in four sub-frameworks, in particular:

a. Strength of examination by analytical organizations.

b. The power of indictment by the office of the general examiner.

c. The ability to finalize and pass a choice by the legal executive.

d. The ability to make a choice/deception by executives/executors of the office or mechanical assembly.

3.2 Evidence System

Regarding evidence, in Indonesia, according to the evidentiary framework adopted in this country, to be more specific about the evidentiary framework in a negative legal perspective, we can resolve it from Article 183 of the Criminal Code. From Article 183 of the Criminal
Code, of course, evidence must be based on law (KUHAP), in particular valid evidence according to law as referred to in Article 184 of the Criminal Code, namely:

1. Witness statement.
2. Expert Witness
3. Letters.
4. Hints.

In addition to the evidence referred to in the Criminal Code, there is also the development of other evidence referred to in the extraordinary criminal law. One illustration of the unique corruption law is the Law of the Republic of Indonesia Number 31 of 1999 jo. Law of the Republic of Indonesia Number 20 of 2001 concerning the Destruction of Criminal Acts of Violation of Values In the stipulation of Article 26A of this Law, evidence is extended, the extent of evidence is not only examined from witness statements, letters and articulations of respondents as referred to in Article 188 Paragraph (2) KUHAP however can be revoked from other evidence because:

a) Data spoken, obtained, transmitted or stored electronically by optical or comparable means.
b) Records, in particular any recorded information or data that should be viewable, readable, or potentially audible which may be provided with or without the aid of a method, regardless of whether compiled on paper, any actual articles other than paper, or recorded electronically, via a composition, sound, image, map, floor plan, photograph, letter, sign, number, or hole that has meaning.

Apart from the limited evidence as explained above, there must be confidence from the appointed official obtained from the evidence. This framework or hypothesis of evidence that relies on the law, on the other hand, relies on a lot of evidence, especially on the law and on the convictions of the appointed ruler and as indicated by the law, the reasons for the conviction of judges depend on legal guidelines. The evidence plan in the US is in accordance with the evidentiary framework adopted by the country, in particular the setting of conviction in the confirmation time that decides whether the respondent is not entirely determined by the jury's assessment of the conviction. The jury's conviction decides the responsibility of the respondent. We can resolve this from the Government Rules of Proof, Rule 105 which states that assuming the court sees admissible evidence against one party or one reason, but not against the other party or for any other reason, court must be within the specified time limit. proof. at a reasonable level of evidence and at jury guidelines. Thus, whether the evidence can be used in the introduction or not is up to the jury.

3.3. Burden of Proof

With regard to the weight of evidence, both Indonesia and the US adhere to two verification frameworks, namely:

a. Regular weight of proof frame

The weight of conventional evidence (weight of proof at the general examiner) in Indonesia is regulated in the criminal methodology law. Suspects or litigants do not have a problem with the inauguration commitment (Article 66 of the Criminal Code). However, the commitment to proof is borne by the public examiner considering that all Indonesian laws have complied with the assumption of blamelessness and guidelines for not accusing oneself (non self implication). The weight of proof like this can be set as standard or ordinary proof weight.
In the framework of the standard weight of evidence, the technique of using evidence refers to the basic needs of evidence in Article 183 of the Criminal Code. In essence, the evidence that can be used in the same evidentiary framework is as stated in Article 184 of the Criminal Code.

In the US the constitution (The Bill of Freedoms) grants special rights to those who are blamed during the preliminaries. There are two important perspectives in the US criminal justice framework, namely the standard of assumption of innocence and the weight of the charges to demonstrate definitive responsibility. Because the US adheres to the standard assumption of honesty (and that implies that the suspect is found not guilty until the final court selection declares the suspect responsible), the weight of confirmation rests with the public investigator.

b. Flip confirmation framework

Due to the seriousness of the specificity, the weight of the inauguration has not yet been placed on the general examiner, but on the respondent. Verification weights are distributed based on the 3Ps, namely specific approach, ownership of evidence, and probability. Accommodation is now and again added as a fourth variable. Ownership of evidence (authority of evidence) refers to the more prominent access of one party to the data. This idea is outlined by agreed safeguards such as self-protection and insanity. In these two situations, the respondent is in a better situation to approach with evidence given that their access is better than evidence, for example the authority of proof.

In (formal) criminal law, both the Mainland European framework and the Somewhat English Saxon framework (for this situation Indonesia and the US), look at evidence while still imposing its commitments on public examiners. However, in certain cases or extraordinary violations, it is permissible to apply differential instruments, especially the procedure for transferring the weight of evidence or what is known as the weight of evidence transfer (omkering van bewijslast). Indeed, even that is not fully done, but it has basic limitations that do not eliminate guarantees and respect for basic freedoms, especially the freedom of suspects or litigants.

3.4 Plea Guilty and Defendant's Statement

As far as the affirmation strength of the respondent's statement is in Indonesia, the guideline is that the plaintiff's statement is only evidence against himself. The setting that governs this guideline is contained in Article 189 paragraph (3) of the Criminal Code. If for a certain situation there are few litigants, then every statement from each respondent is only evidence that limits himself, then the statement of Respondent A cannot be used against Respondent B.

This rule is regulated in Article 189 Paragraph (4) of the Criminal Code whose guidelines are the insistence of the basic standard of confirmation in Article 183 of the Criminal Code, in particular judges choose by considering at least two pieces of evidence. The idea of the power of proof is free, the judge is not limited by the value of the strength contained in the evidence of the respondent's statement. He was allowed to judge the reality contained within. The jury can admit or discard it as evidence by stating the reasons.

Instead of guidelines in Indonesia, plans in the US regarding the admission of plaintiffs are governed by a different arrangement, more specifically the concept of bartering applications. In the event that the respondent pleads guilty, he does not need to enter into legal interaction and enters the request barter stage where the general examiner offers some concessions to the plaintiff in return for the recognition of responsibility given by the respondent.
The barter petition is now remembered for the Draft Criminal Code with a unique line name. The regulation regarding this extraordinary course is regulated in Article 199 of the Draft Criminal Code, specifically as follows:

1. When the public investigator examines the indictment, the respondent admits to each of the alleged protests and pleads guilty to committing a criminal act of corruption which is punishable by a 7 (seven) year imprisonment, the public examiner may assign the case to the introduction for a brief assessment.
2. The confession of the accused shall be stated in the official report which is legalized by the respondent and the general examiner.
3. Judges must:
   a) Inform the respondent of the special rights that have been handed over by giving the acknowledgment as mentioned in paragraph (2).
   b) Inform the respondent of the length of the sentence that may be imposed.
   c) Knowing whether the recognition as referred to in paragraph (2) is given intentionally.
4. The appointed official may refuse the confession as referred to in paragraph (2) with the assumption that the judge questions the truth of the confession in a litigation.
5. Excepted from Article 198 Paragraph (5), the criminal penalty for the respondent as referred to in paragraph (1) may not exceed 2/3 of the most severe punishment charged.

From the article above, there are differences between the unique pathways regulated in the Draft Criminal Code and bartering requests in the US, one of the fundamental differences is that the bargaining framework in the US can be applied to all criminal demonstrations, ranging from misdemeanors to serious offences. Meanwhile, in the Draft Criminal Code, extraordinary pathways must be taken for criminal demonstrations whose punishment is not more than 7 years in prison. Another difference is that there is a very stark difference between the requests recorded by the public examiner if the accused admits responsibility or not. One of the models is for an act that violates the law, the general investigator will only charge a person with a sentence of 5 years in prison if he confesses, even if the accused does not want to take responsibility and decides to be tried. preliminary examination, the general examiner may ask for life imprisonment.

Article 199 Paragraph 3 letter c stipulates that the appointed official is obliged to know whether the acknowledgment was given intentionally or not. Furthermore, Paragraph (4) states that the appointed official may reject the plaintiff's confession on the assumption that the judge questions the reality of the respondent's confession. Assuming one pays attention to the arrangements stipulated in Article 199 Paragraph (3) and Paragraph (4), it can be seen that the appointed authority can still do so to acknowledge the respondent's confession even though the plaintiff says that the confession is invalid. not given on purpose. This opportunity arises because of the unclear standard regarding the commitment of the appointed official to refuse the plaintiff's confession if the respondent says his confession was not given intentionally.

In addition, the unique method section in the Draft Criminal Code does not clearly define the duties of legal counsel in assisting people who are suspected of claiming responsibility. The existence of legal guidance is one of the elements that best protects the suspect or respondent from all forms of torture or cruelty from the experts. When compared to the proposed demand transaction framework in the US, it tends to appear that a lack of legal direction or in any case, followed but not ideally provided could indicate the non-acceptance of a speculator's confession. Two brief descriptions of the duties of judges and legal advisors
in setting specific paths in the Draft Criminal Code illustrate that the appointed officials and legal consultants are not yet in a situation to protect litigants from possible confessions obtained from torture.

4. Conclusion

Indonesian criminal procedure law adheres to a negative statutory proof system in which proving the defendant's guilt must be based on valid evidence according to law accompanied by the conviction of the judge. The provisions of United States evidence law are regulated in the Federal Rule of Evidence. The Federal Rule of Evidence regulates general matters in the law of evidence that apply to all countries, while for more detailed matters of the law of evidence it is regulated by each state. The United States' system of evidence is conviction-in-time where the proof of guilt of the accused is only based on the judge's judgment. Indonesia adheres to a negative evidence system, while the United States adheres to a conviction-in-time system of evidence in terms of evidence that can be used in court. In general, the two countries, both Indonesia and the United States, adhere to the ordinary burden of proof. Indonesian law stipulates that the defendant's statement alone is not sufficient to prove his guilt, while in the United States, the defendant's confession of guilt is sufficient to convict him and there is no need to enter the judicial process.

References

Eradication of Corruption in Local Governments
Based on Cooperation Agreements

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Abstract. The goal of this study is to assess the treatment of corruption cases based on positive Indonesian law and the problems experienced by law enforcement agents in implementing Article 4 of the Corruption Eradication Act. Legal method was applied in this investigation. Traditional and online literature searches were used to acquire this research's data. The qualitative data analysis technique employed in this study is narrative-descriptive data. The study found that the Corruption Eradication Commission enforces the legislation based on Law 30 of 2002. According to Law No. 2 of 2002 and the Criminal Procedure Code, the Indonesian National Police can investigate extraordinary criminal cases. Corruption. Law 16 of 2004 of the Republic of Indonesia says the Prosecutor's Office can investigate corruption crimes. The Law of the Republic of Indonesia Number 46 of 2009 regulates corruption cases.

Keywords: Region, Corruption, Agreement

1. Introduction

The Corruption Eradication Commission noted that from the early years of regional autonomy to 2015 there were 64 corruption cases involving 51 regional heads. The results of the research by Indonesia Corruption Watch found that regional heads were most corrupted by regional heads. Throughout 2017, 30 regional heads, consisting of 1 governor, 24 regents or deputy regents, and 5 mayors or deputy mayors, have become suspects in corruption cases with state losses reaching Rp. 231 billion and the bribe value reached Rp. 41 billion [1]. Corruption is not only carried out by state administrators, between state administrators, but also state administrators with other parties such as family, cronies and businessmen so that it destroys the joints of social, national and state life, and endangers the existence of the state [2]. Corruption in Indonesia is already at the level of political corruption. Political corruption is carried out by people or institutions who have political power by conglomerate groups that carry out collusive transactional relationships with power holders.

Law enforcement often employs state-loss corruption to catch corruptors. This part of state losses typically impedes the legal procedure since they must wait for the first computation from the Supreme Audit Agency or the Financial and Development Supervisory Agency. Weaknesses in criminal law settlement don't restore state losses, therefore internal settlement is possible [3]. The Indonesian National Police and the Attorney General's Office of the Republic of Indonesia as state judiciary contribute to the eradication of corruption, which also requires cooperation with the government's internal control apparatus, in this case the Ministry of Home Affairs, in eradicating corruption in the regions. Regional leaders' corruption cases require the government to act.
On February 28, 2018, a cooperation agreement was signed between the Ministry of Home Affairs, the National Police and the Prosecutor's Office regarding the handling of public reports on allegations of corruption in regional governments. [4] This Cooperation Agreement is not to protect corruptors. However, the goal to be achieved is on the side of restoring state losses. The return of state financial losses is currently a trend for perpetrators of corruption in Indonesia to be able to get out of the law. There are corruption cases that have attracted attention, one of which occurred in South Kalimantan, namely during the leadership of Governor Sjahriel Darham, when the South Kalimantan Provincial Government procured dredging services for the Barito River channel. The South Kalimantan Police smelled the smell of corruption carried out by Governor Sjahriel Darham, the South Kalimantan Police Investigator then concluded that there had been corruption in the project. The South Kalimantan Police have submitted the case file to the South Kalimantan High Prosecutor's Office, but the South Kalimantan High Prosecutor's Office decided not to proceed with the case to the prosecution stage on the grounds that there was no evidence of state losses because Governor Sjahriel Darham had returned corruption money to the regional treasury [5].

The return of state financial losses has caused investigators to issue a warrant to stop investigations related to cases of alleged corruption for various reasons, one of which is insufficient evidence because state financial losses have been returned so that state financial losses are not proven because they no longer exist. [6] This refers to the Cooperation Agreement between the Ministry of Home Affairs, the National Police and the Prosecutor's Office regarding the handling of public reports on allegations of corruption in local governments, where one of the articles states that there is a 60-day opportunity to recover state losses.

If investigators can recoup state losses within 60 days, they can stop at the investigation stage and not begin the investigation process. This will allow perpetrators of corruption cases to avoid criminal punishment because the inquiry has been terminated, causing the government to ignore its own regulations, specifically Article 4 of the Law on the Eradication of Corruption Crimes. Many parties support, but some oppose, the anti-corruption cooperation agreement. Negative response owing to presumption that cooperation agreement regulations could violate Article 4 of Indonesia's 1999 Corruption Eradication Law. Corruption-related state financial losses are dangerously high. How are arrangements for managing corruption offences based on Indonesian law? How is the practice of executing the cooperation agreement between the Ministry of Home Affairs, the Prosecutor's Office, and the National Police on Article 4 of the Law on the Eradication of Criminal Acts of Corruption?

2. Method

Library research. [7] Library research is data collecting or problem-solving based on an in-depth study of relevant library materials. This research includes library research because data sources can be found in journals, books, and other written texts [8].

3. Discussion

3.1. Arrangements for Handling Corruption Crimes Based on Indonesian Positive Law

The crime of corruption in Indonesia has penetrated into all lines of people's lives systematically so that it damages the economy and hinders development and creates a negative stigma for the Indonesian nation and state in the international community. The losses caused by corruption in Indonesia have been so great that until now Indonesia is listed as one of the most corrupt countries in the world [9].
The problem of corruption is a big and complex problem faced by our country today. Corruption can lead to inefficiency and injustice. Corruption can undermine the political legitimacy of the state. Corruption is also evidence that there are deeper problems with the state's dealings with the private sector. Efforts to eradicate corruption are still stagnating, especially with the resistance carried out by parties whose interests are disturbed by the agenda of eradicating corruption.

Eradication of criminal acts of corruption is part of law enforcement and is not a separate activity that only aims at law enforcement [10]. All efforts to eradicate corruption are part and endeavor to build a country free from corruption and lead to the welfare and prosperity of the people, which is the national goal of the Indonesian nation and has been guaranteed in the constitution of the 1945 Constitution of the Republic of Indonesia. Support from law enforcement officers, such as judges, prosecutors, and the police.

Corruption is a part of special criminal law since it deviates from formal criminal law or procedural law [11]. Criminal acts of corruption have existed in Indonesian positive law since the Criminal Code (wetboek van strafrecht) entered into force on January 1, 1918. The Criminal Code applies to all groups in Indonesia in accordance with the principle of concordance and was promulgated in Staatblad 1915 Number 752 on October 15, 1915.


The Law on the Eradication of Criminal Acts of Corruption defines its own procedure for law enforcement of corruption perpetrators [12]. Corruption is a serious crime that must be prioritized. Corruption in Indonesia is not only a legal and law enforcement issue, but also a major social and psychological issue that must be tackled simultaneously. [13] Corruption causes the absence of a welfare government and is a difficult-to-cure societal disease.

Corruption law enforcement is carried out by Police detectives, the Attorney General's Office, and the Corruption Eradication Commission, based on Law 30 of 2002. Corruption Eradication Commission coordinates and supervises investigations, prosecutions, and prosecutions. However, corrupting authority is confined to:

1. Involve law enforcement officers, state administrators, and people who are related to criminal acts of corruption committed by law enforcement officers or state administrators.
2. Get attention that is troubling the community.
3. Regarding state losses of at least Rp. 1,000,000,000 (one billion rupiah).

The Prosecutor's Office is authorized to investigate corruption crimes by Law 16 of 2004. Article 30 Paragraph (1) letter d regulates this, especially criminal investigations. His reasoning says certain crimes are corruption and human rights breaches.

Based on Article 30 of the Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, the Prosecutor's Office has 3 powers in
resolving criminal acts of corruption: the authority to investigate, prosecute, and implement court decisions.

Corruption is a particular criminal law that differs from normal criminal law in procedural legislation and controlled content. Corruption offences are aimed to limit financial leakage and economic anomalies. By predicting these deviations as early and as much as feasible, it is believed that the wheels of the economy and development can be correctly operated, resulting in gradual growth and societal welfare.

The court for criminal acts of corruption was founded based on Article 53 of Law of the Republic of Indonesia Number 30 of 2002 about the Corruption Eradication Commission, but the Constitutional Court declared it contradictory to the 1945 Constitution of the Republic of Indonesia. Number 46 of 2009 establishes the Corruption Court, which judges corruption crimes. The procedural legislation for criminal crimes of corruption is dual since it refers to the Corruption Eradication Act and the Criminal Procedure Code as a lex generalist.

Article 26 of the Law on the Eradication of Corruption Crimes states that the criminal procedural law applicable to investigations, prosecutions, and court exams is the positive law or ius constitutum in force at the time, unless the law specifies otherwise. The Criminal Procedure Code is a procedural statute utilized at all levels of the judiciary to combat corruption.

This provision implies that the Criminal Procedure Code applies to provisions for criminal acts of corruption, although there are exceptions that use special criminal procedure laws that deviate from the general law, like Law of the Republic of Indonesia Number 46 of 2009 about Criminal Courts. Corruption Crimes aims to speed up corruption trials.

Corruption, a particular offense, is more complicated than other crimes. Several investigative institutions are permitted to investigate corruption offense perpetrators during the investigation stage. Including various institutions of Civil Servant Investigators whether they are involved with crimes containing corruption in accordance with their individual fields of responsibility and the laws and regulations governing each.

Article 27 of the Law on the Eradication of Criminal Acts of Corruption states that a joint team might be constituted if a criminal act of corruption is difficult to prove. This clause prioritizes the Attorney General's Office in corruption law enforcement. The Prosecutor's Office is authorized to investigate criminal acts of corruption, along with the Police, under Articles 6 and 7 of the Criminal Procedure Code.

Eradication of criminal acts of corruption certainly cannot be separated from the efforts of law enforcement officials in carrying out law enforcement efforts in the field of corruption. Article 39 of the Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption states that the Attorney General coordinates and controls the investigation, investigation, and prosecution of criminal acts of corruption. The Attorney General in this article is intended to have the authority to carry out investigations, investigations, and carry out prosecutions as well as carry out executions of judges' decisions in cases of criminal acts of corruption. This is in line with the Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia which states in Article 30 Paragraph (1) Letter d that in the criminal field, the Prosecutor's Office has the task and authority to carry out investigations, investigations, and prosecution of certain criminal acts based on the law.

In addition to the duties of the Police and the Prosecutor's Office, the institution that also has the task of conducting investigations into criminal acts of corruption is the Corruption Eradication Commission as stipulated in Article 6 sub c of the Law of the Republic of Indonesia Number 30 of 2002. The Corruption Eradication Commission is a state institution that in carrying out its duties and authorities independent and free from the influence of any power so
that the establishment of this commission aims to increase the efficiency and effectiveness of efforts to eradicate corruption.

The enforcement of criminal law against corruption, especially in the investigation process, is not only carried out by the Police, the Prosecutor's Office, and the Corruption Eradication Commission. However, in the case of other criminal acts which are essentially potential for corruption but are regulated in special legislation outside the Criminal Code and the Law on the Eradication of Criminal Acts of Corruption, authority is also given to Civil Servant Investigators in accordance with the legal provisions that form the legal basis for each, respectively.

The Police of the Republic of Indonesia as a law enforcement institution, based on the Law of the Republic of Indonesia Number 2 of 2002 concerning the State Police of the Republic of Indonesia and the Criminal Procedure Code have the authority to conduct investigations and investigations in criminal cases, including special criminal cases of corruption. The authority in eradicating criminal acts of corruption is for the Indonesian National Police as instructed in the Presidential Instruction of the Republic of Indonesia Number 5 of 2004 concerning the Acceleration of Corruption Eradication, the eleventh letter point 10 is instructed to the Head of the Indonesian National Police.

Article 38C of the Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption states that if after the court's decision has permanent legal force, it is known that there are still assets belonging to the convict that are suspected or reasonably suspected to have originated from a criminal act of corruption, those assets must be confiscated. These rules provide for the prosecution and punishment of disgusting acts, which the community feels must be punished.

3.2. The Practice of Implementing Cooperation Agreements Between the Ministry of Home Affairs, the Prosecutor's Office and the Police Against Article 4 of the Law on the Eradication of Criminal Acts of Corruption

Initially, the presence of the Law of the Republic of Indonesia Number 30 of 2014 concerning Government Administration eroded hopes in eradicating corruption. There are problems related to the Government Administration Act, namely the debate regarding the decisive interpretation of acts of abuse of authority in corruption. Law enforcement officials in conducting investigations must coordinate with the government's internal control apparatus in determining whether the actions committed by the reported party are administrative errors or criminal matters.

It is hoped that the eradication of corruption will not be hampered by the existence of the law, but should instead strengthen the coordination between law enforcement agencies and the government's internal supervisory apparatus. The existence of the Law on Government Administration should also sharpen the division regarding what is meant as discretion, policy and abuse of authority that can be withdrawn in the administrative area or into the area of corruption.

Following up on Article 385 of the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government and the Presidential Mandate dated July 19, 2016 at the State Palace to the Kajati and Kapolda as well as Presidential Instruction Number 1 of 2016 concerning Acceleration of Implementation of National Strategic Projects, in providing certainty to reports of public complaints in the implementation of government administration, the Ministry of Home Affairs of the Republic of Indonesia enters into a cooperation agreement or memorandum of understanding between the Inspectorate General of the Ministry of Home Affairs with the Criminal Investigation Police and the Attorney General's Office. The
Cooperation Agreement between the Ministry of Home Affairs and the Police and the Prosecutor's Office regarding the Coordination of the Government's Internal Supervision Apparatus with Law Enforcement Officials is made in 2 (two) forms, namely:


These two memorandums of understanding aim to provide clear boundaries regarding administrative and criminal classifications derived from a public complaint. So, the government's internal supervisory apparatus and law enforcement officers, in this case the Police and the Prosecutor's Office, agreed to provide administrative criteria for a public complaint.

These two memorandums of understanding apply to the handling of corruption cases in the distribution of village funds, in its application law enforcement officers in taking action against misuse of village funds, the Inspectorate as an internal supervisory apparatus of the district/city government must first conduct supervision and guidance on reports of alleged village funds to the apparatus. If after guidance by the Inspectorate there are still irregularities, law enforcement officers will take action according to the applicable law.

Article 7 Paragraph (5) letter b of the 2017 Cooperation Agreement between the Ministry of Home Affairs, the Prosecutor's Office, and the Police says that a claim for compensation or treasury claim must be filed within 60 days following the internal control apparatus's inspection report. The official accepts or the government's internal supervisory apparatus or State Audit Board completes the audit. Article 7 Paragraph 5 Letter b governs state losses from audit reports or internal control. This rule doesn't apply to state losses produced by bribery, gratuities, extortion, etc.

The Prosecutor's Office and the Police have their own anti-corruption tools. Seeing the importance of eradicating corruption, the Ministry of Home Affairs thinks it important to develop a synergy between the Ministry and law enforcement officers. The corruption complaint respects the MoU and cannot interfere with any institution's power.

This cooperation agreement also stipulates that the coordination of government internal control officers and law enforcement officers is carried out at the stage of investigating a public complaint, and does not apply if caught red-handed or an operation is caught red-handed. So that if law enforcement officers are handling a public report and then after an investigation, a person is determined to be a suspect, then the coordination mechanism for the government's internal control apparatus and law enforcement officers as stated in the MoU does not apply.

The role of the government's internal supervisory apparatus is currently very important in the midst of the strong flow of transparency and accountability in the administration of government. The community as stakeholders demands that the government be more transparent in managing state finances and be accountable. Therefore, the government's internal supervisory
apparatus must play its role as internal supervisor and quality assurance for all government programs and activities so that the demands of these stakeholders can be met for the realization of good governance and clean government.

The authority of the Police and the Prosecutor's Office in investigating cases involving regional officials will be coordinated with the government's internal supervisory apparatus, so that any reports from the public are not immediately followed up by law enforcement officers. The goal is to ascertain whether the report is really related to allegations of corruption, or is it just a matter of administrative error. Law enforcement officials respond to reports that from the outset have depicted an unlawful act (mens rea), because in determining the presence or absence of mens rea is the capacity of law enforcement officials but coordinates its handling with the government's internal supervisory apparatus.

Associated with the determination of state financial losses in the investigation and investigation of administrative corruption, the determination of a suspect cannot be without being preceded by a calculation of state financial losses from the State Audit Board. The practice so far is that the Investigation Order precedes the request for the calculation of state losses to the State Audit Board.

The technical implementation of public complaints reports indicating criminal acts of corruption is carried out based on a memorandum of understanding between the government's internal supervision apparatus and law enforcement officials, namely by inviting law enforcement officials to jointly expose the government's internal control apparatus related to the alleged irregularities that occurred (in this case whether the deviation is criminal or limited to administration and viewed from the point of view of indications of state losses that may appear) in the exposure law enforcement officers submit findings of irregularities that indicate state losses, after exposure law enforcement officers can ask government internal control officials to conduct investigative audits (in this case it is necessary to remember that determining a crime has occurred can only be made by law enforcement officers in a series of investigations while law enforcement officers the government's internal control is not in the capacity to determine the occurrence of criminal acts, but rather on the related rules and regulations where deviations occur).

Provisions regarding the coordination of government internal supervisory officers and law enforcement officers in handling reports indicating criminal acts of corruption are further regulated in Article 25 of Government Regulation Number 12 of 2017 concerning Guidance and Supervision of Regional Government Administration. The technical regulations regarding coordination provisions are further regulated in the government regulation with the hope of providing clearer direction regarding the coordination mechanism.

The birth of the MoU between the Ministry of Home Affairs, the Prosecutor's Office and the Police at a glance strengthens the role of the Prosecutor's Office of the Republic of Indonesia in efforts to prevent corruption, so that there is coordination between these institutions, when there are complaints or reports from the public regarding allegations of corruption. However, when we examine more deeply the MoU between the Ministry of Home Affairs, the Prosecutor's Office and the Police, based on the nomenclature contained in this agreement, it is not found in the order of Indonesian laws and regulations or is often referred to as the hierarchy of laws and regulations of the Republic of Indonesia contained in Article 7 Paragraph (1) Law of the Republic of Indonesia Number 12 of 2011 concerning the Establishment of Legislation. Of all the written legal products that are explicitly recognized in this law, there is not a single paragraph that states that the MoU is a positive legal product in Indonesia.

The term MoU is better known in terms of civil law, namely a joint agreement or memorandum of understanding. Where the contents of the MoU are used to bind the parties in
it before pouring the work agreement contacts. MoUs usually contain agreements of the parties aimed at the interests of the parties involved in it. However, the MoU itself at the level of implementation does not yet have a clear legal basis for its regulation in the Civil Code. However, at the practical level, the birth of the MoU which philosophically should encourage the performance of the Prosecutor's Office to be maximized in efforts to enforce corruption when there are complaints from the public, actually creates legal loopholes for suspected perpetrators of corruption to take refuge in the argument of administrative errors, even if there is an arrest against the perpetrators of the crime of corruption, automatically this MoU cannot be applied.

The MoU between the Ministry of Home Affairs, the Prosecutor's Office and the Police has violated the current positive legal norms, including Articles 2 and 3 of the Corruption Eradication Law which states that anyone who causes state losses can be charged with imprisonment or a fine. However, with Article 7 Paragraph (5) of the MoU between the Ministry of Home Affairs, the Prosecutor's Office and the Police, Articles 2 and 3 of the Corruption Eradication Law cannot be applied, due to suspected perpetrators of corruption if they have returned the loss money, state finances then the legal process of the criminal act will be stopped, because the actions taken by the alleged criminal acts of corruption are only considered as mere administrative errors.

The Police and the Prosecutor's Office in handling a case, of course, have collected various reports and evidence, so that they are not arbitrary in processing the case [16]. With this agreement, law enforcement officers cannot follow up on existing reports and evidence. The MoU actually gives the impression that there is an effort to protect regional officials because there is authority from the government's internal supervisory apparatus to examine and determine reports from the public as administrative errors or criminal acts of corruption. Those who are suspected of committing a criminal act of corruption or abusing their authority should be immediately investigated and investigated by law enforcement officials.

The birth of the MoU actually hampered the law enforcement process carried out by the Prosecutor's Office in processing suspected perpetrators of corruption. And clearly contrary to the provisions in Article 4 The Law on the Eradication of Criminal Acts of Corruption which states that refunding state losses does not erase the crime and returning state funds only affects the severity of criminal penalties that will be received.

4. Conclusion

The Corruption Eradication Commission enforces corruption crimes under Law 30 of 2002. The Police of the Republic of Indonesia can investigate specific criminal cases of corruption under Law 2 of 2002 and the Criminal Procedure Code. Article 30 Paragraph (1) letter d of Law No. 16 of 2004 states that the Prosecutor's Office can investigate corruption crimes. Law 46 of 2009 of the Republic of Indonesia regulates corruption cases. The agreement between the Ministry of Home Affairs, the Police, and the Prosecutor's Office hinders legal enforcement against corruption. Police and prosecutors do not promptly investigate every public corruption report. The government's internal watchdog will first review the situation. With the collaboration agreement, police can't investigate reports and evidence.

References
Prosecution of Livelihood by Judge Against Petitioner in Verstek's Decision

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Abstract. A judge is prohibited from deciding a case with an Ultra Petitum Partium decision which in formal law means that the decision by the judge exceeds what is requested by the applicant (petitum). Constitutionally, judges are not only given the freedom to act in a non-democratic manner, but also have total immunity rights or total personal immunity rights. This study aims to examine the application of the principle of ultra petitum partium in the case of divorce divorce in the Slawi religious court and to analyze the factors that caused the applicant to object to the application of the principle of ultra petitum partium by the judge in the divorce case at the religious court of Slawi. This study uses a normative approach and qualitative data analysis. The results of this study indicate that with ex officio iddah and mu'tah expenses imposed by the judge in case Number 0651/Pdt.G/2019/PA.Slw. This case cannot be categorized as ultra petitum partium, because the use of the judge's ex officio rights in this case does not exceed the limits of the authority given to the judge to be able to make a decision that exceeds the demands and in this case the judge is in accordance with Article 149 of the Compilation of Islamic Law. The decision of the judge examining the a quo case deviated from the ultra petitum partium principle on the basis of the application of the ex officio rights of judges in the Slawi Religious Court because many judges were bound by formal and material legal aspects so that the sense of justice in the conscience of every judge was hindered by principles and reasons. ultra petitum law.

Keywords: Divorce, Ultra Petitum, Judge

1. Introduction

The prosecution of a living by a judge against the Petitioner can be carried out. This happens a lot in the Slawi Religious Court as in case Number 0651/Pdt.G/2019/PA.Slw in the case of a divorce application for divorce, which is contrary to article 178 paragraph (3) HIR. / article 189 paragraph (3) RBg. The author found the contents of the decision that was not requested/demanded by the parties to the litigation regarding the determination of the 'Idddah and Mu'tah income which must be borne by the applicant.

Judges in making decisions on cases before them are bound by generally accepted legal principles, one of which is regarding the prohibition of deciding cases with ultra petita decisions. This provision is regulated in article 178 paragraphs (2) and (3) of the Het Herziene Indonesisch Reglement (HIR) as well as articles 189 paragraphs (2) and (3) of the RBg which prohibits a judge from deciding more than what is demanded. However, in civil cases, sometimes judges are found to give decisions that are Ultra Petita which in formal law means that the decision by the judge exceeds what is requested by the applicant (petitum).

Divorce cases filed by a husband or divorced divorce are often in this case, the rights that should be obtained by the wife (the respondent) are in a marginal position, the demands
requested by the applicant are not mentioned regarding the applicant's obligation to give rights to the respondent after the divorce, in the form of several expenses such as: Mut'ah living, 'iddah living and Madliyah living.

Divorce in Islam is a way out of domestic turmoil caused by constant quarrels. Divorce can only be carried out because it contains elements of benefit, because every way of peace between a husband and wife who is bonded does not find a way of peace. Islamic law gives complete freedom to both parties to consider everything carefully, within responsible limits. Besides the many bad consequences of a divorce concerning the lives of both parties and children, one can also imagine how painful it is for someone whose domestic peace can no longer be maintained, so that in conditions like this divorce is a way to solve this problem.

The Religious Courts / Syar'iyah Courts as one of the implementations of judicial power have the main task of receiving, examining and adjudicating and resolving any particular case that is brought to them in order to enforce law and justice based on Pancasila for the sake of the implementation of the State of Law of the Republic of Indonesia (Law No. 3 year 2006). In accordance with the provisions of Article 178 HIR, 189 RBg, if the examination of the case is completed the panel of judges because of their position conducts deliberation to make a decision to be submitted, so that the decision handed down does not contain defects, then there are principles of the decision that must be enforced.

Marriage is a very important thing in the reality of human life. With the existence of domestic marriage, it can be enforced and fostered in accordance with religious norms and the order of community life. In a household, two people of the opposite sex (husband and wife) gather, they are related to each other in order to have offspring as the next generation. The people in the household are called "family". The family is the smallest unit of a nation, the family aspired to in a legal marriage is a prosperous and happy family that always gets the pleasure of Allah SWT.

The problems that will be discussed in this research are: how is the application of the principle of ultra petitum partium in divorce cases in the Slawi Religious Court? What Factors Caused the Petitioners to Object to the Application of the Ultra Petitum Partium Principle by the Judge in the Divorce Case at the Slawi Religious Court?

2. Method

This type of research is library research. Library research is a research activity carried out by collecting data from various literatures from libraries. This research is a type of library research because the data or materials needed in completing this research come from the library in the form of books, encyclopedias, dictionaries, journals, documents, magazines and so on.

3. Result & Discussion

3.1. Application of the Ultra Petitum Partium Principle in the Divorce Case at the Slawi Religious Court

The civil procedural law system contained in the HIR/RBg is to leave it to the judge to have a role to lead the trial starting from the beginning of the litigation process until the end of the case process. The procedural law system that assigns the leadership of the process to the judge is in accordance with the traditional Indonesian thought which prioritizes the interests of the community who require that a case be submitted to a judge, the state is obliged to settle the case so that the case can end in absolute terms.
The problem is whether the role given to the judge to lead the case process is so broad, so that the judge by using the et aequo et bono principle is no longer bound to the form and content of the petitum or even the judge can decide beyond the petitum proposed by the parties or in other words the Ultra Principle Petition Partium[1,2]. The principle of Ultra Petitum Partium in Civil Procedure Law is divided into two, namely considerations about legal issues or legal events and considerations about the law. Therefore, the researcher will first describe chronologically about the case starting from the reconciliation effort, the arguments for the lawsuit, the evidence and witnesses as well as the conclusions and describe how the judge evaluates the arguments for the application or events submitted by the parties in a divorce case. divorce no. 0651/Pdt.G/2019/PA.Slw.

Regarding case No. 0651/Pdt.G/2019/PA.Slw. is a divorce case filed by the husband (the Petitioner) whose petitum (contents of the claim) requests to drop the applicant's divorce with his application letter dated February 20, 2019, submits his application to the Slawi Religious Court which examines, hears civil cases at the first level to grant the request. (Petitioner) Yana Arifin bin Nuridin, 27 years old, to give one divorce to the Petitioner's wife, Rezania Tanzil bint Miftahudin, 27 years old, hereinafter referred to as (Respondent). In the posita or sitting case submitted by the applicant with his application letter dated February 20, 2019 which has been registered at the Registrar's Office of the Slawi Religious Court No. 0651/Pdt.G/2019/PA.Slw. have submitted the following:

1) Whereas the Petitioner and the Respondent entered into a marriage (marriage contract) on August 4, 2014, as quoted from the Marriage Certificate Number: 0573/069/VIII/2014 dated August 4, 2014 which was issued by the Marriage Registrar of the Office of Religious Affairs (KUA) Dukuh Turi District, Regency Tegal;

2) That after the marriage took place (marriage contract) the Petitioner and the Respondent resided at the home of the Respondent's parents for 4 (four) years and 3 (three) months;

3) Whereas during the marriage the Petitioner and the Respondent have not been blessed with children;

4) Whereas initially the household life of the Petitioner and the Respondent was happy and harmonious. However, in January 2018 the household began to quarrel and quarrel, which made it impossible to live in harmony again. This is due to family economic matters, in which the Respondent does not properly accept the support from the Petitioner, besides that the Respondent always demands more beyond the ability of the Petitioner. This situation continued until the peak occurred in November 2018. The Petitioner, who could not stand the conditions of his household, finally returned to his own parents' house at Rukun Tetangga 04 Rukun Warga 04, Jl. Sumbodro Gg. 5 Slerok Village, East Tegal District, Tegal City;

Due to the marriage of the Petitioner and the Respondent, there were disputes and quarrels, which made it impossible to live in harmony again[3–5]. This is due to family economic matters, in which the Respondent does not properly accept the support from the Petitioner, besides that the Respondent always demands more beyond the ability of the Petitioner. The Petitioner feels miserable and unable to continue his household with the Respondent. For this reason, in the petition (contents of the claim), the applicant submits that the panel of judges is pleased to give a decision to grant the applicant's divorce application and to stipulate or give permission to the applicant (Yana Arifin Bin Nuridin) to impose divorce against (Rezania Tanzil Binti Miftahudin).

In the case of talak divorce related to the petition for divorce filed by the Petitioner and the Respondent, on the day of the trial that has been determined the Petitioner and his proxies have come before the court, while the Respondent did not come before the court and did not ask
another person to appear as his representative/proxy. The law is that even though he has been officially and appropriately summoned, his summons has been read out in court, while it is not evident that his absence was due to a legal prohibition.

The panel of judges has advised the Petitioner to think about not divorcing the Respondent but the Petitioner remains on the arguments his application for divorce from the Respondent. This divorce divorce case could not be mediated because the Respondent never came before the court even though it had been officially and properly summoned, then the examination began by reading the Petitioner's application letter in a closed session to the public in question and the contents were retained by the Petitioner[6–8].

To find out the truth of the Petitioner's statement, the chairman of the trial invited the Petitioner's witness to give a statement to strengthen the Petitioner's argument. Based on the testimony of the witnesses from the Petitioner, the Panel of Judges has been able to find legal facts in the trial, which principally are as follows:

1) Whereas the Petitioner and the Respondent are legally married couples.
2) That after marriage, the Petitioner and the Respondent lived together for the last time at the home of the Respondent's parents but have not been blessed with children.
3) Whereas initially the household of the Petitioner and the Respondent was in a state of harmony, but since January 2018 the Petitioner and the Respondent have often quarreled due to economic factors, where the Respondent did not receive it well from the Petitioner.
4) Whereas since November 2018 the Petitioner has left the house where they live together.
5) Whereas the Petitioner and the Respondent have been separated for approximately 3 months and during the separation the Petitioner and the Respondent have never had a relationship like husband and wife.
6) Whereas the family of the Petitioner has tried to reconcile the Petitioner and the Respondent but to no avail.
7) Whereas the applicant is determined to divorce the Respondent, and no longer wants to listen to the advice and/or advice of the family and the Panel of Judges.
8) Furthermore, the legal facts are considered which in essence are as follows:
9) Between the Petitioner and the Respondent there were continuous disputes and quarrels which were difficult to reconcile.
10) The Petitioner and the Respondent have been living apart for approximately 3 months.
11) Between the Petitioner and the Respondent there is no hope of living in harmony again.

Considering whereas based on the above facts, the Panel of Judges is of the opinion that the household of the Petitioner and the Respondent has been broken because the bond between the Petitioner and the Respondent has lost, even though it has been difficult to reconcile despite the efforts of the family and the Panel of Judges during the trial process, thus maintaining The Petitioner and the Respondent remain in the marriage bond, it will have an adverse impact on both parties or one of the parties in between. Therefore, divorcing the Petitioner and the Respondent is better and more beneficial[9–11].

Considering whereas based on the things that have been considered as mentioned above, the Panel of Judges is of the opinion that the reasons for the divorce submitted by the Petitioners have been proven to be in accordance with Article 39 paragraph (2) of Law Number 1 of 1974 concerning Marriage jo. Article 19 letter (f) Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage is in line with article 116 letter (f) of the Compilation of Islamic Law by taking into account Article 125 paragraph (1) of the HIR, the Petitioner's application can be granted verstek by granting
permission to the Petitioner to impose a divorce of one raj'i against the Respondent before the Slawi Religious Courts Sidnag.

Considering that the trial proved that the Petitioner had a fixed income so that he was deemed to have the ability to carry out his obligations as a result of the divorce, therefore the Panel of Judges considered the ability of the Petitioner and based on the length of the marriage since August 4, 2014, it was determined that the most appropriate Mu'tah to be paid by the Petitioner to the Respondent is Rp. 1.000.000,- (one million rupiah).

Considering that at trial the Respondent was not proven to have acted nujuz, therefore the Respondent is entitled to a living during the iddah period (for 90 days), while the amount of income that must be paid by the Petitioner to the Respondent must be considered in accordance with daily needs and must also be considered with the ability of the Petitioner In the trial, it was proven that the Petitioner had a fixed income so that he was deemed to have the ability to carry out his obligations as a result of the divorce, therefore the Panel of Judges considered the ability of the Petitioner and in accordance with the current necessities of life, of Rp. 1,500,000,- (one million five hundred thousand rupiah).

Considering whereas pursuant to the provisions of Article 149 letters (a) and (b) the Compilation of Islamic Law, the Petitioner is obliged to pay mu'tah and maintenance during the iddah period to the Respondent. After examining the reconciliation effort, the arguments of the lawsuit, the evidence and listening to the witnesses and the conclusions of the Petitioner, and has put forward several considerations in Decision No. 0651/Pdt.G/2019/PA.Slw. the Panel of Judges may judge:

1) To declare that the Respondent who has been officially summoned and deserves to appear before the trial does not present.
2) Granting the Petitioner's Verstek Application.
3) Granted permission to the Petitioner (Yana Arifin Bin Nuridin) to impose one raj'i divorce against the Respondent (Rezania Tanzil Binti Miftahudin) before the trial of the Slawi Religious Court.
4) Punish the applicant to pay to the Respondent:
a. Mu'tah in the form of money in the amount of Rp. 1.000.000,- (One Million Rupiah)
b. Iddah income in the amount of Rp. 1.500.000,- (One Million Five Hundred Thousand Rupiah)
5) Punish the Petitioner to pay directly and in cash for the decision number 4 (four) at the time the divorce pledge is executed.
6) Charges the Petitioner to pay the court fees in the amount of Rp. 271.000,- (two hundred and seventy one thousand rupiah)

After observing and reviewing the trial process which started from the sitting of silversmiths, peace efforts, the arguments for the Petitioners' petition, evidence, witnesses and the judge's considerations Number: 0651/Pdt.G/2019/PA.Slw. The study found issues that needed to be clarified, especially in the application of the ultra petitum partium principle, starting from the addition of the demands, the basis of judges' considerations shifting from the provisions stipulated in the Compilation of Islamic Law and the inappropriate use of ex officio rights of judges which resulted in the use of rights. ex officio judges are far from the corridor that is still justified by regulations that bind judges in terms of the use of ex officio rights of judges.

Especially regarding divorce cases, in this case, divorce cases are the provisions of lex specialis derogate legi generali. Meanwhile, what is meant by lex specialis derogate legi generali is the interpretation of the law which states that the law that is specific to the lex specialis
overrides the general law of the lex generalis. This means that even if judges in civil procedural
law are bound by the ultra petitum principle in terms of deciding or granting outside demands,
judges can still exercise their ex officio rights, especially in divorce cases, because there are
special provisions that regulate the consequences of divorce such as rights and obligations.
obligations of husband and wife after divorce. This is in accordance with Article 149 of the
Compilation of Islamic Law, when a marriage breaks up due to divorce, then the ex-husband is
obliged to:

a. Give a proper mut'ah to his ex-wife, either in the form of money or goods, unless the wife is
qobla al dukhul.
b. Giving a living, food and kiswah to the ex-wife during the iddah, unless the ex-wife has been
given talak ba'in or nusyuz and is not pregnant.
c. Pay off the dowry that is still owed in full and half if qobla al dukhul.
d. Provide hadanah fees for their children who have not reached the age of 21 (twenty one)
years.

Furthermore, Article 24 paragraph (2) letters a, b, and c of Government Regulation
Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning
Marriage affirms that: "during the duration of the divorce suit, at the request of the Plaintiff or
Defendant, Petitioner or Respondent, the court may :

a. Determine the maintenance that must be borne by the husband.
b. Determine what is necessary to ensure the care and education of children.
c. Determine the things that are necessary to ensure the maintenance of the goods that are
the husband's rights or the things that are the wife's rights.

Based on the article previously mentioned, this is where the judge makes legal discoveries
(rechtsvinding) by using auxiliary science in the form of the legal discovery method, namely
interpretation. can be applied to a particular event. Thus the ex officio imposition of iddah and
mut'ah living by the judge in case Number 0651/Pdt.G/2019/PA.Slw. This case cannot be
categorized as ultra petitum partium, because the use of the judge's ex officio rights in this case
does not exceed the limits of the authority given to the judge to be able to make a decision that
exceeds the demands and in this case the judge is in accordance with Article 149 of the
Compilation of Islamic Law.

3.2. Factors That Caused the Petitioners to Object to the Application of the Ultra Petitum
Partium Principle by the Judge in the Divorce Case at the Slawi Religious Court

Based on the author's statement and interview with the Petitioner Yana Arifin Bin Nuridin
(the Petitioner) that the factors that caused the Petitioner to object to the application of the Ultra
Petitum Partium Principle by the Judge in the Divorce Divorce Case were the Iddah and Mut'ah
expenses imposed by the judge based on court decision Number 0651/ Pdt.G/2019/PA.Slw caused by several factors, including:

Judges of the Islamic Religious Courts in making decisions that are not in accordance with
the Civil Procedure Code, as stated in HIR Article 178 paragraph (3), that judges are prohibited
from making decisions on cases that are not prosecuted and are more than demanded. In fact, in
the Slawi Religious Court there is a decision that contrary to Article 178 paragraph (3) of the
HIR in case Number 0651/Pdt.G/2019/PA.Slw in the case of talak divorce where the contents
of the decision contain things that are not requested by the parties, namely Iddah and Mut'ah
maintenance, in the words otherwise there should be a match between the contents of the petitum
and the contents of the decision, but in this decision the content of the decision exceeds the
content of the petitum. The contents of the petitum of decision Number 0651/Pdt.G/2019/PA.Slw are as follows:

Primary:
1. To grant this Petitioner's application for divorce;
2. To stipulate or give permission to the Petitioner (Yana Arifin Bin Nuridin) to impose divorce on the Respondent (Rezania Tanzil Binti Miftahudin);
3. Charge this case according to law;

In this case, the petition above is a claim from the Petitioner, while the Respondent did not make a convention to ask for his rights, the Respondent was not present at the trial, and the Respondent did not object to the Petitioner's request for divorce. To find out that the content of the decision exceeds the petitum, it is as follows:
1) To declare that the Respondent who has been officially summoned and deserves to appear before the trial does not present.
2) Granting the Petitioner's Verstek Application.
3) Granted permission to the Petitioner (Yana Arifin Bin Nuridin) to impose one raj'i divorce against the Respondent (Rezania Tanzil Binti Miftahudin) before the trial of the Slawi Religious Court.
4) Punish the applicant to pay to the Respondent:
   a) Mut'ah in the form of money in the amount of Rp. 1.000.000,- (One Million Rupiah)
   b) Iddah income in the amount of Rp. 1.500.000,- (One Million Five Hundred Thousand Rupiah)
5) Punish the Petitioner to pay directly and in cash for the decision number 4 (four) at the time the divorce pledge is executed.
6) Charges the Petitioner to pay the court fees in the amount of Rp. 271.000,- (two hundred and seventy one thousand rupiah)

By looking at the contents of the decision, it is clear that the content of the decision exceeds the contents of the petitum, or even that the contents of the decision number 4 are not stated in the Petitioner's demands and the Respondent has not made any reconciliation to ask for Iddah and Mut'ah livelihoods as stated in the decision number 4. According to the judge member of the case examiner in decision Number 0651/Pdt.G/2019/PA.Slw, that the Iddah and Mut'ah expenses, although not requested by the litigating parties before the trial, are obligatory in Fiqh (Islamic law), p. This is based on Articles 149, 158 and 160 of the Compilation of Islamic Law, Article 41 letter c of Law no. 1 of 1974 and also the Qur'an Surah Al Baqarah verse 241.

According to another Member Judge, decision Number 0651/Pdt.G/2019/PA.Slw stated that Iddah and Mut'ah income must be provided even though it is not requested, this is due to the husband divorcing his wife, but in this case Iddah and Mut'ah maintenance not requested by the Respondent, in accordance with Article 178 paragraph (3) HIR, the judge should not make a decision by charging Iddah and Mut'ah living expenses, but because the judge has ex officio rights as justice enforcers, the judge has the right to decide by charging Iddah and Mut maintenance. 'ah to the Petitioner if the wife is not Nusyuz and by looking at the husband's ability.

In response to this, the chairman of the Majlis Hakim, Drs. H. Mohamad Taufik, S.H., M.Sc. as Chairman of the Assembly in case Number 0651/Pdt.G/2019/PA.Slw explained that Religious Court judges in their proceedings in addition to using the Civil Procedure Law applicable in the General Court also used the Procedural Law which was specifically regulated within the Religious Courts, in this is law no. 7 of 1989 concerning the Religious Courts as its
formal law and the Compilation of Islamic Law as its material law. However, in the Religious Courts, procedural law is prioritized that is special (Law No. 7 of 1989 and the Compilation of Islamic Law) unless there are things that are not regulated in a special law, then a general law is used.

Based on the legislation there are other factors that cause the judge to make a decision without charge. Generally, in the process of examining divorce cases, the Respondent does not ask for his rights through a counterclaim, but after the verdict is read, the Respondent feels barren in the sense of justice of the decision, because there is no one order to punish the Petitioner to pay or surrender something which is an inherent obligation of the Petitioner against The respondent is due to the divorce.

Based on field observations and empirical analysis, this problem always arises in cases that are strongly suspected because of the public's ignorance of legal issues, especially divorce law. In dealing with cases like this, Mr. Drs. H. Mohamad Taufik, S.H., M.Sc. explained "that the Judge because of his position (ex officio) in enforcing the law and the judiciary it is possible to carry out "contra legent" actions by deviating the legal basis stipulated in article 178 paragraph (3) HIR. However, in the Religious Courts, especially the Slawi Religious Courts, the use of ex officio rights has only been carried out to determine the iddah, mut'ah, maskan and kiswah expenses in the cei talak case.

With regard to ex officio rights, at first glance these rights appear to be against the law, but in this case the Judge is based on Article 178 paragraph (1) of the HIR which reads: "The judge because of his position in deliberation is obliged to fulfill all legal reasons, which are not stated by both parties. In accordance with the contents of the decision and the basis for legal considerations from the decision Number 0651/Pdt.G/2019/PA.Slw, the legal consequences of breaking up a marriage due to divorce include the ex-husband's obligation to provide a living, food and kiswah to his ex-wife during the iddah period, except ex-wife has been sentenced to divorce ba'in or nusyuz, pays off the dowry which is still calculated in full and half if qabla dukhul, provides hadhanah costs for his children who have not reached the age of 21 years, provides iddah support to his ex-wife, except for the wife of nusyuz.

The judge also conveyed "that to balance the sense of justice in a judicial institution, especially in the Religious Courts, according to Gustav Radbruch the law can be effective if there is legal certainty, there is a sense of justice, and there are benefits. If the judge in deciding a case has covered the three things mentioned above, then the law that has been developing in society will run effectively, fairly and straightly.

4. Conclusion

Based on the discussion above, it can be concluded that in civil procedural law there are principles which state that the judge may not make a decision or grant more than the demands made by the Plaintiff or Petitioner which is referred to as ultra petitum partium. Decisions that exceed those demanded in the petitum of the case application are considered to have exceeded the limits of their authority. However, in the practice of proceedings in the Religious Courts regarding certain cases, judges because of their ex officio position rights can decide more than what is demanded, even though this is not demanded by the parties. So the judge because of his ex officio position contra legent by making a decision even though there was no request/demand from the Respondent. Based on the results of the research on the application of the ultra petitum partium principle in the divorce divorce case Number 0651/Pdt.G/2019/PA.Slw in the Slawi Religious Court, it is still within the justified corridor of what has been outlined in the Compilation of Islamic Law (KHI) Article 149 letter (a) and (b) and Law Number 1 of 1974. The decision on the Petition case Number 0651/Pdt.G/2019/PA. The judges examining the a
quo case deviated from the ultra petitum partium principle on the basis of the application of ex officio rights of judges in the Slawi Religious Court because many judges were bound by formal and material legal aspects so that the sense of justice that exists in the conscience of every judge is hindered by the legal principles and reasons from the ultra petitum aspect, the wife's absence and the panel of judges' concerns about the husband who is unable to carry out what is charged so that the decision becomes useless.

References

Implementation of Legal Protection for Witness to Criminal Actions of Corruption in Indonesia

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Abstract. Criminal cases depend on witness testimony. Witnesses need safety. Still, witnesses in certain cases have received threats. This paper examines the qualifications and rights of witnesses to corruption offences under Law 31 of 2014 and the application of legal protection for them in Indonesia. This research is normative. This study's data analysis is qualitative because it's narrative-descriptive. According to the study, corruption witnesses must meet formal and material conditions to be utilized as legal evidence. Articles 5, 10, 1 and 2 and 10A outline the witness's rights. Article 9 of the Law of the Republic of Indonesia Number 31 of 2014 grants witness rights from the beginning to finish of an investigation. Even if the threat isn't evident, witnesses to corruption crimes that accuse the suspect or defendant must be watched. Witnesses and their families are protected by the Witness and Victim Protection Agency.

Keywords: Corruption, Protection, Witness

1. Introduction

Corruption is a deadly virus that destroys the legal, political, economic, social and cultural systems. In order to create a successful eradication of corruption, law enforcement officers in Indonesia must pay attention to and protect witnesses to corruption crimes because success in eradicating corruption also depends on those who are brave and willing to reveal the truth. Several witnesses have appeared in Indonesia who have revealed criminal acts of corruption, but they are still not properly respected or protected, their fate has actually been threatened and pressured by various parties. For example, what happened to Agus Condro, who reported on the alleged bribery scandal in the election of the Senior Deputy Governor of Bank Indonesia, Miranda S. Goeltom, who was eventually fired by PDI-P for no apparent reason. Then no less tragic is the case of Edin Wahyudin, in 2001 ago. Edin reported the bribery case of three Supreme Court justices. He was instead made a defendant and sentenced to 3 months in prison and on probation for 6 months[1,2].

Another example is Stanley Ering, a witness who received a backlash for reporting allegations of corruption at the Manado State University by the Chancellor of Unima Phitolus. The attack was in the form of a counter-report by Phitolus to Stanley to the Regional Police who was then charged with Article 311 of the Criminal Code and he was found guilty. While Stanley was waiting for the prison execution order, he was later charged with defamation under Article 27 Paragraph (3) of the Electronic Information and Transactions Act[3].

Every citizen must testify freely and without coercion. Witnesses must recount a set of events relevant to a court case. Judges can make fair and impartial rulings based on witnesses and other evidence. Witnesses are crucial in criminal justice proceedings. Witnesses should get
comprehensive protection given their value. Protection of witnesses and victims is vital in criminal justice, in line with constitutional ideals that every citizen is equal before the law (equality before the law). This ensures legal protection and predictability, a good criminal justice process (due process of law), and a fair and clean judiciary that can promote a sense of justice in society. Free from fear and threats, witnesses and victims' testimony may uncover a crime[4].

The Witness and Victim Protection Agency, as state auxiliary bodies, implements the assurance of legal protection for witnesses. These bodies have the obligation and authority to provide protection and other rights to witnesses and/or victims. Several sections have not adequately regulated how witnesses are protected since the Witness and Victim Protection Agency cannot reach the police, attorney general's office, courts, and prisons. Other governmental organizations are also required to safeguard witnesses who disclose corruption crimes. The Corruption Eradication Commission is involved. What are the qualifications and rights of witnesses to a criminal act of corruption under Law No. 31 of 2014? How is legal protection for witnesses of criminal acts of corruption in Indonesia implemented?

2. Method

Library research. Library research is data collecting or problem-solving based on an in-depth study of relevant library materials. This research includes library research because data sources can be found in journals, books, and other written documents.

3. Result & Discussion


Being a witness in a criminal case is a legal obligation for everyone who is summoned by law enforcement officials, given the importance of witness testimony as a means of evidence in uncovering a criminal act. This is an effort to prevent and reduce the occurrence of a crime, because if it is not notified immediately then that person can be said to have given someone the opportunity to commit a crime.

Article 160(1)b of the Criminal Procedure Code allows the victim to testify in court. The victim who testifies incriminates the suspect or defendant (a charge). Victim witnesses can explain the underlying problem. This is a crown witness (kroen getuide).

In actuality, only a tiny number of witnesses are covered in the law. After revisions, witnesses' rights and obligations were protected. Law of the Republic of Indonesia Number 13 of 2006 concerning the Protection of Witnesses and Victims controls witnesses' rights and obligations.

Most witnesses are terrified of becoming victims or violent crimes. There's no guarantee of safety for witnesses who wish to disclose what they've observed. Witness rights in the criminal court system, such as justice, protection, and human dignity, have not been satisfied.

Article 1 Paragraph (27) of the Criminal Procedure Code specifies that witness testimony is evidence in a criminal case in the form of a witness's testimony about a criminal occurrence he heard, saw, or experienced, along with the reasons for his knowledge. The witness detailed what he heard, saw, and experienced. The witness doesn't need to know all the events as long as they saw, heard, or experienced them themselves. In Indonesia, the rights and obligations of binding witnesses in the judiciary have not been maximized, according to a scientific study. The Law on the Protection of Witnesses and Victims is good for witnesses and the community,
however there are still numerous complaints from the public about preserving witnesses' rights and obligations.

Considering that the courts in Indonesia in the last few decades have experienced ups and downs in terms of giving true testimony before a court. Not a few witnesses took the path not to testify and fled to another place or another country to hide. The Nazarudin case, the Century Bank case, the terrorism case, and others where the average witness in this case should be fugitives. The feeling of discomfort that they feel will happen to them so avoiding is the way to be taken to be safe in the trial. They violate the binding rights and obligations to testify, but on the other hand they actually demand safe protection, because witness testimony is one of the most important elements in criminal law, the rights of witnesses must also be guaranteed by the state, so they can provide a sense of security and freedom. from the pressure of giving testimony.

Witnessing and giving testimony before a court is the main duty or obligation of a witness. If the witness does not want to testify, he will be summoned according to the applicable law. Some were even taken forcibly because of their unwillingness to testify. This is done because a witness must carry out his obligation to testify at trial. One thing that really needs to be stated in the witness discussion is that which relates to the testimony of the witness himself, namely how far the breadth and quality of the witness must be obtained or explored by the investigator in the examination and then how many witnesses are needed in terms of the effectiveness of the testimony.

In order for the testimony of a witness to a criminal act of corruption to be used as legal evidence, two conditions must be met, namely:

1. **Formal Terms**
   The testimony of a witness can only be considered valid if it meets the formal requirements, namely the witness testifies under oath, is 15 years of age and over, has a healthy mind, is not related by blood or marriage from either party according to a straight lineage, is not in a marital relationship with any other party. Even though one party is divorced, there is no working relationship with either party by receiving wages unless the law provides otherwise, appearing before the court, taking an oath in accordance with their religion, at least 2 people are summoned to enter the courtroom and give information orally.

2. **Material Terms**
   The testimony of a person or one witness alone cannot be considered valid as a means of proof (gut testis nulus tetis) because it does not meet the material requirements, but the testimony of a person or one witness is sufficient as a means of proving one of the elements of the alleged crime. Explaining what the witness saw, he experienced himself, it was known the reasons the witness knew the events were not his own opinion or conclusion, they were in accordance with one another, and did not contradict common sense.

In accordance with the provisions contained in the Criminal Procedure Code, there are general requirements and special requirements. The general requirements are to be examined in good physical and mental health, to be able to refuse testimony because of their family relationship with the suspect to the third degree because it is based on blood relations or due to marriage or because of certain situations, they are those who are related by blood or family, family relationships due to marriage, and other people for some reason have the right to refuse to testify.

The specific requirement is that a witness is a person who can provide information for the purpose of investigating a criminal case which he has heard himself, seen and experienced for himself, if the witness who is summoned gives a proper and reasonable reason that he cannot
come to the investigator concerned, the investigator who conducts the examination comes to the
witness’ residence, the witness is examined without taking an oath unless there is reason to
suspect that he will not be present at the examination in court (Article 116 Paragraph (1) of the
Criminal Procedure Code and the witness is examined separately, but if the investigator
considers it necessary) met with each other and must provide true information (Article 16
Paragraph (2) of the Criminal Procedure Code and the information given without pressure from
anyone and or in any form. (Article 117 of the Criminal Procedure Code).

There are several main provisions that must be met by a witness as evidence that has
provisions for proof, namely:

1. The witness must take an oath or promise.
2. The testimony of a witness that is valuable as evidence is what he saw, heard, and
   experienced for himself, not the witness's opinion which was obtained from the results
   of contrived thoughts.
3. Witness testimony must be stated in court.
4. The testimony of one witness alone is not sufficient as evidence in proving the guilt
   of the accused.

Based on the understanding stated in Article 1 Paragraph (26) of the Criminal Code, several
conclusions can be drawn which are conditions for witnesses, including:

1. People who see or witness with their own eyes a crime.
2. People who hear for themselves the occurrence of a crime
3. People who experience themselves and or people who directly become victims of
   events that are criminal acts

The regulation of witnesses in the provisions of the Law of the Republic of Indonesia
Number 31 of 2014 includes the rights obtained, guarantees not to be prosecuted for the reports
they give unless the testimony they give is not in good faith, and the conditions that must be
possessed by witnesses to obtain witnesses. protection of the Witness and Victim Protection
Agency. The rights obtained by witnesses (including victims) according to Article 5 of the Law
of the Republic of Indonesia Number 31 of 2014 are:

1. Obtain protection for the safety of his personal, family, and property, and be free from
   threats related to the testimony that he will, is currently, or has given.
2. Participate in the process of selecting and determining the form of security protection
   and support.
3. Provide information without pressure.
4. Get a translator.
5. Free from entangled questions.
7. Get information about court decisions.
8. Receive information in the event that the convict is released.
13. Obtain reimbursement of transportation costs as needed.
15. Obtain temporary living expenses assistance until the protection period ends.
These rights are exercised out of court and in the judicial process if the person concerned is a witness. If observed in Article 5 Paragraph (2), the rights as intended above actually only apply to certain cases according to the decision of the Witness and Victim Protection Agency so that the granting of these rights is selective and procedural through the Protection Agency and Victims. The specific cases referred to include criminal acts of corruption, narcotics/psychotropic crimes, terrorism crimes, and other criminal acts that result in the position of witnesses (and victims) being faced with situations that are very dangerous to their lives.

3.2. Implementation of Legal Protection for Witnesses of Corruption Crimes in Indonesia

Article 184 of the Criminal Procedure Code gives witnesses a vital role in criminal justice. Witnesses are vital to upholding law and justice. Witnesses are vital in proving or revealing information that can be utilized to bolster an investigation, investigation, or court evidence.

Sociologically, all citizens must engage completely in social life since society is a system of institutionalized trust. Without this belief, social life can't function because there are no clear behavior standards. This belief is reflected in police, prosecutor, and judicial norms.

Human rights injured by others are legally protected. Legal protection is numerous legal remedies that must be provided by law enforcement officials to create a sense of security, both emotionally and physically, against disturbances and threats from any party.

Legal protection is a government function that gives communities security. According to Indonesia's 1945 Constitution, the state protects human rights. Article 281 Paragraph 4 of Indonesia's 1945 Constitution. The importance of legal protection for every community led to the promulgation of Republic of Indonesia Law Number 13 of 2006 concerning the Protection of Witnesses and Victims on August 11, 2006. The protection of witnesses and victims in Indonesia's criminal justice process has not been specifically regulated. Articles 50-68 of the Criminal Procedure Code safeguard suspects and defendants from human rights breaches. The law should safeguard witnesses and victims.

Witnesses were first ignored. In corruption cases, his and his family's safety depends on his testimony. The Criminal Procedure Code is burdensome for suspects, defendants, and prisoners. In 2003, the administration showed a limited willingness to safeguard witnesses. The only protection it offers is in the form of government regulations, namely Government Regulation 24 of 2003 concerning Procedures for the Protection of Witnesses, Investigators, Public Prosecutors, and Judges in Criminal Acts of Terrorism and Government Regulation 57 of 2003 concerning Procedures for Special Protection for Whistleblowers and Witnesses to Money Laundering.

Protection given to witnesses can be given at the stage of investigation, investigation, prosecution, and or examination in court, on the basis of the initiative of law enforcement officials, security forces, and or requests submitted by victims. With the existence of legal protection from the Witness and Victim Protection Agency, the guarantee of a sense of security for witnesses is getting stronger.

Protection of witnesses in Indonesia is contained in several rules, both at the statutory level and other implementing regulations. At the statutory level, the protection of witnesses is contained in at least three laws. First, in the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, it is explained that the community can be given legal protection that participates in assisting efforts to prevent and eradicate corruption. One form of participation is by being a witness or a reporter.
Without witnesses who provide information and information from the reporter, corruption cases will not be settled from the stage of investigation, prosecution, and trial examination as expected. This will hurt society and the government's efforts to fight corruption.


Article 21
Anyone who intentionally prevents, hinders, or thwarts directly or indirectly the investigation, prosecution, and examination in court against a suspect or defendant or witnesses in a corruption case, shall be sentenced to a minimum of 3 (three) years in prison and a maximum of 12 years. (twelve) years and or a fine of at least Rp. 150,000,000.00 (one hundred and fifty million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah).

Article 24:
A witness who does not fulfill the provisions as referred to in Article 31, shall be sentenced to a maximum imprisonment of 3 (three) years and or a maximum fine of Rp. 150,000,000.00 (one hundred and fifty million rupiah).

Article 31:
(1) During the investigation and examination in court, witnesses and other persons concerned with criminal acts of corruption are prohibited from mentioning the name or address of the Pioneer, or other matters that may give the identity of the complainant to be known.

(2) Before the examination is carried out, the prohibition as referred to in Paragraph (1) is notified to the witness and other persons.

Law of the Republic of Indonesia Number 30 of 2002 concerning the Corruption Eradication Commission which stipulates that the Corruption Eradication Commission is obliged to provide protection for witnesses who submit reports regarding the occurrence of corruption. The definition of "providing protection" in this provision includes the provision of legal protection, security guarantees, even if it is necessary to change the identity of the reporter.

The enactment of the Law on the Corruption Eradication Commission is a mandate from the Law of the Republic of Indonesia Number 31 of 1999 which requires the establishment of a commission to eradicate corruption. Eradication of criminal acts of corruption needs to be carried out in an extraordinary way because corruption is included in an organized crime.

Witnesses or reporters whose lives are threatened must be protected in a safe house owned by the Corruption Eradication Commission. The Law of the Republic of Indonesia Number 30 of 2002, Article 15 letter a states that if the Corruption Eradication Commission is obliged to provide protection to witnesses or reporters who submit reports or provide information regarding the occurrence of criminal acts of corruption.

Witnesses who are placed in safe houses are protected (witnesses or victims or reporters) in special conditions whose life safety is very threatened. There is a consequence that protected communication with other parties will certainly be limited. The placement of witnesses and reporters is also intended to protect against acts of violence and threats that can affect the information in the case that he reports or knows about. Safe homes use high standards, different from homes in general.

In addition to being regulated in the law, guarantees for the protection of witnesses and reporters are also contained in the Circular Letter of the Supreme Court (SEMA) Number 4 of 2011 concerning Treatment for Reporting Witnesses and Perpetrators who Cooperate in Certain Criminal Cases. The Supreme Court in this SEMA asks the judges that if they find a reporting witness or a cooperating witness, they can be given special treatment in the form of leniency and/or other protection.
The terms whistleblower and justice collaborator emerged from the Circular Letter of the Supreme Court Number 4 of 2011 concerning the Treatment of Criminal Whistleblowers (Whistleblowers) and Witnesses of Cooperating Perpetrators (Justice Collaborators) in Certain Criminal Cases. Certain criminal acts referred to in SEMA are criminal acts of corruption, terrorism, narcotics crime, money laundering, human trafficking, and other organized crimes. The SEMA was issued due to the unclear application of Article 10 of the Law of the Republic of Indonesia Number 13 of 2006.

The Law of the Republic of Indonesia Number 13 of 2006 states that witnesses, victims, and reporters cannot be legally or civilly penalized for reports or testimony given, or to be given. This provision does not apply to bad-faith witnesses, victims, and reporters. Good faith is hard to verify. This differs from how a suspect-witness is treated.

The Law of the Republic of Indonesia Number 13 of 2006 concerning the Protection of Witnesses and Victims declares that a witness or victim has the right to acquire protection for his personal, family, and property safety and is free from threats linked to his testimony. Even single witnesses and victims can choose their own safety and security.

4. Conclusion

A corruption witness must meet formal and material conditions to be utilized as legal evidence. Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 13 of 2006 concerning Protection of Witnesses and Victims governs corruption witness rights. Articles 5, 10, 1 and 2 and 10A outline witnesses' rights. Article 9 of the Law of the Republic of Indonesia Number 31 of 2014 protects witnesses throughout the inquiry stage.

Even if the threat is not evident, witnesses of corruption crimes that accuse the suspect or defendant must be watched. The corruption case is serious because it concerns wealthy, powerful, or popular persons. Witnesses and their families are protected by the Witness and Victim Protection Agency. Law enforcement will be told reporters and witnesses can't be prosecuted. In a trial, witnesses are protected and strictly guarded to prevent undesirable events.

References


Legal Problems in Electronic Procurement of Goods and Services (E-Procurement) by E-Purchasing at The Batang Religious Court

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Abstract. This thesis explores the legal problems in the procurement of goods and services electronically (e-procurement) by means of e-purchase at the Batang religious court. Better Transparency, Competitiveness, Accountability and Fair/Non-Discrimination and How is the legal responsibility for goods and services procurement implementers who make mistakes. The method of collecting research materials is carried out by studying literature with legal materials, namely statutory regulations. The analysis used in this study is Legal Analysis, which is to explain the relationship between theories, concepts, legal rules and the legal problems faced. The results of the research on the implementation of E-Procurement in the Batang Religious Court have a good level of effectiveness. This can be seen from the success of E-Procurement in creating a fast Procurement process, so that work can be carried out optimally.

Keywords: E-procurement, E-purchasing, legal sanctions

1. Introduction

In carrying out the wheels of government, the government is required to promote general welfare with social justice for all Indonesian people. In an effort to realize this, the government is obliged to meet the needs of the people in various forms such as goods, services, and infrastructure development. In addition, in the administration of government, the government also requires goods and services, thus requiring the procurement of goods and services. The position of the government in the implementation of the procurement of government goods and services is essentially a manifestation of the implementation of state duties in the welfare of the people's lives through the provision of various facilities needed by the people in carrying out their lives, especially in meeting basic needs and a sense of security[1,2].

The procurement of goods and services is fundamentally an effort by the user to obtain or materialize the goods and services he desires through the use of specific procedures and processes in order to reach an agreement on price, time, and other terms. To ensure that the procurement of goods and services is conducted properly, both parties, namely users and providers, must always adhere to the philosophy of the procurement of goods and services, comply with ethics and rules by adhering to the principles, methods, and procedures for the procurement of standard goods and services.[3,4].

Business and individual providers of goods and services are selected for procurement. Procurement officials acquire government products and services directly from providers,
Direct procurement is an ordinary sale and purchase between suppliers who have goods and services for sale and procurement officials who need goods and services. A successful procurement system utilizes good governance principles, is effective and efficient, and structures the behavior of the three pillars (government, private, and community) in governance administration. Efficient means using little funds and resources to achieve quality and targets within the stipulated time or using predetermined funds to achieve results and targets with maximum quality. Effective means procuring goods and services in accordance with needs and targets to provide the most benefit.

At present, the government is trying to create an open and democratic government. One of them is by improving and optimizing public services to the community through policies/regulations that are effective, efficient, and reflect openness considering that the public has the right to obtain guarantees for access to public information, as stated in Law Number 14 of 2008 concerning Openness of Public Information, Article 3 letter c, where one of the objectives of public information disclosure is to realize good state administration, namely transparent, effective, efficient, accountable, and accountable. Article 4 paragraph (1) of this law also states that everyone has the right to obtain public information in accordance with the provisions of this law.

Transparency is a condition that provides greater opportunities for the public to be able to access information on government processes, while efficiency is a variety of steps to shorten the bureaucratic process in terms of public services. The government as the state administrator should carry out their duties proportionally in order to achieve good governance, so that a clean government can be realized. To offer quality public services at affordable prices, the Indonesian government released Presidential Instruction Number 3 of 2003, a national policy and plan for e-government development. Every government agency must now employ e-procurement service apps to enhance good governance.

Based on the aforementioned, electronic procurement, abbreviated as e-purchase, was born as a method of government procurement of goods and services conducted electronically and on the internet using communication and information technology capabilities. It can also be said that e-procurement is a service for the procurement of goods and services electronically where this system seeks to regulate transactions business through computers and the process of procuring goods and services is done online. Through the e-procurement system, the process of procuring goods and services can take place in an effective, efficient, open, competitive, transparent, fair and accountable manner so that it is expected to reflect transparency and reduce fraudulent practices in the procurement of goods and services that result in harm to state finances.

Some things that must be considered so that the Procurement of Goods/Services is accountable are:

1. There are complete archives and records;
2. The existence of a monitoring system to enforce the rules;
3. There is a mechanism for evaluating, reviewing, researching and taking action on protests and complaints made by participants.

In Indonesia, the implementation of e-procurement began in 2003 with the issuance of Presidential Decree Number 80 of 2003 concerning Guidelines for the Implementation of Government Procurement of Goods/Services, but its use has not been optimal. The
implementation of e-procurement began to develop since the establishment of the Government Goods/Services Procurement Policy Institute (LKPP) on 7 December 2007 and as the legal basis for its formation was Presidential Regulation Number 106 of 2007.

Since the enactment of Law Number 11 of 2008 concerning Information and Electronic Transactions, the procurement of goods and services electronically has been given a wide range of motion. E-procurement as an information system is a synergy between data processing machines (computer devices, application programs, and networks) and humans to produce information.

E-Procurement also has an impact on the interactions that occur between business actors and the government. If in the past, business actors needed to frequently visit government agencies in each sector and approach related parties to obtain information about procurement opportunities, now that information is available in the system. As a result, there is a change in the way of interacting where the frequency of communication through the E-Procurement system increases while the face-to-face frequency becomes much reduced.

In its implementation, the procurement of goods/services electronically (e-procurement) can be carried out by means of e-tendering or e-purchasing. Procurement of goods/services through e-tendering (auction) covers from the announcement process to the announcement of the winner is carried out using the Electronic Procurement System (SPSE) organized by the Electronic Procurement Service (LPSE), while e-purchasing is carried out for procurement that has been listed in the electronic catalog (e-catalogue).

One of the state institutions that has carried out the procurement of goods/services electronically with e-purchasing is the Supreme Court of the Republic of Indonesia, which procures goods/services already in the electronic catalog (e-catalogue). In supporting the implementation of the electronic procurement of goods/services program, the Supreme Court of the Republic of Indonesia established and inaugurated the Electronic Procurement Service (LPSE) of the Supreme Court of the Republic of Indonesia on February 14, 2013, and then continued with the establishment of a Procurement Service Unit (ULP) for each coordinator. appeals area. Each procurement of goods/services with e-purchasing is carried out through the Electronic Procurement Service (LPSE) of the Supreme Court of the Republic of Indonesia at the address https://lpse.mahkamahagung.go.id/.

One of the judicial bodies under the Supreme Court of the Republic of Indonesia that has used e-purchasing is the Batang Religious Court. The use of e-purchasing has been implemented since 2015. In that year, the Batang Religious Court procured goods for data processing and communication tools in the form of a server. In the procurement of data processing and communication equipment, the Supreme Court of the Republic of Indonesia provides technical specifications of the data processing equipment to be procured, so that each working unit of the judicial body under it can choose goods that comply with these specifications in the electronic catalog (e-catalogue).

The e-catalogue contains a list, types, prices and specifications of goods available from various providers of government goods/services. At that time there was only one provider of data processing and communication equipment, namely PT. Bhinneka Mentari Dimensi, so that only those goods/service providers are appointed as providers of goods/services procurement at the Batang Religious Court. Then continued in the following years over time, providers of government goods/services began to emerge, thereby adding provider references to the e-catalogue. Since then, every procurement of goods/services for data processing and communication tools at the Batang Religious Court has always been through an e-purchasing system. This is because the Supreme Court of the Republic of Indonesia as a State Institution
recommends all judicial bodies under it to carry out the procurement of goods/services electronically.

In Article 107 of Presidential Regulation Number 54 of 2010 concerning the Procurement of Government Goods and Services, it is explained that the procurement of goods/services electronically is basically aims to:

1. Increase transparency and accountability;
2. Improving market access and fair business competition;
3. Improve the efficiency of the procurement process;
4. Support the process of monitoring and auditing;
5. Fulfill the need for real time access to information.

E-procurement deployment in various agencies simplifies user-provider-community interactions and speeds up procurement. E-procurement has strengthened control against anomalies and rule violations. Electronic tendering or e-purchasing can be used to buy government goods/services.

E-procurement is part of a national goal to achieve a clean, KKN-free government (Corruption, Collusion, and Nepotism). All central and regional government entities must use e-procurement to buy products and services under this program. E-procurement improves costs and productivity the most. E-procurement is one of the most effective ways to improve management, both directly and indirectly, in the search for purchasing sources, so it will raise future competitiveness.

In general, the implementation of the procurement of goods and services can be grouped based on the duration of the activity. The stages of the procurement of goods and services are grouped into 4 (four) stages, namely:

1. Preparation stage, at this stage the activities include:
   a. Planning for the procurement of goods and services,
   b. Establishment of a committee or appointment of goods and services procurement officials,
   c. Contract drafting stage,
   d. Contract implementation stage.
2. Procurement Process Stage, at this stage the activities include:
   a. Selection of providers of goods and services,
   b. Determination of providers of goods and services.
3. Contract Preparation Stage;

The existence of the practice of KKN (Corruption, Collusion and Nepotism) in government and social life in Indonesia is something that is very strategic in assessing the success of governance reform and regional autonomy such as in the process of procurement of government goods/services. The phenomenon of KKN is an indicator of low government accountability, not only unaccountable in the eyes of the people, but can also cause a loss of trust and legitimacy to the government. If this happens, it will be difficult for the government to mobilize the public and the market to work together in addressing the various public problems faced.

2. Method

This research was conducted using empirical normative research because the library materials used as the main materials, namely primary legal materials consisting of basic norms or basic rules, basic regulations, and laws and regulations. The author analyzes the principles of
law in which the author tries to focus on studies of legal science and its rules that apply in society then describe the existing phenomena and analyze them systematically[9,10].

3. Result & Discussion

A good goods and service procurement system is a goods and service procurement system that is able to apply the principles of good governance (good governance), encourage efficiency and effectiveness of public spending, as well as structuring the behavior of the three pillars (government, private and community) in the administration of good governance, good governance. The implementation of good governance is a the ideals and hopes of the Indonesian nation. One form of maintenance e-government to achieve good governance is the procurement of goods and services services electronically. This is a form of change that This was done because of the many problems that occurred in procurement conventional government goods and services.

Presidential Regulation Number 16 of 2018 concerning Procurement Goods/Services (Presidential Regulation Number 16 of 2018) Government provide ample opportunities for the central government and regional governments to carry out the procurement process in accordance with the laws and regulations, it aims to create legal certainty and provide protection for every actor in the procurement of goods/services from a series of arbitrary actions and abuse of authority in the implementation of the procurement of goods/services.

In Presidential Decree No. 54 of 2010 Article 109 states that the procurement of goods/services electronically (e-procurement) can be carried out through e-tendering and e-purchasing. Procurement of goods/services through e-tendering (auction) covers starting from the announcement process to the announcement of the winner. E-tendering is carried out using the Electronic Procurement System (SPSE) organized by the Electronic Procurement Service.

Article 73 Number 16 of 2018 concerning the acquisition of government goods/services is the legal basis for Electronic Procurement Services. Its operational technical provisions are controlled by LKPP Institution Regulation Number 14 of 2018 concerning Electronic Procurement Services. Electronic Procurement Services in SPSE must also meet Act standards. The Electronic Procurement System now offers tenders whose technical provisions are specified by LKPP Institution Regulation Number 9 of 2018 concerning E-Tendering Procedures. LKPP additionally offers an Electronic Catalog (e-Catalogue), an online audit process (e-Audit), and procedures. electronic catalog shopping (e-Purchasing).

For recurring reasons, like as ATK training, participants still employ the auction approach because the internet catalog has limited goods/services. Electronic catalogs cover building work and other services, per Government Goods/Services Procurement Policy Agency Regulation 11 of 2018. Electronic catalogs mostly offer product categories. In addition to other services, the work unit offers construction and consultancy. If the electronic catalog includes items/services other than goods, the procurement official can use it to buy them.Article 73 Number 16 of 2018 concerning the acquisition of government goods/services is the legal basis for Electronic Procurement Services. Its operational technical provisions are controlled by LKPP Institution Regulation Number 14 of 2018 concerning Electronic Procurement Services. Electronic Procurement Services in SPSE must also meet Act standards.

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E-purchasing saves a lot of money. Several procurement officials favor electronic catalogs because they're easy and offer legal protection against future legal action. E-purchasing can reduce corruption and save money.

This research differs from others because it incorporates the implementation and supervision of electronic goods/services procurement. This research examines the Batang Religious Court's e-procurement policies, implementation, and oversight. Ministries/Institutions/Local Governments/Institutions must use an e-purchasing system to purchase goods/services through the website of the Government Goods/Services Procurement Policy Institute (LKPP) and an electronic catalog (e-catalogue).

The supplier of goods/services or the public can make a complaint on the process selection of goods/services providers if they detect procedural flaws or a violation of fair competition in the implementation of Presidential Decree No. 16 of 2018. Complaints are sent to the relevant K/L/D/I APIP (Government Internal Supervisory Apparatus) and/or LKPP with supporting evidence. E-purchasing saves a lot of money. Several procurement officials favor electronic catalogs because they're easy and offer legal protection against future legal action. E-purchasing can reduce corruption and save money.

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If in the procurement of goods/services fraud is suspected, then the community submits a complaint to APIP accompanied by supporting evidence factual, credible and authentic. And law enforcement officers continue public complaints to APIP for follow-up (Article 77 paragraph 1 and 1 Presidential Decree No. 16 of 2018). APIP reports follow-up results complaint to the minister/head of institution/head of region. The results of the follow-up to complaints made by APIP are reported to the Minister/Head of Institutions/Heads of Regions/Heads of institutions, and can be reported to the competent authority with approval Minister/Head of Institution/Head of Region/Head of Institution, in the event that it is believed that there are indications of KKN that will harm state finances, by copies to LKPP and BPKP. The competent authority can follow up on complaints after the Contract is signed and there are indications of state losses. Based on the provisions of Article 77 of Presidential Regulation Number 16 Years 2018 Concerning the Procurement of Government Goods/Services, supervisory apparatus Internals called APIP in the scope of goods/services procurement act as the government's internal auditor must be able to provide added value, namely in the form of adequate confidence in the procurement process current goods/services. APIP must be able to assess and ensure that
risk management, internal control, and governance in the procurement of goods/services have been effective in preventing corruption.

In its implementation, the selection of goods/services is carried out by the Procurement Officer who receives orders from the Commitment Making Officer (PPK) who has determined the goods/services in accordance with the technical specifications that have been determined. In the implementation of the implementation of electronic procurement (e-purchasing) there are several parties who supervise the implementation, such as:

1. The Supervisory Body of the Supreme Court of the Republic of Indonesia as the institution's internal supervisor.
2. Government Goods/Services Procurement Policy Institute (LKPP) as the supervisor in the technical implementation of the government's goods/services procurement process.
3. The Supreme Audit Agency (BPK) as the supervisor in the realization of the government budget,
4. The Business Competition Supervisory Commission (KPPU) as the supervisor for the providers of goods/services,
5. The Corruption Eradication Commission (KPK) as the supervisor of the procurement of goods/services for the parties involved in the implementation of government procurement of goods/services.

The things mentioned above look very different from previous research that has never discussed further about the procurement of goods/services with the e-purchasing method, especially within the Supreme Court of the Republic of Indonesia and the judicial bodies under it, so that it can be used as a reference in the implementation of the procurement of goods/services. services using the e-purchasing method through electronic catalogs in general and within the Supreme Court Republic of Indonesia.

4. Conclusion

This research has implications for the Procurement Service Unit (ULP) and Electronic Procurement Services (LPSE) of the Supreme Court of the Republic of Indonesia so that the procurement of goods/services can meet procurement principles so that the procurement process can run more efficiently, effectively, transparently, competitively, fairly, and accountable. Electronic procurement of goods/services, if conducted according to procurement principles, will eliminate irregularities, misuse, and fraudulent acts, minimizing state financial losses.

References


Comparison of Expired Criminal Prosecutions Between The Indonesian And Thailand Legal Systems

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Abstract. The purpose of this study is to examine the regulation on the expiration date for the prosecution of criminal acts in Indonesia and Thailand and to examine the similarities and differences in the expiration date for the prosecution of criminal acts between the Indonesian and Thai legal systems. The approach used in this research is a statutory approach and a comparative approach. This research data collection technique was carried out through conventional and online literature searches. The data analysis technique used in this study is qualitative because the data is presented in a narrative-descriptive manner.

The results of the study show that the right to sue for a crime is abolished because it has expired as regulated in Article 78 of the Criminal Code. The validity period of the expiration of the abolition of criminal prosecution authority in Indonesia is generally stipulated in Article 79 of the Criminal Code. After the expiration of the grace period is stopped by the prosecution, a new expiration date is started again as regulated in Article 80 of the Criminal Code. The expiration of the grace period can also be delayed due to the postponement of prosecution as regulated in Article 81 of the Criminal Code. The provisions for the expiration of the prosecution of criminal acts in Thailand are regulated in the Penal Code of Thailand or the Thai Criminal Code, in Book I of Provisions Applicable to General Offenses Chapter 9 Articles 95-101.

Keywords: Expired; Prosecution; Comparison

1. Introduction

The legislators have determined expiration as the reason for eliminating or the reason for the abolition of prosecution against perpetrators of criminal acts [1]. There are 2 important things related to the expiration of the prosecution which is regulated in the Criminal Code. The first is regarding the period or grace period for prosecuting criminal acts which are marked by the severity of the criminal threats included. The second thing is regarding the initial calculation of the expiration grace period as formulated in Article 79 of the Criminal Code. The impact of the abolition of the prosecution is based on the consideration that the perpetrator during his life who has been in hiding with limited space for movement and independence has become an indication of punishment for his actions. Another consideration is that if the criminal act is prosecuted, law enforcers will have difficulty finding and recording all the evidence [2].

It is difficult for the perpetrators to be asked for clear and correct information because they may have forgotten what happened [3]. All perpetrators of a crime in the perspective of the Indonesian Criminal Code basically must be prosecuted before a court session, but either in general or specifically the law determines the waiver and or elimination of prosecution in certain cases because it has expired. The purpose of having an expiration date can be simplified to make it easier for law enforcement because over time a criminal act will make the investigation more difficult and it is very difficult to obtain sufficient evidence. The
determination of expiration in the Criminal Code is 6 years, 12 years, 18 years depending on the type of crime.

The principle of the passage of time is also based on the difficulty factor in uncovering cases. Filing a criminal complaint is basically the work of uncovering an event as it actually happened at the time the incident had passed. Disclosure of the incident requires evidence that is determined and regulated according to the provisions of the law, both regarding the types as well as the method and system of use. The longer the time passes, the more difficult it will be to obtain these evidences. The longer the memory of a witness will decrease and even disappear or forget about an event he has seen or experienced. Likewise, evidence objects, with a long time will cause the object to be destroyed or lost and no longer exists. The more time passes will reduce the success can even lead to the failure of a prosecution work.

The basis of this provision is the same as that of the ne bis in idem principle, namely for legal certainty for every criminal case so that the peace of life of the maker is not disturbed indefinitely by the threat of state prosecution [4]. If it is considered from the formulation contained in the Criminal Code, the expiration period depends on the seriousness of the crime committed [5]. Attempts to commit a criminal act, and participation, the same period of expiration as stipulated for the expiration of the main crime shall apply. Unlike the case with the expiration of the prosecution of criminal acts from the state of Thailand. The role of the public prosecutor in Thailand can only be carried out after the police complete their investigation and submit the dossier of the results of the investigation to the public prosecutor. The public prosecutor is very dependent on the results of investigations carried out by the police and in this process, the public prosecutor does not have the power to carry out investigations and cannot control or supervise and cannot provide instructions to investigators if the investigation files are incomplete or incomplete prior to the investigation. prosecution is carried out.

The Thai legal system is influenced by the Continental European legal system (civil law system). The expiration of the prosecution of criminal acts is regulated in Book I of the Thai Criminal Code on Provisions Applicable to General Offenses, in Articles 95-101. If the perpetrator in a criminal case is not prosecuted and brought to court within the period determined by law from the date of the commission of the crime, the prosecution must be suspended with expiration. When compared to the Indonesian Criminal Code, the Thai Criminal Code is more concerned with regulating the expiration of criminal acts. In order to complete the provisions and implementation of the expiration date for prosecuting criminal acts in Indonesia, it is necessary to conduct a comparative study between Indonesian and Thai criminal law to find out how the provisions in the expiration date for prosecuting criminal acts are carried out so as to see the merits and weaknesses of the provisions regarding the expiration date for prosecuting criminal acts in each country.

This is done in order to find a better solution regarding the method of punishment in the expiration of the prosecution of criminal acts, to then make an analysis of recommendations on how the Indonesian government should be able to formulate rules regarding the expiration of the prosecution of criminal acts in the future. As for the formulation of the problem are How is the expiration arrangement for the prosecution of criminal acts in Indonesia and Thailand?, and What are the similarities and differences in the expiration of criminal prosecutions between the Indonesian and Thai legal systems?

2. Method

This type of research is library research [6]. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies
on a critical and in-depth study of relevant library materials[7]. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Discussion

3.1. Regulations on the Expiration of Criminal Prosecution in Indonesia and Thailand

Expiration is the lapse of time which causes the loss or cancellation of the right to sue or carry out a sentence against someone who has committed a crime. In the perspective of the Indonesian Criminal Code that basically all perpetrators (in a broad sense) of a criminal act must be prosecuted before a criminal court, but either in general or specifically the law determines the waiver and or elimination of prosecution in certain cases, for example due to expiration. This is as emphasized in Article 78 of the Criminal Code that the right to sue for a criminal offense is nullified because it has expired.

In relation to the abolition of the right to criminal prosecution, that the Criminal Code contains 4 (four) things that cause the state to lose the right to prosecute criminals against the perpetrators of the crime, namely:

1. Because the act has been decided by the court with a decision that has permanent legal force (Article 76).
2. The cause of death of the maker (Article 77).
3. Because the time has passed or has expired (Article 78-Article 80).
4. Settlement out of court, namely by paying the maximum fine and fees when the prosecution has started (Article 82 for violations that are only punishable by a fine).

The right to sue for a crime is nullified due to the passage of time based on Article 78 Paragraph (1). The basis of this provision is the same as the basis of the provisions of Article 76 Paragraph (1) concerning the principle of ne bis in idem, which is for legal certainty for every criminal case so that the author is not forever disturbed and his peace of life is disturbed indefinitely by the threat of prosecution by the state, at a time. When such disturbances must end, a person who is guilty of committing a crime to avoid prosecution by the state requires him to always be alert to everyone, hide, avoid open public relations, all of which make his life uneasy. The restlessness of life for so long before the expiration date is basically a mental affliction that is no different from suffering as a result of undergoing a sentence imposed by a court.

The lapse of time for the perpetrator of a criminal act to be unable to be prosecuted because of the expiration date, namely in this case, depending on the severity of the crime threatened with the crime committed, this can be seen in the provisions of Article 78 Paragraph (1), which stipulates that the right to prosecute criminal acts becomes delete due to overtime, i.e.:

1. For all criminal offenses and crimes committed by printing after one year.
2. For crimes punishable by fines, imprisonment or imprisonment for a maximum of three years, after six years.
3. For crimes punishable by imprisonment of more than three years, after twelve years.
4. For crimes punishable by death or life imprisonment or temporary imprisonment for a maximum of twenty years, after eighteen years.

For juvenile offenders who at the time of committing the crime were not yet eighteen years of age, according to Paragraph (2), the grace period for the abolition of the criminal prosecution is reduced by one third of the provisions in the first paragraph. As stated in paragraph (2), namely for people who at the time of committing the act were not yet eighteen years old, each of the above expiry dates was reduced to one third [8].

Determining the length of the grace period for the elimination of criminal prosecution based on the severity of the criminal threat or the severity of the crime committed is based on the view that the more serious or large the crime committed, the longer the memory of the person or society for the incident, which also means is the length of suffering felt by people and or the community as a result of committing a crime depending on the severity of the type and type of crime committed by the person. The more severe the crime committed, the longer the feeling of suffering brought by the person or society as a result of the crime he committed.

The validity period of the expiration of the abolition of the authority for criminal prosecution is generally stipulated (Article 79 of the Criminal Code), namely on the day after the act is committed, except in three cases, namely:

1. Regarding counterfeiting or destruction of currency, it is on the day after the counterfeit goods or the damaged currency is used.
2. Regarding crimes in Article 328, Article 329, Article 330 and Article 333 of the Criminal Code, it begins on the day after the person directly affected by the crime (victim) is released or dies.
3. Regarding violations in Article 556 of the Criminal Code up to Article 558a of the Criminal Code, it begins on the day after the lists containing the violations have been submitted or submitted to the clerk of the court concerned.

About time When to start calculating the expiration date is still a matter of debate. Wirjono Prodjodikoro and Hazewinkel Suringa are of the opinion that the expiration date starts on the day the crime occurred. Meanwhile, Pompe is of the opinion that the grace period begins at the time the act is committed. Eva Achjani Zulfa argues that in calculating the start of expiration, what must be considered is the meaning of "action"[1]. Some other legal experts such as Van Bemmelen and Tresna view that the meaning of this act or feit is a physical act, so the calculation of this expiration must be carried out the day after the act is committed.

The criminal justice system in each country is different from one another, and the provisions regarding prosecution are no exception. According to the Indonesian criminal code of procedure, the right to prosecution rests with the public prosecutor, in contrast to the provisions in the Thai criminal procedure code which state that the right to prosecute rests with everyone [9].

Thailand's main criminal law is the Penal Code of Thailand or the Thai Criminal Code. The Thai Penal Code is a codified legal system or legal entity regarding crimes and offenses against the public (including the Kingdom of Thailand, the King and certain members of the royal family) and/or against other people and stipulates penalties for those who violate them [10]. The Penal Code of Thailand consists of 3 books, namely:

1. General provision from Article 1 to Article 101.
2. Specific offenses (certain crimes) from Article 136 to Article 366.

3. Petty offenses (minor crimes) from Article 367 to Article 398.

The Penal Code of Thailand provides for a variety of mitigating factors that may need to be considered by criminals when determining whether to impose a lighter sentence. This allows judges to reduce sentences by half based on factors including a person's age, mental capacity, temperament, ignorance of the law, provocation and guilty plea. In criminal law, there is an expiration date for filing a prosecution [11]. Provisions for prosecution of criminal acts in Thailand are regulated in the Penal Code of Thailand or the Thai Criminal Code, in Book I of Provisions Applicable to General Offenses Chapter 9 Articles 95-101 (Provisions Applicable to General Offences sections 95-101 Prescription).

Public prosecutors in Thailand are not allowed to bring charges in court without prior investigation. The public prosecutor in Thailand has no role in the investigative phase, thus, making their decision based solely on the evidence found in the initial investigation dossier or in the supplementary dossier submitted by the police as a result of further investigation in accordance with the public prosecutor's order. Their prosecution orders are usually based on the adequacy of the evidence of wrongdoing presented to the offenders in court. They did not have the opportunity to interview the suspect prior to prosecution or give instructions for further investigation.

3.2. Similarities and Differences in the Expiration of Criminal Prosecution Between Indonesian and Thai Legal Systems

Comparative law is not a legal instrument and principles and is not a branch of law, but is a technique for dealing with foreign legal elements of a legal problem [12]. From this understanding, it can be said that comparative law is an approach that intends to gain deeper knowledge of certain legal materials. The purpose of comparative law is to obtain results in the form of data from the legal system being compared, gain deeper knowledge of the applicable legal system to improve the applicable legal system, to contribute to the unification of the legal system on a smaller or larger scale. If examined further, the purpose of comparative law is not merely to find out the differences and similarities rather than the laws being compared, but what is important is to know the causes and background of these differences and similarities.

When compared with Indonesia, the discussion on comparative law is very different. Indonesia takes the notions of comparative law from the definitions of experts because basically the government is different from Indonesia. Thailand's government is similar to that of England. There is a prime minister who functions as a parliamentary government and a hereditary monarch who serves as head of state. The current Thai government has existed for the last 700 hundred years. The current king comes from a family line that has ruled since the fall of the Ayuthaya empire. The king serves as head of state and spiritual leader, but has no political authority.

Responsibility for the administration of criminal law in Thai shared by several organizations. These organizations are the Royal Thai Police, the Attorney General's Office, the Court of Justice, the Ministry of Justice (Department of Probation and Central Control and Protection) and the Ministry of Interior Law (Department of Corrections). Reforms in the Thai legal system have emerged since BE 2428 (1885) when King Rama V authorized his younger brother, Krom Laung Pichitpreechakorn, to accommodate all opinions about the court system.
Prince Sawasdisophon, the king's younger brother, conveyed the idea of forming a Ministry of Justice 3 August 2433 BE (1890).

Late 2434 BE (1891), the Thai government revealed the establishment of the Ministry of Justice. This announcement was dated March 25, 2434 BE, but was only published in the State Gazette April 10 BE (1892). Prince Sawasdisophon, who was later appointed Krom Phra Sawasdivatvisit, was the first Minister; Prince Krom Laung Pichitpreechakorn is the second Minister and Prince Rapipatanasak (Krom Luang Rajburi Direkrit) who has overhauled the Thai legal system, is the third Minister (2439-2453 BE). As Minister of Justice, Prince Rajburi Direkrit has played an important role in shaping the new legal system.

Indonesia and Thailand are interesting countries to compare because of several similarities that make them relevant, including:

1. Being in the ASEAN region so that it has a community culture and culture that both hold to the lifestyle, noble values, customs, and traditional customs with "eastern" characteristics.
2. Even though Indonesia's total Gross Domestic Product (GDP) is much larger, on average, the economic levels of the people of these two countries are balanced and fall into the category of countries with good economic prospects.
3. The legal and judicial systems are both based on civil law and not common law.

As a result of the passage of time, a criminal act committed by a person cannot be prosecuted. Thus the perpetrators of criminal acts cannot be brought to justice so that the perpetrators can move freely. Criminal acts that have been committed are no longer investigated or processed. The impact of the abolition of this prosecution is based on the consideration that the perpetrator during his life who has been in hiding with limited space for movement and independence, has become an indication of punishment for his actions. Another consideration is that if a criminal act is prosecuted, law enforcers will have difficulty finding and recording all the evidence. It is difficult for the perpetrators to be asked for clear and correct information because they may have forgotten a lot about the incident. The following will describe the legal comparison between Indonesia and Thailand to find out the similarities and differences in the expiration of criminal prosecutions between Indonesia and Thailand.[13]

3.3. Similarity in the Expiration of Criminal Prosecution Between Indonesian and Thai Legal Systems

The legal rules in both the Indonesian Criminal Code and the Penal Code of Thailand do not provide a definition of what is meant by the expiration of the prosecution of criminal acts, but only provide provisions regarding the expiration date of the prosecution of criminal acts. Provisions regarding the expiration date of prosecution of criminal acts in Indonesia are contained in Article 78 of the Criminal Code, namely:

1. The authority to sue for a penalty is abolished because it has expired:
a) Regarding all violations and crimes committed by printing after one year.
b) Regarding crimes that are punishable by a fine, imprisonment, or imprisonment for a maximum of three years, after six years.
c) Regarding crimes punishable by imprisonment of more than three years, after twelve years.
d) Regarding crimes punishable by death or life imprisonment, after eighteen years.

2. For a person who at the time of committing the act was not yet eighteen years old, each of the above expiry dates shall be reduced to one third.

The provisions regarding the expiration date of prosecution of criminal acts in the Penal Code of Thailand are contained in Article 95 of the Penal Code of Thailand, namely: In a criminal case, if the offender is not prosecuted and brought before the court within the time specified below from the date of the commission of the crime, his prosecution shall be suspended by expiration:

1. Twenty years for an offense punishable by death, life imprisonment or twenty years imprisonment.
2. Fifteen years for offenses punishable by imprisonment of more than seven years but not up to twenty years.
3. Ten years for offenses punishable by imprisonment of more than one year up to seven years.
4. Five years for offenses punishable by imprisonment of more than six months up to one year.
5. One year in the case of a criminal offense which is punishable by imprisonment of one month and below or can be punished in other ways.

If the perpetrator has been prosecuted and brought to justice, but the perpetrator fled, or was insane, and the court gave an order to adjourn the trial for a specified period of time taking into account the date of escape or the date of issuing the order for the suspension of sentence. court, it will be deemed that prosecution is also precluded by expiration.

3.4. Differences in the Expiration of Criminal Prosecution Between Indonesian and Thai Legal Systems

There are some differences regarding the expiration provisions for criminal prosecution between the Indonesian and Thai legal systems. First, namely the length of time that is applied to the expiration of the prosecution of criminal acts. From Article 78 Paragraph (1) it can be seen that the minimum expiry time for prosecuting criminal acts is one year for all violations and crimes committed by printing [14]. The expiration of the prosecution of criminal acts with a maximum period of eighteen years, namely for crimes punishable by death or life imprisonment.

The provision for the expiration of the prosecution of criminal acts in Article 95 of the Penal Code of Thailand, namely the minimum expiration date for prosecuting a criminal offense is one year, namely in the case of a criminal offense punishable by imprisonment for one month or less or can be punished in other ways, while the expiration date for prosecuting a
criminal offense is at least one month. The maximum period is twenty years, namely for offenses punishable by death, life imprisonment or twenty years imprisonment.

Second, the legal system of the Indonesian Criminal Code regulates the expiration date for people who at the time of committing the crime were not yet eighteen years old. The stipulation is that the duration of each prosecution for criminal acts as referred to in Article 78 Paragraph (1) is reduced to one third. Unlike the Thai legal system, the Penal Code of Thailand does not regulate people who at the time of committing a crime were not yet eighteen years old. The Penal Code of Thailand regulates the expiration of runaway or insane offenders, and courts issue orders to adjourn the trial for a specified period of time taking into account the date of escape or the date on which the order was issued.

Third, the Indonesian Criminal Code provides provisions for exceptions to the expiration period which takes effect on the day after the act is committed, namely in the case of counterfeiting or destroying currency, regarding crimes in Article 328, Article 329, Article 330, and Article 333, regarding violations in Article 556 to Article 558a [15]. The Penal Code of Thailand does not mention any exceptions to certain crimes. The Penal Code of Thailand only mentions the provisions regarding the limitation of crime if the perpetrator of the crime escapes while the perpetrator has not yet served a sentence or has not fully served the sentence.

Fourth, the Penal Code of Thailand does not mention any provisions regarding the termination and postponement of the expiration of the prosecution of criminal acts. In the Indonesian Criminal Code, the termination of the expiration date is regulated in Article 80, namely the act of prosecuting the expiration date, as long as the action is known to the person being charged, or has been notified to him in the manner prescribed in general rules, while the postponement of expiration is regulated in Article 81, namely the postponement of criminal prosecution in connection with with pre-judicial disputes.

4. Conclusion

The right to demand a criminal offence because it has expired is regulated in Article 78 of the Criminal Code. The validity period of the expiration of the abolition of criminal prosecution authority in Indonesia is generally stipulated in Article 79 of the Criminal Code. After the expiration of the grace period is stopped by prosecution, a new expiration date is started again as regulated in Article 80 of the Criminal Code. The expiration of the grace period can also be delayed due to the postponement of prosecution as regulated in Article 81 of the Criminal Code. The provisions for prosecuting criminal offenses in Thailand are regulated in the Penal Code of Thailand, in Book I of Provisions Applicable to General Offenses Chapter 9 Articles 95-101 (Provisions Applicable to General Offences sections 95-101 Prescription).

The legal rules in both the Indonesian Criminal Code and the Penal Code of Thailand do not provide a definition of what is meant by the expiration of the prosecution of a criminal act, but only provide provisions regarding the expiration date of the prosecution of a criminal act. The differences between the Indonesian Criminal Code and the Penal Code of Thailand regarding the expiration of the prosecution of criminal acts are in terms of the length of time applied, the perpetrators of the crime who are not yet eighteen years old, the exceptions to the grace period, and the provisions regarding the termination and postponement of the expiration of the prosecution of criminal acts.

Reference
Practice of Criminal Actions in Criminal Acts of Corruption

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Abstract. Attempting to commit a criminal act is a complete and independent offense. Attempts to commit new corruption are at the stage of intention or preparation. Attempted corruption is punishable by the same punishment as committing a criminal act of corruption. The purpose of this study is to examine the regulation of trial of criminal acts in Indonesian positive law and the practice of trial of criminal acts in corruption. The approach used in this research is the law approach and the case approach. This research data collection technique was carried out through conventional and online literature searches. The data analysis technique used in this study is qualitative because the data is presented in a narrative-descriptive manner. The results of the study show that the law only provides provisions regarding the terms of the trial of a criminal act as to what can be punished. Arrangements on trials are regulated according to Article 53 and Article 54 of the Criminal Code. The trial is not a completed offense and is not a stand-alone offense. It is proven that the experiment is regulated in the Criminal Code. If someone is accused of carrying out an experiment, an article must be charged against the desired act. The conditions in an attempt to commit a criminal act of corruption must be the same as the provisions of Article 53 of the Criminal Code, namely that there must be an intention, the beginning of implementation, and the act is not completed not solely because of its own will. The criminal threat is the same as for other corruption offenses. Legislation concerning the eradication of corruption, which contains many elements of trial, is a criminal act of bribery, both active bribery and passive bribery, and constitutes gratification. This crime will involve bribery actors from the private sector and bribe recipients from civil servants or state officials.

Keywords: Corruption, Attempt

1. Introduction

Attempting to commit a criminal act is a complete and independent offense. The law basically does not provide a definition of the purpose of an experiment, but only provides provisions regarding the conditions for probation for a criminal offense that can be punished. The experiment itself can be said as an action towards something but does not arrive at the intended thing or it can also be said to want to do something and it has started but has not been completed as a crime. There are 3 (three) elements in a probationary crime that must be fulfilled, namely the intention, the beginning of the implementation and the act not being completed against the will of the perpetrator[1,2].

Criminal law arrangements for attempted criminal acts are different from criminal law arrangements for criminal acts or completed crimes. Arrangements for trial in the Criminal Code are regulated in Articles 53 and 54. However, determining a trial for a criminal offense is not as easy as it seems. The Criminal Code does not provide a clear definition of trial but only provides a form of trial that can be convicted and a form of trial that cannot be criminalized, such as trials in Article 53 of the Criminal Code and trials in Article 54 of the Criminal Code[3,4].
Looking at the provisions in the Criminal Code, it can be seen that the probationary actor can only be sentenced to a criminal if the criminal act he is trying to commit is categorized as a crime even though the punishment is not up to the maximum limit in accordance with what is specified in the legal article that has been violated, whereas if the criminal act he is trying to commit is categorized as a violation, then the perpetrator is not punished. In other words, trying to commit an offense is not punishable[5,6].

The provisions of the Criminal Code have a relationship or connection with criminal provisions in laws and regulations outside the Criminal Code which also include not a few of which regulate trials. As in the Law on the Eradication of Criminal Acts of Corruption, there are several criminal provisions that contain an element of trial. People who are proven to have attempted to commit corruption according to one of the articles in the Law on the Eradication of Criminal Acts of Corruption may be subject to imprisonment for a maximum of life or a minimum of one year in prison and a fine of at least Rp. 50 million and a maximum of Rp. 1 billion rupiah[7,8].

The sentencing of an attempt to commit a criminal act of corruption in the Law on the Eradication of Criminal Acts of Corruption is equated with a completed criminal act, while the trial in the meaning of the Law on the Eradication of Criminal Acts of Corruption is only at the level of intention or in the stage of preparation, but has not yet materialized in the act of implementation or in other words. On the other hand, an attempt to commit a criminal act of corruption is an imperfect crime.

The trial regulated in Article 53 of the Criminal Code has a different characteristic from the trial in a criminal act of corruption. The trial offense in the criminal act of corruption as an offense is completed so that it is a deviation committed by the legislators. Reading the provisions of Book I of the Criminal Code (general provisions), it is clear that for laws and regulations outside the Criminal Code that regulate criminal provisions, they must still be guided or refer to the provisions of Book I of the Criminal Code. This should also apply to the Corruption Eradication Act.

The punishment imposed for attempted criminal acts in the Criminal Code is one-third of the principal punishment threatened, while the trial for corruption is punished with the same punishment as the principal sentence which is threatened without being reduced by one-third. The measurement of the existence of an experiment in the context of a criminal act of corruption still refers to the general doctrine in criminal law so that it is very possible to happen especially in a hand arrest operation, money or something that is used as the object of a bribe does not necessarily reach the recipient of the bribe.

The basic difference from an attempted criminal act under Article 53 of the Criminal Code with an attempt to commit a criminal act of corruption in the Corruption Eradication Law is the concept of trial according to Indonesian criminal law based on the Criminal Code which only provides an understanding of the attempt to commit a criminal act. The trial is not the focal point of the discussion because the intended experiment is an attempt to commit a criminal act that is qualified as a completed offense, so that the background and concepts underlying the arrangement of an attempt to commit a criminal act of corruption need to be given further explanation. The probationary law institution (trial offense) only threatens punishment for those who are proven to have committed a crime. The formulation of the problem in this research are How is the trial of a criminal offense in Indonesia's positive law?, and How is the practice of trying criminal acts in corruption?
2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature[9,10].

3. Result & Discussion

3.1. Arrangements for Trial of Crimes in Indonesian Positive Law

Basically the law does not provide a definition of what is meant by probation, but only provides provisions regarding the terms of probation for what kind of criminal act can be punished. Literally the experiment itself can be said as an action towards something but does not arrive at the intended thing or it can also be said to want to do something and it has started, but is not finished. Because the Criminal Code itself does not provide a definition of what is meant by an attempted criminal act, but an explanation is given regarding the conditions for a crime to be said to be a trial and can be subject to punishment, namely:

1. The existence of an intention or voornemen in the sense that the person must have an intention or a voornemen to commit a certain crime.
2. There has been a start of execution or a start van uitvoering in the sense that the person's intention has been manifested in an initiation to commit the crime he wants.
3. The execution to commit the crime that he wanted was later not completed due to problems that did not depend on his will, or in other words the incomplete execution of the crime he had started must be caused by problems that were beyond his will alone.

There is a question about the boundary between the preparatory act and the execution act, when an act is a preparatory act and when it is an implementation which is an element of an experimental offense. The explanatory memory states that the problem cannot be solved or determined by law, but is left to judges and science to implement the principles stipulated in the law. Always try to solve the problem in science which is usually associated with the opinion on the criminal basis of strafbare poging.

Attempts to commit a crime in Dutch literature are considered an unfinished offense. Attempts to commit a crime are considered a special offense. This means that another offense is regulated in the second book of the Criminal Code. The opinion that an attempt to commit a crime is referred to as an unfinished offense can be expressed in several opinions in the Dutch decision. D.Hazewinkel-Suringa in Satohid's book says that the criminal penalty is reduced by one third in a trial. It may give the impression that the reduction of the sentence is carried out for reasons that mitigate the sentence. Such an opinion is not true because then people assume that an offense has been completed, but it is carried out in the case of a criminal offence.

Trial is not a criminal act that stands but is only a form of it, namely a form of offense that does not have an ending. The article on trial does not extend the formulation of the offense. So not an ausdehnungsgrund tatbestands. Nor does it expand on the people who are responsible for the offense. The article regarding probation is only given by an ausdehnungsgund staff, namely that the punishment specified in the formulation of the offense can also be imposed on perpetrators who are unsuccessful in their efforts to resolve the crime. The confinement of probation means an extension of the punishment for an offense, even though the act has only been partially carried out.
Trial is not a stand-alone offense. It is proven that the experiment is regulated in the Criminal Code. So that if someone is accused of carrying out an experiment, an article must be charged against the desired act. Because the article has not fulfilled all of its elements due to the unfinished business of the act, the article on trial is an article that must be included in the indictment. Thus proving that the article on trials contained in the Criminal Code cannot be indicted independently. Of course, the indictment of the experiment was followed by the crime the perpetrator wanted, namely the crime contained in the Criminal Code.

Furthermore, regarding the incapacity experiment, it is an experiment that is impossible to cause a complete offense. There are two criteria for an inability experiment, namely inability because of the object (for example, someone tries to kill but turns out the person is already dead) and unable because of the tool (for example, someone tries to kill using poison, but turns out the poison is sugar). In general, the arrangements for trials are regulated according to Article 53 of the Criminal Code which states:

1. Attempts to commit a crime shall be punished, if the intention for that has been evident from the beginning of the execution, and the execution was not completed solely due to one's own will.
2. Maximum principal penalty against a crime, in the case of probation reduced by one third.
3. If the crime is punishable by death or life imprisonment, a maximum imprisonment of fifteen years shall be imposed.
4. The additional penalty for probation is the same as a completed crime.

There are things to pay special attention to in the above translation. There is the word allen in the original text which means it is translated by word alone. The word allen which literally translates to only, in the Indonesian Criminal Code is translated as "solely". The problem of the word only or "solely" becomes important when discussing the unfinished execution of a crime in an experiment.

What exactly does the legislator want by including the word "only" in the formulation of Article 53 of the Criminal Code above. This problem will be discussed again when discussing the conditions of an experiment. If you pay attention to the first sentence of Article 53 of the Criminal Code above where it says "attempting to commit a crime is punishable", it shows that what can only be convicted is an experiment on the type of crime offense, which means that carrying out an attempted offense offense cannot be punished. The above is reinforced by Article 54 of the Criminal Code whose original text reads "poging tot overtrending is niet strafbaar" which means "trying to commit an offense is not punishable".

The problem now is why trying to commit this type of offense is not punishable. However, before getting to the question of why trying to commit a type of offense cannot be punished, it is still a question why it is not possible to punish an attempted violation which is explicitly stated once again in an article, namely Article 54 of the Criminal Code. In the first sentence of Article 53 of the Criminal Code, it can be concluded that carrying out an attempted type of offense is not a criminal offense. This is because the legislators want to avoid that legislators who are lower than the Criminal Code "do not deviate from the general provisions contained in the Criminal Code". Thus, it is hoped that the legislators will not make provisions that can convict an attempt to commit a type of offense. Although in practice it turns out that in certain cases, especially in the violation of the law, an action can be taken.

It is not possible for this type of offense to be punished, because it is considered that there is so little interest in the law being violated or the legal consequences that will be caused by an experiment. Criminal law is a law that has the nature of giving suffering to violators. Criminal
law has a cruel nature, so it should not always be imposed on every violator of the provisions in the law that is caused by a small amount, on the contrary, the perpetrator is not punished.

The word "only" or "solely" in the formulation of Article 53 of the Criminal Code is to emphasize that a person cannot be convicted of having carried out an experiment if the implementation is not completed, it must be caused "only" by a voluntary resignation from the perpetrator. The slightest factor originating from outside the perpetrator that causes the perpetrator to be forced to undo the intention, must be considered not as a voluntary resignation from the perpetrator. So the only reason not to convict a person who has initiated the implementation of his intention is the will to resign voluntarily.

It can be seen in Article 53 of the Criminal Code that the intention and the beginning of the implementation are formulated in one breath. So that it is important to start this implementation in determining whether there has been an attempt to commit a crime or not, from the start of a person having an intention to the goal of the desired action usually consisting of a series of actions.

3.2 The Practice of Trial Crimes in Corruption Crimes

Theoretically, the penalties imposed on the perpetrators of the probationary offenses are not as severe as the penalties for the offenses which have been carried out perfectly, such as murder, theft, mistreatment and others. Article 53 Paragraph (2) of the Criminal Code explicitly states that the maximum principal penalty for crimes, in the case of probation, is reduced by one third. The same applies to assistance (medeplichtigen). The conditions for attempting to commit a criminal act of corruption must be the same as the provisions of Article 53 of the Criminal Code. This means that there must be an intention, the beginning of the implementation, and the act is not finished not solely because of one's own will. The punishment that will be imposed on the perpetrator of a trial of a criminal act is the same as that of a criminal offense that will be carried out perfectly as stated in the provisions of Article 2, Article 3, Article 5, to Article 14. Article 53 of the Criminal Code also contains an understanding that in order to impose a crime on a new person trying to commit a crime has a strong legitimacy basis, then all the conditions stated in the article must be fulfilled.

The condition of corruption in Indonesia is already so severe. It is common knowledge that almost all lines of life in Indonesia today, must be resolved with bribes and various other facilitation payments. Corruption will foster other types of crime in society, through corruption, ordinary people, state officials, bureaucrats, even law enforcement officers can bend the law. Corruption in Indonesia must be seen as an extraordinary crime (extraordinary crime), systemic in nature, and has become an epidemic with a very wide impact.

The presence of the Criminal Code with its codified characteristics is basically an embodiment of the principles of the Continental European legal system which emphasizes the importance of written legal rules for the creation of legal certainty, legal simplification, and legal unity. The Criminal Code itself contains many weaknesses and is not always able to cover all legal problems that occur in society. Not all of the crimes that occurred could be resolved using the Criminal Code, so that legislation outside the Criminal Code emerged that tried to cover the weaknesses of the Criminal Code in responding to these crimes. Materials regulated in legislation outside the Criminal Code can be in the form of modifications to the Criminal Code or can also be new provisions, for example a trial offense in a criminal act of corruption even though it is adopted from the provisions of Article 53 of the Criminal Code but the arrangement in the Law on the Eradication of Criminal Acts of Corruption is the result of modification of the legislators, where the criminal sanctions are the same as those of those who commit a final offense in a corruption crime.
Provisions regarding trial offenses in corruption crimes are an extension of the number of corruption crimes because previously this provision was not contained in previous regulations. The criminal threat is the same as for other corruption offenses, even though what the maker intended has not been achieved. With this provision, it can be concluded that the view of the legislators is that corruption is indeed a very serious crime. The assessment of the severity of a criminal act can be measured from the criminal threat imposed by the legislators.

Almost all criminal provisions in the corruption law stipulate specific minimum criminal penalties, including provisions regarding probationary offenses (Article 15). Qualitatively, according to the scientific doctrine of criminal law, certain offenses determined by the minimum punishment are those characterized by offenses deemed very detrimental, dangerous or disturbing to the public, and offenses that are qualified or aggravated by their consequences (erfolgsqualifizierte delikte). For offenses with these characteristics, especially those that have the potential to threaten the foundations of state life, criminal law must appear as a premium remedium.

Attempts to commit a criminal act of corruption are regulated in Article 15 of the Corruption Eradication Law. This article does not equate the completion of a corruption crime with an experiment, or equate the maker (dader) who fulfills all the elements of a criminal act with an assistant or between those who have completed a corruption crime perfectly and a person who has just committed an evil conspiracy to commit corruption. The provisions of Article 15 are provisions that equate criminal threats between people of such quality and individuals (dader) who commit criminal acts of corruption.

Article 15 does not mention the definition of an attempt to commit a criminal act of corruption, there is only an explanation that the provisions in Article 15 are special rules because the criminal threat for trial and assistance in a criminal act is generally reduced by 1/3 (one third) of the criminal threat. When the corruption law does not explain the meaning of trial, then automatically what applies is the definition of trial in Book I of the Criminal Code.

The concept of probation (poging) as regulated in Article 53 of the Criminal Code and Article 54 of the Criminal Code has a different characteristic from an attempt to commit a criminal act of corruption, because according to Article 54 of the Criminal Code it is stated that an attempt to commit a violation is not criminalized. The concept of trying to commit a criminal act of corruption can actually be punished, because of the background, the concepts adopted in eradicating corruption in Indonesia requires special handling, even the crime of corruption has been made as an extraordinary crime (extraordinary crimes) in Indonesia.

Several criminal acts of bribery in the Criminal Code have been included as provisions in the eradication of corruption, which are differentiated into passive bribery and active bribery. Legislation concerning the eradication of corruption, which contains many elements of trial, is the crime of bribery, both active bribery and passive bribery, and constitutes gratification (receiving gifts and/or promises). This crime will involve bribery actors from the private sector and bribe recipients from civil servants or state officials.

The problem of bribery is one of the problems that has occurred in society for a very long time. In general, bribes are given to influential people or officials to do or not do something related to their position. People who give bribes usually give bribes to achieve their wishes, either in the form of certain benefits or to be free from punishment or legal process. So it is not surprising that the most bribed are officials in the government bureaucracy who have an important role in deciding something, for example in granting permits or granting government projects. Bribes are often given to law enforcers such as police, prosecutors, judges. Likewise for customs, tax officials and officials related to the granting of permits, whether in the form of business permits, building permits and others.
It appears that the element of the crime of bribery as part of corruption does not have to contain directly the element of harming state finances or the state economy. What is despicable in bribery is the abuse of power, discriminatory behavior by giving privileges on the basis of financial benefits and other rewards, breach of trust which is an element of democracy, mental breakdown of officials, dishonesty in competition, danger to human security, and so on.

Most cases of corruption use the mode of bribery. Based on data on corruption crimes handled by the Corruption Eradication Commission from 2004 to December 2020, a total of 1,071 cases were recorded, consisting of 704 cases of bribery. So the crime of bribery which is a criminal act of corruption, the number is more than half the number of cases of corruption that have occurred during the last 16 years handled by the Corruption Eradication Commission, this indicates that bribery behavior becomes a picture that occurs around our lives in society when managing its importance. Meanwhile, other cases handled by the Corruption Eradication Commission from 2004 to 2020 were the procurement of goods and services as many as 224 cases, budget misuse as many as 48 cases, money laundering crimes 36 cases, licensing 23 cases, extortion 26 cases, and obstructing the Corruption Eradication Commission's prosecution process 10 case.

Regarding the element of the act of giving or promising something, from the nature of the act of giving to an object, both tangible and movable, the bribery of giving an object is a criminal act of impure formal corruption or impure material, because there is an act of giving, if someone receives a gift. That is, the act of giving (something) occurs completely or when the crime of giving bribes is completed, when the object of the object has transferred its power to the civil servant who received it.

Corruption promising something is a pure formal corruption crime. For the realization of a promising act, it is sufficient to fulfill the promising conditions. It doesn't matter whether the promise is accepted or not. The crime of promising something has happened when the act of promising something has been said or written, while in corruption by giving something object (eg a gift), the gift must have been received.

The discussion of Article 5 of the Law of the Republic of Indonesia Number 20 of 2001 has shown an example that the criminal act of corruption by promising something is a completed offense. In the proof, it is very important to prove whether there is a promise in the form of speech (oral) or written between the parties (the legal subjects), and when it is proven that there is a promise made or written, it is automatically proven to have committed a criminal act of corruption. Regarding whether the promise was fulfilled or not, it is not an important part of the proof.

The granting of a promise according to Article 5 of the Law of the Republic of Indonesia Number 20 of 2001 is a completed offense. Because what is proven is only formal proof. The promise according to Article 5 of the Law on the Eradication of Criminal Acts of Corruption can be punished because it is a selective offense.

in eradicating corruption in Indonesia requires special handling, even the crime of corruption has been made as an extraordinary crime (extra ordinary crimes) in Indonesia. Several criminal acts of bribery in the Criminal Code have been included as provisions in the eradication of corruption, which are differentiated into passive bribery and active bribery. Legislation concerning the eradication of corruption, which contains many elements of trial, is the crime of bribery, both active bribery and passive bribery, and constitutes gratification (receiving gifts and/or promises). This crime will involve bribery actors from the private sector and bribe recipients from civil servants or state officials.

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4. Conclusion

The law does not provide a definition of what is meant by probation, but only provides provisions regarding the terms of probation for what kind of criminal act can be punished. In general, the arrangements for trials are regulated according to Article 53 and Article 54 of the Criminal Code. The trial is not a completed offense and is not a stand-alone offense. It is proven
that the experiment is regulated in the Criminal Code. If someone is accused of carrying out an experiment, an article must be charged against the desired act.

The conditions for attempting to commit a criminal act of corruption must be the same as the provisions of Article 53 of the Criminal Code. This means that there must be an intention, the beginning of the implementation, and the act is not finished not solely because of its own will. The criminal threat is the same as other corruption offenses, even though what the maker intended has not been achieved. Legislation concerning the eradication of corruption, which contains many elements of trial, is a criminal act of bribery, both active bribery and passive bribery, and constitutes gratification. This crime will involve bribery actors from the private sector and bribe recipients from civil servants or state officials.

References

Legal Dispute Settlement Model of Nahdatul Ulama Community Organization Leadership

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Abstract. As a plural country, Indonesia guarantees freedom of association, gather and have an opinion on every citizen. The PCNU of Brebes Regency as a branch organization of the central management of NU is an Ormas located in Brebes Regency, become a representative of PBNU in carrying out the mandate and tasks of the organization. In the course of the election of the chairman of the board, it often becomes a problem and makes relations between the administrators tenuous. This is what is happening in the management of the PCNU of Brebes Regency management. The problems in this research include: 1) What is the chronology of the leadership dispute in the PCNU of Brebes Regency? 2) How is the legal concept of resolving disputes over the leadership of mass organizations in the PCNU of Brebes Regency. The type of this research is normative by using Case Approach and Statute Approach. The results of this study indicate that the leadership dispute in the PCNU of Brebes Regency occurs due to several factors, namely: There is no firmness in each group either from the internal organization or from the local government. The legal concept for resolving existing disputes is by using the concept of Islah, the concept of Mediation, the concept of Pesantren Culture, the concept of the role of the regional head, and settlement with the court concept.

Keywords: Conflict, Management Dualism

1. Introduction

The definition of Community Organization is an association held jointly by a group of people on the basis of the same will, needs, aspirations, motivational impulses and similar activities in the context of realizing state development and the fulfillment of state ideals based on Pancasila. The influence and participation of mass organizations cannot be denied, especially in the context of efforts to liberate Indonesia from the clutches of the colonialists. Many mass organizations actually play an important role, such as the Budi Oetomo movement organization. From several historical sources, Budi Oetomo is even considered the first mass organization in Indonesia as well as the main organization in the National Awakening Movement. However, the recognition of Islamic movement groups (founded October 16, 1905), states that the Islamic Union is more worthy of being considered as the basis of the national revival movement.
An association must contain a number of provisions relating to management, both at the central, regional or provincial level, Branches, Sub-Branches to the branch level which are structured and in accordance with the rules that apply to the organization and association. In its journey, the formation of the management of a community organization is usually met with friction, both friction with the external organization or even with the internal organization of the organization which is usually related to the “Scramble” for the management of the organization.

Among the largest organizations in Indonesia are organizations that have a religious background as their ideology, such as Nahdlatul Ulama and Muhammadiyah. Nahdlatul Ulama or more familiarly called NU, is an organization that is concerned with religious, educational and social values and also played a role in the process of the birth of the Unitary State of the Republic of Indonesia. As an organization with a wide range of distribution, NU’s position of course has its own influence and bargaining value, especially from a political perspective. So not infrequently, administrators at all levels have their own position that cannot be underestimated. Moreover, NU has a large citizen base and is loyal to its organization. For some people, that is, NU is very interesting with all the motives and backgrounds of interest.

This side sometimes creates a bit of friction when the chairman election is held, either at the Central or PBNU, Regional or PWNU and Branch or PCNU levels. Such friction sometimes creates internal disputes within the organization that are difficult to avoid. PCNU Brebes Regency as a branch organization of the Central NU management is an organization located in Brebes Regency, being an extension of PBNU in carrying out the mandate and duties of the organization. Therefore, the PCNU of Brebes Regency is submissive and obedient to the applicable regulations. Among the responsibilities and obligations of the Brebes Regency branch management is to conduct a Branch Conference, namely the highest Deliberation forum at the Branch level. In the 2015-2020 NU AD/ART, there are 6 things that are discussed in the Konfercab, namely:

a) Written report of NU Branch Management
b) Five-year work program
c) Discuss and establish sharia law and society
d) Recommendation by organization
e) Alhul Halli wa Al-aqdi (AHWA)
f) Election of PCNU chairman

Of the six discussion points mentioned above, point F or the last point is the most interesting point and most often causes small friction. Admittedly or not, the election of the chairman of the board is often a problem and creates strained relations between the management. If this is the case, then the noble goals of the organization will be a bit hampered. In the implementation of the Brebes PCNU Conference which took place at the Al Bukhori Tanjung Islamic Boarding School, there were two elections for the chairman of the PCNU which were attended by all members of the Branch Representative Council or MWC throughout Brebes Regency as representatives from each sub-district in Brebes Regency. However, both elections received the same number of votes, so as a rule, the syuriyah council is allowed to appoint from the two pairs of candidates for chairman to be appointed as chairman. The two candidates are KH. Muhammad Aqso and KH. Nasrudin. At the appointment made by the syuriyah council, KH. Muhammad Aqso as the elected chairman.

Starting from an election system like this, friction disputes begin. The KH. Nasrudin, who was not appointed by the Syuriyah Council, considered the decision unfair and
favored one of the candidates for chairman. In the end, this dispute was brought to the PBNU level and re-election was carried out. Unfortunately, the result of the re-election at PBNU was different from the election conducted by PCNU. This means that the candidate chosen by the Syuriyah branch did not gain victory when he was re-elected at PBNU. Obviously, discord increasingly heated, plus PBNU issued a decree for the chairman of the PCNU of Brebes Regency for the candidate for chairman who was elected in the election at PBNU or H. Nasrudin. Even though he has received a decree, H. Nasrudin has not received a recommendation from the Regional Management or PWNU.

So the problems and disputes regarding the election of the Chair of the Brebes PCNU are increasingly complicated and difficult to resolve. Broadly speaking, there are 2 things that become obstacles:

1. KH. Muhammad Aqso as a candidate for chairman appointed by Syuriyah PCNU Brebes did not get a decree from PBNU, but was recommended by PWNU Central Java. PWNU considers that the results that have been produced in the Konfercab are correct and in accordance with the provisions of the organization.

2. KH. Nasrudin who is in re-election at PBNU or KLB (Extraordinary Conference), on September 6, 2020 at the Al Hikmah Islamic Boarding School, Benda Sirampog, Brebes. Although he received a decree from PBNU, he did not receive a recommendation from PWNU Central Java.

Those two outlines then created a dispute between the two. Each claimed to be the Branch Manager of the Nahdlatul Ulama, Brebes Regency. Those who did not receive the decree felt that the re-election at PBNU was considered invalid, because it was suspected that those who departed for re-election at PBNU were people who did not receive a letter of assignment from the MWCNU of each sub-district. In addition, PWNU has recommended them as branch managers. Meanwhile, those who received the SK felt stronger because of the issuance of the SK from PBNU even though they did not receive a recommendation from PWNU. Whereas the AD/ART states that the NU Branch Management must obtain a recommendation from PWNU before receiving a decree from PBNU.

The impact of all this is the dualism of the management of the Brebes PCNU, almost all activities are carried out by the two of them, so that grassroots members are confused. Each of them acts as an administrator for the NU branch. Departing from the description of this case, the author considers it important and necessary to conduct a study on the resolution of dualism in the management of PCNU in Brebes Regency. The author is concerned with the model of dispute resolution or dispute resolution that can be taken so that it can be resolved. Moreover, even though the object of the study is local, the results can also be used as a reference for resolving the same dispute even in a different organization.

2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research
because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Discussion
3.1. Chronology of Leadership Dispute at PCNU Brebes Regency

Every association, union and organization must have its own dynamics. Among the dynamics that often arise in an organization is the feud between members of the management. However, such a dynamic is very, very reasonable, it is just a matter of how the dynamics are arranged in such a way so that they can be completed in a short and protracted time, and the PCNU of Brebes Regency is in this condition.

Who would have thought that the Brebes Regency PCNU Branch Conference which was held on October 28, 2018 which was held at the Al Bukhori Islamic Boarding School, Tanjung Subdistrict, would be the beginning of the emergence of dualism in the management of the Brebes Regency PCNU. Dualism here, is translated by the existence of the two managements of the PCNU in Brebes Regency. Each has loyal cadres and carries out their respective versions of management duties.

Until this research was conducted, the rivalry between the management dualism is still ongoing. The author is not present and defending either party. However, in order to be able to come up with a solution formulation with its options, it seems that it is necessary to trace back to the beginning of the cold war between the two camps. The results of interviews with representatives of each of the two parties resulted in a chronological understanding of the occurrence of the PCNU leadership dispute in Brebes Regency.

In the provisions of the AD/ART of the Jam'iyah Nahdlatul Ulama Organization, it is stated how the mechanisms and rules regarding the election of the Nahdlatul Ulama Branch Manager are stated. Article 42 paragraph (1) of the Nahdlatul Ulama By laws states:

The selection and determination of the Nahdlatul Ulama Branch Management is as follows:

a) Rais was elected directly through deliberation and consensus with the Ahlul Halli wal 'Aqdi system.

b) Ahlul Halli wal 'Aqdi consists of 5 scholars who are appointed directly in the Branch Conference.

c) The criteria for the scholars to be selected to become Ahlul Halli wal 'Aqdi are as follows: have Aqeedah Ahlussunnah wal Jama'ah Annahdliyah, be fair, 'alim, have moral integrity, tawadlu', influential and have the knowledge to choose leaders who are munadzdzim and muharrik and wara ' and zuhud.

d) The chairman is elected directly through deliberation for consensus or voting in the Konfercab, by first expressing his willingness orally or in writing and obtaining approval from the elected Rais.

The selection of Rais was carried out through the AHWA (Ahlul Halli wal 'Aqdi) deliberation, namely deliberations conducted by 5 scholars who were previously elected directly at the branch conference. The election of the Tanfidziyah Chairperson is carried out through deliberation for consensus or voting. In the Branch conference activities conducted by the Brebes Regency PCNU, the election of Rais which was carried out using the AHWA mechanism, chose
KH. Aminudin Masyhudi as Rais Syuriyah went smoothly without a hitch. After that, the election of the Tanfidziyah Chairperson is carried out by voting or voting mechanism. But before that, you must express your willingness to take part in the contest for the election of the Chair, either verbally or in writing which has previously received approval from the elected Rais Syuriyah. Two candidates for the chairmanship also appeared and received approval from the elected Rais Syuriyah. The two names are 1. KH. Muhammad Aqsa and 2. KH. Nasrudin.

The election for the chairman of the PCNU of Brebes Regency took 2 (two) rounds. The first round resulted in the same number of votes, so a second election had to be held. But apparently, the second round was still with the same number of votes. This point which by one of the candidates for the chairman of the PCNU Brebes, became the authority of the elected Rais Syuriyah (KH. Aminudin Masyhudi) and his staff to choose one of the two candidates for chairman. As a result, KH was chosen. Muhammad Aqso as chairman of the PCNU of Brebes Regency. The conference was over and at that time, all parties (according to the narrative of KH. Aqso) accepted and agreed on the results of the conference.

The problem actually arose after the conference was over. After a few months, the KH. Nasrudin stated that he did not accept the results of the conference held at the Al Bukhori Tanjung Islamic Boarding School. This starting point then led to the emergence of dualism in the management of PCNU in Brebes Regency. The KH. Nasrudin then went to the PBNU office in Jakarta to re-elect the results of the Brebes Regency PCNU conference. Re-election was carried out, and the result KH. Nasrudin as the winner. The results from the PBNU were then used by KH. Nasrudin as proof of his legality as a legitimate PCNU administrator in Brebes Regency, especially after getting a decree from PBNU. Because it has pocketed a decree from PBNU, on September 4-6, 2020, the inauguration of the PCNU Brebes will be held located at the Al-Hikmah 1 Benda Islamic Boarding School, Sirampog, Brebes.

But even though the inauguration of the Brebes Regency PCNU has been carried out, it does not mean that the rivalry has subsided. In fact, the "cold war" of the two Brebes Regency PCNU Management is getting worse. Both still exist, still carrying out activities on behalf of the PCNU Brebes management. This happened more because of the re-voting conducted at PBNU according to KH. Muhammad Aqso was deemed to have violated the applicable rules and ruled out two (2) things: First, overriding the results of the branch conference that had been carried out. This means that PBNU considers the results of the Brebes Regency PCNU conference activities that were carried out as meaningless. Second, according to organizational rules, PBNU as the management of Nahdlatul Ulama at the central level is considered to have taken actions to cut the organizational coordination line. In this case, the Nahdlatul Ulama Regional Board of Central Java was ruled out and cut the direct line to the Brebes Regency PCNU.

In simple terms, the author can conclude that indirectly the rivalry of the PCNU management in Brebes Regency actually occurs based on the recognition of the NU management at the regional level (PWNNU Central Java) and the central level (PBNU). This can be easily traced through the history of news coverage in online media, in this case NU Online Central Java and NU Online (central). The two online media when mentioning the management of the PCNU in Brebes Regency, they will mention a different chairman and management. NU Online Central Java has always identified the management of the PCNU of Brebes Regency with Rais Syuriyah KH. Aminudin Masyhudi and the chairman of Tanfidziyah KH. Muhammad Aqso, while the NU Online (central) media identified the management of the Brebes Regency PCNU with Rais
Syuriyah KH. Khusnan Zain and the Head of Tanfidziyah KH. Nasrudin (Both have died and were replaced by KH. Labib Shodiq, Lc as Rais Syuriyah and Drs. H. Samsul Maarif, M.Pd as Chairman of Tanfidziyah). However, in a news report published in the central NU media, NU Online, there was also news that contained information that KH. Muhammad Aqso is the chairman of the PCNU of Brebes Regency. This is actually a contradiction, because if you look at the date of the news, the news was published on August 31, 2020, whereas previously, on March 20, 2020 it contained news that mentioned KH. Nasrudin as Chair of the PCNU Tanfidziyah, Brebes Regency. Obviously this is a big question mark, why in March 2020 announced the position of KH. Nasrudin as Chairman of the PCNU of Brebes Regency, while 5 (five) months later (August) he reported that KH. Muhammad Aqso as Chairman of the PCNU of Brebes Regency. Not only that, the rivalry between the two managements of the Brebes Regency PCNU also each has an online website while still both acting on behalf of the Brebes Regency PCNU. PCNU Brebes website for KH. Muhammad Aqso used the name "PC NU Brebes Regency", while the PCNU Brebes Website by Drs. KH. Samsul Ma'arif used the name "nubrebes".

3.2. Concept of Legal Dispute Resolution of Ormas Leadership at PCNU Brebes Regency

Leadership Dispute Resolution Efforts

Nahdlatul Ulama As a large organization, even claimed to be the largest community organization, both in Indonesia and in the world, of course, it does not guarantee that the organization's journey is free from internal conflicts. Moreover, NU is an organization that has a big role and influence in every line of life of the nation and state. The bigger the organization, the more opportunities for conflict to arise within the organization. The same is true for the Nahdlatul Ulama organization. History records that when NU voted out of the ranks of the Masjumi Party (1952), the party conflict had occurred. The same thing happened when NU was still an active part of PPP (1973-1984), when it returned to Khittah (1984), and after the collapse of the New Order (1998-2003). What is happening within NU is actually quite contradictory. This is based on two reasons. First, in the pesantren tradition, the attitude of being obedient is prioritized, especially in the figure of the kiai. Second, but on the other hand, when faced with the level of political association, it even gave birth to a prolonged political conflict. This is considered quite unique, because in carrying out its political life, NU often uses the principles of ushul fiqh as its basis. And this should be able to make NU to be able to play a flexible and compromising role.

In Brebes Regency itself, the existence of the NU organization has played a role in determining the direction of politics, although it is often seen that NU is only used as a political vehicle by some politicians. This is because NU has a large and loyal voice base. It would be a shame if it couldn't be hooked up to win the political battle. Aware of such a large position of influence, the structural position of NU in Brebes Regency also has a selling point that should be taken into account. Instead of prioritizing the values of khidmah in Jam'iyyah Nahdlatul Ulama, what appears to be the opposite, seems to be scrambling to become the structural administrator of the Brebes Regency PCNU. The struggle for that position was then carried out by people outside the structural management as a dualism in the management of the PCNU of Brebes Regency. As seen from the outside, the struggle has never met a meeting point, solution and settlement. Even the two camps on behalf of the Brebes Regency PCNU seem to be fighting each other 'strongly', which is not strong means they lose.
At any moment, both of them are seen to represent PCNU Brebes, which they each lead. Both of them put up posters on social media, complete with their respective versions of the head of Tanfidziyah and Rais Syurriyah. In fact, the two of them each held a KARTANU (Nahdlatul Ulama Membership Card) and SISNU (NU Strategic Information System). The first was promoted by the management of KH. Muhammad Aqso and the second was carried out by the Drs. H. Samsul Ma'arif. It's just about making membership cards, it's already seen how the dualism of the management has had a bad impact. The management under the management of PCNU in Brebes Regency was confused, they had to make membership cards through which branch management.

In almost every activity and any moment, both of them display the features of the Brebes Regency PCNU Structural Management. Such a sight, of course, is a bad sight, because it will set a bad example for future generations. What is seen is no longer a heavy attitude to accept the mandate as a characteristic of NU, instead showing persistence in maintaining their respective leadership egos. If the leadership dispute does not end well through steps that are acceptable to both parties, then it is certain that the reputation of NU as a large organization will be tarnished. It is possible that, in the future, internal conflicts and disputes like this will always exist. Therefore, the current conflicts and disputes are formatted in such a way and the solutions are formulated so that they can become a reference for future resolutions. So in this study, the author would like to offer several alternative solutions for resolving legal disputes over the management of the Nahdlatul Ulama community organization, Brebes Regency.

3.3. Brebes Regency NU Leadership Dispute Resolution Concept

Among the functions and uses of law is to be able to resolve all problems (Conflict Of Human Interest). With a function like this, in fact every conflict or dispute that cannot be resolved through negotiation and peace, hopes to be able to be resolved through the courts. If peace resolves problems, it can be seen from the achievement of justice by accepting and forgiving each other between the parties involved in a dispute, the achievement of justice can be seen from individual justice, namely by being able to prove or not an act by a judge's decision. To be able to resolve civil law problems, everyone will be much more satisfied if they are resolved through the Peace Institute. This is because peace is a solution that is more beneficial to the conflicting parties and does not only benefit one party. win-win solution is the best characteristic of peace over conflicts, disputes and problems experienced in human life.

Everything must have a purpose and purpose, the law is no exception. The main purpose and objective of the law is to actualize a system of social life that is orderly, balanced, and capable of creating order in the midst of social life. Thus, all interests and rights of all people will be protected. To apply these noble goals and intentions, the law is present by trying to divide the rights and obligations between the components of society, regulating what is the authority and preparing solutions for any existing problems and also trying to maintain the law with certainty.

Because the object of this research is an Islamic organization, the authors assume that incorporating the concept of islah into the PCNU leadership dispute resolution model in Brebes Regency is something that is linear and in line with the values held by the organization. It seems strange, precisely when the author does not include the concept of islah as a part of the dispute resolution model.
Basically, philosophically and theologically, islah has a goal to be able to restore the dignity of all disputing parties, replace conflicts that occur with peace, change insults by forgiving and stop efforts to demand and blame each other. Conflicts and problems are not resolved through the green table, but are resolved through negotiations, peace and deliberation.

Islah is a contract that has a purpose and a purpose in order to end a conflict between the two warring parties. Islah is a dispute resolution system by preventing conflicts that will occur and stopping disputes and conflicts that have already occurred. Because if these conflicts and disputes are carried out for a long time and long in duration, then it may lead to destruction.

The dualism of management within the PCNU of Brebes Regency ideally must be in easy and easy ways to be resolved, moreover, the basis of the organization is religious values. It is very contradictory to have one goal to serve and develop an organization that you both love, but have to keep fighting just because of the management structure. Of course, this can be an indicator of how the two opposing camps actually organize the way they are organizing. So it should have been resolved by way of reconciliation as an alternative to the resolution of the PCNU legal dispute in Brebes Regency.

Resolving legal disputes over the leadership of NU Brebes by way of islah is actually the most appropriate way. This is not only to maintain the organization's privacy, but also as a way to resolve problems without involving parties outside NU's internal affairs.

Several parties that need to be involved in the process of concluding the two warring camps are:

1) Both parties to the management of NU Brebes Regency, namely the management of KH. Muhammad Aqso and Drs. H. Samsul Ma'arif
2) Representatives of the Board of Branch Representatives (MWC)
3) Regent, as head of regional government
4) Representatives of regional administrators and central management (PWNU and PBNU)

What is discussed in the islah process is an agreement to jointly end the dualism of management. The agreement was stated in a statement letter from both parties to be willing to cooperate in managing the organization.

The basic principle of mediation is the main basis for carrying out mediation activities philosophically. The basic principle of this mediation is a basic description of what a mediator should do. That way, the mediation activities carried out by the mediator are not far apart from the philosophical boundaries that are the background for the establishment of mediation institutions.

Ruth Carlton's view of the five basic principles of mediation, as referred to by David Spencer and Michael Brogan, is known as the five foundations of the philosophy of mediation. The five are: Confidentiality, volunteering, empowerment, neutrality, and providing a unique solution.

c. Completion with the concept of Islamic boarding school culture

Islamic boarding school is an educational institution originating from Indonesia largest and has strong roots. Islamic boarding schools as Islamic educational institutions in Indonesia, emerged from the early days of the spread of Islam carried out by the Walisongo in the archipelago, then continued to survive and experience development, through various conditions of the period until now. It is appropriate to say that the pesantren has succeeded in dealing with
various problems, problems and conflicts that exist, both minor conflicts to major conflicts, even from the pressure of the colonialists for a long time. All of them are evidence that Islamic boarding schools are strong and solid educational institutions in devoting themselves to providing education for the nation, especially Islamic religious education.

There are 5 (five) stages of the conflict or dispute process. The first stage is to display the conditions, starting from the causes and sources that give rise to opportunities for conflict to arise. Such conditions actually do not directly lead to disputes or conflicts, but one of the two needs to be aware of the existence of conflict, so that it appears to the public to become a conflict whose impact is felt by many people. In the case of dualism in the management of the PCNU in Brebes Regency, the things that trigger internal conflicts or disputes are disagreements (according to the results of the interviews, the disagreements emerged only after some time after the conference was over) the results of the Brebes PCNU conference and the implementation of the KLB at PBNU and the issuance of SKs that arose. Therefore.

The second stage is conflict conditions, both the conditions for the existence of the conflict through views (perceived conflict) and feelings (felt conflict) which are considered as conflict. In fact, any kind of condition can be called a conflict with a note, there are those who judge or feel it as a conflict and actually perceive it as a conflict as well. This process requires parties, either individuals or in the form of groups to be able to bring up conflicts that occur so that they can then be resolved as expected. The conflict within the PCNU of Brebes Regency is actually about the tug-of-war which side according to each is 'more legal', constitutional and legal by organizational rules. This then came to the fore; especially on social media, especially Facebook.

On social media, the two camps openly carry out activities that broadcast their existence. For example, during the month of Ramadan, the two warring factions jointly carried out activities on behalf of the Brebes Regency PCNU activities, even in the pamphlets or pictures distributed on social media that included information as chairman and rais, complete with their respective photos. This is then viewed by people as a conflict. And so it came true.

The third point is a situation that shows the conflict position between the parties involved in the dispute. This can be seen from the form of bickering, efforts to avoid each other or the outburst of anger and emotional outbursts that often arise between the two. If this position has colored the conflict situation that has occurred, it can be an indicator of a conflict that actually exists and requires a solution to be resolved immediately. The figure and role of a kiai is required to be immediately aware of the emergence of conflicts, the goal is that conflicts that arise can be resolved immediately.

In the case of dualism in the management of NU in Brebes Regency, the conflict that occurred did not end in a quarrelsome situation, but moved away from each other and was somewhat angry with the rival 'opponent', which seems to be true. It can be concluded from every interview the author conducted with the two disputing parties. The focus of the parties or camps in dispute is always on the truth of each that they believe in and of course away from each other.

So there should be someone who is brave and willing to sacrifice to be the initiator of peace between the two warring camps. It was they who then attempted to present kyai khos figures who had no bias to one of the disputing parties. This inclination is actually the most important thing. Therefore, it is necessary to look for kyai figures who are truly neutral and outside the management structure. This method is actually not too much different from the concept of islah.
It's just that the settlement with the concept of pesantren culture is dominated by the important role of kyai as mediators and decision makers.

The fourth stage, dispute resolution with various methods to resolve existing disputes or conflicts. However, it is also necessary to consider what are the causes, why the conflict could arise, the intentions and considerations behind the parties involved, the method to be used to resolve the existing conflict, considering the outcome of the conflict. The role of the kyai in resolving conflicts with the concept of pesantren culture is more dominant, it is also necessary to provide solutions to the offered options so that they can be accepted by the conflicting parties. The concept of conflict resolution with the pesantren culture is a concept outside the structural mechanism of organizational management.

The fifth stage, the result of dispute resolution. It needs to be shared knowledge that often the efforts made to try to resolve disputes do not always run as they should according to the desired view. However, the dispute resolution option with the pesantren culture is only a method to solve the existing problems. The results are again left to the two opposing camps. Choose to improve and then manage together or stick to their respective positions based on the narrative 'who has more right to lead the Brebes district PCNU'. And no less important is the attitude and decision of PBNU regarding the internal conflict.

The settlement of disputes with the pesantren culture as mentioned in the discussion above, places the position of the kyai as the central figure in resolving internal conflicts or disputes within the pesantren. This should also be something that can be done to resolve conflicts or disputes that exist in the management of the PCNU of Brebes Regency. The role of a kiai is not only a teacher for his students. But more than that, a kiai has a role as a community leader, caretaker of a boarding school and at the same time as a cleric.

The role of a kiai is very important if he can carry out his duties according to the norms that have been applied and are firmly held by the pesantren community. Although there are actually no standard rules that apply to a kiai to be able to resolve conflicts and disputes that occur, he must still be able to stick to the unwritten norms and rules that have been firmly adhered to so far. The result of the decision can be submitted to the mediator team, or it can be left to the figure of a kiai who has high charisma and is respected. Later, if the fatwa or decision of a kiai has been declared, then both the disputing or conflicting parties and the mediator team must comply. The point is that the kiai occupies the position of uswah or supreme judge. What is the result of the decision, must be accepted by all parties, especially the conflicting parties.

3.4. Settlement with the Concept of the Role of the Regional Head

The dualism in the management of the PCNU in Brebes Regency is actually not a secret. This means that almost everyone who resides and lives in Brebes Regency, is actually aware of the internal conflict that occurred in the Brebes PCNU. It's just that they don't seem to want to know what's going on, thus making internal polemics even more difficult to straighten out. This is not blaming anyone, but at the very least, this is a shared responsibility, including the Brebes Regency Government which acts as the holder of regional power they lead.
Nahdlatul Ulama as a large organization, of course, goes hand in hand with the government, from the central level (Pengurus Besar) to the branch level in the village. So naturally, when there is an internal conflict within NU at every level that cannot be resolved internally, the government must be present as a mediator, wasilah and a bridge for conflict resolution.

This, of course, is not an exaggeration, in fact it is something that is mandated by law. The aim is none other than, in order to maintain order and harmony in the life of the nation and state. There are 2 (two) important points mandated by Article 57 of Law No. 16 of 2017 concerning Stipulation of Government Regulations in Lieu of Law Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Social Organizations:

Article 57

(1) In the event of an internal Ormas dispute, the Ormas has the authority to resolve the dispute through the mechanism regulated in the AD and ART.
(2) If the dispute resolution as referred to in paragraph (1) is not reached, the government may facilitate mediation at the request of the disputing parties.
(3) Further provisions regarding the procedure for mediation as referred to in paragraph (2) shall be regulated in a Government Regulation.

Article 58

(4) In the event that the mediation as referred to in Article 57 paragraph (2) is not reached, the Ormas dispute settlement can be reached through a district court.
(5) The decision of the district court can only be filed with a cassation.
(6) Ormas disputes as referred to in paragraph (1) must be decided by the district court within a maximum period of 90 (ninety) days from the date the case application is recorded in the district court. The decision of the district court as referred to in paragraph (3) is filed for cassation, the Supreme Court must decide within a maximum period of 60 (sixty) days from the date the cassation request is recorded by the clerk of the Supreme Court.

There are 3 (three) important things, as contained in the two articles above, to deal with internal organizational conflicts. First, CSOs that are in conflict are welcome to independently resolve the conflict in accordance with the rules that apply within their internal organization. Second, if the internal conflict cannot be resolved, then the local government can facilitate mediation between the two disputing parties. But with a note, at the request of the parties to the conflict/dispute. Third, if the mediation facilitated by the local government has not been able to reach a point of agreement, then the dispute over the mass organizations can be pursued through the district court.

However, if viewed from the provisions of the article, it appears that local governments do not have the authority independently to be able to resolve disputes that occur in the internal bodies of organizations in their regions. Local governments can help resolve internal CSO disputes only if not requested by the disputing parties. It is only limited to being a party that facilitates mediation between the disputing parties. This means that the local government's authority over mass organizations conflicts that occur in its territory is passive. The government is only present when
requested, if there is no request from the parties to the conflict, then the government cannot take steps that can accelerate the resolution of the conflict.

But basically, if you look at the values of propriety and moral responsibility, as a person who has authority in an area, without having to be asked, the regional head should be present as a form of moral responsibility by remaining a neutral party, promoting the values of justice and upholding the values of justice. high peace.

If even then the local government has not been able to unite the two opposing camps, then the step that needs to be taken by the regional government is to propose to PBNU to take firm action to the NU management at the branch level. For example, if there is a dispute between the NU management in Brebes Regency, PBNU can withdraw the application of the decree that has been given to KH. Nasrudin (later replaced by PJs Drs. Samsul Ma'arif) and formed a Carataker to return to the tasks of the Brebes Regency PCNU Conference, as in the case of the Surabaya City PCNU.

Settlement with Court Concept

The general court is one of the actors of judicial power within the General Court for the people seeking justice, which is carried out by the District Court and the High Court. Based on the General Court law, the District Court has the duty and authority to examine, decide, and settle criminal cases and civil cases at the first level. In Article 57 and Article 58 of the Law on Community Organizations, that if a community organization experiences an internal dispute or conflict, then the authority to be able to resolve the internal dispute is handed over to the mass organization according to the applicable rules. If later no agreement is found, then the government can act to facilitate mediation between the two warring parties at the request of the disputing parties. After that, if the dispute has not yet been resolved, then the dispute is further transferred to the court. Settlement with the concept of court is actually the last option of the existing alternative solutions. This indicates that there are no more ways outside the court's decision that can provide a solution, so the last way is to bring it to the court.

The PCNU of Brebes Regency as part of a large organization that is a legal entity must have legal clarity. Groups or parties who intentionally or not, use the name of the PCNU organization in each of their organizational activities can be categorized as parties who violate the law. Therefore, the parties who feel aggrieved by this matter, should take legal steps, at least sending a subpoena and the last option is to take it in court. This is important to do to maintain the existence and dignity of Nahdlatul Ulama.

In the case of the PCNU internal dispute in Brebes Regency, the two parties to the dispute are; KH. Muhammad Aqso as the party who has the legality of the decision of the branch conference and KH. Nasrudin as the party that has the legality of the Decree (SK) from PBNU, each of them must be able to show their legality. This should also make both parties feel that their existence has been disturbed, so it is necessary to take legal steps. If then the legal steps cannot be taken, it is certain that the dispute will not find a solution. The impact of the ambiguity of the resolution of the dualism of the leadership of the PCNU Brebes is:
1) If this dualism continues, then to be able to hold the next conference, which party PCNU management can be appointed as the executor

2) If this managerial dualism continues, each PCNU management camp will have a base of sympathizers in each MWCNU in each sub-district. Thus, leadership disputes may also spread to the management under them.

Therefore, in the author's opinion, if the legal dispute over the leadership of PCNU Brebes cannot be resolved by non-litigation, then the most appropriate way is to withdraw the problem through litigation which has binding legal provisions and certainty.

4. Conclusion

1. The dualism of the management of the PCNU in Brebes Regency is the result of a dispute or conflict that occurs due to the lack of coordination between the NU Executive Board and the NU Regional Board. This can be seen from how PBNU hastily conducted re-election through the KLB at the PBNU office. It is clear that this is a form of poor coordination between PBNU and PWNNU Central Java. Therefore, in the future, the line of coordination between PBNU and PWNU Central Java must be improved so as not to cause polemic disputes as happened in the management of PCNU in Brebes Regency.

2. PBNU must have a standardized dispute resolution format organizationally to anticipate unwanted events, especially regarding disputes over NU leadership at each level. If non-litigation alternative measures cannot result in a decision. So the last option is to settle the dispute through litigation or court.

Reference


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Legal Protection for Land Ownership Certificate Holders in Positive Indonesian Law

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Abstract. This study aims to describe the legal protection for holders of certificates of ownership of land in positive law in Indonesia and to find out the strength and legal certainty of holders of certificates of land rights on loan guarantees. The type of research used in this research is library research with a normative research approach. Sources of research data using secondary data sources, then analyzed by qualitative analysis with deductive thinking. The results of this study concluded that legal protection for holders of certificates of ownership of land in positive law in Indonesia, namely legal protection for holders of certificates of ownership of land as owners of land rights, namely Article 32 of Government Regulation no. 24 of 1997 concerning Land Registration. Meanwhile, the legal protection for land ownership certificate holders as mortgage recipients is the General Elucidation of Law no. 4 of 1996 concerning Mortgage on Land and Objects Related to Land Number (4). The legal force of the holder of the certificate of ownership of land on loan guarantees has the same executorial power as a court decision that has permanent legal force and is valid as a substitute for the grosse deed of hyphotheek in the implementation of parate execution.

Keywords: Legal Protection, Certificates, and Debt Guarantees.

1. Introduction

The land registration system implemented in Indonesia is a negative land registration system, where the state accepts any data stated by the party requesting passive land registration, automatically providing an opportunity if at any time a lawsuit is filed by a third party who feels entitled to the same land. So that the right holder who has a certificate of land rights at any time and without a certain time limit can lose his rights due to a lawsuit filed by a third party with the result that the certificate must be canceled[1,2].

Land registration in a negative system is in fact still unable to provide full legal certainty to people whose names have been registered on land certificates as rights holders because the state does not completely guarantee the truth of the records presented. To overcome the problem that the system adopted by Indonesia has a nature that can endanger the legal certainty of land ownership, Government Regulation no. 24 of 1997 concerning Land Registration is intended to support the realization of legal certainty which is the application of the customary law of Rechtvending, giving rise to a negative stelsel system with positive elements. However, the balance created has not completely overcome the problems that occur in land.

Problems in land are not foreign to every human being. Land is a natural resource that has benefits for the welfare and prosperity of life and has a social function for humans. Another example is a certificate of land rights that is pledged as collateral for a loan or debt. Collateral is something given to creditors to create confidence that the debtor will fulfill obligations that can be valued in money arising from an engagement. Therefore, a strong
guarantee rights institution is needed that is able to provide protection and guarantees of legal certainty for interested parties, both the giver or recipient of the loan or debt[3,4].

Prior to the enactment of Law no. 4 of 1996 concerning Mortgage on Land and Objects Related to Land (hereinafter referred to as mortgage), the laws and regulations governing the imposition of land rights are Article 21 of the Second Book of the Civil Code (hereinafter referred to as the Civil Code). ), relating to mortgages and credietverbands in stataatsblad 1908-542 as amended by stataatsblad 1937-190. The two provisions are no longer valid because they are no longer in accordance with the needs of credit activities in Indonesia[5–7].

The provisions regarding mortgages and credietverbands are no longer in accordance with the principles of national land law and in fact cannot accommodate developments that occur in the field of credit and security rights as a result and progress of economic development. The enactment of the Law on Mortgage Rights is the implementation of the provisions of Article 51 of Law Number 5 of 1960 concerning Basic Agrarian Principles which states that mortgage rights that can be imposed on property rights, cultivation rights, and building use rights are in Article 25, Article 33 and Article 39 are regulated by law[8].

Mortgage rights are accessoir, only a bond of the main agreement, namely an agreement that creates a legal relationship between debts and credits. The existence of individual property rights to land becomes more meaningful in the capital value of assets, one of which can be used as collateral for a credit or loan. This study will discuss issues related to the certificate of ownership of land used as collateral for debt, namely in case Number 13/Pdt.G.S/2020/PN Bbs. In this case, the Defendants are husband and wife who have bound themselves in a debt agreement with the Plaintiff, in which the Plaintiff has provided a debt loan to the Defendants as stated in the Debt Agreement dated November 30, 2015. To guarantee the payment of the loan, the Defendants have provided guarantees. a plot of land and building as stated in SHM Number: 00641 with an area of 223 m2 on behalf of Sutiyah (Defendant II) located in Kedunguter Village, RT. 008 RW. 002 Brebes District, Brebes Regency. The Defendants did not have good faith to carry out the installment payments and the settlement of loans to the Plaintiffs, although the Plaintiffs have made a family approach, but the Defendants only promised but never kept those promises. Based on the description of the background above, the main problems to be discussed in this study are formulated as follows : What is the legal protection for land ownership certificate holders in positive law in Indonesia?, and How is the power and legal certainty for the holders of land rights certificates as collateral for debt loans?

2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.[9,10].

3. Result & Discussion

3.1. Legal Protection For Land Ownership Certificate Holders In Positive Law In Indonesia

Agreements can basically be divided into two types, namely the main agreement and the accessor agreement. Principal agreements are agreements which for their existence have an
independent basis. Meanwhile, the existence of this material guarantee is an additional agreement (accessoir). This additional agreement is a supporter of the predecessor agreement (the main agreement) which has been agreed upon by the parties, namely the loan agreement. So the nature of the additional agreement follows or depends on the main agreement.

The guarantee agreement is an additional or follow-up agreement. Or it can be interpreted that the existence of the guarantee agreement cannot be separated from the existence of the main agreement or guarantee that arises because of the main agreement. The guarantee agreement refers to the main agreement and is held in the context of the interest of the main agreement to provide a strong and secure position to creditors. The main agreement that precedes the birth of a guarantee agreement is generally in the form of a credit agreement, loan agreement, or debt agreement.

A guarantee agreement cannot stand alone, thus a guarantee agreement is impossible if there is no main agreement. If in this case the parties agree that the loan is guaranteed by land rights, then they must enter into a guarantee agreement to encumber the land rights with mortgage rights. The agreement to grant mortgage rights is an agreement that is complete in nature as regulated in the General Elucidation of Law no. 4 of 1996 concerning Mortgage on Land and Objects Related to Land in point 8 reads:

Due to the mortgage right which by its nature is a follow-up or accessoir to a certain receivable, which is based on a debt-receivable agreement or other agreement, its birth and existence is determined by the existence of a receivable whose repayment is guaranteed. If the receivable is transferred to another creditor, then the mortgage that guarantees it, because the law also transfers to the creditor. Likewise, if the mortgage is nullified by law, due to settlement or other reasons, the guaranteed receivables are written off. Mortgage rights cannot stand alone without being supported by an agreement (debt agreement) between the recipient and the debt lender. The agreement stipulates the legal relationship between the recipient and the debt lender, both regarding the amount of the debt loan received by the borrower, the repayment period of the debt loan, as well as guarantees that will later be tied with mortgage rights. Because the mortgage cannot be separated from the debt agreement, that is why the mortgage is said to be an accessoir (following) the main agreement.

The nature of the accessoir contained in the mortgage as stated in the General Elucidation of Item 8 of the UUHT is then described in Article 10 paragraph (1) of Law no. 4 of 1996 concerning Mortgage on Land and Objects Related to Land which stipulates that:

In accordance with the nature of the accessoir of Mortgage, the grant must be a follow-up to the main agreement, namely an agreement that creates a legal relationship between debts that are guaranteed to be paid off. The agreement that gives rise to this debt-receivable relationship can be made with a private deed or must be made with an authentic deed, depending on the legal provisions governing the material of the agreement. In the event that the debt relationship arises from a debt agreement or credit agreement, the agreement can be made at home or abroad and the parties concerned can be individuals or foreign legal entities as long as the credit in question is used for development purposes in the territory. Republic of Indonesia.

Material guarantees have the most dominant position and are considered strategic in debt or loan agreements. The material collateral most requested by borrowers is in the form of land, because economically the land has favorable prospects. When the land will be used as collateral object, then the rules are based on Law no. 5 of 1960 concerning Basic Regulations on Agrarian Principles, which is based on the mandate of the law, Law no. 4 of 1996 concerning Mortgage on Land and Objects Related to Land. This Mortgage is now used as a guarantee institution for land. However, if the land rights have been charged with mortgage
rights, it does not necessarily include other objects that are an integral part of the land that is used as collateral.

The imposition of other objects which become an integral part of the land that is used as collateral can be done if it is expressly contained in the agreement by the parties. The explanation in Article 4 of Law no. 4 of 1996 concerning Rights Mortgage on Land and Objects Related to Land, there are two absolute elements of land rights that can be used as objects of Mortgage, namely:

1. The right in accordance with the applicable provisions must be registered in the general register, in this case at the Land Office. This element relates to the preferred position given to creditors holding mortgage rights over other creditors. For this reason, there must be a record of the mortgage right in the land book and a certificate of land rights that is burdened by it, so that everyone can know it (the principle of publicity), and

2. The right by nature must be transferable, so that if necessary, it can be realized immediately to pay debts whose settlement is guaranteed.

The important condition is that the other objects must be an integral part of the land and are specifically agreed to be included in the guarantee. This means that the mortgage law does not adhere to the principles, because even though it is united with the land, it is not automatically carried away by the land under guarantee. This is a consequence of the adoption of customary law principles in the Basic Agrarian Law, although customary law does not have to be the same as customary law in the past fifty or one hundred years.

Number 4 General Elucidation of the Mortgage Law also explains the meaning of mortgage, namely mortgage rights are collateral rights over land for the settlement of certain debts, which give priority to certain creditors over other creditors. In the sense that if the debtor is in breach of contract, the creditor holding the mortgage has the right to sell through a public auction the land used as collateral according to the provisions of the relevant legislation, with the right to precede other creditors.

The formulation above stipulates that basically a mortgage is a form of guarantee for repayment of debt, with preemptive rights for creditors holding mortgages with the object (collateral) in the form of land rights as regulated in Law no. 5 of 1960 concerning Basic Agrarian Regulations. The birth of the law on mortgage rights due to an order in Article 51 of the law, which states "mortgage rights that can be imposed on property rights, cultivation rights and building rights in Article 25, Article 33 and Article 39 are regulated in the law. -law".

Other objects that become an integral part of the land concerned which are also used as collateral do not have to be owned by the holder land rights (debtors), but can also include other parties (third parties). The encumbrance of the mortgage right on the land may include or exclude other objects which are an integral part (permanent or permanent) with the land in question. This is in accordance with the principle of horizontal separation according to customary law. This means that every legal action regarding land rights does not automatically include other objects in the form of buildings, plants and works, which are permanently an integral part of the land, which are used as debt guarantees. The Mortgage Law provides a broad interpretation of the words as being one unit with the land in question, so that it includes not only objects that are above the land, but also those that are below the surface of the land, as long as they are still an integral part of the land. concerned. This is a new thing, because in principle, mortgage rights interpret land as the surface of the earth. Based on the provisions of the Basic Agrarian Law, people can only have rights to the surface of the land.
This Mortgage is an institution of strong guarantee rights over immovable objects in the form of land that is used as collateral, because it provides a higher position (precedence) for creditors holding Mortgage Rights compared to other creditors. Thus, from the description above, it can be felt that the issue of collateral is very important in the context of implementing a loan or loan agreement. Based on the mortgage right, a guarantee is something that must be given by a mortgage giver and or a third party to the mortgage holder to guarantee his obligations in an engagement. This guarantee institution is provided for the benefit of the mortgage holder in order to guarantee the funds through a special agreement that is an accessory to the main agreement (debt agreement or loan agreement) by the giver and recipient of the mortgage.

Observing the description of the discussion above, it can be explained that in the mortgage that is chosen to bind the agreement, what appears is the debt agreement as the main agreement, and the land guarantee agreement as an additional agreement. If the land that is used as the object of collateral is removed, the principal agreement still exists, namely the debt of the buyer. The mortgage rights to the mortgage holders are still there, not being erased along with the object of the guarantee. Accounts payable agreement that occurs with a mortgage guarantee between the recipient and the giver of Mortgage, there are two important elements, namely the loan agreement as the main agreement and the mortgage guarantee agreement as an additional agreement. The existence of the mortgage is to protect the lender of money, if in the future the mortgage provider does not fulfill his debt obligations. So in the mortgage there are two important things that need to be considered, namely the object that is borne and the debt which is the subject of the agreement followed by the mortgage.

Based on the explanation above, it can be concluded that the legal protection for holders of certificates of ownership of land in positive law in Indonesia, among others, for holders of certificates of ownership of land, include:

1. The holder of a certificate of ownership of land as the owner of land rights, then the certificate is a letter of proof of strong rights as a means of proof regarding the physical and juridical data contained therein. Individuals or legal entities that have land ownership rights cannot be contested by any party after the certificate of ownership of the land concerned is over five years old. File a lawsuit related to issues relating to the status of ownership or control of land ownership and based on legal force that has an equal position (Article 32 of Government Regulation Number 24 of 1997 concerning Land Registration).

2. The holder of the certificate of ownership of the land as the recipient of the mortgage or protects the money lender, if in the future the mortgage provider does not fulfill his debt obligations. This means that if the recipient of the loan is in default, the creditor as the holder of the mortgage has the right to sell through a public auction the land that is used as collateral according to the provisions of the relevant legislation, with the right to precede other creditors (General Explanation of Law No. 4 of 1996), concerning Mortgage Rights on Land and Objects Relating to Land Number 4).

3.2. Legal Strength And Certainty For Land Rights Certificate Holders As Collateral For Debt Loans

Based on the description of the discussion above, it can be seen that the legal certainty of the holder of the certificate of ownership of land as the recipient of the mortgage or protects
the lender of money, if in the future the mortgage provider does not fulfill his debt obligations. This means that if the recipient of the loan is in default, the creditor as the holder of the mortgage has the right to sell through a public auction the land that is used as collateral according to the provisions of the relevant legislation, with the right to precede other creditors (General Explanation of Law No. 4 of 1996). concerning Mortgage Rights on Land and Objects Relating to Land Number 4).

Related to the focus of this research, namely the legal certainty of the holder of the right to land ownership as debt guarantee in case number 13/Pdt.G.S/2020/PN.Bbs, where in petitum number 6, the Plaintiff asks if the Defendants do not pay off their debt to the Plaintiff immediately and at the same time paid off, namely land and buildings located in Kedunguter Village, Brebes District, Brebes Regency with proof of ownership of SHM Certificate of Ownership No. 00641 Kedunguter Village RT. 008 RW. 002 Brebes Sub-district, Brebes Regency on behalf of SUTIYAH with an area of 223 m² based on a measuring letter number 00002/Kedunguter/2014 dated April 14, 2014 through an auction with the intercession of the Tegal State Property and Auction Service Office (KPKNL) to settle the debts of the Defendants.

Whereas what is meant by collateral is an additional guarantee submitted by a Debtor Customer to a bank in the context of providing credit or financing facilities based on Sharia Principles (Vide Article 1 point (23) of Law Number 10 of 1998 concerning Amendments to Law Number 7 of 1992 concerning Banking). Provisions regarding Credit Verband are declared no longer valid as contained in Law Number 4 of 1996 concerning Mortgage Rights on Land

Along with Objects Related to Land, namely Article 39 which states:

"With the enactment of this Law, the provisions regarding the Creditverband as stated in the Staatsblad 1908-542 jo. Staatsblad 1909-586 and Staatsblad 1909-584 as amended by Staatsblad 1937-191 and the provisions regarding the Hypotheek as referred to in Book II of the Indonesian Civil Code insofar as it concerns the imposition of Mortgage Rights on land rights and objects related to land is declared null and void."

In this regard, the collateral in the form of land and buildings, can only be used as collateral with Mortgage Rights in accordance with Law Number 5 of 1960 concerning Basic Agrarian Regulations jo. Law Number 4 of 1996 concerning Mortgage Rights, that Ownership Rights, Building Use Rights, Business Use Rights and Use Rights can be used as collateral for debts with encumbered Mortgage Rights. According to Article 6 of Law Number 4 of 1996 concerning Mortgage, it stipulates that if the debtor defaults, then the holder of the first Mortgage has the right to sell the object of the Mortgage on his own power through a public auction and take repayment of his receivables from the proceeds of the sale. However, in that case, the collateral in the form of land and/or buildings submitted by the Defendants is in the form of Certificate of Ownership No. 00641 dated October 28, 2014 even though it is known that immovable objects are used as collateral or collateral in an agreement, so the immovable objects must be registered. Mortgage rights as regulated in Law No. 4 of 1996 concerning Mortgage Rights and the Certificate of Ownership No. 00641 dated October 28, 2014 it is impossible to register a Mortgage on the object because the Granting of Mortgage is carried out by making a Deed of Granting Mortgage by PPAT which is not contained in the letter evidence submitted by the Plaintiff.

Based on the series of considerations above, the 6th Petitum relating to If the Defendants do not repay the entire remaining loan voluntarily to the Plaintiff, then the collateral with proof of ownership of Certificate of Ownership No. 00641 dated October 28, 2014 in Kedunguter Village on behalf of the owner Sutiyah which was pledged as collateral to the
Plaintiffs could not be auctioned through the intermediary of the State Property and Auction Service Office (KPKNL) and the proceeds from the auction sales were used to settle the loan payments of the Defendants to the Plaintiffs.

However, the Plaintiff in his lawsuit the Plaintiff has provided a debt loan to the Defendants as stated in the Debt Agreement dated November 30, 2015 from the Plaintiff in the amount of Rp. twenty six (26) months commencing on November 30, 2015 and ending on November 30, 2018 and the Defendants are obliged to pay in installments regardless of the amount of installments every month since the signing of the Debt Agreement dated November 30, 2015 in the amount of Rp. 151,450,000.00 (one hundred and fifty one million four hundred and fifty thousand rupiahs). To guarantee the loan/credit, the Defendants submitted collateral for a plot of land and building as stated in SHM Number: 00641 with an area of 223 m² on behalf of Sutiyah (Defendant II) located in Kedunguter Village RT.008 RW.002 Brebes District, Brebes Regency. with the loan a/n of the Defendants paid off.

Because the Defendants did not fulfill their obligations/defaults/broken promises, because they did not carry out the provisions of the Debt Agreement dated November 30, 2015 because until the maturity date of November 30, 2018 the Defendants had not paid off the installments of the debt loan until now. That by not paying the debts of the Defendants. The Plaintiff has made a billing to the Defendants verbally by coming directly to the domicile of the Defendants.

The Plaintiff argued that the Defendants did not have good faith to make installment payments and loan settlements to the Plaintiffs so that the Plaintiffs reasoned to ask for forced money (dwangsom) of Rp. 100,000,000.00 (one hundred million rupiahs). As described in the Plaintiff's posits, according to the Judge, there is a legal relationship between the Plaintiff and the Defendants in a debt agreement with collateral for a plot of land and building. Based on the provisions of Article 17 of the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits, it is determined that in the process of examining a simple lawsuit, it is not possible to file claims for Provisions, Exceptions, Reconventions, Interventions, Replications, Duplications or Conclusions.

The Plaintiff has argued that he has a right or to strengthen his right, then according to the law according to the provisions of Article 283 Rbg and Article 1865 of the Civil Code the Plaintiff is required to prove the arguments of his lawsuit. To strengthen the argument for his claim, the Plaintiff has submitted evidence of letters marked P-1 to P-5.

a. Photocopy of National Identity Card (KTP) NIK 33290202600004 in the name of Abdu Solichin Nasrullah, marked with P-1;

b. Photocopy of National Identity Card (KTP) NIK 33290202600004 in the name of Solichin, which is marked P-2;

c. Photocopy of the Letter of Agreement between the Plaintiffs and the Defendants, which are marked P-3;

d. Photocopy of Certificate of Ownership No. 00641 on behalf of the right holder Sutiyah, located in the Village, Kedunguter, Brebes District, Brebes Regency, which is marked P-4;

e. Photocopy of a copy of the determination of the photocopy of the Civil Case of Petition Number 131/Pdt.P/2019/PN Bbs on behalf of the Petitioner Abdu Solichin Nasrullah, marked P-5.

The proof of letters P-2, P-3, P-4 above after being matched turns out to be in accordance with the original and has been affixed with sufficient stamp duty, the proof of the letter can be accepted as legal evidence for consideration, while the evidence of letters P-1, P-5 the original
cannot be shown and is only a photocopy of the photocopy. Based on Article 1313 of the Civil Code, what is meant by an agreement is an act by which one or more people bind themselves to one or more other people. The conditions for the validity of an agreement as stipulated in Article 1320 of the Civil Code are:

- a. The agreement of those who have bound him;
- b. The ability to make an engagement;
- c. A certain subject matter;
- d. A cause that is not prohibited;

Based on Article 1234 of the Civil Code, it is stated that "the engagement is intended to give something, to do something, or not to do something", so that a person can be said to have broken a promise or is in default, if that person (the debtor) does not do what was agreed upon or he violates the promise. Based on Article 1238 of the Civil Code: "The debtor is declared negligent by a warrant, or by a similar deed, or based on the strength of the engagement itself, namely if this engagement results in the debtor being deemed negligent by the passage of the specified time".

Thus an engagement with each other contains rights and obligations (achievements) and according to law an engagement binds the parties involved in the agreement. If one of the parties does not fulfill the achievements as specified in the agreement, it is said to be in default. Based on the evidence of letter P-3 in the form of Photocopy of Agreement Letter dated November 30, 2015 that the Defendants are credit recipients with a loan amount of Rp. 151,450,000.00 (one hundred fifty one million four hundred fifty thousand rupiah) for/within a period of 36 (thirty six) months since the signing of the Letter of Agreement dated November 30, 2015.

Based on the evidence of letter P-4 in the form of Photocopy of Certificate of Ownership No. 00641 on behalf of the right holder SUTIYAH, that the debt agreement between the Plaintiffs and the Defendants is carried out with debt collateral in the form of a Certificate of Rights. Belongs to No.00641 on behalf of the right holder SUTIYAH, which is located in the Village, Kedunguter Brebes District, Brebes Regency. Based on the evidence of letter T.1. T.2.1 in the form of Photocopy of Receipt dated April 25, 2018 and proof of letter T.1. T.2.2 in the form of Photocopy of Receipt dated February 9, 2018 that the Defendants paid the loan on April 25, 2018 in the amount of Rp. 5,000,000.00 (five million rupiah) and on February 9, 2018 in the amount of Rp. 20,000,000.00 (twenty million rupiah). which is written in the receipt and in the amount of Rp. 5,000,000.00 (five million rupiah) which was paid directly by the Defendants to the Plaintiff but there is no proof of the receipt.

Observing the foregoing, the Defendants proved have not carried out their obligations as agreed in the Letter of Agreement dated November 30, 2015, so it is clear that the actions of the Defendants can be categorized as a breach of promise/default. Because the Defendants are declared in default/breach of contract, the Defendants must pay for the non-performance of the engagement, which is as stated in the Agreement Letter dated November 30, 2015 in the amount of Rp. 151,450,000.00 (one hundred fifty one million four hundred fifty thousand rupiah) but because the Defendants have paid/installed the loan in the amount of Rp. 30,000,000.00 (thirty million rupiah) even though the Plaintiff does not recognize the money as an installment of the loan from the Defendants, but the Judge considers the money in the amount of Rp. 30,000,000.00 (thirty million rupiah) to be as installments/instalments paid by the Defendants to the Plaintiffs in accordance with the contents of the Agreement Letter dated November 30, 2015 there is no clause regarding deposit money, therefore the Judge is of the opinion that the debt that must be paid by the Defendants is Rp. 151,450,000.00 Rp. 30,000,000.00 = Rp. 121,450,000.00. Therefore, it is quite legal and deserves to be granted
the claim of the plaintiff in petitup 5, namely that the Defendants must pay the debt in the amount of Rp. 121,450,000.00 (one hundred twenty one million four hundred and fifty thousand rupiah) immediately and in full.

Based on the description above, the author can conclude that legal certainty for the holder of the certificate of land rights on the guarantee of the debt loan in case number 13/Pdt.G.S/2020/PN Bbs is not bound by mortgage rights because the certificate of property rights no. 00641 dated October 28, 2014 it is impossible to register a Mortgage on the object because the Granting of Mortgage is carried out by making a Deed of Granting Mortgage by PPAT which is not contained in the letter evidence submitted by the Plaintiff. So legal certainty for the holder of the certificate of Land Rights on the guarantee of a debt loan in case number 13/Pdt.G.S/2020/PN Bbs is only bound to an ordinary engagement agreement or a debt or borrowing agreement based on the provisions of the Criminal Code, namely Article 1313, Article 132, and Article 1238 of the Civil Code.

4. Conclusion

Legal protection for land ownership certificate holders in positive law in Indonesia, namely legal protection for land ownership certificate holders as land rights owners, namely Article 32 of Government Regulation Number 24 of 1997 concerning Land Registration. Meanwhile, the legal protection for land ownership certificate holders as mortgage recipients is the General Elucidation of Law no. 4 of 1996 concerning Mortgage on Land and Objects Related to Land Number (4).

The legal force of the certificate holder of land ownership on loan guarantees has the same executorial power as a court decision that has permanent legal force and is valid as a substitute for the grosse deed of hyphotheek in the implementation of the parate execution of Article 20 Regulation of the Minister of State for Agrarian Affairs Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration, which can be directly carried out through a public auction by the State Auction Office, without requiring prior permission from the Head of the District Court (Incasu Article 6 of Law Number 4 of 1996 concerning Mortgage Rights on Land and Objects Related to Land). Legal certainty of the holder of the certificate of ownership of the land as the recipient of the mortgage or protecting the money lender, if in the future the mortgage provider does not fulfill his debt obligations. This means that if the recipient of the loan is in default, the creditor as the holder of the mortgage has the right to sell through a public auction the land that is used as collateral according to the provisions of the relevant legislation, with the right to precede other creditors (General Explanation of Law No. 4 of 1996). concerning Mortgage Rights on Land and Objects Relating to Land Number 4).

References

Unlawful Act on The Lease Agreement 0f The Former State Land of Eigendom Verponding

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Abstract. This study aims to describe the legal status of the former eigendom verponding land which is not converted, in accordance with the conversion regulations and to examine the settlement of civil law acts against the law in eigendom verponding land dispute in Decision No. 55/Pdt.G/2019/PN Slw. The type of research is library research with a normative legal research approach. The main data source is secondary data. Methods of data collection study of literature and documents. The data analysis method is normative qualitative. The results of this study concluded that the legal status of the former land of Eigendom Verponding No. 822 which was not or had not been registered at the land office until now in Decision No. 55/Pdt.G/2019/PN Slw the status has become State land which is not directly controlled. This has been proven according to law in the sentence in SHM No. 02271, SHM No. 02272, and SHM No. 02270, each of which is in the name of Tjandrayani, is the acquisition of rights not due to inheritance from their parents but the acquisition of these rights as "Giving of Ownership Rights originating from the former State Land of Eigendom Verponding Number: 822 in part". Settlement of the Civil Law of Unlawful Acts in the eigendom verponding land dispute in Decision No. 55/Pdt.G/2019/PN Slw stated that the Defendants' lawsuit was declared unacceptable (Niet on Vankelijke Verklaard). This is because the position of the Plaintiffs has been proven if the Plaintiffs do not have legal standing on the object of the case.

Keywords: Unlawful Acts, Land, and Eigendom Verponding

1. Introduction

The land is a very basic human need as a source of life for living things, whether humans, animals, or plants. Man lives and lives on the ground and uses the land as a source of life by growing plants that produce food. Land as a gift from God Almighty is a natural resource that is indispensable for humans to meet their needs, both directly for life such as farming or housing, as well as for carrying out business, such as for trade, industry, agriculture, plantations, education, construction of facilities, and other infrastructure.

The land has a very large and important role in human life so there is a need for legal protection from the state for the control of land rights. This is regulated in Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) which states that "Earth, water and natural resources contained therein shall be controlled by the state and used for the greatest prosperity." people", which is then described in Article 2 Paragraph (2) of Law Number 5 of 1960
concerning Basic Regulations on Agrarian Principles, better known as the Basic Agrarian Law, which was later abbreviated as UUPA, explaining that the Indonesian nation is the holder of rights and bearers of the mandate at the highest level is authorized to the State of the Republic of Indonesia as an organization of power for all the people. The UUPA was born as an era of reform in the field of land law in Indonesia so that it affects all regulations covering agrarian matters, especially land which is regulated with the aim of guaranteeing the rights of all parties and guaranteeing legal protection for related legal subjects.

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia as the basis for the Constitution of the State of Indonesia that the state has the right to control the land. The authority in the land sector is carried out by the National Land Agency. The service in the land sector is a mandatory affair under the authority of the Provincial/Regency/Municipal Government which is delegated to the Regional Government, in fact it creates new problems, namely regarding the form of institutions, division of tasks, working procedures and services in the land sector so that the Basic Agrarian Law can be implemented in its entirety and in line with the law. This condition was then used by individuals to take advantage of the legal vacuum so that there was an increase in a number of land disputes. Disputes related to land always take place continuously, because everyone has an interest related to land. This is what makes land disputes a classic problem, and always exists everywhere on earth.

The emergence of legal disputes stems from complaints from a party (person/entity) containing objections and claims for land rights, both on land status, priority, and ownership in the hope of obtaining an administrative settlement in accordance with applicable regulations. All land rights initially stem from state control rights over land, which can be granted to individuals, whether Indonesian citizens or foreign nationals, a group of people working together, and private legal entities or public legal entities. In every land law there are arrangements regarding various types of land tenure rights. The hierarchy or levels of land tenure rights in the Basic Agrarian Law and the National Land Law are:

1. The rights of the Indonesian people to land;
2. The State's right to control over the land;
3. Ulayat rights of indigenous peoples;
4. Individual rights to land, including:
   a. Land rights;
   b. Ownership land waqf;
   c. Mortgage right;
   d. Ownership of Flat Units.

Civil disputes relating to land can occur between individuals and legal entities. The disputed lands are diverse, both regarding the physical data of the land, the juridical data, or due to legal actions taken on the land. One of them is individual rights to land in this case, namely Eigendom Verponding. According to Article 57 BW, eigendom rights or western property rights are the right to enjoy, before the enactment of Law Number 5 of 1960, special property rights were applied which are subject to western law, the wording is more often in Dutch which means eigendom or property rights.

Eigendom Verponding is an ownership right to a land or building asset by way of the imposition of tax collection on the land. The imposition of this tax was carried out by issuing a tax imposition letter on behalf of the land owner, which at that time was known among the people by
the names: petuk tax, pipil, girik and others. Tax receipts function as a letter of imposition and a sign of tax payment, on the basis of payment of such taxes, tax receipts at that time among the people were considered and treated as proof of ownership of the land in question. Imposition and receipt of payments The tax by the government is also interpreted by the people as an acknowledgment of ownership of the plot of land.

In relation to the attitudes and assumptions above, people do not feel safe, as long as the land tax certificate they have purchased has not been replaced with a new title in their name. With the enactment of the Basic Agrarian Law, starting on September 24, 1960, there were no longer western land rights and customary land rights. The institution no longer exists, while the existing rights have been converted by the Basic Agrarian Law into new rights. In connection with that, starting in 1961 there was no longer any land which according to its provisions could be subject to European Verponding, Indonesian Verponding and Lantrente or Land Tax. Tax guidelines that existed and were held by the people at that time and were not reported for the replacement of new rights under the Basic Agrarian Law, of course, were still in the form of Eigendom Verponding.

All ex-western land rights converted according to the provisions of the UUPA will expire no later than September 24, 1980. The land is declared as land controlled directly by the State if after the conversion period ends, the owner or heirs do not convert their land. There are no more rights to land that were converted to western rights in Indonesia after the conversion period ends. However, in reality, there are still holders of land rights who after September 24, 1980 still have proof of ownership of land rights in the form of western rights and customary rights which have not been converted, which of course will cause legal problems. One of the Eigendom Verponding land disputes occurred in the Civil case in Decision Number 55/Pdt.G/2019/PN Slw.

The Plaintiff in his lawsuit stated that the Plaintiff is the rightful owner of the land of Eigendom Verponding Rights No. 822 with an area of 2,126 m2 under the name of Tjoa Tjeng Sioe, a PART of the land of Eigendom Verponding No. 822 has been issued Certificate of Ownership No.02271 Area of 820 m2, No.02270 Area of 152 m2, No.02272 Area of 176 m2, the three certificates of ownership rights on behalf of Tjandrayani, in the certificate it is written/recorded "Giving of Ownership to the former State Land of Eigendom Verponding Number 822, Area of 2126 m2" which is the only heir of Tjoa Tjeng Sioe who was still alive at that time. In accordance with the Indonesian government regulation No. 24 of 1997 concerning land registration and regulations on land or other land rights. Furthermore, part of the land of Eigendom Verponding No. 822 covering an area of 978 m2 has not been certified until the lawsuit is filed, the object of the dispute is controlled by the Defendants without rights or against Law by the Defendants which since September 2015 the Defendants have not paid the rent but are still occupying the object of the dispute. The actions carried out by the Defendants are against the law as stated in Article 1365 of the Civil Code and Article 1366 of the Civil Code, where the Defendants have refused to pay the rent since September 2015 and the Plaintiffs do not want to rent out anymore but the Defendants still occupy the Object of the Dispute.

Against this lawsuit, the Defendants denied or objected to the lawsuit which explicitly stated in their exception that the basic reason for the existence of Eigendom Verponding Number 822 was to be a perfect acknowledgment evidence if the matter being questioned in the a quo lawsuit was not the property of Tjandrayani (the late ) and/or the Plaintiff, because according to the law on eigendom lands whose conversion has not been registered until the end of September 24, 1980, it is in accordance with the legal provisions contained in Law Number 5 of 1960 concerning Basic
Agrarian Regulations, Article 1 Decree of the President of the Republic of Indonesia Number 32 of 1979 concerning Policy Principles in the Framework of Granting New Rights to Land of Origin Conversion of Western Rights and Article 1 of Regulation of the Minister of Home Affairs Number 3 of 1979 concerning Provisions concerning Applications for Granting of New Rights to Land of Origin Conversion of Western Rights is land that is directly controlled by the state (free state land), as also stated and confirmed in the provisions of Article 27 of Law Number 5 of 1960 concerning Basic Agrarian Regulations, property rights are abolished if one of the reasons is "the land falls to the state". Therefore, with the above legal reasons, it is sufficient to prove that Tjoa Tjeng Soe (who according to him is Tjandrayani's grandfather) according to law no longer has rights to the land, let alone other people including the Plaintiff who claims to be the owner or heir.

The conversion of eigendom rights to land owned by Indonesian citizens of foreign descent into property rights is, in fact, still controversial today. The cases brought to court are generally in the field of breach of contract and acts against the law. To find out what is meant by "acts against law" (onrechtmatige daad), Article 1365 of the Civil Code stipulates as follows that every act that causes harm to another person obliges the person who is guilty of causing the loss to compensate for the loss.

One example of an unlawful act is occupying land and buildings illegally without the permission of the owner which causes disputes such as what happened in the civil case of land dispute of the former Eigendom Verponding No. 822. The unlawful act in question is that the Defendants have refused to pay the rent since September 2015 and the Plaintiffs no longer want to rent out, but the Defendants still occupy the object of the dispute.

2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Discussion

National agrarian law was created to provide the greatest benefit to the Indonesian people in general, it is necessary to overhaul colonial agrarian law. In 1960, Law No. 5/1960 was promulgated on the Basic Regulations on Agrarian Principles or commonly called the Basic Agrarian Law. The law stipulates that lands that were ex-western rights must be converted into new rights in accordance with the conversion provisions regulated in the Basic Agrarian Law. The implementing regulations, namely the Regulation of the Minister of Agrarian Affairs Number 2 of 1960 concerning the Implementation of Several Provisions of the Basic Agrarian Law, among others regarding the rules for granting new rights to land from which conversion of western rights were issued, were issued to implement the provisions for the conversion of the lands that were ex-Western Rights. Eigendom rights are one of the types of Western rights in addition to Opstal Rights or Recht van Opstal (RvO) and Erfpacht Rights which, based on this provision, are converted into Ownership Rights and Use Rights.
For rights holders or Indonesian citizens who on September 24, 1960 were single citizens, the conversion according to the Regulation of the Minister of Agrarian Affairs No. 2 of 1960, namely within 6 (six) months from that date, the Head of the Land Registration Office (KKPT) must come to give confirmation regarding his citizenship, then by KKPT it is recorded in the original deed as converted into Hak Milik, with a maximum period of 20 years, namely until September 24, 1980. As for the Eigendom Right which after a period of 6 (six) months the owner does not come to the KKPT, or whose owner cannot prove that the person concerned is a single Indonesian citizen, then the KKPT shall record it in the original deed as converted into Hak Guna Bangunan, with a period of 20 years until September 24, 1980.

Religious bodies and social organizations that have eigendom rights over land used for purposes directly related to businesses in the religious and social fields, within a period of 6 (six) months from September 24, 1960 are required to submit an application to the Minister. Agrarian through the Head of the Agrarian Supervisor to get affirmation of Eigendom rights can be converted into property rights on the basis of the provisions in Article 49 of the BAL. If before September 24, 1960, the party who does not meet the requirements legally has relinquished his joint rights to another party, then even if it has not been properly registered, the Eigendom Rights will be converted into property rights. This also applies if the Eigendom Right is an undivided inheritance and has not been properly transferred, and if the heir whose name is still registered as the owner is someone who does not meet the requirements to have ownership rights.

Before the term of the Eigendom Rights expires, i.e. forever until September 24, 1980, the right holder must register the rights to the land from which the former Western Rights were converted to the KKPT. With the registration of the rights in question, new rights arise in accordance with the rights regulated in the provisions of the UUPA. The term of the land rights from which the Western Rights were converted will expire for the remaining term of the Eigendom Right, but for a maximum of 20 years, namely until September 24, 1980. If the right in question is not registered until the expiration of the validity period of the right, then from that time the land turned into state land.

The definition of state land in general explanation II paragraph (2) of the UUPA, it is emphasized that it is not fully controlled but is land controlled directly by the state, meaning that the state is not constructed as the owner of the land, but the state as an organization of power from all the people (the nation) acting as the governing body, which is authorized to:

a. Regulating and administering the designation, use, supply and maintenance;
b. Determine and regulate the rights that can be had on (part of) the earth, water and space;
c. Determine and regulate legal relations between people and legal actions concerning the earth, water, and space.

Based on the provisions of the UUPA that eigendom rights can be converted into property rights and as an implementing regulation, Presidential Decree Number 32 of 1979 concerning Policy Principles is issued in the Framework of Granting New Rights to Land of Origin for Conversion of Western Rights Jo. Regulation of the Minister of Home Affairs Number 3 of 1979 concerning Provisions for Application and Granting of New Rights to Land of Origin for Conversion of Western Rights. The purpose of the issuance of these two regulations is to reaffirm the expiry of the original land rights from the conversion of former Western Rights on September 24, 1980, which is also the principle outlined in the Basic Agrarian Law, with the aim of being able to fully properly ended the validity of the remaining Western land rights in Indonesia.
For owners of eigendom-depending rights who have not registered their land until September 24, 1980, the legal status of the eigendom-depending land is directly controlled by the State. However, according to the author, if the holder of the eigendom depending rights does not register by the said date, with direct control by the State, the holder of the eigendom verponding rights does not automatically lose his rights, but still has the possibility to apply for the rights considering that the person concerned holds evidence of the sale and purchase of land that registered in the village register book. The said application may be in the form of granting new rights by the State and not born through the conversion of old rights, because the time period for carrying out the conversion has expired.

The National Land Law aims to create legal certainty in Indonesia. For this purpose, the government is followed up with the provision of written legal instruments in the form of other regulations in the field of national land law that support legal certainty and furthermore, through existing regulatory instruments, law enforcement is carried out in the form of effective land registration. Article 9 Government Regulation no. 24 of 1997 concerning Land Registration, which can be the object of land registration:

a. parcels of land which are owned with ownership rights, usufructuary rights, building use rights and usufructuary rights;

b. management rights land;

c. waqf land;

d. ownership rights to the apartment unit;

e. mortgage right;

f. state land;

In fact, in the community there are still Eigendom Rights, Opstal Rights, Erfpacht Rights, as well as the rights of indigenous people who are subject to Customary Law that do not have written evidence, owned by local residents who are often called customary lands. Based on the provisions of Article 9, it is clear that lands originating from western rights cannot be registered. If these lands cannot be registered, it will be detrimental to the land owners, because they will certainly lose their rights. Therefore we need a way so that the land can be registered, the way that can be done is by converting the land originating from the western rights. With the conversion of land from western rights, it is hoped that the community will not be harmed by their rights because after they are converted, the rights will be registered.

The conversion of former land rights is one of the instruments to fulfill the principle of legal unification through Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles which was followed up by Regulation of the Minister of Land and Agrarian Affairs (PMPA) Number 2 of 1962 which stipulates provisions concerning the affirmation of the normative conversion and registration of former Indonesian rights to land. The conversion regulation is an implementation of the transitional provisions of Law Number 5 of 1960. The purpose of registering land conversions is solely to provide legal certainty and legal protection to holders of land rights in the form of providing a Certificate of Rights (certificate) which is valid as a means of proof. the strong one.
Article 19 of the UUPA stipulates that in order to guarantee legal certainty, the government is obliged to carry out land registration throughout the territory of Indonesia. Legally, land registration is the basis for the status/ownership of land for individuals or legal entities as holders of legal rights. The conversion regulation stipulates that land that is not converted in accordance with the conversion regulations until the expiration of the conversion validity period then the land has changed ownership to State land, but it is still possible to apply for a new right to register the land-based on proof of ownership issued by local officials. Land registration is very important because it is a recht cadaster which aims to provide certainty of rights, namely to enable people who own land to easily prove that they are entitled to a plot of land, what rights they have, the location and area of the land. As well as allowing anyone to know things that he knows regarding a plot of land, for example, prospective buyers, potential creditors, and so on.

With regard to the implementation of the conversion of land rights, especially those originating from western rights as regulated in the Basic Agrarian Law, land registration is the basis for the implementation of the conversion, because conversion is not an automatic transfer of rights, but must be applied for and registered with the Head of the Land Registration Office (BPN). If you look at the conversion provisions, it is clear that in principle land rights as long as the holder of the rights at the time the conversion provisions apply is a single Indonesian citizen, the rights will be converted into property rights according to the UUPA. The consequence of the enactment of the conversion provisions (UUPA) requires that all evidence of ownership prior to the enactment of the UUPA must be changed to the status of land rights according to the conversion provisions stipulated in the BAL. The way to change the status of the land rights is by registering the land to be given a new proof of ownership, namely a certificate of land rights, provided that this is done before the stipulated period, which is until September 24, 1980, if the application or registration of land rights is not carried out. the land rights will be directly controlled by the state.

How to register land to change the status of land rights can be divided into 2 (two) ways, namely:

a. If the applicant has proof of land rights recognized under Articles 23 and 24 of Government Regulation Number 24 of 1997, then the process can be taken direct conversion, namely by submitting an application and submitting proof of ownership of land rights to the Land Office.

b. If the applicant does not have or loses proof of ownership of land rights, then the method taken is through Confirmation of Conversion or through Recognition of Rights.

Confirmation of conversion is carried out if there is a statement of land ownership from the applicant and corroborated by witness statements regarding the ownership of the land, but it also depends on the length of physical possession of the land by the applicant. Recognition of rights is highly dependent on the length of physical possession, namely for 20 years as stated in Article 24 paragraph (2) of Government Regulation number 24 of 1997. The requirements for recognizing these rights can be detailed as follows:

a. That the applicant has controlled the land for 20 years or more in a row or from another party who has mastered it.
b. The mastery has been carried out in good faith.
c. The ownership of the land has never been contested and is recognized and justified by the community in the sub-district or the place where the object of the right is.
d. That the land is now not in dispute.
e. That if the statement contains things that are not in accordance with reality, the applicant can be prosecuted criminally or civilly before the court for providing false information.

Confirmation of conversion, recognition of rights and granting of rights are regulated in Article 56 of the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997, which are as follows:

a. Based on the official report on the legalization of physical data, juridical data as referred to in Article 64 paragraph (1), the following activities are carried out:

1) The right to a plot of land whose written evidence is complete as referred to in Article 60 paragraph (2) and whose written evidence is incomplete but there are witness statements and statements in question as referred to in Article 60 paragraph (3) by the Chairperson of the Adjudication Committee confirming the conversion become property rights on behalf of the last right holder.

2) Land rights for which there is no proof of ownership but the fact of physical control for 20 years as referred to in Article 61 has been proven by the Head of Adjudication is recognized as property rights. For the recognition of rights as referred to in paragraph (1) letter b, it is not necessary to issue a decree on the recognition of rights.

Meanwhile, the conversion can be carried out accompanied by the following documents:

a. Application letter to the Head of the Land Office.
b. Proof of land ownership/control; in the form of evidence such as girik/letter c, pipit, Indonesian verbonding (if owned). Also done with other evidence:
c. Original documents of sale and purchase, exchange, grant or deed of inheritance.
d. A statement from the applicant for the control of the land, that the land is not in dispute.
e. Photocopy of the applicant's valid ID card.
f. Family card.
g. Letter of proof of payment of the latest PBB SPPT.
h. Certificate of citizenship of the Republic of Indonesia and or a statement of Change of Name (if a descendant).
i. Letter of measurement/drawing of the situation (if it already exists and can still be used).

Implementation of the provisions of Government Regulation no. 24 of 1997 concerning Land Registration in a consistent, good and correct manner, there will be legal certainty regarding land rights of eigendom verponding, which guarantees legal protection for holders of land rights of the former eigendom verponding. Eigendom rights or in full called "eigendom recht" or "right of property" can be translated as "property rights", regulated in book II BW (burgerlijke wetboek) or the Civil Code (Book of Civil Law). This eigendom right is constructed as the highest land ownership right among other ownership rights. Eigendom rights are the fullest and highest civil ownership rights to land that can be owned by a person. Complete because the control of land rights can last forever, can be passed on or bequeathed to children and grandchildren. The highest is because land rights are not limited in time, unlike other types of land rights, such as erfpacht rights (business) or opstal rights (buildings) (see article 570 BW).
In 1960 all types of land rights, including eigendom rights, were not removed but changed or converted by "conversion", "conversie" into certain types of land rights, with certain conditions that must be met. For example, eigendom rights become property rights, erfpacht rights become cultivation rights, opstal rights become building rights. In 1980 the converted western (used) land rights which had a period of time and which did not meet the requirements were nullified, and the land was controlled by the State "state land". For them, former holders of land rights are given the opportunity to be able to apply for land rights to their former rights as long as they are not used for the public interest or if they are not occupied by the community in general. Eigendom rights previously regulated by western civil law or BW (Burgelijke van Wetboek) including here customary land rights, since the enactment of the Basic Agrarian Law, are amended or adapted to this law. Conversion because of the new law will occur if it fulfills certain requirements and is carried out with a legal action in the form of a decision from the competent authority in the form of a statement confirming this affirmation statement for the legal status of land rights and their types and the fulfillment of the requirements for the rights holders. For example, eigendom rights are converted into property rights.

This means that the requirements for the conversion of eigendom into property rights because the requirements of the subject and object are met. There are several possibilities that occur in the conversion of eigendom rights related to the legal relationship between the subject and the legal object which results in a change in the legal status of land rights:

j. Eigendom rights are converted according to law into property rights, if the subject of the rights holder is an Indonesian citizen;

k. Eigendom rights will be converted into building use rights if the right holder does not meet the requirements to be able to obtain ownership rights, the eigendom rights will be converted into building use rights or other rights;

l. Eigendom rights become land controlled by the state if the rights holders within a certain period of time do not register their conversion rights to the authorized official.

The basic principle that must be adhered to by eigendom rights holders since September 24, 1960 (the enactment of Law No. 5 of 1960) is that the law must register their conversion rights, this is a statutory order contained in Article I of the conversion provisions of the UUPA. If it fulfills the requirements determined by law (Article 21 of the Basic Agrarian Law), then based on the provisions of the conversion as regulated in Article I, the conversion of the UUPA from that point onwards becomes property rights, unless the owner does not meet the requirements. The conditions that must be met for former eigendom rights holders who want to be converted into property rights (according to the Basic Agrarian Law) are that legally on September 24, 1960, they have the status of Indonesian citizens and have proof of ownership in the form of an original deed or a copy of the eigendom according to the Regulations. Minister of Agrarian No. 2 of 1960. The land area does not exceed the maximum limit and or is not absent (gontai) (Law No. 56 of 1960 in conjunction with PP No. 24 of 1961). Furthermore, the registration period does not exceed the specified time limit, which is 1 year from 24 September 1960.

If these conditions are met, the administrative authority authorized in this case the Head of the Land Registration Office (KKPT) at that time (current local BPN) will record/register the confirmation of the conversion of the eigendom rights in the land book and a certificate of ownership will be issued on behalf of the former holder. the eigendom rights. The procedure for the recording mechanism for the confirmation of this registration conversion is regulated in more detail in
Government Regulation no. 10 of 1961 which was subsequently amended and replaced by PP No. 24 of 1997, while the implementing regulations are regulated in PMNA (Regulation of the Minister of State for Agrarian Affairs)/KBPN (Head of the National Land Agency) No. 3 of 1997.

On the other hand, if these requirements are not met, then the eigendom rights are by law changed (conversion) into building use rights which last for 20 years. After that, the right is abolished. While the legal status of the land changed to land directly controlled by the state or commonly referred to as state land (see Presidential Decree (Presidential Decree) No. 32 of 1979). In such a position the legal relationship between the owner and the land is severed. However, the former rights holders still have civil relations with other objects on them, such as plants and buildings standing on the land.

According to Article 1365 of the Civil Code, what is meant by an unlawful act is an unlawful act committed by a person who because of his fault has caused harm to another person. In a narrow sense, an act against the law is defined as a person who violates another person or has acted contrary to a legal obligation. Doing or not doing that is a violation of the rights of others, or it is contrary to the legal obligations of the person who acts or is contrary to decency or against propriety that should exist in public traffic against other people's self or objects.

The case case in the Decision Number 55/Pdt.G/2019/PN Slw related to the discussion of unlawful acts on the lease agreement of the former state land eigendom verponding. The source of the agreement is regulated in Article 1339 of the Civil Code, which consists of the agreement itself, propriety, custom, and law. This means that if there are parties who make an agreement and then something is not regulated and then it is already regulated by law, then that is the source of the agreement.

The lease agreement does not have to be in formal written form because the source of the engagement is an agreement, so the agreement does not have to be in written form (Vide: Article 1320 of the Civil Code). Receipt is proof of payment, but if it is stated in the receipt for leasing, it means showing the object of the lease agreement as stated in the receipt. In the case of a lease, while the party who rents out no longer wants to rent out the object being leased and even the lessee has not paid the rent, then if the lessee does not want to leave the object of the lease, it can be said to be an unlawful act because he occupies the object of the lease without his basic rights. Article 1365 of the Civil Code because the source of the engagement is an agreement that has ended and when it ends it means that the tenant must leave the object of the lease, but because he does not want to leave the object of the lease and has no right to occupy it because the person who is renting it out no longer wants to rent it out, the tenant can be said to have committed an act. Against the law.

The Renters/Tenants (Defendants) in addition to violating Article 1365 of the Civil Code have also committed unlawful acts as regulated in the Arrest Hoge Raad dated January 31, 1919, the elements of which are violating the rights of others, contrary to their legal obligations, contrary to morality, propriety, and order that can threaten/cause loss of life and property. In the case in Decision Number 55/Pdt.G/2019/PN Slw, the actions committed by the Defendants are considered by the Plaintiffs to be unlawful acts as stated in Article 1365 of the Civil Code and unlawful acts as regulated in Arrest Hoge Raad dated January 31 1919. The Defendants have refused to pay the rent since September 2015 and the Plaintiffs are no longer willing to rent it out while the Defendants continue to insist on occupying the object of the dispute with No Rights. Article 1365 of the Civil Code states that every act that violates the law and brings harm to others, obliges the person who caused the loss to compensate for the loss.
Article 1365 of the Civil Code above stipulates liability resulting from unlawful acts either because of doing (positive = culpa in committendo) or for not doing (passive = culpa in ommittendo). The losses suffered by the Plaintiffs are material and immaterial losses due to the Object of the Dispute which should be controlled and utilized by the Plaintiffs and also the loss of thoughts, energy and costs that must be incurred in connection with the legal process that must be undertaken by the Plaintiffs. Article 1365 of the Civil Code is for people who actually do something, while Article 1366 of the Civil Code is for people who don't. Violations of these two articles have the same legal consequences, namely compensation. The formulation of positive actions in Article 1365 of the Civil Code and negative actions of Article 1366 of the Civil Code only had meaning before the decision of the Dutch Supreme Court on January 31, 1919, because at that time the definition of against the law (onrechtmatig) was still narrow. After the decision of the Dutch Supreme Court, the notion of being against the law has become broader, which includes negative actions. The provisions of Article 1366 of the Civil Code have also been included in the formulation of Article 1365 of the Civil Code.

In accordance with the formulation of Article 1365 of the Civil Code, the people who are considered to have committed acts against the law are the Defendants. The purpose and objective of the Plaintiffs’ lawsuit is basically to demand that the actions and/or actions of the Defendants without any legal rights have committed acts against the law. Law that is detrimental to the Plaintiffs’ control over the object of the dispute. The control of the object of dispute by the Defendants because so far the Plaintiffs have been the heirs/descendant of Tjoa Tjeng Soe alias Tjwa Tjeng Soe, Holder of Eigendom Verponding Rights Number 822 Area: 2126M2 leased the Object of the Dispute to the Defendants as mentioned above and the Plaintiffs as legal heirs and descendants Tjoa Tjeng Soe alias Tjwa Tjeng Soe No longer wants to lease land and buildings (object of the dispute) to the Defendants because the Defendants have not paid the rent for the existence of a lease-lease relationship on the object of the dispute to the Plaintiffs since September 2015 and the Defendants until currently refusing to leave the land and buildings (object of the dispute) which are part of the Eigendom Verponding Rights Number 822 Area: 2126 M2 in the name of Tjoa Tjeng Soe.

Meanwhile, according to Defendants I to VIII have physically controlled and occupied the land and the building a quo. Not because of a lease with the Plaintiffs, but on the contrary, the parents of the Defendants and/or the Defendants are currently considered legally the owners of several parts. Each of the Defendants is in control of what has been recorded in their respective SPPT evidence, which according to the Jurisprudence of the Supreme Court in its Decision Number 695-K/Sip/1969 dated 12 August 1970, has affirmed that a person who for many years - years of mastering and living without any disturbance can be considered as the owner of the land, and at least as a party qualified by law to have controlled part of the State Land of the former Eigendom Verponding No. 822 in good faith and obediently paying its legal obligations in terms of routinely pay all tax burdens that arise from actions physically controlled for the 20 years, so that the qualifications of the Plaintiffs who first certify them as property rights with the courage to attach one of the evidences of the statement from the Head of Slawi Wetan in it which seems to explain that they are the same person Not Immediately Then just like that claiming as the other part of the property of the inheritance of his parents and grandfather, but it is proven according to law in the sentence in the certificate of ownership is the acquisition of rights not because of their parents’ inheritance but the acquisition of the rights of their parents as “Giving of Ownership Rights originating from the former State Land of Eigendom Verponding Number: 822 in part” so that from this sentence alone it is quite clear that
the Plaintiffs are not parties who are entitled to part of the State Land which until now has been physically controlled by the Defendants for more than 20 years, so that the arguments of the Plaintiffs’ posita. The plaintiff stated that the Plaintiffs are the legal owners of the Object of the Dispute with a total area of 978M2 which is the remaining land area of Eigendom Verponding Rights Number 822 Area: 2126M2 on behalf of Tjoa Tjeng Sioe which is located in Tegal Regency which is illegally controlled/occupied by the Defendants according to law groundless.

Observing the previous discussion regarding the position of the Plaintiffs themselves, they do not have legal standing on the object of the case. This has been proven according to law in the sentence in SHM No. 02271 Area: 820M2, SHM No. 02272 Area: 152M2, SHM No. 02270 Area: 176M2, each of which is in the name of Tjandrayani, which is the acquisition of rights not due to inheritance from their parents but the acquisition of these rights as "Giving of Ownership Rights originating from State Land of the former Eigendom Verponding Number: 822 in part". Thus, from this sentence alone, it is quite clear that the Plaintiffs are not parties who are entitled to part of the State Land. Thus, because the Defendants have lost their legal standing, the examination is invalid, so the Defendants' claim is declared unacceptable.

4. Conclusion

The legal status of the former land of Eigendom Verponding Number 822 which is not or has not been registered with the land office until now in Decision Number 55/Pdt.G/2019/PN Slw the status has become State land which is not directly controlled. The Plaintiffs do not have legal standing against the object of dispute. This has been proven according to law in the sentence in SHM No. 02271, SHM No. 02272, and SHM No. 02270, each of which is in the name of Tjandrayani, is the acquisition of rights not due to inheritance from their parents but the acquisition of these rights as "Giving of Ownership Rights originating from the former State Land of Eigendom Verponding Number: 822 in part". Thus, from this sentence, it is quite clear that the Plaintiffs are not the parties who are entitled to part of the state land.

Settlement of Civil Law Unlawful Acts in the eigendom verponding land dispute in Decision Number 55/Pdt.G/2019/PN Slw stated that the Defendants' lawsuit was declared unacceptable (Niet on Vankelijk Verklaard). This is because the position of the Plaintiffs has been proven if the Plaintiffs do not have legal standing on the object of the case.

References

Implementation of Village Autonomy in Governance

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Abstract. The problem of decreasing the quality of democracy and the village autonomy system basically stems from the structure and function of village government institutions which are still problematic. It is not easy to determine the structure and function of the institution in accordance with the needs of the community or village government organization. Theoretically, there are no guidelines or standard measures that identify the structure and function of village government institutions that meet the needs of the community/organization. The village is a self-governing community that uses the principle of subsidiarity, where most of the authority originally existed in the community, not being given away. It is related to the mandate of the Preamble to the 1945 Constitution of the Republic of Indonesia, where the formation of the Government of the State of Indonesia is intended to regulate and manage matters that cannot be carried out by the community itself. However, in the development of existing arrangements, before the Village Law was enacted, it had not been able to accommodate the implementation of village authority. In carrying out the implementation of Village Government, Village Development, Village Community Development, and Village Community Empowerment, the Village Government requires authority in its implementation, both the authority origin and attributive authority.

Keyword: Autonomy, Government

1. Introduction

The existence of a regional government unit aims to serve the needs of the community (public service). This means that each region will have its own uniqueness both in terms of population and geographical character. Coastal communities with the main livelihood in fisheries will be different from mountain communities, or inland communities. Rural communities will have different needs with people in urban areas. If the local government exists to serve the needs of the community, the consequence is that the delegated affairs should also differ from one region to another in accordance with the differences in geographical character and the main livelihoods of the population. It is very illogical if in a city area today there are still agriculture, fishery, animal husbandry affairs, and matters related to primary activities. Delegation of autonomous affairs in accordance with their
needs. For this reason, a needs assessment is a must before the matter is handed over to an autonomous region.

The socio-economic conditions of rural communities are often the main focus for policy makers. Unfortunately, many people are trapped by not seeing the root cause of what is really happening in the countryside. More than 37 million Indonesians live in poverty. 63.58 percent of them are people who live in rural areas and 70 percent are farmers. This condition has resulted in the depletion of incentives from the agricultural sector which eventually led to an increase in unemployment and urbanization rates. This poverty that occurs in rural areas is the estuary of the unavailability of access to the means of production, both in the form of access to natural resources, technology, and also market problems.

In the implementation of village governance, most of the village communities have their own pluralism, although most of the institutional forms have followed the official format. This is as explained in the Explanation of the General Section of Law Number 6 of 2014 concerning Village Administration, that The variety of traits and forms of villages, or what is known by other names, does not prevent the founding fathers from choosing the shape of a unified state. Even though it is acknowledged that a unitary state requires homogeneity, the Unitary State of the Republic of Indonesia still recognizes and guarantees the existence of legal community units, community units governed by customary law, and their traditional rights.

In institutional aspects, village regulations tend to experience a decline in quality in terms of democratization. The problem of decreasing the quality of democratization is most evident in the Village Consultative Body (BPD). Institutions that reflect village democracy experience institutional erosion. The BPD has experienced a decline in its formal legal position and role, which is visible and the position of the BPD as a village legislature is not clear and the mechanism for filling BPD membership, which was originally directly elected, becomes determined by consensus based on regional representatives.

The problem of decreasing the quality of democracy and the village autonomy system basically stems from the structure and function of village government institutions which are still problematic. It is not easy to determine the structure and function of the institution in accordance with the needs of the community or village government organization. Theoretically, there are no guidelines or standard measures that identify the structure and function of village government institutions that meet the needs of the community/organization.

In the theoretical approach, decentralization can be categorized into two definitions: the administrative definition and the political definition. The political decentralization perspective defines decentralization as the transfer of authority from the central government to local governments, whereas the administrative decentralization perspective defines decentralization as the transfer of administrative authority from the central government to local governments.

According to Bambang Supriyono, the decentralization policy is an instrument for the government to:
1. Become an effective weapon to channel local pressure, express and unite local interests;
2. Local government can provide a service more efficiently than the central government;
3. Local governments can plan, with a much better understanding of the problems in their area, plans for more efficient social, economic and human resource development than national governments;
4. Local governments can ensure better accountability of public officials to city residents, because they are closer to their communities;
5. Local government can become a more effective communication channel to ensure the proper implementation of central government policies.

Governance practices of countries in the region western europe, according to Didik Suharto, villages tend to be seen as administrative institutions based on territorial communities as part of a unified organ in the political aspects of society and emphasize expectations of solidarity within and between communities. Based on Didik Suharto, the Village Government has an important role to accelerate the process of realizing a just, prosperous and prosperous society. This is because the Village Government is a small-scale government apparatus in the Regional Government that is directly related to the community in their respective regions, so in other words, the Village Government is the spearhead of the implementation of the Government.

The implementation of the Village Government is expected to foster initiative and creativity as well as encourage increased community participation in development by utilizing available resources and potential, in addition to being able to develop and empower village potential in increasing village income, which in turn will produce village communities that are capable of being independent. Based on the background above, the problems that the writer will examine are: How is the current governance of Village Government in Brebes Regency seen from the aspect of village autonomy?, What are the obstacles in implementing village governance in implementing village autonomy?, and What is the ideal governance for the Village Government in order to implement village autonomy?

2. Method

In the theoretical approach, there are two definitions of decentralization: the definition from an administrative perspective and the definition from a political perspective. The political decentralization perspective defines decentralization as the transfer of power from the central government to local governments, whereas the administrative decentralization perspective defines decentralization as the transfer of administrative authority from the central government to local governments.

3. DISCUSSION

The State of Indonesia is a state of law, this is stated in Article 1 paragraph (3) of the 1945 Constitution as a result of the Third Amendment of 2001. The rule of law in principle requires that all actions or actions of the authorities have a clear legal basis or have legality, whether based on
written law not unwritten law. Thoughts about the rule of law are very broad, far older than state science or state science. The ideal of a state of law was first coined by Plato in his book entitled Nomoi (the law). Then this idea was developed by his student Aristotle who said that a good state is a state governed by a constitution and the rule of law.

The rule of law theory essentially means that the law is supreme and it is the obligation of state administrators or the government to submit and obey the law. There is no power above the law (above the law) and everything is under the law (under the rule of law). The concept of the rule of law is a translation of two terms, namely rechtstaat (Contental Europe) which is guided by the civil law system and the rule of law which is guided by the concept of common law. Rechtstaat or rule of law is what in Indonesia is translated as a state of law. Theoretically, a country can be said to be a state of law if it contains the following:

a. Constitutional protection, meaning that apart from guaranteeing individual rights, the constitution must also determine procedural methods to obtain protection for guaranteed rights;
b. An independent and impartial judiciary;
c. Free elections;
d. Freedom of expression;
e. Freedom of association/organization and position; and
f. Civic education (citizenship).

Philips M. Hadjon, suggests that there are three kinds of concepts of the rule of law, namely rechtstaat, the rule of law, and the state of Pancasila law. The figures of the legal state of rechtstaat are Immanuel Kant and Frederich Julius Stahl, the theory of rechtstaat is based on the Continental European system, in this theory the elements of the rule of law are:

1. Recognition and protection of basic human rights;
2. The state is based on the trias political doctrine (the notion of separation of powers);
3. The government is run based on the rule of law or legislation; and
4. The existence of a state administrative court in charge of dealing with violations of law by the government (onrechtmatige overheidsdaad), thus that in this case the position between government officials and the people is distinguished in terms of legal settlement in court. Law violations by the people are resolved through ordinary courts (general) while law violations by government officials are resolved through administrative courts. The concept of a state of law known as the rule of law pioneered by Albert Venn Dicey which developed in Anglo Saxon countries, in the concept of the rule of law emphasizes three main elements, namely:

1. The rule of law or the supremacy of law;
2. Equality before the law or equality before the law; and
3. The constitution based on individual rights.
Villages according to the provisions of Article 1 paragraph (1) of Law Number 6 of 2014 concerning Villages are villages and customary villages or what are called by other names, hereinafter referred to as Villages, are legal community units that have territorial boundaries that are authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, origin rights, and/or traditional rights that are recognized and respected in the government system of the Unitary State of the Republic of Indonesia. Whereas in paragraph (2) it is determined, Village Administration is the administration of government affairs and the interests of the local community in the government system of the Unitary State of the Republic of Indonesia. In paragraph (3), what is meant by the Village Government is the Village Head or what is referred to by another name assisted by the Village apparatus as an element of the Village Administration.

Before the formation of the Unitary State of the Republic of Indonesia, the settlement existed under an alternative name. As evidence of its existence, the Elucidation of Article 18 of the 1945 Constitution of the Republic of Indonesia (prior to the amendment) states: "On the territory of the State of Indonesia, there are approximately 250 "Zelfbesturende landschappen" and "Volksgemeenschappen," such as villages in Java and Bali, Nagari in Minangkabau, hamlets and clans in Palembang, etc. These places have a unique makeup and can therefore be termed unique. The State of the Republic of Indonesia acknowledges the status of these special regions, and all state rules pertaining to these territories will take into account the origin rights of the regions. Therefore, its existence must be acknowledged and safeguarded inside the Unitary State of the Republic of Indonesia. The variety of qualities and forms of Villages, or what are known by other names, does not prevent these founding fathers from choosing the shape of a unified state.

Even though it is acknowledged that a unitary state requires homogeneity, the Unitary State of the Republic of Indonesia still recognizes and guarantees the existence of legal community units, community units governed by customary law, and their traditional rights. In terms of the composition and administration of Regional Government, after the amendment to the 1945 Constitution of the Republic of Indonesia, the Village arrangement or referred to by another name in terms of government refers to the provisions of Article 18 paragraph (7) which affirms that "The structure and procedures for administering Regional Government regulated by law". This means that Article 18 paragraph (7) of the 1945 Constitution of the Republic of Indonesia opens the possibility of a government structure in the Indonesian government system. Through the amendment to the 1945 Constitution of the Republic of Indonesia, the recognition of customary law community units is confirmed through the provisions in Article 18 letter B paragraph (2) which reads

"The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law".

In the history of Village regulation, various Village-related laws have been enacted, including Law No. 22 of 1948 on the Principles of Regional Government, Law No. 1 of 1957 on the Principles of Regional Government, and Law No. 18 of 1965 on the Principles of Regional Government. Regional Government, Law No. 19 of 1965 pertaining to Praja Villages as a Transitional Form to Accelerate the Realization of Level III Regions Throughout the Territory of the Republic of Indonesia, Law No. 5 of 1974 pertaining to Principles of Government in the Regions, Law No. 5 of 1979 pertaining to Governance Villages, Law No. 22 of 1999 pertaining to Regional Government,
and finally Law No. 32 of 2004 pertaining to Regional Government. In its execution, the Village regulation has not been able to fulfill all the interests and needs of the Village community, which consists of around 73,000 villages and 8,000 subdistricts. In addition, the current implementation of village regulations is out of step with the times, particularly in terms of the position of communities governed by customary law, democratization, diversity, community participation, as well as progress and equitable development, resulting in regional disparities, poverty, and socio-cultural problems that threaten the unity of the Unitary State of the Republic of Indonesia.

Aristotle argued that humans are social creatures (*zoon politicon*), namely creatures who basically have a desire to live in society with other humans. This means that every human being has a desire to gather and establish relationships with one another. The collection or union of human beings who have a relationship with each other is called society. So society is formed when there are two or more people living together, so that in their social life various relationships or ties arise which result in them getting to know each other and influencing.

Living in society is mixing and associating with each other to be able to obtain all the necessities for a decent life as a human being. Therefore, in social life, what is important is to establish a positive process of cooperation, so that from this cooperation can obtain significant benefits for each other’s lives. This positive cooperation is that in pursuing a decent life as human beings, each should not interfere with each other, but must help each other. In addition to being a collection of individuals, society is also organized into groups and institutions. Not often do the interests of community members coincide. However, shared interests promote the formation of groupings among them. In addition to these groupings, there are institutionalizations that demonstrate a concerted effort to address a problem area in society, such as economics, politics, religion, etc.

In a society which MacIver describes as the web of government, there are various rules that regulate relations between individuals aimed at achieving peace, order and prosperity. As is known, there are various kinds of interests attached to each of them. These individuals who are parallel, different, or opposite in their efforts to fulfill what are referred to as basic needs and secondary needs. So that in meeting these needs there are no excesses in society due to conflicts, especially between conflicting interests, it is necessary to have rules so that everything runs in an orderly and orderly manner. In simple and modern society, norms remain as something that absolutely must exist in society. The life of these norms is intended to maintain balance, harmony, and harmony of human relations in society. Without norms and life does not obey the norms, the relationships that exist in society will be chaotic and society will be destroyed. A norm is a rule that a person must follow in relation to people or the environment. The term norm, which derives from Latin, or rules in Arabic, is frequently also referred to in Indonesian as guidelines, standards, or rules. In its evolution, the norm is described as a standard or baseline for societal behavior or conduct. Therefore, norms encompass all regulations that must be followed.

There is a new norm if there are more than one person, because the standard governs how a person behaves towards other people or his environment. Each norm contains orders, which in the foreign tongue are generally referred to as das Sollen (ought to be/ought to do), although in Indonesian, the term "should" is frequently used. Legal norms may be formulated orally or in writing by the entities authorized to formulate them, whereas moral, customary, religious, and other standards are unwritten, emerge from societal habits, and evolve through time. In contrast to state legal norms, which do not always correspond to the sense of justice/community opinion, the
recurrent occurrences of good and bad habits are always in agreement with the community's sense of justice.

4. Conclusion

The village is a self-governing community that uses the principle of subsidiarity, where most of the authority originally existed in the community, not being given away. It is related to the mandate of the Preamble to the 1945 Constitution of the Republic of Indonesia, where the formation of the Government of the State of Indonesia is intended to regulate and manage matters that cannot be carried out by the community itself. However, in the development of existing arrangements, before the Village Law was enacted, it had not been able to accommodate implementation of village authority.

In carrying out the implementation of Village Government, Village Development, Village Community Development, and Village Community Empowerment, the Village Government requires authority in its implementation, both the authority origin and attributive authority. Where these authorities aim to encourage initiatives, movements, and participation of the Village community for the development of Village potential and assets for mutual prosperity in order to realize the goals of regional autonomy.

Reference

The Problem of The Conversion of Agricultural Land to Housing in The District of Tegal

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Abstract. The problem is how to regulate the transfer of agricultural land to housing in Tegal Regency, and how the legal problems arise from the existence of these provisions, as well as how to solve these problems. This type of research is a normative legal research with a normative juridical approach (law approach) with descriptive-prescriptive characteristics sourced from primary legal materials and secondary legal materials obtained by studying the documentation of legislation and legal science literature studies, then analyzed with legal analysis. The government's efforts to maintain the function of agricultural land in Tegal Regency are in fact not optimal. This can be seen from the government's actions to let the community shift the function of agricultural land to non-agricultural which is not in accordance with the feasibility study; land conversion plan; Mechanisms for freeing ownership of land rights, and the availability of substitute land for sustainable food agricultural land. The problems in maintaining the existence of agricultural land are: the growing population; increase in land prices so that farmers are interested in selling their land; Many rice fields in Tegal Regency are close to residential/residential houses; land productivity because the land/rice field is productive only when it rains; increasing industry in Tegal Regency.

Keywords : Problematics, Policy Implementation, Agricultural land conversion

1. Introduction

The Tegal Regency Spatial Planning (RTRW) was enacted in 2003 and revised in 2006 with a planning period of 2007-2016. In its development, with the existence of External and Internal Factors that affect the RTRW, it is necessary to have an evaluation and revision so that the RTRW can be used and relevant to current developments. External factors that affect the RTRW of Tegal Regency are changes in several laws and regulations, including Law Number 24 of 1992 concerning Spatial Planning to Law Number 26 of 2007 concerning Spatial Planning which is quite significant, namely a change in the planning year, from 10 years to 20 years. planning and more emphasis on the need for green open space.

In addition to changes to the Act, other external factors are the existence of a national program that affects Tegal Regency, the planned National Program is the Construction of the Trans Java Toll Road where the Pejagan Pemalang section will pass through Tegal Regency. This will certainly affect the development of Tegal Regency. The total area of Tegal Regency that is traversed by the Pejagan-Pemalang toll road is 226.19 Ha which includes 176.22 hectares (77.91%) of rice fields, 12.15 hectares (5.37%) of residential land and 37.82 hectares. (16.72%)
vacant land, moor and others. The sub-districts in Tegal Regency that the toll road development plan will pass through are Dukuhuturi, Adiwerna, Talang, Pangkah, Tarub, Suradadi and Warureja sub-districts. The number of sub-districts in Tegal Regency that is passed by the Pejagan-Pemalang Toll Road plan has an influence on the development of Tegal Regency.

The development of this toll road will result in a shift in land use, changes in activities in the area traversed by the toll road. In addition, in the long term the existence of the toll road will also affect the development of Tegal Regency as a whole in terms of economic, social and cultural aspects which will ultimately affect the overall spatial layout of Tegal Regency. The district has sustainable food agricultural land. Therefore, it is necessary to evaluate the existing RTRW with changes in regional external and internal factors. There are several things that have not been accommodated in the existing RTRW and the changing planning period, the Regional Government of Tegal Regency in this 2008 Fiscal Year held a Revision of the Tegal Regency Spatial Plan.

It is not an easy thing to make improvements and structuring the existing space, this is considering that in spatial planning there are conditions that have implications for the people in the Tegal Regency area and also for the Regional Government. As we understand that in the preparation of spatial/regional planning plans, it must come after the community has carried out various activities, including building houses/residential premises in space/land which is the object of arrangement for the Tegal Regency Regional Government. For example, in the Kramat District area, the spatial planning plan by the Regional Government is planned as a locus of green areas and agricultural land. But the problem is, the village has been used by the community as a densely populated residential area. Against such conditions, there are consequences for the regional government of Tegal Regency to control and relocate residents who have long lived/established residential houses in the area. This will certainly cause various social problems, including one of which is the issue of certainty for the people of Tegal Regency to fulfill their right to obtain good and decent housing. Along with population growth, the need for land for housing will increase. If the need for residential land is not well managed, it will have consequences for decreasing the quality of nature and agricultural land.

In the current decade, the area of Tegal Regency, especially Kramat District, has become one of the places where many lands are used as residential areas, namely by the proliferation of housing of all types and types developed by various developers. The land which was originally an agricultural area, namely rice fields, has now turned its function into a residential area. Seeing this, of course, must be accompanied by strategic policies from the Regional Government of Tegal Regency to anticipate the decline in natural quality and the depletion of agricultural land in the Kramat District area. As for the formulation of the problem based on the background above, the problems that the writer will examine are formulated as follows: How is the regulation regarding the transfer of agricultural land to housing in Tegal Regency?, What are the legal problems that arise from this provision?, and What is the solution to this problem?

2. Research Methods

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.
3. Results And Discussion
3.1. Arrangements Regarding the Transfer of Agricultural Land to Housing in Tegal Regency

The conversion of agricultural land is a phenomenon that cannot be avoided from development. Efforts that may be made are to slow down and control the activity of converting agricultural land into non-agricultural land. In the Government Regulation of the Government of the Republic of Indonesia Number 1 of 2011 concerning the Determination and Transfer of Functions of Sustainable Food Agricultural Land, the conversion of sustainable food agricultural land is a change in the function of sustainable food agricultural land into non-sustainable food agricultural land, either permanently or temporarily.

In order to carry out the conversion of agricultural land into non-agricultural land, the parties concerned must submit their application through a licensing mechanism. The mechanism is divided into two routes, namely through a location permit or a permit to change the use of agricultural land to non-agricultural use. The difference between the two mechanisms lies in the extent of the land being applied for, if the area of agricultural land requested for a change of use to non-agricultural land is less than 10,000 m² then the permit required is a permit to change the use of agricultural land to non-agricultural use, whereas if it is more than 10,000 m² then the permit required is a location permit.

The procedure for granting a location permit as regulated in the Regulation of the State Minister of Agrarian Affairs / Head of the National Land Agency Number 5 of 2015 is as follows:

1. Location permits are granted based on considerations regarding land tenure and technical aspects of land use which include the state of rights and control of the land concerned, physical assessment of the area, land use, and land capability;
2. The letter of granting a location permit is signed by the Regent/Mayor or for the Special Capital Region of Jakarta by the Governor after a coordination meeting between related agencies is held;
3. Materials for the purposes of considering the granting of location permits shall be prepared by the Head of the Land Office;
4. Coordination meeting for the consideration of granting a location permit accompanied by consultation with the community holding land rights in the requested location;
5. Consultation with the community holding land rights includes the dissemination of information regarding the investment plan to be implemented, the scope of its impact and the land acquisition plan as well as the resolution of problems related to land acquisition. Providing opportunities for land rights holders to obtain explanations about investment plans and find alternative solutions to problems.

Every land owner who wishes to change the use of agricultural land into non-agricultural land according to his needs, whether for residential houses and yards or for the purpose of building a place of business or company must first obtain a drying permit. Housing development carried out by business entities in the housing development sector is carried out only in ready-to-build areas or in stand-alone ready-to-build environments. The implementation of houses and housing is carried out to meet the needs of houses as one of the basic human needs for increasing...
and equitable distribution of people's welfare. The administration of houses and housing is carried out by the Government, regional governments and/or everyone to guarantee the right of every citizen to occupy, enjoy, and/or own a decent house in a healthy, safe, harmonious and orderly environment.

Tegal Regency is one of the regencies that is experiencing rapid development with the establishment of several facilities, namely educational facilities, shopping centers, industry, and housing. Housing developed by private parties in Tegal Regency includes Griya Bumi Pertiwi, Sapphire Residence Housing, Griya Tiara Arum, Griya Kabunan Asri, Griya Indah Slawi Housing, Pesona Amarta Jatilawang, Villa Slawi Regency, Permata Abadi, Lebaksiu Residence, Shangrila Land Estate, Taman Indo Kaliwadas, Permata Indah, Sapphire Town House, Suradadi Indah, Pendawa Asri, Mediterranean Sapphire, Dirly Lebaksiu Residence, Griya Satria Dampyak, Kalisapu Permai Raya, Griya Tiara Asri Housing, Griya Satria Kajen, RA. Eternal Enchantment, Guci Raya Indah, Dampyak Permai Raya, Puri Cendana, Grand 50 Safira City, Grand Panorama, Palu Raya Permai, Griya Pamenang, Villa Slawi Regency, and Griya Tiara Arum Housing.

Most of the housing development in Tegal Regency in acquiring land comes from agricultural land. The land acquired for housing construction is in the form of agricultural land, so a Land Use Change Permit is needed by the right holder to change the use of land from agricultural land to non-agricultural (housing). Technically, the procedures for land conversion in Tegal Regency are:

1. The applicant submits an application for conversion of agricultural land to non-agricultural use to the Office of the Integrated Licensing Service Agency will request Information on Space Allotment at the Regional Planning and Development Agency which is based on the Regional Regulation of Tegal Regency No. 10 of 2012 concerning Regional Spatial Planning. Spatial Planning and Regional Development which regulates the allotment of space;
2. The next procedure is to go to the land office to ask for technical considerations on land and the land office will conduct a survey. Location permit and land use change permit are the authority in the field of land regulation and arrangement;
3. The final procedure is to the Tegal Regency Integrated Licensing Service Agency to complete the form.

One of the backgrounds of the birth of this Regional Regulation Number 1 of 2007 is that in the context of implementing regional autonomy, in particular to foster, regulate, supervise and control land use in accordance with regional spatial planning and increase regional original income, it is necessary to stipulate Location Permit Retribution as one of the sources of land use financing of governance and development in Tegal Regency.

### 3.2. Legal Problems in the Transfer of Agricultural Land Functions to Non-Agriculture

Based on the provisions regarding the transfer of agricultural land to housing in Tegal Regency, the existence of housing in Tegal Regency is an area that is indeed provided for residential residents. So that housing in the Kramat District, Tegal Regency is one of the locations planned by the Tegal Regency Government for residential land. Because the existing agricultural land in the Kramat area is dry agricultural land, so it is more productive to use the land as a residential area.

The problem is getting more complicated in the field because the direction of national policy in controlling the conversion of agricultural land often collides with local government
policies that prioritize local interests and regional policies. Although the implementation of the policy on controlling land use change is still considered quite effective in limiting the use of paddy fields for non-agricultural activities (such as the location permitting mechanism and the application of the Regional Spatial Plan), it turns out that there are still many “land speculators” who are not covered by the implementation of the policy.

There are many cases where the owners of agricultural land deliberately change the function of the land to make it easier to trade without going through a licensing mechanism or violating the existing Spatial Plan. For example in some locations, many rice fields are plotted. The main reason is the double profit. This is certainly a tremendous attraction for rice field owners. The occurrence of changes in land use can be caused by changes in regional spatial plans, policies on development directions and because of market mechanisms. In the past, what happened was mostly due to the last two things, due to the lack of understanding of the community and government officials regarding regional spatial planning, or regional spatial planning plans that were difficult to realize.

In line with the development policy that emphasizes the growth aspect through the ease of investment facilities, both for local and foreign investors in the provision of land, the change in land use from agriculture to non-agriculture is widespread. It is undeniable that the increasing population from year to year demands that adequate facilities are also provided, such as transportation, economy, government, sources of electrical energy, water, and sufficient services in various fields, so that housing and industrial development continues to be encouraged. This is one of the causes of changes in land use change.

With the construction of housing, roads, school buildings, industry, and other public facilities in Tegal Regency, on the one hand it increases the opening of employment opportunities in the non-agricultural sector such as construction services and industry, but also creates a negative impact that is less profitable. These negative impacts include:

1. Reduced area of rice fields resulting in a decrease in rice production, which interferes with the achievement of food self-sufficiency;
2. The reduction in the area of rice fields which results in a shift in employment from the agricultural sector to non-agriculture, which if the existing local workforce is not fully absorbed it will increase the unemployment rate. This social impact will develop with increasing social jealousy of the local community towards migrants which in turn has the potential to increase social conflict;
3. The government's investment in the procurement of infrastructure and facilities for irrigation is not optimally utilized;
4. The failure of investors to implement construction of housing and industry, as a result of the economic crisis, or due to miscalculation resulting in the unutilization of the acquired land, thereby increasing the area of idle land which in turn also causes social conflicts such as land looting;
5. The decline in the rice field ecosystem, especially in the northern coast of Java Island, which is said to be the best and has been formed for decades, while the printing of new rice fields which is very expensive outside Java, such as in Central Kalimantan, is not satisfactory.

Local governments in relation to changes in the function of agricultural land are faced with choices that are difficult to choose. On the one hand, the local government of Tegal must spur economic growth through the development of the industrial, service and property sectors, but on the other hand it must also maintain the existence and continuity of the agricultural (food) sector. Recognizing this problem, the government has established several provisions in the
policy to limit and/or prevent the conversion of fertile agricultural land to non-agricultural uses such as:

1. Presidential Decree No. 53/1989 on Industrial Estates and Presidential Decree No. 33/1990 on Land Use for Industrial Estates Development have prohibited the development of industrial estates as well as reserving or granting location permits and land acquisition in fertile agricultural land areas;
3. Letter of the Minister of State for National Development Planning/Chairman of Bappenas to the Minister of Home Affairs Number 5335/MK/9/1994 dated September 29, 1994 concerning the Preparation of the RTRW Dati II;
4. In the framework of implementing PAKTO-23, a Letter from the State Minister of Agrarian Affairs/Head of the National Land Agency was issued to the Head of the Regional Office of the Provincial National Land Agency and the Head of the Regency/City Land Office throughout Indonesia Number 460-3346 dated October 31, 1994 concerning changes to the use of technically irrigated rice fields for non-agricultural Land Use. This circular prohibits the Land Apparatus in the regions from issuing location permits for irrigated rice fields for non-agricultural purposes, even though according to the General Spatial Planning it is intended for non-agricultural activities.

The applicant's obligation is to provide a description of the condition of the land at the time of submitting an application for a permit for amendments including:

1. Type of land use;
2. Soil fertility and productivity;
3. Status of land use;
4. Environmental factors;
5. Regional spatial planning and regional development plans;
6. Environmental infrastructure, facilities and facilities at the location of the surrounding activities that will be affected by the applicant's activities, and
7. Other supporting and inhibiting factors.

Meanwhile, several important considerations for local governments in making decisions to transfer or prohibit the conversion of agricultural land after reviewing the above soil conditions are:

1. Consideration of the suitability of the applicant's plan with the regional spatial plan;
2. Consideration of the suitability of the applicant's plan with the regional development plan.
3. Consideration of the authority to use land in accordance with the type of land rights;
4. Consideration of the obligation to cultivate the land in accordance with the applicable provisions;
5. Consideration of increasing the value, production and fertility of the soil;
6. Consideration of environmental sustainability and prevention of soil damage;
7. Consideration of the prohibition of abandoning land.

In considering this aspect of land use, local governments have adequate means to monitor and limit the efforts of land owners to intentionally change the function of the agricultural land they control or own, by:

1. Closing irrigation canals that irrigate their technically irrigated rice fields;
2. Drying his technical irrigated rice fields and making them for dry land agricultural use;
3. Stockpiling his technically irrigated rice fields for building purposes;
4. Selling dry land/dry land, the result of the above legal changes without permission in an effort to avoid the prohibition.

There are three steps in realizing a strategy to control the conversion of agricultural land that is based on the community. First, the entry point of the control strategy is through the participation of all stakeholders. This is quite basic, considering that the stakeholders are those who are in direct contact with the process of conversion of agricultural land. Second, the focus of the control strategy analysis is the stakeholder's perspective on the existence of policy regulations such as legal instruments (laws and regulations), economic instruments (incentives, disincentives, compensation) and zoning (restrictions on the conversion of agricultural land). In essence, the perspective of stakeholders should be based on the community in the form of collective action participation that is synergistic with policy regulations, in accordance with the expectations and desires of the community. Third, the goal of the control strategy is the realization of a harmonious and sustainable control over the conversion of agricultural land.

Empirically, the most vulnerable agricultural land to conversion is rice fields. This is caused by:

1. The population density in rural areas that have a dominant rice field agro-ecosystem is generally much higher than that of a dry land agro-ecosystem, so that population pressure on land is also higher;
2. Many rice fields are located close to urban areas;
3. As a result of the previous development pattern, the infrastructure of the paddy fields is generally better than that of the dry land area;
4. Development of infrastructure and facilities for settlements, industrial estates, and so on tends to take place rapidly in areas with flat topography, where in areas with such topography (especially in Java) the dominant agricultural ecosystem is rice fields.

The government is not turning a blind eye to the widespread conversion of land, but there are several obstacles it faces. According to Nasoetion, there are at least three basic obstacles that are the reason why the regulation on controlling land use change is difficult to implement, namely:

1. Policy Coordination Constraints. On the one hand, the government seeks to prohibit land conversion, but on the other hand, it encourages the conversion of land functions through industrial/manufacturing growth policies and other non-agricultural sectors which in fact use agricultural land;
2. Obstacles to Policy Implementation. The new land use control regulations state the provisions imposed on companies or legal entities that will use the land and/or will convert agricultural land to non-agriculture. Therefore, changes in the use of paddy fields to non-agriculture that are carried out...
individually have not been touched by these regulations, where individual changes in land use are estimated to be very extensive;

3. Consistency Constraints in Planning. The Regional Spatial Planning (RTRW) which is then followed by the mechanism for granting location permits, is the main instrument in controlling to prevent the conversion of technically irrigated rice fields. But in reality, many RTRW actually plan to convert the function of technically irrigated rice fields to non-agricultural ones.

In relation to the three obstacles above, the ineffectiveness of existing regulations is also influenced by: (1) weak land administration system; (2) lack of strong coordination between related institutions; and (3) the mechanism for implementing regional spatial planning has not been socialized. In addition, the government's perception of losses due to the conversion of paddy fields tends to be biased downwards (underestimate), so that the negative impact of the conversion of paddy fields is not considered a problem that needs to be handled seriously and consistently.

3.3. Solutions in Overcoming the Problem of Transfer of Agricultural Land Functions to Non-Agriculture

To find out how to solve the problem of changing the function of agricultural land to non-agriculture, the Ministry of Agriculture (Kementan) continues to seek solutions to overcome the existing condition of narrowing the standard area of agricultural land due to land conversion. Limited clean and clear agricultural land is caused by several factors.

Protection of food agricultural land is an integral part of regional spatial planning. For this reason, the protection of food agricultural land needs to be carried out by determining food agricultural areas that need to be protected. Food agriculture area is part of the arrangement of rural areas in the district. In fact, agricultural lands located in urban areas also need to be protected. Protection of food-agricultural areas and food-agricultural lands includes planning and stipulation, development, research, utilization and development, control, supervision, development of information systems, protection and empowerment of farmers, community participation, and financing. Protection of areas and land for food crops is carried out by respecting local cultural wisdom and customary communal rights.

4. Conclusions

The Tegal Regency Government in maintaining the function of agricultural land is still not optimal. This can be seen from the government's actions to let the community shift the function of agricultural land to non-agricultural which is not in accordance with the feasibility study; land conversion plan; Mechanisms for the acquisition of land rights, and the availability of substitute land for sustainable food agricultural land.

If this is related to the welfare value of the community, then the transfer of land functions not in accordance with the procedure is not allowed, but if there are circumstances that force someone to transfer land functions due to economic factors, the government may not impose sanctions but the government must provide direction so that the person concerned to be aware of the applicable law and the government must also confirm the truth of the applicant's condition.

1. The problems in maintaining the existence of agricultural land are:
   a. the population continues to grow;
b. increase in land prices so that farmers are interested in selling their land;
c. many rice fields in Tegal Regency are close to residential/residential houses;
d. land productivity because the land/rice field is productive only when it rains;
e. increasing industry in Tegal Regency.

2. Solutions to overcome the problem of exodus of conversion of agricultural land to non-agriculture:
   a. Tightening the granting of transfer of function permits;
   b. Lowering the cost of rice fields tax;
   c. Guide the RTRW;
   d. The permit for the transfer of functions must consider aspects of benefit to the community;
   e. The transfer of functions must consider the ability to support infrastructure costs by the Government.

References

Comparison of Protection for Victims of Crime Between Indonesia and France

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Abstract: This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature. Forms of legal protection that are commonly given to victims of crime in criminal law in Indonesia enforcement include: Giving Restitution and Compensation, Counseling, Medical Services / Assistance, Legal Aid, Information Provision. Forms of legal protection that are commonly given to victims of crime in criminal law in Indonesia enforcement include: Terms of compensation, Party Requesting Compensation, Defendant's Capacity, Compensation Claim Process

Keywords: Comparison, Protection, Victims

1. Introduction
Every crime that occurs will definitely cause losses, especially for the victim. Victims of crime must bear the loss because crimes he received, both materially and non-materially. However, in the settlement of criminal cases, many of the victims are lacking receive adequate legal protection. Protection for every citizen is an obligation that must be fulfilled by a country. Likewise, the Indonesian state is obliged to protect every citizens wherever they are. This is in accordance with the Preamble to the 1945 Constitution of the Republic of Indonesia, the fourth paragraph. The law that regulates the legal protection of victims The crimes that have existed so far are still partial and their existence is scattered in various laws and regulations so that it only applies to certain crimes.

The lack of available legal protection umbrella is not comparable with the complexity of criminal cases leading to impunity, repetition, and frustration of victims in demanding the right to justice, truth, and restoration. The number of criminal cases that occur is not accompanied by the existence of a comprehensive legal instrument. The discussion on the rights of victims has gone unnoticed because all attention seems to be focused on the problem of criminalization. Amount existing laws and regulations only explain in detail actions that can be criminalized, forgetting the portion of the discussion regarding victims and victims' rights. The victim is the party who suffers the most seems to be marginalized.

Discussion about victims of crime is very important. The current criminal justice system is too focused on the perpetrator (investigate, arrest, try and punish perpetrators) and very little pay attention to the victim. Involvement of victims in the criminal justice system only adds to the trauma and increases his sense of helplessness and frustrated because they were not given
2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Result & Discussion

3.1. Forms of legal protection that are commonly given to victims of crime in criminal law in Indonesia enforcement include:

1) Giving Restitution and Compensation

The provision of restitution and compensation as explained in Article 35 of Law Number 26 of 2000 provides the meaning of compensation, namely compensation provided by the state because the perpetrator is unable to provide full compensation for which he is responsible, while restitution, namely compensation given to the victim or his family by perpetrator or third party. Restitution can be in the form of:

a. Return of property
b. Payment of compensation for loss or suffering; or
c. Reimbursement for action certain.

Definition of restitution and compensation is a deep term their uses are often interchangeable. However, the difference between the two terms is
compensation is more civil. Compensation arising from victim's request, and paid for by society or is a form of public accountability or state, while restitution is more crimes arising and court decisions criminal and paid by the convict or is a form of accountability convict. There are five systems of restitution and compensation to victims of crime, which are as follows:

a. Compensation (damages) that are civil law, given through a process civil. This system separates claim for compensation for victims of the process criminal.

b. Compensation of a civil nature granted through criminal proceedings.

c. Restitution of a civil nature and mixed with criminal nature granted through criminal proceedings. Even though the restitution here is still civil nature, no doubt its criminal nature. One of form of restitution according to this system is a "compensation fine" (compensatory fine). This fine is a "valuable obligation" money" (monetary obligation) imposed on the convict as a form of compensation to the victim in addition to the criminal should be given.

d. Compensation of a civil nature, given through criminal proceedings and supported by sources state income. Here compensation does not have a criminal aspect anything, even if given in criminal proceedings. So, fixed compensation is a civil institution pure, but the state fulfill or bear indemnity obligation charged trial of the perpetrator. This matter is an acknowledgment that the state has failed to do its job protect victims and fail prevent crime.

2) Counseling

In general, this protection is provided to the victim as a result of the emergence of the negative psychological impact of a crime. Assistance in the form of counseling is very suitable given to victims of crimes who leaving long-lasting trauma, such as in cases involving decency. For example in cases domestic violence or cases traumatizing rape prolonged on the victim, generally the victim suffers physically, mentally, and social. Apart from suffering physically, the victim also experiencing mental stress For example, because they feel dirty, sinful, and have no future.

Worse yet, victims are often found rape gained ostracism from society because it is considered to bring disgrace for the family and the surrounding community. By paying attention to the condition of the victim such as above, of course the form of assistance or psychological assistance (counseling) relatively more suitable to be given to the victim rather than just compensation in the form of money.

3) Medical Services / Assistance

Given to victims who suffer medically as a result of a crime. The medical services in question can be in the form of health checks and reports in writing (visa or medical certificate) which has the same legal force with evidence). This medical statement especially when the victim wants to report the crime that happened to him to police for follow-up.

4) Legal Aid

Legal aid is a form of assistance to victims of crime. In Indonesia, noodle assistance is more provided by Non-Governmental Organizations (NGO), for example in the 1998 Trisakti case, the Tanjung Priok case, and so on. Use of legal aid provided by the government is rarely used by crime victims because there are still many people who doubt the credibility legal assistance provided by government. Providing legal assistance to victims of crime must be given good
requested or not requested by the victim. This is important, considering the low level of legal awareness of most victims of this crime. Attitude let crime victims not get proper legal assistance can result in worsening condition of the victim of a crime.

5) Information Provision
Providing information to victims or his family related to the process criminal investigation and examination experienced by the victim. Giving This information plays a very important role important in the effort to make society as a partner of the police because Through this information, it is hoped that the function community control of police performance can run effectively. One of the efforts that have been made by the police in providing information to the victim or his family is through the creation of web sites in several the police station in which it is presented complete police activities, both both policy and operational in nature. Likewise, notifications about progress of an investigation crime and information about the discovery objects resulting from criminal acts (such as stolen motor vehicle), can included in this group.

3.2. Forms of legal protection that are commonly given to victims of crime in criminal law in France

The procedural rights models were carried out by the French government in providing victims' rights. In this model, it is possible for the victim to play an active role in the ongoing judicial process. In this case, the victim of a crime is given the right to file a criminal complaint or to assist the prosecutor. He also has the right to be presented and heard at every level of court proceedings related to his interests in it, including the right to be asked for consultation by the correctional institution before being granted parole, as well as the right to hold peace or civil justice.

In France, this model of procedural rights is called the pratie civolie model (civil action systems). The procedural approach sees the victim as a subject who must be given broad juridical rights to sue and pursue his interests. The advantage of this model is that it can be considered to fulfill feelings to avenge the victim and the community. In addition, the involvement of the victim like this will make it possible to regain self-confidence and self-esteem. Then, the rights given to the victim to be actively involved in the process of seeking justice can be a counterweight to actions that may occur in the prosecutor's duties, for example in preparing requisitions that are considered too light or setting the case aside in the public interest. This model is also considered to be able to increase the flow of quality information to judges, because usually this information flow is dominated by defendants who through their legal counsel can actually suppress victims/victim witnesses in court. However, this model also has significant weaknesses, where this model is considered to create a conflict between public and private interests; whereas, the criminal justice system must be based on the public interest. In addition, there can be an excessive burden on the administration of criminal justice as opposed to simplifying efforts.

Another disadvantage is the possibility that the rights granted to the victim can actually cause a mental burden for the person concerned and open up opportunities to make him a second victim (risk of secondary victimization). Practically psychologically and financially, this model is sometimes considered not to be profitable. Anxiety, depression and indifference of the victim are not possible for him naturally, especially if his education is low. The tight and repeated trial schedule will disturb him, both practically and financially. In addition, it can also be said that a free atmosphere based on the preassumption of innocence can be disturbed by
the victim's opinion about the sentence that will be imposed. It is based on emotional thinking in terms of retaliation.

One form of restorative justice that is getting attention specifically in France is the provision of compensation for victims of crime. Law January 17, 2008 regarding Reimbursement Loss to the Victim makes it easier to implement the decision court that gives the victim the right to receive compensation. Victims get compensation for a maximum of two months after the court's decision. Some important things related to the provision of compensation to victims of criminal acts in France, namely: Provision of Compensation for Victims of Crime through Court. Basically there is no attempt to return the condition of the victim to the state before the crime occurred, however at least reduce the negative impact arising from a criminal act.

One of the efforts that can be made to reduce the suffering of victims of criminal acts is to provide compensation to victims due to losses suffered both materially and immaterially as a result of perpetrator's actions. Not only within the scope of civil law, France has also recognize the compensation process for compensation for victims within the scope of criminal law. This gift not even only given to individual victims, but also to associations because of the collective loss. Loss by collectively can override the members of the association directly- i.e. e.g. worker associations or unrelated losses directly members of associations, for example: associations for protect animals. In the context of this discussion, it will focused on providing compensation to individual victims.

(1) Terms of compensation

There are several conditions to be able to be given compensation, both in the form of material and immaterial losses, namely: First, the crime committed is punishable according to French law. Second, crime/crime it attacks the interests protected by law. Third, the damage (suffering) suffered by the victim has direct relationship with the crime that occurred.

(2) Party Requesting Compensation

The claim for compensation by the victim can be represented by: his heirs (la reparation de la victim par richochet) According to the decision of the French Supreme Court (Cour de Cassation). Submission of compensation by the heirs will be more may be accepted if it has been started first claim for compensation by the victim before death. Change losses that will be obtained by the heirs or in Other compensation that will be granted is that of a material. As for the application for compensation that is immaterial rejected by the French Supreme Court. Besides that, The heirs can only apply for compensation if: between the crime that occurred and the death of the victim there is time span, but if the victim died instantly, then heirs cannot claim damages on behalf of the victim. In addition to the heirs, parties who can apply for compensation is a third party. The third party in question is the who have predefined rights over the victim, such as victim creditors, which of course is limited to the losses incurred suffered a material victim.

(3) Defendant's Capacity

If the defendant does not have the capacity, for example, has psychological disorders, the defendant can still be asked accountability for his actionns that cause loss to the victim. As for children who are still minors or minors, the French Supreme Court (as in a ruling of 9 May 1984) think that they can still be sued to replace loss suffered by the victim. Technically, the party
who responsible for the child (eg parents) who required to carry out the compensation. If there are several defendants who are both cause harm, each of which is known to have different contributions, in principle the victim can file a claim for all the losses to the defendant whichever. On the other hand, victims can also file lawsuits against all defendants with the amount of losses not the same for each defendant.

As for the case against several defendants and it is not known, definitely each contribution, then it can be applied the principle of collective responsibility (collective legal liability). This means that the victim can file a claim against any of the defendants. The law passed on July 11, 1966 stipulates that if the one who has made a mistake is not known existence or has been declared bankrupt, then the state has an obligation to pay for the loss. For example the Law of September 9, 1986 provide compensation for victims of acts of terrorism. Besides that The law of 6 July 1990 allows victims to receive compensation due to crimes/criminal acts committed make the victim unable to work for more than one month.

(4) Compensation Claim Process

Basically the victim can file a lawsuit through criminal court or civil court. In principle, if the victim already has a civil court, he can't change it to criminal court. The filing of a claim for damages has an expiration date. For the type of crime, the expiration date is after 10 years the occurrence of a crime, as for minor crimes during 3 years, and for violations for one year. Submission the lawsuit in principle is filed in the Court of residence defendant or one of the defendants.

4. Conclusion

Forms of legal protection that are commonly given to victims of crime in criminal law in Indonesia enforcement include:

- Giving Restitution and Compensation
- Counseling
- Medical Services / Assistance
- Legal Aid
- Information Provision

Forms of legal protection that are commonly given to victims of crime in criminal law in Indonesia enforcement include:

- Terms of compensation
- Party Requesting Compensation
- Defendant's Capacity
- Compensation Claim Process
References


Corporate Criminal Liability for Leakage of Personal Data

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Abstract. The type of research used in this thesis is normative juridical (legal research), using a statutory approach, and a conceptual approach. The problems in this thesis are: Regulation of personal data protection in Indonesian legislation and Corporate Criminal Liability for Personal Data Leakage. Personal data is an asset or commodity of high economic value. In addition, there is a correlative relationship between the level of trust and the protection of certain data from personal life. Protection of personal data is currently not regulated in a separate law but is still spread in various laws and regulations. Legal provisions related to the protection of personal data are still partial and sectoral, it seems that they have not been able to provide optimal and effective protection of personal data, as part of privacy. Seeing the victims of corporate crime in the criminal act of leaking personal data, it is very natural that the corporation must be responsible for all of its actions. The forms of losses and also the consequences of corporate crimes cannot be felt immediately (actual victims) but can only be felt and seen at a later time (potential victims). The victims of corporate crime include rival companies (competitors), consumers and the public (public) in general. As in the case of personal data leakage on Tokopedia, the victims are consumers who fall into the category of potential victims.

Keywords: Personal Data, Criminal Liability, Corporate

1. Introduction

The concept of the right to privacy became popular in 1890 when Samuel Warren and Louis Brandeis wrote an essay entitled, “The Right to Privacy,” which was published by the Harvard Law Review. They proposed the recognition of individual rights “right to be let alone” and also argued that this right should be protected by existing law as part of the human rights issue. Thus, the concept of the right to privacy has been recognized but is still difficult to define. Privacy, as part of human rights, identifies the protection of personal data as an important right. The right to privacy through data protection is not only important but also a key element for individual freedom and dignity. Data protection is a strong driver for the realization of political, spiritual, religious freedom and even sexual activities[1–3].

In Indonesia, regulations related to personal data and the right to privacy of a person are contained in the Indonesian constitution as previously stated, and also regulated in 1 article in Law Number 19 of 2016 which contains Amendments to Law Number 11 of 2008 concerning Information and Transactions. Electronic information in Article 26. Article 26 of the ITE Law regulates how any electronic information containing personal data may only be used with the permission of that person. There is also Government Regulation (PP) No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions. For the specific regulation, it is still up to the Ministerial Regulation, namely the Minister of Communication and Information Regulation Number 20 of 2016 concerning Privacy Data Protection in
Electronic Systems. Meanwhile, in Singapore, regarding the Protection of Personal Data, guarantees have been given to the Act, namely the Personal Data Protection Act 2012 which was just amended in 2020, as well as the Public Sector Governance Act 2018. In Indonesia, until now there is no specific law regarding the protection of privacy and data. Therefore, as technology is developing rapidly today, laws for the protection of privacy and personal data are becoming increasingly urgent. The existing law is considered ineffective, especially in following the development of the use of technology itself[4–6].

Recently, the issue of leaking personal data and offering transactions for leaked personal data has resurfaced. The incident hit corporate-managed personal data. Of course the public becomes worried and questions why these incidents often occur and it seems that there is no law enforcement. All incidents of personal data leakage seem to be over with just the news. Corporations and related agencies seem to simply notify the public by issuing statements and clarifications. This causes the perpetrators of personal data theft to walk freely to carry out these actions and feel as if they are free to buy and sell personal data as their livelihood by making offers through darknet sites.

Incidents of personal data leakage, of course, do not only occur due to attacks from outside, because they may be an act of disclosure from within the organization or corporation itself. One of the data leak incidents that shocked the public was the widespread circulation of President Jokowi's vaccination certificates on social media due to the leaking of the President's population identification number (NIK), in addition to information regarding the name, date of birth, date of vaccine, and the type of vaccine used by Jokowi. widely circulated on social media where it is very unfortunate. To clarify this, of course, it is necessary to prove that it is impossible to rely solely on the statement of one party, but must also be proven by other parties or related agencies. The government through sectoral agencies in accordance with the authority granted by law, has the duties and functions as well as the authority to supervise the protection of the public's personal data. They are worried that the public will judge as if there is no legal awareness for corporations and related agencies to protect people's personal data. It seems as if there is no effort that can be made by the community to demand better protection, because it seems that corporations and related agencies only look down on this matter, because the incident happened repeatedly without clear law enforcement. Is there really no rule of legal responsibility by the organizer of the electronic system for the data leak? Should the public wait for the Personal Data Protection Bill (RUU PDP) to be ratified first before the action can be held legally responsible.

In general, within the scope of criminal law, data leakage can occur due to intrusion from outside (illegal access) into the system or outside the system (interception or man in the middle attack). But maybe, leakage might also occur from the action leakage from an insider who sends the data outside the system, where the insider should maintain the confidentiality of the user's data. As the controller and data processor, the corporation must be responsible for the security system both physically and logically. At least the act of theft or leakage can basically optimize the provisions of Article 30 and Article 32 of the ITE Law, regarding illegal access and data interference[7–10].

In addition, criminal liability should not release those who are the custodians, including the organizers of darknet sites that become black-market. Offering personal data obtained illegally is like trading stolen goods on the black market as regulated in Article 480 of the Criminal Code. Apart from the main actors, of course, there are accompaniment actions that must be pursued by law enforcers, such as corporations and agencies that intentionally do not own and maintain their electronic security system for proper management of personal data. It should also be said to be responsible for providing the means to commit crimes to the public.
The problems that will be discussed in this research are: How is the regulation of personal data protection in the legislation? What is the corporate criminal responsibility for the leakage of personal data?

2. Method

The research for this paper uses a normative juridical research type (legal research). This type of normative juridical research is carried out by examining various legal rules of a formal nature such as laws, regulations related to the issues discussed. The problem approach method used in the preparation of this thesis is the statute approach, the conceptual approach and the comparative approach[11].

3. Result & Discussion

3.1. Personal Data Protection Regulations in Indonesian Laws

1) Laws and Regulations in Indonesia Regarding Personal Data

So far, Indonesia does not have a policy or regulation regarding the protection of personal data in a special regulation. Regulations regarding this matter are still contained separately in several laws and regulations and only reflect aspects of personal data protection in general. In the existing legislation in Indonesia, there are several laws that pertain to personal data, including:

a) Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration (Population Administration Law)
b) Law Number 7 of 1971 concerning Basic Provisions for Archives (Law on Archives)
c) Law Number 36 of 1999 concerning Telecommunications (Telecommunication Law)
d) Law Number 14 of 2008 concerning Public Information Disclosure (Public Information Disclosure Act)
e) Law Number 10 of 1998 concerning Banking (Banking Law)
f) Law Number 29 of 2004 concerning Medical Practice (Medical Practice Law)
g) Law Number 36 Year 2009 concerning Health (Health Law)
h) Law Number 43 of 2009 concerning Archives (Archives Law)
i) Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Transaction Information (UU ITE)

2) The Need for Personal Data Protection Arrangements in Indonesia

The issue of the importance of protecting personal data began to strengthen along with the increasing number of cellular phone and internet users. A number of cases that have emerged, especially those related to the leakage of a person's personal data and lead to acts of fraud or pornography crimes, reinforce the discourse on the importance of making legal rules to protect personal data. Protection of personal data is related to the concept of privacy. The concept of privacy itself is the idea of maintaining personal integrity and dignity.

The right to privacy is also the ability of individuals to determine who holds information about them and how that information is used. The right to privacy through data protection is a key element for individual freedom and dignity. Data protection is a driving force for the realization of political, spiritual, religious freedom and even sexual activities. The right to self-determination, freedom of expression and privacy are rights that are essential to making us human. The collection and dissemination of personal data is a violation of a person's privacy because the right to privacy includes the right to determine whether or not to provide personal data.
Personal data is an asset or commodity of high economic value. In addition, there is a correlative relationship between the level of trust and the protection of certain data from personal life. Unfortunately, the protection of personal data is currently not regulated in a separate law but is still spread across various laws and regulations as reviewed in the previous sub-chapter. Legal provisions related to the protection of personal data are still partial and sectoral, it seems that they have not been able to provide optimal and effective protection of personal data, as part of privacy.

The potential for violation of privacy rights over personal data does not only exist in on-line activities but also off-line activities. The potential for privacy violations of personal data on-line, for example, occurs in mass personal data collection activities (digital dossier), e-commerce transactions, direct marketing (direct selling), social media, implementation of the e-KTP program, implementation of e-health programs and cloud computing activities.

The arrangements that will be drawn up in the Personal Data Protection Bill are expected to place Indonesia on a par with developed countries that have implemented laws regarding personal data protection. This will further encourage and strengthen Indonesia's position as a trusted business center, which is a key strategy in Indonesia's national economy. In addition, the regulation regarding the protection of personal data will minimize the threat of misuse of personal data in the e-commerce industry, banking, online friendship sites (eg Facebook, My Space, Twitter, Path, Google Plus), electronic ID cards (e-KTP), e-health. The potential for crime stems from searching for someone's personal data, removing the identity of data from criminals, search engines (eg google.com and bing.com), and cloud computing. Taking into account all the threats and potential violations above, personal data protection arrangements are intended to protect the interests of consumers and provide economic benefits for Indonesia.

Seeing the developments that have occurred, informatics law experts try to develop the principles of how this personal information should be managed is known as fair information practices. These principles are standard principles used in practice (standard practice) by the public and private sectors so that consumer privacy is protected. This principle was first used by the Department of Health, United States in 1973 because at that time the use of computers to process and store population data had been misused by certain parties so that a lot of population health data fell into the hands of manufacturers of drugs and related health products. Others for marketing purposes. Fair Information Principles are as follows:

1. Principle of limitation (collection limitation): The collection of public personal information should be limited to its original purpose.
2. Disclosure: Individuals must be informed about the purposes for which their personal information is collected and disseminated.
3. Secondary usage: Individuals can refuse other parties to collect their personal information without asking for prior consent.
4. Correcting data (record correction): there must be a mechanism that allows someone to be able to correct their personal information.
5. Security: Government agencies that manage and collect a person's personal information are obliged to ensure the security of the information they manage to avoid the misuse of information by others.

In fact, then these principles are widely used by government and private agencies in managing public information in the United States and then encourage the United States government to make laws on the protection of privacy, namely the Privacy Act, 1974 and internationally has inspired to be able to apply Fair Information Principles internationally, finally in 1980 the OECD developed Guidelines which normally accommodate Fair Information Principles derived from practice in the United States.
In addition, the FTC (Federal Trade Commission), which is a federal agency that handles business competition in the United States, also issues the principles of fair information practices, namely:

1. The principle of notification (Notice/Awareness)
   
   This principle is the most basic and important principle because consumers must be informed in advance that their personal information will be accessed. Although the contents of the notification are submitted to each institution, in practice it must include:
   
   1) the identity of the institution that will collect the information;
   2) identification of the company that will store the information;
   3) identification of other parties who will use the information;
   4) the purpose of data collection; and
   5) what steps will be taken to secure the information.

   In addition, there are also institutions that list other consumer rights, such as the right of consumers to be able to access their information, the right to correct information that is no longer accurate. In e-commerce transactions, the notification must be included and the way it is presented must be clear and not confusing to consumers.

2. The principle of choice or consent (choice/consent)

   This principle gives consumers the choice to approve or reject the use of their personal information by third parties. This process is very important with regard to the use of their information by third parties or called secondary uses or the use of information for purposes other than the agreed transaction, for example the use of information to be stored in consumer data, or for marketing purposes for other products, or the information is transferred to third parties.

   Currently, there are two kinds of notification (consent), namely the first is called opt-in, the consumer must give express approval before the information is collected/used by other parties. Second, opt-out, consumers are asked for consent when the information will be transferred.

3. The principle of access (access / participation)

   This principle provides an opportunity for consumers to be able to access their personal information which is in the hands of certain companies and are given the opportunity to check the accuracy of their information and the process must be designed as easy as possible and consumers should not be charged.

4. Information integrity and security principles

   This principle is very important, namely that the second party must maintain the integrity and security of information both technically, for example through encryption technology, passwords and good corporate management such as company internal security, especially preventing the data it manages from being used by irresponsible parties.

5. Implementation of the above principles (enforcement/redress)

   The above principles can be applied effectively if there is an enforcement mechanism. When not these principles are only in the form of recommendations so that their compliance depends on the good faith of each party. For the effectiveness of this principle, it is necessary to use a mechanism or use a self-regulatory model implemented by the industry or use laws that impose sanctions on parties who violate the principles above.

   1) Self-regulation (self-regulation)

   To be effective, self-regulatory arrangements must also regulate the sanctions that will be applied to those who violate. For example: being expelled from the association or not being given a certificate showing the company's compliance. In the event of a violation, the consumer must receive compensation.

   2) Through government regulation (government enforcement)
The government issued a law that would provide compensation and criminal penalties. In addition to the principles above, the FTC also requires the industry to apply the Fair Information Principles, especially children's personal information. This principle is applied because children often search for data through the internet and in practice they are often asked to fill in their personal information so that in many cases their personal information is used to sell toys, games, or to send pornographic content. This principle requires parental consent in advance, namely:

1) Parental notice/awareness and parental choice/consent
   Parents must receive notification and consent in advance that children's personal information will be collected by certain industries. To facilitate the mechanism must be made easy and simple. In addition, it must provide opportunities for parents to supervise it. Basically, the industry should not ask children directly for their personal information such as email numbers, addresses and telephone numbers.

2) Access/participation, integrity and security
   This principle requires the industry to provide opportunities for parents to access information and also to correct the accuracy of children's personal information. In addition, the industry is also required to secure the personal data it manages.

In addition, the need for a Personal Data Protection Law, it is also necessary to pay attention to relevant principles to serve as the basis for formulating norms in the Personal Data Protection Bill, including:

1) Protection Principle
   The principle of protection is very relevant to the Personal Data Protection Bill because basically the existence of this law is intended to provide protection to data owners regarding their privacy, regarding their personal data, regarding their rights to data so that the data is not misused to the detriment of the interests of the data owner.

2) Principle of Public Interest
   The principle of public interest is very important to be one of the principles of the Personal Data Protection Bill, because it is the public interest that can be used as a valid reason, according to the formulation of the law, as a reason to break through or as an exception to privacy protection for personal data. These public interests include, among others: state security, state sovereignty, eradicating corruption and other criminal acts.

3) Balance Principle
   The principle of balance is also an important principle that needs to be considered as the basis for the formulation of norms in the Personal Data Protection Bill, because the arrangements in this law actually reflect efforts to balance privacy rights on the one hand with legitimate state rights based on interests. general.

4) Principle of Accountability
   The principle of responsibility provides a basis for all parties related to the processing, dissemination, management and supervision of personal data to act responsibly so as to ensure the balance of rights and obligations of the parties involved, including the data owner.

Taking into account all the threats and potential violations described above, the personal data protection arrangements are intended to protect the interests of consumers and provide economic benefits for Indonesia. This arrangement will protect the personal data of each individual against misuse when the data has a high value for business purposes, whose collection and processing has become easier with the development of information and communication technology. The development of regulations on the protection of personal data in general will place Indonesia on a par with countries with advanced economic levels, which have implemented laws regarding the protection of personal data. This will strengthen and
strengthen Indonesia's position as a trusted business and investment center, which is a key strategy in Indonesia's economic development.

For the benefit of consumers, the need for the protection of consumer personal data, especially in an era where personal data is very important valuable for business purposes, raises concerns that consumer personal data is sold or used without the consumer's consent as examples of violations described previously. Therefore, the protection of personal data that is specific in a law is very necessary to ensure that consumer personal data is properly protected. For economic development, the protection of personal data of a special nature will strengthen Indonesia's position as a trusted business and investment center and create a conducive environment for the growth of global data management and data processing industries such as cloud computing to thrive in Indonesia.

In addition, in 2019, the Indonesian government again proposed the Personal Data Protection Bill as a form of refinement of various existing laws and regulations. This Personal Data Protection Bill consists of 72 articles, and has gone through various stages of discussion. The provisions for criminal sanctions are regulated in the 2019 Personal Data Protection Bill. The criminal provisions in the 2019 Personal Data Protection Bill are quite detailed, namely those related to the acquisition and collection of personal data, disclosure of personal data, use of personal data, installation and use of on-site visual processing devices, public or public service facilities, falsification of personal data for the benefit of oneself or others or causing harm to others, as well as the sale or purchase of personal data. There are several differences that are refinements to the Personal Data Protection Bill, including:

What needs to be appreciated is that punishment can not only be imposed on individuals, but also on corporations, which means that punishments can also be imposed individually on administrators, controllers, order givers, and even beneficial owners. Electronic System Operators in this case must be more careful because it means they are included in this Corporate category. In addition to crime, other sanctions that may be received by the Electronic System Operator are confiscation of profits from a criminal act, freezing of all or part of its business, permanent prohibition from carrying out certain actions, closing all or part of the place of business and/or activities of the Corporation, carrying out obligations that have been neglected, to the payment of compensation. These are all regulated in Articles 61 to 64 of the 2019 Personal Data Protection Bill.

2. Corporate Criminal Liability Against Personal Data Leaks

The term liability or commonly known as liability in terms of legal philosophy, Roscoe Pound states that: "I..use simple word liability for the situation whereby one may exact legally and other is legally subject to the excaxtion". an obligation to pay the retaliation that the perpetrator will receive from someone who has been harmed. In corporate criminal liability, there are several theories that can be used as the basis for corporate punishment, as for these theories, including:

a. Direct Corporate Criminal Liability Theory

In countries that adhere to the Anglo-Saxon legal system, such as England and America, the theory of direct corporate criminal liability is known. According to this theory, corporations can commit a number of offenses directly through agents who are closely related to the corporation, acting for and or on behalf of the corporation. They are not substitutes and therefore, corporate liability is not personal. The requirement for direct corporate criminal liability is that the actions of these agents are still within the scope of the corporation's work.

The existence of a corporation, according to the theory of direct corporate criminal liability, is independent in terms of its criminal liability. Therefore, it cannot be equated with
the vicarious liability model. Thus, the actions or activities carried out by individuals do not represent the corporation, but are considered the actions of the corporation itself. When the individual makes a mistake, by itself the mistake is basically the fault of the corporation. In short, individual error is synonymous with corporate error.

b. Strict liability theory

Strict liability is defined as a criminal act by not requiring any fault on the part of the perpetrator against one or more of the actus reus. This strict liability is a liability without fault. With the same substance, the concept of strict liability is formulated as the nature of strict liability offences is that they are crimes which do not regulate any mens rea with regard to at least one element of their “actus reus”. Absolute responsibility is a form of violation or crime in which it does not require an element of error, but only requires the existence of an act).

Another opinion regarding strict liability is expressed by Roeslan pious as follows: In practice, criminal liability disappears, if one of the circumstances forgives. The practice also gives birth to various levels of mental conditions that can be a condition for the abolition of the imposition of a crime, so that in its development a crime group is born which is sufficient for handling the crime with strict liability. In a criminal act that is strict liability, all that is needed is the suspicion or knowledge of the perpetrator (the defendant), and that is enough to demand criminal responsibility. So, there is no question about the existence of mens rea because the main element of strict liability is actus reus (actions), so that what must be proven is actus reus (deeds), not mens rea (errors).

According to Romli Atnasasmisita, the legislators have determined that the rules regarding strict liability crimes can be enforced as follows:

a) The crime committed is not a serious crime;
b) The applicable penalty is light;
c) The requirement for the existence of mens rea will hinder the purpose of the legislation;
d) Crimes committed directly constitute coercion on the rights of others;
e) According to the applicable law, mens rea is not necessary.

Barda Nawani Arief argues that the strict liability theory, according to English criminal law, is only applied to cases of minor violations, such as violations of public order or public welfare. Included in the categories of violations mentioned above are:

a) Violation of court order;
b) Defamation of a person;
c) Disturbing public order.

However, most of the strict liability is found in offenses regulated in law (statutory offenses regulatory offenses, mala prohibita) which are generally offenses for public welfare. Including regulatory offenses are the sale of harmful food and drink or drugs, the use of misleading trade images, and traffic violations.

c. Vicarious Liability Theory

Vicarious Liability, commonly referred to as substitute liability, is defined as a person's legal liability for wrongdoing committed by another person. Barda Nawawi argues that vicarious liability is a concept of a person's responsibility for mistakes made by others, such as actions taken that are still within the scope of his work (the legal responsibility of one person for wrongful acts for another, as for example, when the acts are done within the scope of employment).

The principle of working relations in vicarious liability is called the principle of delegation, which is related to granting permission to someone to manage a business. The
license holder does not run the business directly, but he gives full trust (delegates) to a manager to manage the corporation. If the manager commits an unlawful act, then the permit holder (delegator) is responsible for the manager's actions. On the other hand, if there is no delegation, the delegate will not be responsible for the manager's crime. An interesting example of this lack of delegation is presented as follows:

A permit to open a restaurant that serves alcoholic beverages can only be sold and granted to someone who orders food. The waiter sold the drink to someone who didn't order food. The license holder was charged with violating Article 22 (1) of the Licensing Act 1961, on the basis of knowledge of selling alcoholic beverages. The license holder is not aware of the servant's actions. Prosecutors ignored the defense. The Supreme Court accepted the permit holder's defense so that the employer was not penalized.

Meanwhile, according to Marcus Fletcher, in a criminal case, there are two important conditions that must be met to apply a criminal act with substitute liability, these conditions are as follows:

a) There must be an employment relationship, such as that between an employer and an employee or worker;
b) The criminal act or crime committed by the employee or worker is related to or still within the scope of his work.

According to statute law, vicarious liability or substitute liability can occur in the following cases:

a) A person can be charged with criminal responsibility for actions committed by other people, if there is a delegation (the delegation principle).
b) A person can be charged or the employer can be held accountable for his actions which is physically carried out by the employee if according to the law, the act is seen as the employer's act.

4. Conclusion

Personal data is an asset or commodity of high economic value. In addition, there is a correlative relationship between the level of trust and the protection of certain data from personal life. Protection of personal data is currently not regulated in a separate law but is still spread in various laws and regulations. Legal provisions related to the protection of personal data are still partial and sectoral, it seems that they have not been able to provide optimal and effective protection of personal data, as part of privacy.

Seeing the victims of corporate crime in the criminal act of leaking personal data that is so widespread, it is very natural that the corporation must be responsible for all its actions. The forms of losses and also the consequences of corporate crimes cannot be felt immediately (actual victims) but can only be felt and seen at a later time (potential victims). The victims of corporate crime include rival companies (competitors), consumers and the public (public) in general. As in the case of personal data leakage on Tokopedia, the victims are consumers who fall into the category of potential victims.
References


The Influence of Work Motivation, Job Satisfaction, and Organizational Commitment on Employee Performance Through Work Discipline

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Abstract. This study aims to analyze the influence of work motivation, job satisfaction, and organizational commitment on employee performance through work discipline as a mediator. The study was conducted at the Tegal City Diskominfo with a sample of 49 civil servants (PNS) as respondents. Primary data collection was carried out using questionnaires with questions of a closed nature. Before being distributed to respondents, first inlayokean testing valiintas dan reliabilitas against the question items used in the questionnaire. Furthermore, analysis to the collected data was carried out using Structural Equation Modeling (SEM). Based on the results of the analysis, it can be concluded that partially, job motivation, job satisfaction, and organizational commitment have a significant and positive effect on employee work discipline. Another conclusion is that work discipline and organizational commitment have a significant and positive effect on employee performance, while job motivation and job satisfaction have no effect on employee performance.

Keywords: Employee Performance, Job Satisfaction. Organizational Commitment, Work Motivation, Work Discipline

1. Introduction

Employee performance plays an important role in the development of the organization, including the Communication and Information Service (Diskominfo) of Tegal City. The performance achievements of Diskominfo employees in carrying out their main duties and functions, among others, can be seen from the response of the community. Diskominfo is a government agency tasked with assisting the Mayor of Tegal in carrying out government affairs that are the regional authority, in addition to assisting duties in the fields of communication, informatics, encoding, and statistics.

One of the factors affecting employee performance is work discipline. Discipline for civil servants has been regulated in Government Regulation Number 53 of 2010. This regulation is a guideline in enforcing discipline to ensure the maintenance of discipline and smooth implementation of duties, as well as encouraging civil servants to work more productively based on the career system and work achievements. The disciplinary behavior in the employees of the Tegal City Diskominfo is felt to be quite high as reflected in the data presented in Table 1.1.

| Table 1 | Work Performance Assessment of PNS Diskominfo Tegal City in 2019 and 2020 |
Employee commitment to the organization is not enough just passive loyalty, but also requires active interaction and the desire of employees to make a meaningful contribution to the organization. According to [1], highly dedicated employees tend to feel comfortable in the workplace, proud of the organization, can account for their duties and obligations, and believe that they have moral obligations.

This study is aimed at analyzing the influence of work motivation, job satisfaction, and organizational commitment to the performance of employees of the Tegal City Diskominfo through work discipline as a mediating variable.

2. Literature Review

The difference between this research and previous studies began with the object of research in the form of civil servants at the Tegal City Diskominfo. These civil servants became respondents and were given the same opportunity to fill out the questionnaire. Furthermore, in the research model, work discipline is added as an intermediate variable to connect independent variables with employee performance as a dependent variable.

Employee performance according to [2] can be measured by efficiency, responsiveness, assurance, and empathy which can be seen in the standard of service provided by employees. Meanwhile, [3,4] define performance as the result of work achieved by a person in certain standards as part of his responsibilities. The definition of work motivation has also been put forward by [3,5–7]. According to them, work motivation is something that moves a person that leads to a goal without coercion.

Furthermore, job satisfaction according to [7–12] refer to a comfortable situation experienced by a person that has an impact on a positive attitude towards his work. Meanwhile, organizational commitment according to [8,11–13] is a commitment to an organization involving three attitudes, namely a sense of identification, involvement, and loyalty.

Another variable used in this study is work discipline. Work discipline according to [7] is a response to the regulations that apply to an organization in the form of compliance and compliance.
Figure 1. Frame of Mind

H1 : Work motivation has a significant and positive effect on work discipline.
H2 : Job satisfaction has a significant and positive effect on work discipline.
H3 : Organizational commitment has a significant and positive effect on work discipline.
H4 : Work motivation has a significant and positive effect on employee performance.
H5 : Job satisfaction has a significant and positive effect on employee performance.
H6 : Organizational commitment has a significant and positive effect on employee performance.
H7 : Work discipline has a significant and positive effect on employee performance.

3. Method

This study used a quantitative approach with respondents of all employees of the Tegal City Diskominfo totaling 49 people. Primary data collection was carried out using a closed questionnaire with answer choices arranged following the Likert Scale. Before being distributed to respondents, a validity test and reliability test were first carried out on the question items contained in the questionnaire. The validity test was carried out using a product moment, while the reliability test used Cronbach alpha. The data collected were then analyzed using Structural Equation Modeling (SEM) to determine whether or not the relationship between various variables used in the study was significant.

4. Result & Discussion

4.1 Validity Test

This study used a quantitative approach with respondents of all employees of the Tegal City Diskominfo totaling 49 people. Primary data collection was carried out using a closed questionnaire with answer choices arranged following the Likert Scale. Before being distributed to respondents, a validity test and reliability test were first carried out on the question items contained in the questionnaire. The validity test was carried out using a product moment, while the reliability test used Cronbach alpha. The data collected were then analyzed using Structural Equation Modeling (SEM) to determine whether or not the relationship between various variables used in the study was significant.

a. Convergent validity test results.

Convergent validity testing is based on obtaining a loading factor value that describes the strength of the indicator in representing variables. The test results show that the loading factor value on most indicators is more than 0.50. However, there are 2 indicators that have a value of less than 0.50, namely indicators X2.3 and X2.5, so both indicators cannot be used.

Table 2. Convergent Validity Test Results
<table>
<thead>
<tr>
<th>Variable</th>
<th>Indicator</th>
<th>Cut Off Value</th>
<th>Loadings Factor</th>
<th>Structural Equations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Motivation</td>
<td>X1.1</td>
<td>0.924</td>
<td>X1.1 = 0.924 Work Motivation + e1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X1.2</td>
<td>0.798</td>
<td>X1.2 = 0.798 Work Motivation + e2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X1.3</td>
<td>0.904</td>
<td>X1.3 = 0.904 Work Motivation + e3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X1.4</td>
<td>0.836</td>
<td>X1.4 = 0.836 Work Motivation + e4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X1.5</td>
<td>0.776</td>
<td>X1.5 = 0.776 Work Motivation + e5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X1.6</td>
<td>0.765</td>
<td>X1.6 = 0.765 Work Motivation + e6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X1.7</td>
<td>0.688</td>
<td>X1.7 = 0.688 Work Motivation + e7</td>
<td></td>
</tr>
<tr>
<td>Job Satisfaction</td>
<td>X2.1</td>
<td>0.638</td>
<td>X2.1 = 0.638 Job Satisfaction + e1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X2.2</td>
<td>0.797</td>
<td>X2.2 = 0.797 Job Satisfaction + e2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X2.3</td>
<td>0.487</td>
<td>X2.3 = 0.487 Job Satisfaction + e3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X2.4</td>
<td>0.524</td>
<td>X2.4 = 0.524 Work Satisfaction + e4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X2.5</td>
<td>0.054</td>
<td>X2.5 = 0.054 Job Satisfaction + e5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X2.6</td>
<td>0.618</td>
<td>X2.6 = 0.618 Job Satisfaction + e6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X2.7</td>
<td>0.822</td>
<td>X2.7 = 0.822 Job Satisfaction + e7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X2.8</td>
<td>0.627</td>
<td>X2.8 = 0.627 Job Satisfaction + e8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X2.9</td>
<td>0.879</td>
<td>X2.9 = 0.879 Job Satisfaction + e9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X2.10</td>
<td>0.859</td>
<td>X2.10 = 0.859 Job Satisfaction + e10</td>
<td></td>
</tr>
<tr>
<td>Organizational Commitment</td>
<td>X3.1</td>
<td>0.913</td>
<td>X3.1 = 0.913 Organizational Commitment + e1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X3.2</td>
<td>0.911</td>
<td>X3.2 = 0.911 Organizational Commitments + e2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X3.3</td>
<td>0.927</td>
<td>X3.3 = 0.927 Organizational Commitments + e3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X3.4</td>
<td>0.689</td>
<td>X3.4 = 0.689 Organizational Commitments + e4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X3.5</td>
<td>0.873</td>
<td>X3.5 = 0.873Addition Commitment + e5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>X3.6</td>
<td>0.835</td>
<td>X3.6 = 0.835 Organizational Commitments + e6</td>
<td></td>
</tr>
<tr>
<td>Work Discipline</td>
<td>Z1.1</td>
<td>0.755</td>
<td>Z1.1 = 0.55 Labor Discipline + e1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Z1.2</td>
<td>0.771</td>
<td>Z1.2 = 0.771 Work Discipline + e2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Z1.3</td>
<td>0.730</td>
<td>Z1.3 = 0.730 Work Discipline + e3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Z1.4</td>
<td>0.791</td>
<td>Z1.4 = 0.791 Work Discipline + e4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Z1.5</td>
<td>0.917</td>
<td>Z1.5 = 0.917 Work Discipline + e5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Z1.6</td>
<td>0.864</td>
<td>Z1.6 = 0.864 Work Discipline + e6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Z1.7</td>
<td>0.704</td>
<td>Z1.7 = 0.704 Work Discipline + e7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Z1.8</td>
<td>0.633</td>
<td>Z1.8 = 0.633 Work Discipline + e8</td>
<td></td>
</tr>
<tr>
<td>Employee performance</td>
<td>Y1.1</td>
<td>0.749</td>
<td>Y1.1 = 0.749 Employee performance + e1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y1.2</td>
<td>0.598</td>
<td>Y1.2 = 0.598 Employee performance + e2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y1.3</td>
<td>0.915</td>
<td>Y1.3 = 0.915 Employee performance + e3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y1.4</td>
<td>0.901</td>
<td>Y1.4 = 0.901 Employee performance + e4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y1.5</td>
<td>0.893</td>
<td>Y1.5 = 0.893 Employee performance + e5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y1.6</td>
<td>0.862</td>
<td>Y1.6 = 0.862 Employer work + e6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y1.7</td>
<td>0.916</td>
<td>Y1.7 = 0.916 Employee performance + e7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Y1.8</td>
<td>0.588</td>
<td>Y1.8 = 0.588 Employee performance + e8</td>
<td></td>
</tr>
</tbody>
</table>

b. The result of the discriminant validity test

Validity testing was performed to determine the average value of the variants extracted in each indicator against each of its latent variables. It is known that the average variance value
(AVE) for all variables is greater than the reference value of 0.50. Means that the entire variable has a good level of validity.

<table>
<thead>
<tr>
<th>Table 3. Discriminant Validity Test Results</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Variable</strong></td>
</tr>
<tr>
<td>Work Motivation (X1)</td>
</tr>
<tr>
<td>Job Satisfaction (X2)</td>
</tr>
<tr>
<td>Organizational Commitment (X3)</td>
</tr>
<tr>
<td>Work Discipline (Z)</td>
</tr>
<tr>
<td>Employee Performance (Y)</td>
</tr>
</tbody>
</table>

4.2 Reliability Test Results

The method used to test reliability or reliability is alpha-cronbach. A construct is said to be reliable, if it produces a cronbach alpha value > 0.70 (Ghozali, 2011). Based on the results of reliability testing as presented in Table 4.3, it is known that all items of the statement are reliable.

<table>
<thead>
<tr>
<th>Table 4. Reliability Test Results</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No</strong></td>
</tr>
<tr>
<td>1. Work Motivation (X1)</td>
</tr>
<tr>
<td>2. Job Satisfaction (X2)</td>
</tr>
<tr>
<td>3. Organizational Commitment (X3)</td>
</tr>
<tr>
<td>4. Work Discipline (Z)</td>
</tr>
<tr>
<td>5. Employee Performance (Y)</td>
</tr>
</tbody>
</table>

Furthermore, composite reliability testing is carried out to determine the reliability of the measuring instruments used in each variable. Based on the test results presented in Table 4.4, it is known that all variables have a good level of reliability, because the Cronbach Alpha value is greater than the reference value of 0.7.

<table>
<thead>
<tr>
<th>Table 5. Composite Reliability Test Results</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Variable</strong></td>
</tr>
<tr>
<td>Work Motivation (X1)</td>
</tr>
<tr>
<td>Job Satisfaction (X2)</td>
</tr>
<tr>
<td>Organizational Commitment (X3)</td>
</tr>
<tr>
<td>Work Discipline (Z)</td>
</tr>
<tr>
<td>Employee Performance (Y)</td>
</tr>
</tbody>
</table>

4.3 Outer Model Test Results
Outer testing produces an empirical model as presented in Figure 4.1. Furthermore, an inner model test was carried out which included a determination test (R2) and a Q square test (Q2). The results of the R2 test showed that the value of the coefficient determination of the employee discipline variable was 0.851, which means that the discipline of Tegal city Diskominfo employees was influenced by a free variable of 85.1 percent, while the remaining 14.9 percent was influenced by other variables that were not studied in this study. The value of the coefficient of determination of employee performance variables of 0.647 shows that the performance of employees of the Tegal City Diskominfo is influenced by the variables studied by 64.7 percent and the remaining 35.3 percent is influenced by other variables that were not studied in this study.

![Figure 2. Outer Model Test Results](image)

### Q-Square = 1-(1-R21). (1-R22) = 1-(1-0.851). (1-0.647) = 0.947.

Hypothesis testing was carried out using the bootstrapping method developed by Geiser and Stoner, with the following results.

1) The value of the coefficient of influence of work motivation on employee discipline was obtained at -0.260, with a calculated t value = 1.494 which is greater than the table t value = 0.679 at a significance level of 0.50. This means that there is a significant influence of employee work motivation on work discipline, so that H1 is accepted.

2) The value of the coefficient of effect of job satisfaction on employee discipline was obtained at 0.676 with a value of tנצית = 4.514 which was greater than the table t value = 0.679 at a significance level of 0.50. This means that there is a significant influence of employee job satisfaction on work discipline, so that H2 is accepted.

3) The value of the coefficient of influence of organizational commitment on employee discipline was obtained at 0.500 with a value of tנצית = 2.615 which is greater than the table t value = 0.679 at a significance level of 0.50. This means that there is a significant influence of the organization's commitment to work discipline, so that H3 is accepted.

4) The value of the coefficient of influence of employee discipline on employee performance was obtained at 1.406 with a value of tנצית = 4.452 which was greater
than the table t value = 0.679 at a significance level of 0.50. This means that there is a significant influence of employee discipline on employee performance, so that H4 is accepted.

5) The value of the coefficient of influence of work motivation on employee performance was obtained at -0.048 with a value of t(485) = 0.185 which is smaller than the table t value of 0.679 at a significance level of 0.50. This means that there is no influence of work motivation on employee performance, so H5 is rejected.

6) The value of the coefficient of effect of job satisfaction on employee performance was obtained at 0.127 with a value of t(485) = 0.377 which is smaller than the value of ttable = 0.679 at a significance level of 0.50. This means that there is no effect of job satisfaction on employee performance, so H6 is rejected.

7) The value of the coefficient of influence of organizational commitment on employee performance was obtained at -0.921 with a value of t(485) = 2.615 which is greater than the table t value = 0.679 at a significance level of 0.50. This means that there is a significant influence of organizational commitment on employee performance, so that H7 is accepted.

Based on the results of hypothesis testing, it is known that there are independent variables that have a significant effect or no effect on the dependent variables. Work motivation is known to have a significant and negative effect on work discipline with a coefficient value of -0.260. It means that the more motivated employees are at work, the more it will reduce employee work discipline. These findings contradict the results of previous studies. According to [14] motivation influences employee behavior to work hard to achieve optimal results.

Furthermore, job satisfaction has a significant and positive effect on work discipline with a coefficient value of 0.6766. This means that the more employee satisfaction at work increases, the more it will also improve their work discipline. It was stated by [15] that job satisfaction formed in employees will affect the implementation of employee discipline. Organizational commitment was found to have a significant and positive effect on work discipline with a coefficient value of 0.500. The meaning is that the better the organizational commitment applied in an applicable policy and rule, the more it will increase the work discipline of employees in carrying out their duties in the organization. According to [16] the implementation of equitable organizational commitments will have an impact on the emergence of a sense of employee self-responsibility to carry out the values that have been set in the organization. Employee discipline is another factor that is known to have a significant and positive effect on employee performance with a coefficient value of 1.406. It can be interpreted that if the employee's work discipline increases, the employee's performance will also increase if work discipline has improved, employee performance also increases.

Unlike the previous variables, work motivation has no effect on employee performance. Inconsistent employee motivation can have an impact on performance because when the stimulus is lost, it will usually have an impact on decreasing motivation. Satisfaction was also found to have no effect on employee performance. This finding is different from previous study that revealed satisfaction affects employee performance. The higher the satisfaction in working, the more employee performance will also increase.

Another factor, namely organizational commitment, was found to have a significant and negative effect on employee performance with a coefficient value of -0.921. It can be interpreted that if organizational commitments are implemented properly, employee performance will decrease. This finding is very different from the results of previous research.
which concluded that a good organizational commitment and consistently implemented will have an impact on employee performance.

4. Conclusion

Based on the results of the analysis and discussion, it can be concluded that work motivation has a significant and negative effect on employee work discipline. On the contrary, job satisfaction and organizational commitment have a significant and positive effect on employee work discipline. Another conclusion is that work discipline has a significant and positive effect on employee performance. Meanwhile, motivation and job satisfaction are known to have no effect on employee performance. The latter conclusion is that the organization's commitment has a significant, but negative, effect on the performance of employees of the Tegal City Diskominfo.

From the research that has been carried out, several recommendations can be put forward they are: 1) Diskominfo Kota Tegal needs to increase the work motivation of its employees by providing affiliation encouragement and motivation to compete. 2) Diskominfo Kota Tegal needs to increase employee satisfaction by improving the existing work situation, and improving communication between fellow employees and between employees and leaders. 3) Diskominfo Kota Tegal needs to make an organizational commitment to create a good, conducive, and effective work culture, thus to encourage employee morale.

References


The Influence of Knowledge Management, Quality of Work Life, and Organizational Commitment on Performance with Job Satisfaction as A Medium on Staff Medika Hospital Employees, Pemalang

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Abstract. The development of the world of health requires hospitals to be managed professionally. This requires good employee performance. This study aims to determine the effect of Management Knowledge, Quality Of Work Life Commitment, satisfaction, performance, Respondents amounted to 250 people, who are employees of RSU SIAGA MEDIKA PEMALANG. The study used a questionnaire with data analysis of Structural Equation Modeling (SEM) with the help of AMOS software. The analysis concludes that Management Knowledge, Quality Of Work Life Commitment, satisfaction, and performance affect employee performance. Job satisfaction cannot mediate work placement, workload, work facilities and leadership on employee performance.

Keywords: Principles of Good Governance, Village

1. Introduction

Hospitals are a forum for the implementation of health service providers have an urgent strategic function in creating quality human resources to accelerate the improvement of health outcomes in an inclusive, integrated, equitable, affordable, and acceptable manner for the community. Functionally, a hospital is a health care provider institution that provides plenary individual health care providers such as inpatient, outpatient, and emergency service providers. High performance from employees and nurses is required in carrying out their duties. Some of the problems that exist at the Siaga Medika Pemalang Hospital are the lack of optimal performance of the staff of the Pemalang Medika Siaga Hospital. Based on the observation of employee performance and preliminary interviews with management, several observations were made. This phenomenon can be seen from the table below.
Table 1. Results of Performance Assessment of Employees of Medika Pemalang Standby Hospital

<table>
<thead>
<tr>
<th>No.</th>
<th>Assessed elements</th>
<th>Year 2019 Information</th>
<th>Year 2020 Information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Service provider orientation</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Integrity</td>
<td>3</td>
<td>Good</td>
</tr>
<tr>
<td>3</td>
<td>Commitment</td>
<td>2</td>
<td>Good</td>
</tr>
<tr>
<td>4</td>
<td>Discipline</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Collaborate</td>
<td>2</td>
<td>Good</td>
</tr>
<tr>
<td></td>
<td>Average</td>
<td>8</td>
<td>79,</td>
</tr>
</tbody>
</table>

Job dissatisfaction with the Medika Pemalang Standby Hospital employees can be seen from several things such as employees who often complain and sometimes avoid part of their professional responsibilities. In addition, there are still some employees who are often absent, enter the office late, return home from work faster and the appearance of employees is not neat. This condition reflects the condition of pegawsai who lack enthusiasm at work because they are dissatisfaction with their profession.

The problem related to the quality of working life at the Siaga Medika Pemalang Hospital is that the salary received is not associated with competence and achievement but based on rank and length of service, causing employee dissatisfaction. For employees, wages are a tool for economic survival, and employees often assess the fairness of their wages by comparing the wages paid by one employee to another. Whether employees consider the income they receive to be fair depends on how they view their relative value as distinguished from others. Generally, employees will receive wage differences based on differences in responsibility, competence, knowledge, productivity or work performance.

The problem related to knowledge management at the Medika Pemalang Standby Hospital is the absence of knowledge management, where employees sometimes cannot find any explanation without asking other people directly. In addition, when there are very experienced employees who do not go to work, dependence arises because all knowledge is not transferred to other employees.

Organizational commitment to employee performance.

Based on the description above, it is interesting to conduct a study entitled "The Effect of Knowledge Management, Quality of Work Life and Organizational Commitment to Performance with Job Satisfaction as a Mediator in Employees of the Medika Pemalang Standby Hospital".

The motivation for this study was caused by several problems that existed at Semalang Siaga Medika Hospital, namely, the lack of optimal staff performance at Pemalang Medika Siaga Hospital, and staff dissatisfaction with the quality of work life. The issues discussed in this study are formulated below:

1. Is there an influence of knowledge management on job satisfaction?
2. Is there an influence of work-life quality on job satisfaction?
3. Does there an influence of organizational commitment on job satisfaction?
4. Is there an influence of knowledge management on employee performance?
5. Is there an influence on the quality of work life on employee performance?
6. Is there an effect of organizational commitment on employee performance?
7. Is there an effect of job satisfaction on employee performance?
8. Does the quality of work life influence employee performance with job satisfaction as a mediator?
9. Is there an influence of organizational commitment on employee performance with job satisfaction as a mediator?
10. Is there an influence of organizational commitment on employee performance with job satisfaction as a mediator?

2. Literature Review

Performance is essentially the result of work that an individual or group can achieve in an organization in accordance with their respective responsibilities and functions to achieve organizational goals. [1] explained that the conception of performance is basically the result of work that is closely related to the strategic intent of an institution, customer satisfaction, and economic contribution. [2] revealed that performance is basically an elaboration of performance, meaning that the results of employee work, management processes or the results of the work of the entire organization must be measurable (distinguished by established standards). Performance is the quality and quantity of work results an employee achieves when performing his duties as assigned [3].

According to [4] the factors that affect employee performance are 1) competence, personality, and work interests; 2) clarity and acceptance or interpretation of the role of the worker, that is, the understanding and acceptance of the individual on the task assigned to him, 3) The level of motivation of a worker, the effort that encourages, directs, and sustains the behavior.

[5] proposes performance parameters, namely 1) work quality, namely that every employee in a company must meet certain requirements in order to produce a profession in the quality needed for a certain profession; 2) punctuality, if a certain part of the profession Cannot complete on time, hinders other parts of the profession, thereby reducing the quantity and quality of the profession; 3) initiative in work, related to thinking skills, creativity in forming ideas to plan things related to organizational intentions, 4) Competence to act independently of others, and competence to communicate.

2.1. Job satisfaction

[6] interpret job satisfaction as effectiveness or emotional response in various profession aspects. According to [3]), job satisfaction is a positive feeling about a profession that arises from an assessment of its characteristics. While job satisfaction according to [7] means that those who are very satisfied will perform positive actions in their profession, on the contrary those who are dissatisfied will show negative actions.

Job satisfaction is described as a positive attitude of an employee to the profession, including work feelings and behaviors passing through professional evaluation as one of the urgent values realized by the profession. Many experts describe the dimensions of job satisfaction, one of which is [8] namely:
a. The profession itself, which is basically the main source of satisfaction. Job satisfaction is achieved if the skills possessed, the wishes of workers are in accordance with the profession they are doing and the existence of freedom.
b. Rewards, employees check whether the rewards received are commensurate along with the workload. Allowances are divided into fixed wages and bonuses and allowances.
c. Promotion, offering opportunities for progress along with a clear career path based on employee wishful thinking can satisfy employees.
d. Supervision is an effort to lead and provide motivation, advice, and direction to others to carry out their duties and be good.
e. Compact and responsive colleagues in completing professions and communicating well will have a higher effect on job satisfaction.

Job satisfaction can be a consequence of productivity, and conversely, high productivity increases satisfaction only when employees consider the company's achievements to be commensurate with fair and reasonable compensation (salary/salary).

2.2. Knowledge management
[9] conveys some of the ideas behind the conception of knowledge, namely 1) knowledge is based on true beliefs, 2) knowledge is clear and unimaginable (tacit understanding), 3) the effectiveness of innovation created depends on what makes innovation possible.
[10] defines knowledge management as a process that helps entities find, select, disseminate, and transmit urgent and necessary explanations needed for various activities such as problem solving, dynamic learning processes, and planning and decision-making strategies. In general, knowledge management is the coordinated use of explanations, knowledge, and experience. According to [9], the parameters of knowledge management are:
   a. Knowledge identification is the desire of an individual or group to be like everyone else. Another meaning is to want to find common sense and unlimited explanations
   b. Knowledge reflection is the formation of well-organized practices in order to manage entities in order to be successful in development
   c. Knowledge sharing is an urgent process of physical progress today, as it spreads intellectual capital throughout the organization for new and useful innovations that benefit individuals or groups.
   d. The use of knowledge is the use of results that have been sought, created, and then shared with each other in order to get the right explanations at the right time for smooth performance in the organization.

2.3. Quality of working life
According to [11], the quality of work life is an individual's feelings about the work environment. [12] explained the meaning of the quality of work life, namely that employees feel that they feel safe, relatively satisfied, and can develop as a whole person. When managers give workers the opportunity to design their profession, the quality of life reflects the conditions necessary to produce a product or service so that they can work effectively.

According to Lee and Yudith in [13], there are several guidelines for implementing a quality work life program, namely:
   a. Understand that a work-life quality plan is not a short-term one that can be implemented quickly and perfectly.
   b. Organizations must reinterpret how we work in organizations.
c. Allow people in the organization to participate at all levels of the organization.

d. By providing purpose and support, the leadership of the organization builds a commitment to those who are at the bottom and should be reflected in daily behavior.

e. Integrating intent and strategy into the form of day-to-day business operations.

f. Employee management and leadership work with consequences to test and resolve internal proposals prior to collaborative problem solving in committees, and management demonstrates its commitment to coordinating proposals and barriers to provide support and accountability for behavior and action.

g. New methods and processes in the organization. The process is never static and requires constant attention in response to developments.

2.4. Organizational commitment

Commitment describes the extent to which individuals recognize organizations and their intent ([6] Commitment is the level at which employees identify themselves in the organization and work hard for the ingenuity of the organization. [14]) said Commitment is the acceptance of those who have strong demands on the company’s goals and values, will work hard, and want to stay in the company. [15] suggest that organizational commitments can be divided into three (three) types, namely affective commitment, continuous commitment, and normative commitment.

a. Affective commitment

Emotional commitment is the intensity of an individual's desire to work in an organization because it identifies itself with the intentions and values embraced by the organization.

b. Ongoing commitment

Allen and Meyer argue that ongoing commitment describes the need for individuals to remain in the organization because of the recognition of the costs associated with leaving the organization.

c. Normative commitment

Normative commitment reflects an individual's sense of obligation to maintain membership in an organization due to loyalty and will remain within the organization. When employees leave the company, employees with high organizational commitment always consider what others think.
3. Method

This research is a causal associative study using a quantitative approach. The population in this study was 653 people from RSU SIAGA MEDIKA PEMALNAG, and the sample taken was 25-0 people. Data collection was carried out using a closed questionnaire using a google form. The data that has been collected is then analyzed using Structural Equation Modeling (SEM) with the help of AMOS statistical software.

Normality Test

The normality test is carried out by looking at the critical ratio value (c.r.) to determine the kurtosis (collapse) and skewness (narrowness) of the distribution of data. Normality tests can be carried out univariately or multivariately. If the value of c.r. is between -1.96 and +1.96, then the data distribution is normal (for \( \alpha = 5 \) percent). Meanwhile, the data distribution is abnormal if the number c.r. is below -1.96 or above +1.96.

The results of the normality test showed that the data were univariately distributed normally, because all c.r. values were in the range between -1.96 to +1.96. Meanwhile, normality is multivariately not met, because the total value of the resulting c.r. is greater than 1.96, which is 12.65. Nevertheless, considering that all indicators have met the assumption of univariate normality, data analysis can be continued.

3.1. Outliner Test

Outliers can be detected by looking at AMOS software's costanobis distance output value. Mahalanobis distance is an observation distance from the average of all variables. The outlier evaluation was carried out using the mahalanobis distance criteria at \( p < 0.001 \). Mahalanobis distance is then compared with the chi-square value. The chi-square value can be obtained using the CHIINV formula, by entering the probability value of 0.001 with a degree of freedom (df) according to the number of indicators, which is 39.

The formula produces a chi-square value of 72.0547. That is, if the value of the distance is greater than 72.0547 then the data is multivariate outliers. The amos output results show that the entire cost value of the d-squared is smaller than 72.0547, so it can be concluded that there is no outlier.

3.2. Construct Validity Test

The results of the loading factor using the AMOS software program can be seen in the standardized regression weights value in the model calculation of each variable. The loading factor is declared significant if the standardized loading estimate is \( \geq 0.50 \). Based on the results of the output standardized loading estimate on AMOS, all loading factors are above 0.50 so it is said to be valid.

3.3. Construct Reliability Test

The reliability construct test can be known by the Construct Reliability (CR) formula. If the CR is greater than 0.70 then the variable is declared reliable. The reliability construct test calculation results show that the CR value for all variables has a value of \( > 0.7 \) so that it is declared reliable.

3.4. Model Evaluation
The evaluation of the model showed that some of the Goodness of Fit (GOF) parameters did not meet the cut off value so that it was necessary to modify the model so that the next stage of analysis could be continued. The results of the analysis of testing the goodness of fit criteria after modification showed that the values of the Chi-Square, Probability, CMIN / DF, RMSEA, GFI, TLI, CFI, RMR and IFI indices met the requirements of the goodness of fit index criteria. Meanwhile, AGFI qualifies marginally. Such results can be said that the model is acceptable for research.

4. Result & Discussion

Testing the direct relationship hypothesis was carried out by looking at the probability value (p) and critical ratio value (c.r.) in the regression weight of the fit model of the AMOS program. If \( p \leq 0.05 \) and c.r. greater than 1.95 (\( \alpha = 5\% \)), then it can be concluded that there is an influence between variable relationships so that the hypothesis is declared accepted. Meanwhile, hypothesis testing of indirect relationships is carried out by looking at the value of Standardized Indirect Effects. If \( p < 0.5 \) then it can be concluded that the intermediate variable is capable of mediating the free variable against the bound variable.

The results of testing the relationship between job placement and job satisfaction found that the P value of 0.037 was lower than 0.05. Meanwhile, the resulting c.r. value is 2.089 which means it is greater than 1.96. The results show that placements affect job satisfaction. Meanwhile, the results of testing the relationship between job placement and employee performance showed a P value of 0.00 which means it was lower than 0.05 and a c.r. value obtained of 6.615 greater than 1.96, so it was concluded that job placement affects employee performance.

The results of testing the relationship between workload and job satisfaction showed that the P value was lower than 0.05, which was 0.025, while c.r. obtained a value of 2.238 which means it was greater than 1.96 so that it was concluded that the workload could affect job satisfaction. The results of testing the relationship between workload and employee performance resulted in a P value of 0.546 higher than 0.05, while c.r. was lower than 1.96 which was 0.603 so it was concluded that the workload did not affect employee performance.

The results of testing the relationship between work facilities and job satisfaction found that the P value of 0.035 was lower than 0.05 while the c.r. value was found to be greater than 1.96, which was 2.111 so it can be concluded that work facilities affect job satisfaction. The results of the testing of the relationship of work facilities to employee performance showed that the P value was 0.661 and c.r. was 0.439. This P value is greater than 0.05 and the c.r. value is lower than 1.96 which means that the work facility does not affect job satisfaction.

The results of testing the relationship between leadership and job satisfaction resulted in a P value greater than 0.05, which is 0.544, while the c.r. value is smaller than 1.96 which is 0.607, so it can be concluded that leadership does not affect satisfaction. Testing the relationship of leadership to employee performance resulted in a P value of 0.885, while a c.r. value of 0.144. The P value is higher than 0.05 and the c.r. value is less than 1.96 which means that the leadership does not affect the performance of employees.

The results of the test of the relationship of job satisfaction to employee performance resulted in a P value of 0.811 and a c.r. value of 0.24. The P value is higher than 0.05 and the c.r. value is less than 1.96 so it is concluded that job satisfaction does not affect employee performance. Job satisfaction cannot mediate the relationship between job placement, workload, job facilities and leadership to employee performance. This is because the test results show values higher than 0.05, namely 0.689, 0.685, 0.775, and 0.820, respectively.
5. Conclusion

The results of the study found that knowledge management affects job satisfaction. Rohim and Umam (2020) following the research carry out this result, but it is different from the research of Kasim et al. (2017) which found that knowledge management does not imply job satisfaction. The results of the study found that the quality of work life affects job satisfaction. These results are following the research that has been carried out by Tamping et al. (2018), but in contrast to Kusuma's research (2020) which found that the quality of work life has no relationship with job satisfaction. The results of the study found that commitment affects job satisfaction. These results are in accordance with research that has been conducted by Putri et al. (2020). Commitment is an important thing for employees in innovating in the future.

References

The Impact of Career Development Optimism, Job Insecurity, and Work Engagement on The Performance of GSP Outsourcing Employees with Job Fatigue as A Mediating Variable

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Abstract. The success of a company in carrying out its operations depends on the human resources contained in it. Outsourcing employees are employees who involve outsiders. A company uses outsourcing services to focus more on the main activities of the business and delegate non-main activities to the vendor. The results of preliminary studies are known that the performance owned by outsourcing employees has not been ideal. This raises the suspicion that the optimism of career development, job insecurity, and work engagement has an effect on the performance of outsourced employees. This research is quantitative research. The subjects in the study were GSP outsourcing employees spread across 3 GSP client locations. The method of collecting data used is with questionnaires and documentation. Test validity and reliability using SEM (Structural Equation Modelling). The influence of career development optimism (X1), job insecurity (X2), work engagement (X3), job fatigue (Z) on employee performance (Y) can be known using regression techniques. Mediation hypothesis testing can be done with the Sobel Test. The results of this study are expected to be able to provide advice for companies in providing effective handling that is able to solve existing problems and improve employee performance, so that employees will be optimal in carrying out their duties because they have good work engagement

Keywords: Career Development Optimism, Job Insecurity, Work Engagement, Employee Performance, Job Fatigue

1. Introduction

Human resources (HR) is a major component in the management of a company. To achieve its goals, a company needs an asset. The success of a company in carrying out its operations depends on the human resources contained in it. GSP is the first company in Pemalang engaged in human resource management (outsourcing). GSP provides human resource management services in the field of maintenance building, cleanliness, security, and other workforce management systematically and programmatically. Since its inception in 2019 until now, GSP has partnered with 5 companies. Outsourcing employees are employees who involve outsiders. Outsourcing is an agreement with another party (outside the company) over
functions, duties, or administration. The company uses outsourcing services to focus more on the main activities of the business and delegate non-main activities to the vendor[1].

The presence of outsourcing raises polemics. GSP outsourcing employees placed in GSP clients look less than ideal. Based on the observations, it is known that some outsourcing employees submit resignations within a period of not lasting up to 6 months. In addition, some outsourcing employees also seem less eager in carrying out tasks, emotions when they get orders, and complaining. Researchers conducted a preliminary study of outsourced employees by spreading a simple scale to Operational Supervisors who often coordinate and communicate with outsourced employees with a subject of 8 people on November 11, 2021. It is known that the performance owned by outsourcing employees has not been ideal because most outsourcing employees do not animate in carrying out their duties and are saturated with their work.

Based on the problems that arise above, outsourcing employees feel that their career development is not so clear. This is feared to be a cause of violations in the field and the lack of optimal outsourcing employees in carrying out their duties. Researchers suspect that low performance in outsourced employees is related to conditions of optimism about their career development. The presence of concerns about position in work and the emergence of a thought to leave work is one of the reflections of low optimism of career development.

Career development optimism is the tendency to accept that good things about his work will happen later in life. In other words, career development optimism is an individual's positive view of his or her planned career path progression. People who have a low level of career development optimism tend to see the hook with poor conditions. Low optimism in the individual can also be reflected through the behavior that appears and the performance shown. This attracts a link between optimism of career development and employee performance.

Researchers also suspect that the low performance of outsourced employees is related to the feeling of job insecurity. Job insecurity is the state of a person who works but feels vulnerable and stressed over his work. The existence of job insecurity can affect the productivity of the workforce as well as the company[2]. [3] stated that job insecurity is associated with a decrease in commitment to the organization.

Work engagement is the key to improving employee performance. Improving employee performance can be achieved by increasing employee work engagement[4]. The level of attachment of employees to the company in which they work, can affect the performance of employees in that company. Low optimism, the presence of work discomfort, and low work engagement make the workforce easily feel tired. Job fatigue is a state of reduced proficiency, work performance, and decreased strength or perseverance to get the job done. If the worker feels tired and forced to keep working, then the weakness will increase and this fatigue condition will greatly disrupt the smooth work and further negatively affect the worker concerned.

This raises the suspicion that the optimism of career development, job insecurity, and work engagement has an effect on the performance of outsourced employees. The high performance possessed by outsourcing employees can be related to employee optimism over their career development, feelings of work discomfort, and work engagement that can be identified through work fatigue experienced.

2. Method

In this study, researchers will explore the relationship between career development optimism, job insecurity, work engagement, job fatigue, and employee performance, so this
study is a quantitative study. This research was conducted at ABC, CH, and GGS who are clients of GSP, located in Pemalang Regency and Semarang City.

The subjects in the study were GSP outsourcing employees spread across 3 GSP client locations. The characteristics of the population in this study are outsourced employees who have a minimum service life of 3 months. Sample determination uses probability sampling techniques, which are sampling techniques by providing equal freedom for each component of the population selected as a sample. Probability sampling technique used is a cluster random sampling technique, which is by randomizing groups, not a single subject.

The method of collecting data used is with questionnaires and documentation. The questionnaire used has five answer options, namely Very Suitable (SS), Corresponding (S), Neutral (N), Non-Compliant (TS), and Very Inappropriate (STS). Documentation is the collection of data by researchers by collecting documents from reliable sources who know about the subject of the study. The validity test in this study will be carried out using SEM (Structural Equation Modelling). Reliability is done by measuring the correlation of answers to several questions with SEM (Structural Equation Modelling).

The influence of career development optimism (X1), job insecurity (X2), work engagement (X3), job fatigue (Z) on employee performance (Y) can be known using regression techniques. Employee performance variables will be multiplied linearly each (partial) and cumulatively based on weights of the same proportion or based on weights with different proportions to their free variables. Mediation hypothesis testing can be done with the Sobel Test. The sobel test is performed by testing the indirect influence strength of independent variables (X1, X2, X3) to variables (Y) through mediation variables (Z).

3. Discussion

3.1 The Effect Of Career Development Optimism On Job Fatigue

People who have an optimistic attitude towards their lives will always have a positive view of their future lives. People who have an optimistic spirit will always try to make today better than before. With the optimism that a person has, he will make himself try as hard as possible to get what he wants. Even if there will be a problem later, then he will still think positively and believe he can solve the problem as well as possible. Optimism can affect the passion of an individual, in carrying out the work. With the influence on a person's activities in carrying out work, then this can also affect the productivity of the individual.

3.2 The Effect Of Job Insecurity On Job Fatigue

Employees experience increasing job insecurity due to instability in their employment status and increasingly unpredictable income levels, as a result, the intention to change jobs (turnover) tends to increase. Adkins et al., (2001) stated that several dimensions of job insecurity are the first, the possibility of losing a job, concerning the possibility of job loss felt by employees at work. Second, the possibility of negative changes that occur in the company, any anxiety among contract employees about negative changes that may occur in the company, for example a decrease in sales that has an impact on a decrease in production, this can also have an impact on the continuity of employee work because a decrease in production means a decrease in the number of organizational workloads required. usually followed by downsizing of the organization. Third, the powerlessness of employees in dealing with threats, this indicator focuses more on the level of powerlessness that employees feel when changes occur in the organization that pose a threat to their career continuity.

3.3 The Effect Of Career Development Optimism On Employee Performance
Work productivity and optimism are two different things, but these two things are interrelated. To increase employee productivity, the increase in optimism must also be increased. The results of research conducted by [5] stated that a leader who is optimistic can increase company productivity. Because with an optimistic spirit, someone will think positively for the future and try to do their best to get a better future orientation.

3.4 The Effect Of Job Insecurity On Employee Performance

Job insecurity affects a person's encouragement to resign from the company where he works. Research by [6] found that the individual's desire to find new job options, perceptions of job insecurity, job satisfaction, and tenure were significantly correlated with turnover. Furthermore, [7] concluded that the low perception of job insecurity is one of the factors that lead to the emergence of worker turnover. [8] describes that a person wants to move (turnover intentions), one of which is because he is badly influenced by dysfunctional thoughts. This urge occurs due to several incidents including conflict, dissatisfaction at work, displeasure with work, all of which trigger feelings of insecurity at work (job insecurity).

3.5 The Effect Of Work Engagement On Employee Performance

Work Engagement has a direct positive effect on employee performance. This means that the higher the work engagement, the higher the employee's performance [9]. Kahn [10] reveals that work engagement is a key that explains the relationship between the characteristics of each individual and organizational factors on employee performance. In a study conducted by [11] explained that work engagement has a positive influence on employee performance. If subordinates can meet existing performance standards, implement regulations well, and have more effort, work engagement will increase. In line with research conducted by [12], revealed that work engagement is positively related to high employee performance. Furthermore, the results of [13] also show that work engagement has a significant influence on employee performance.

3.6 The Effect Of Job Fatigue On Employee Performance

Performance is actually the same as work performance, performance is the result of work and how the work process takes place [14]. An employee can have good performance if the employee can do a good job and the results of his work are in accordance with what he has to achieve. Several factors that can affect performance include individual worker factors, organizational factors, psychological factors [15]. Work fatigue is one of the factors decreasing performance that can increase the error rate at work [16]. Unresolved work fatigue can cause various fatal work problems and result in accidents at work. It shows that work fatigue has a negative and significant effect on employee performance.

4. Conclusion

Optimism can affect the passion of an individual, in carrying out the work. With the influence on a person's activities in carrying out work, then this can also affect the productivity of the individual. The powerlessness of employees in dealing with threats, this indicator focuses more on the level of powerlessness that employees feel when changes occur in the organization that pose a threat to their career continuity. Optimistic can increase company productivity. Because with an optimistic spirit, someone will think positively for the future and try to do their best to get a better future orientation. Job insecurity affects a person's encouragement to resign from the company where he works. Work Engagement has a direct positive effect on employee performance. This means that the higher the work engagement,
the higher the employee's performance. An employee can have good performance if the employee can do a good job and the results of his work are in accordance with what he has to achieve.

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References
The Effect of Good Corporate Governance (GCG) and Corporate Social Responsibility (CSR) and Financial Distress on Companies' Value with Financial Performance
(Case Study at Manufacturing Companies Which Enlist In Indonesia Stock Exchange (BEI) In The Period Of 2017-2021)

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Abstract. This study aims to determine the effect of good corporate governance (GCG) corporate social responsibility (CSR) and financial distress on companies' value Study At Manufacturing Companies Which Enlist In Indonesia Stock Exchange (BEI) In The Period Of 2017-2021. This research's object is 19 selected companies in various industrial sectors, The population in this study was 143 Manufacturing companies listed on the BEI. The method used is the classical assumption method, multiple linear regression, path analysis method using SPSS version 25. The direct effect study results, GCG, an agency composed of management ownership, institutional ownership, and the board of directors, will not significantly impact the value of the company. GCG, which is proxied by the audit committee CSR and Financial distress affects firm value and financial performance (ROA) and ROA, affecting firm value. The indirect effect research shows that ROA has not been able to mediate the effect of GCG, which is proxied by managerial ownership, institutional ownership, and commissioners' board. ROA and ROE is only able to mediate the effect of CSR and Financial distress on firm value.

Keywords: Corporate Social Responsibility (CSR) And Financial Distress, Financial Performance, Firm Value, Good Corporate Governance,

1. Introduction

One aspect that affects the value of a GCG corporation (GCG). The company's purpose is to maximize value. The corporation aims to maximize shareholder wealth, not just profit. Short-term enterprises put profits over social responsibility and risks. CSR is no longer a choice, but a trendy management philosophy (Türker, 2015). At the company one to improve welfare for shareholders, namely performance improvement companies but managers too as a company manager has different goals, then, important for the company will do supervision is one of Good Corporate Governance mechanism (GCG) (Listyawati & Kristiana, 2019). The implementation of GCG is able to improve company value, where company expected to have good performance so good to be able to create benefits for managers or employees shareholders (Prastuti & Budiastih, 2015). In Indonesia, the implementation of GCG still not meet the expectations of all party. Therefore, the implementation of GCG to the attention of investors as decision making...
considerations because the implementation of GCG can be convincing investors that the company has been managed well (Karina & Setiadi, 2020). The association between Good Corporate Governance (GCG), Corporate Social Responsibility (CSR), and Financial Distress is explained using the agency theory. This is evident if the business is managed effectively through solid corporate governance, enabling it to fulfill its objectives, namely maximum profit. In order to maximize the company's profitability, which is the primary objective of the business and the principle, the agent must manage the business correctly in accordance with the regulations established by the regulator. Bank profitability is anticipated to be positively correlated with the use of strong corporate governance, which is founded on five fundamental principles in accordance with BI BI No. 15/15/DPNP, namely openness, accountability, accountability, independence, and fairness.

Realizing the company's aims demands a new knowledge that it has economic, social, and environmental responsibilities. CSR developed from a community's social environment. Exploiting natural resources undermines raw material and energy sustainability (Iwuji et al., 2016) and causes social disharmony with the environment community and significant labor conflicts. CSR is vital to sustainable development. (Behringer and Szegedi, 2016).

Good corporate management helps prevent financial misery during global crises. Good Corporate Governance (GCG) governs and supervises a firm to create benefit for all stakeholders. According to Almilia and Herdingtyas (2005), financial hardship is when a company fails or is unable to meet debtor commitments due to shortages and insufficient cash, and cannot realize its economic goals.

Financial performance shows a company's financial health. Media performance measures a company's health. Management's continual decisions affect the company's financial performance. The financial performance of the banking industry plays a very important role because: bank is directly related to trust. Besides performance, this banking finance will be able to increase the selling value and good name of the company. To make an investment decision, the company's financial performance will always be needed by customers and investors, where the role of financial performance is able and very big on the decision.

In this study, board size and board independence were used as corporate governance indicators. Research on the impact of corporate governance on financial performance has been conducted to the same extent as Zabri's (2015) study, which looked at the impact of corporate governance on financial performance. Indicators of financial performance used in Malaysian research include return on assets (ROA) and return on equity (ROE). The usage of ROA and ROE as a financial performance indicator because it is thought that the ratio accurately depicts the company's success over the course of a year and is particularly beneficial to stakeholders.

The relationship between GCG and CSR is predicted to be influenced by other factors. The majority of investors are interested in companies that share data on financial performance reported in the annual report. Therefore, in this study, financial performance variables are used for intermediary variables which are predicted to be able to mediate on this influence.

2 Method

The Method of collecting data. This research uses data secondary in the form of annual financial reports which has obtained an audit opinion. Data secondary in this study is the report banking company annual financial listed on the IDX in 2017-2021 which obtained from the official website of the Stock Exchange Indonesia (IDX) and the official website listed company.
The population in this Study at Manufacturing Companies Which Enlist In Indonesia Stock Exchange (BEI) In The Period Of 2017-2021. The method used is the classical assumption method, multiple linear regression, path analysis method using SPSS version 25.

3 Discussion

3.1 Agency Theory

The agency theory serves as the cornerstone for understanding excellent corporate governance in the corporate world. Monitor and oversee company management to reduce asymmetric information and to verify that management is carried out in complete accordance with various rules and regulations.

3.2 Firm Value

A company's assets may be evaluated even if it is about to go public, combine, or acquire another business. In studies (Jallo et al., 2017; Mulyono et al., 2018; Pandelaki and Farida, 2017), firm value is commonly measured using the business's stock price, which represents the greater share price means the higher the value of the company. However, the market price to book value (PBV) technique developed by Dagilien (2013), Hadiwijaya et al. (2016), and Hafez (2016), as well as the industry-adjusted Tobin's Q method [1] and an approximation Tobin's Q [2,3] can also be used to determine a company's worth. Tobin's Q and PBV were employed in a study by [4] to estimate firm value. Equity market value, long-term debt, and total assets are all used to calculate Tobin's Q. An organization's value in Hafez (2016) can be gauged by comparing its current stock market price to its book value.

3.3 Good Corporate Governance (GCG)

Governance of an organization as a whole is a complex set of systems, rules, structures, and processes that aims to strike a balance between the interests of the company and its stakeholders [5]. Corporate governance, according to [6], increases long-term value for both shareholders and enterprises. Corporate governance is not something that can be defined in a single way. For the sake of putting GCG principles into action and producing results that live up to stakeholder expectations, a bank's governance structure and infrastructure are assessed as part of the GCG process. The profitability of banks is expected to improve with the implementation of good corporate governance based on the BI BI No. 15/15/DPNP five core principles of transparency, accountability, accountability, independence, and fairness. High profitability of a bank can represent good corporate governance, whereas low profitability can demonstrate weak corporate governance. [7,8]

3.4 Corporate Social Responsibility (CSR)

In Indonesia, CSR is a mandate that must be followed through on, but in practice, the corporation has not yet done so entirely. Only companies dedicated to improving the well-being of all stakeholders and the environment may claim ownership of CSR awareness. CSR as a business model is required to combine the spirit of sustainable development, according to [9]. Companies must offer the construction of balance between economic interests, environmental needs and social expectations. CSR's effect on stock market value was studied using six CSR characteristics based on international CSR indices, such as the Dow Jones corporate sustainability index and the FTSE4Good index. CSR practices that focus on community investment, workplace quality, CSR and reporting strategies, stakeholder agreements, environmental performance, and supply chains are all included in these dimensions. Many studies have examined the impact of corporate social responsibility (CSR) on the value of a
company. The outcomes of each study are different. According to a number of studies, the relationship between CSR and firm value is either favorable, partially negative, or neutral.

3.5 Financial Distress

[10] defines financial hardship as a company's failure to meet its debts, which is to say that it is insolvent. According to [11], financial distress occurs when a firm's overall liabilities exceed its total assets and the company is unable to realize its economic goals, resulting in the failure or inability of the corporation to fulfill its commitments to the debtor. "Z" is a value that indicates the health of the firm, whether it is in a healthy state or not, and reveals the company's performance as well as its future prospects. Financial difficulty can be predicted up to three years in advance using the Altman Z-Score model.

3.6 Financial performance

The study's primary goal is to discover links between the Audit Committee's qualities and the company's performance as assessed by ROA and return on equity (ROE). In terms of research methodology, quantitative approaches were utilized to design statistical regression models relevant to the examined phenomenon in order to systemize the essential information about the selected sample of organizations and test the stated hypotheses. The link between a dependent variable and one or more independent variables can be studied using the multiple linear regression model. We hope to find out how ownership and management, as well as independent commissioners and the audit committee's role, affect a banking company's financial performance as measured by the ROA and the ROE in 2020. It has been shown in studies that the success of a corporation is not greatly influenced by managerial ownership, ownership institutionalization, independent commissioners, or auditors. According to [12], the bigger a manager's share of a company, the lower its performance will be. Managerial ownership has no substantial impact on performance.

4. Conclusion

Based on the data analysis elaborated in the previous chapters, provided by several ground theories and previous studies, we can conclude that: Based on hypothesis testing and data analysis that has been carried out in this research can conclusions were reached regarding influence of GCG, CSR and Financial Distress to Company Value with the company's performance as intervention variable. GCG, CSR no significant effect to the value of the company. Financial Distress has no significant effect to the value of the company. Performance Significantly influential company to the value of the company. Based on hypothesis testing the results obtained that the performance the company is unable to mediate the relationship of GCG, CSR to the value of company. Based on testing the hypothesis is obtained that the performance company is able to mediate relationship of financial distress to the value of the company.
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References

The Role of Knowledge Sharing, Emotional Intelligence and Organizational Communication on Employee Performance with Organizational Citizenship Behavior as Intervening Variables in PT. Dedy Jaya Lambang Perkasa Brebes

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Abstract. This study aims to analyze the effect of knowledge sharing, emotional intelligence and organizational communication on employee performance with organizational citizenship behavior as an intervening variable at PT Dedy Jaya Lambang Perkasa Brebes. The sampling technique in this study was using the Proportionate Stratified Random Sampling technique. This technique is almost similar to simple random sampling, which is a technique that is carried out randomly or everyone has an equal opportunity to be selected as a sample. The number of employees of PT Dedy Jaya Lambang Perkasa which was used as a sample in this study was 365 respondents. Data collection techniques were carried out by: (1) distributing questionnaires and (2) literature study. The instrument in this study was carried out using a questionnaire that was shown to obtain answers from respondents. The data analysis technique was carried out in two ways, namely descriptive analysis and statistical analysis. The data processing aids used SEM (Structural Equation Modeling).

Keywords: Emotional Intelligence, Knowledge Sharing, Organizational Communication, Employee Performance, OCB

1. Introduction

Today there are many new and interesting studies in the field of human resources (HR). Many studies have been conducted to find new things that can be used as a source of increasing human abilities. HR plays a very important role in a company or organization, because the success or failure of a company depends on the quality of its human resources. Every company seeks to obtain quality human resources, therefore human resources must be managed properly in an effort to achieve company goals. The low quality of human resources will certainly have a negative impact both for the company (work environment) and for themselves. On the other hand, forward-oriented organizations need employees who are willing to do more than just their formal duties and are willing to deliver performance beyond expectations. Human resources need to be developed continuously in order to obtain quality human resources in the true sense that the work carried out will produce something desired [1]
Employee performance is measured through five employee assessment criteria, namely quality, quantity, timeliness, need for supervision, and interpersonal impact [2]. If these criteria are not met, several problems will arise, such as employees leaving during working hours, low employee discipline, and employees who don't come on time. As a result, the target is not as desired or not on time, so a lot of work is delayed and piled up due to untimely completion.

Employee performance that is common to most jobs includes elements namely quantity of results, quality of results, speed of time of results, attendance, and ability to work together. Performance appraisal is the basis used in determining compensation. Performance appraisal is basically a key actor to develop an organization effectively and efficiently and performance appraisal is a process through which organizations evaluate or assess employee performance. Employee performance at PT. Dedy Jaya Lambang Perkasa itself is quite good, only 3 to 4 people are still below average. Such as lack of focus at work, arriving late, completing assignments not on time, and placing the wrong items. This is due to a lack of information sought or obtained.

Knowledge sharing is the essence of success in the implementation of knowledge management, because without the practice of sharing, the learning process and the addition of knowledge will be hampered, and the scale of knowledge utilization will be limited because existing knowledge will only be used by certain people and at the same time. limited units. The implementation of sharing practices in organizational life is not an easy thing, because it takes awareness and commitment by each individual to remain consistent in implementing the practice of implementing knowledge management. Knowledge sharing is a systematic process of sending, distributing, and disseminating knowledge and multidimensional contexts from a person or organization to people or organizations who need it through a variety of methods and media.

Knowledge sharing in PT. Dedy Jaya Lambang Perkasa is quite good, this is proven in the initial interview. Where is the owner of PT. Dedy Jaya Lambang Perkasa always provide or shares information or knowledge to his employees about how to do his job, such as knowledge of HR in handling services so that consumers feel interested, knowledge in maintaining the quality of employee performance, and so on. Where this is done by sharing with other employees or with direct managers. However, even so, there are still some employees who do not want or do not want to carry out these knowledge sharing activities.

There are several aspects that can affect employee performance, including knowledge sharing, emotional intelligence and organizational communication. Several studies explain that knowledge sharing, emotional intelligence and organizational communication have been shown to have an effect on individual behavior both within the organization and in social life. One of them is research conducted [3] which examines "The Effect of Emotional Intelligence on Employee Performance (Case Study at the Regional Revenue Service Office of Malang City). The results of this study indicate that Emotional Intelligence (EQ) has a significant effect on employee performance.

Most people judge that a person's success is influenced by the large role of intelligence or IQ. In fact, IQ is not the only indicator of success. IQ is a score obtained from an intelligence test tool. For this reason, someone with a high IQ is not necessarily successful in solving complex problems in the world of work, but there needs to be another intelligent side of the employee. [4] states that IQ only affects 5-10% of success, the rest is another intelligence factor. Goleman further stated that another important intelligence factor is Emotional Quotient (EQ).

[4]) argues that EQ is an intelligence that refers to the ability to recognize our own feelings and the feelings of others, the ability to motivate ourselves, and the ability to manage
emotions well in ourselves and in relation to others. It can be said that EQ is the ability to hear the inner voice as a source of information. Emotional intelligence teaches about integrity, honesty, commitment, vision, creativity, mental resilience, wisdom and self-control. Therefore, employees who have a good EQ will greatly affect their work performance. Like the research conducted by [5] on "Emotional Intelligence and Job Performance, A Study Among Malaysian Teachers", the results show that emotional intelligence has been shown to affect work performance, but several other studies have stated that EQ has no significant effect on achievement. Employee Work, such as research conducted [6] which examines "The Role of Emotional Intelligence on Job Performance", the results show that emotional intelligence does not directly affect employee performance, but there are other variables (job satisfaction) that mediate this influence.

Meanwhile, according to [7] the performance of employees of a company can also be influenced by organizational communication from the company. Because the research states that organizational communication is an important thing for employees, because good communication in the organization makes employees more active at work.

In an organization usually every member works according to the job description, but it would be better if they could work more than just their job responsibilities. This is what is called OCB (organizational citizenship behavior). OCB is an extra-role behavior (not listed in the job description and not related to the reward system) that is important for individuals or employees to have to improve the efficiency and effectiveness of the organization or company. The basic difference between in-role behavior and extra-role behavior is the reward. Marisson's in-role behavior [8] is associated with rewards and sanctions/punishments, while extra-role behavior is usually not tied to rewards, because the behavior carried out by individuals is not organized in the rewards they will receive accept.

Employees who have a good personality tend to show OCB, where employees will make a positive contribution to the company that exceeds the demands of their roles in the workplace [9]. If employees in the company have OCB behavior, then efforts to control employees will decrease because employees can control their own behavior [10]. This OCB involves several behaviors including helpful behavior, volunteering for extra tasks, obeying workplace procedures. This behavior describes the value added (value added) of employees which is a form of prosocial behavior, namely positive and meaningful social behavior to help. According to [11] the facts show that organizations that have employees with good OCB will have better performance than other organizations, this is because employees who have high OCB will be able to control their own behavior so that they can choose the best behavior for them. the interests of the organization [12].

PT. Dedy Jaya Lambang Perkasa Brebes is one of the big companies in Brebes Regency which is engaged in various fields; including auto bus (PO. Dedy Jaya), building material depot (PD. Dedy Jaya), Group gas stations, agricultural/pond facilities, Unilever distributors, hospitality (Hotel Dedy Jaya, Hotel Anggraini and Grand Dian Hotel), ice factory; Developer of mortgages, car show rooms, hospitals (Dedy Jaya Hospital and Harapan Sehat Hospital), tourism (Cyblon Water Boom), higher education (Muhadi Setiabudi University) and banking (BPR Muhadi Setiabudi). This can be seen from the number of employees he employs, which is about ± 4,000 employees spread throughout the PT Group. Dedy Jaya, the symbol of the mighty. The work system that must be fast and being chased by deadlines makes employees have to continue to improve their performance optimally. Employee performance targets and targets are important for management in managing HR effectively and efficiently, because this relates to individual work results and employee performance in the organization.
However, what happens in the field is that employee performance is still relatively low, because according to [13] promotions and job rotations carried out by PT. Dedy Jaya Perkasa Perkasa Brebes only based on organizational needs, and put aside the aspect of achievement. This causes every employee not to strive to achieve maximum employee performance. Even though companies that have good work performance, usually will always carry out promotions to employees who excel, because this will encourage every employee to work better in carrying out their work. one of the conditions for promotion is good employee performance, because in general every company always includes conditions for employee performance [14].

Based on the description above in relation to the importance of knowledge sharing, emotional intelligence and organizational communication in a professional worker as one of the important factors to achieve employee performance. Therefore, the importance of employees working optimally, especially being able to work in extra roles will provide many benefits to the company. Based on the background description above, the researcher to examine the role of several variables by conducting a study with the title, "The Role of Knowledge Sharing, Emotional Intelligence and Organizational Communication on Employee Performance with Organizational Citizenship Behavior as Intervening Variable at PT. Dedy Jaya, Lambang Perkasa Brebes”.

2. Method

This study will examine several variables, namely independent variables: Knowledge Sharing (X1), Emotional Intelligence (X2), Organizational Communication (X3), Intervening Variables: Organizational Citizenship Behavior (Z) and the dependent variable is Employee Performance (Y). Causal design will be used to analyze the relationship and level of influence on the dependent variable from the independent variables used through intervening variables, then the data obtained will be analyzed statistically.

The number of employees of PT Dedy Jaya Lambang Perkasa is 4164 people. The sampling technique in this study was using the Proportionate Stratified Random Sampling technique. This technique is almost similar to simple random sampling, which is a technique that is carried out randomly or everyone has an equal opportunity to be selected as a sample. However, there is a difference, namely in the Proportionate Stratified Random Sampling technique, everyone in the sampling frame is divided into strata (groups or categories), then into each category a simple random sample or a systematic sample is selected ([15]. Thus, the number of samples used in this study were 365 respondents.

Data collection techniques were carried out by: (1) distributing questionnaires and (2) literature study. The instrument in this study was carried out using a questionnaire that was shown to obtain answers from respondents. The data analysis technique was carried out in two ways, namely descriptive analysis and statistical analysis. The data processing aids used SEM (Structural Equation Modeling).

3. Result & Discussion

Knowledge sharing is a method or one of the steps in knowledge management that is used to provide opportunities for members of a group, organization, agency or company to share knowledge, techniques, their experiences and ideas to other members [16].

Knowledge sharing activities include sharing experiences and knowledge, will help individuals in solving work problems based on existing experience. Likewise, from sharing this knowledge, individuals will get more work knowledge to improve the effectiveness and
efficiency of work processes. Increased knowledge sharing activities will have an effect on increasing individual performance [17]. The research states that there is a positive relationship between knowledge sharing and employee performance, besides that knowledge sharing has a significant influence on employee performance.

Emotional intelligence and performance are related and interrelated. Every individual in an organization who has good emotions tends to have the will to improve and improve their performance, as stated by [4] Emotional intelligence refers to the ability to recognize our own feelings and those of others, the ability to motivate ourselves and the ability to manage emotions well and to build relationships with others. The emotional intelligence framework is self-awareness, regulation, motivation, empathy and social skills. The results of [18] found that the emotional intelligence (EQ) variable had a positive and significant effect on employees and showed that the social skills variable had the most dominant influence. This study explains that emotional intelligence (EQ) among employees plays a role in improving employee performance.

Organizational commitment is the identification and involvement of a person who is relatively strong in the organization. Organizational commitment is the desire of organizational members to maintain membership in the organization and are willing to strive to improve their performance for the achievement of organizational goals. Which suggests that communication helps the development of motivation by explaining to employees what to do, how they work well and what to do to improve performance if it is below standard. Several studies that have been conducted, found that there is a direct positive relationship between communication and employee performance [11].

According to [19] OCB is a deep individual contribution that exceeds the demands of the role at work and is appreciated by the acquisition of task performance. For companies, to increase OCB in employees, it is important to give appreciation to employees so that employees are more accustomed to behaving outside of their responsibilities and obligations, so that in the future they can provide added value to the company. These results are also supported by [20] which states that organizational citizenship behavior (OCB), has a positive and significant effect on employee performance. This indicates that the higher organizational citizenship behavior (OCB) in employees, the higher the employee's performance.

According to research [21] stated that an employee who has greater management knowledge than other employees will always try to help the progress of an organization through a high willingness in their work activities, based on the results of the study, there is a positive influence between knowledge sharing on organizational citizenship behavior (OCB). The results of research conducted by [22] state that knowledge sharing has a positive effect on sharing knowledge between employees, and organizational citizenship behavior has a positive effect on improving employee performance. Because of the ability of employees to be able to share their knowledge with their co-workers or be able to help each other with co-workers who find it difficult to work.

The results of research by [23]); states that emotional intelligence has a positive and significant effect on organizational citizenship behavior. This means that employees who have high emotional intelligence where they work will have a high level of organizational citizenship behavior. organizational communication has a positive and significant effect on Organizational Citizenship Behavior. This means that the better the application of organizational communication, the higher the Organizational Citizenship Behavior shown by its employees [24]. research shows that Knowledge Sharing, Emotional Intelligence and Organizational Communication have a positive and significant effect on employee performance through Organizational Citizenship Behavior [25].
4. Conclusion

From the description above, it can be said that Knowledge Sharing affects employee performance through Organizational Citizenship Behavior, meaning that Knowledge Sharing can provide Organizational Citizenship Behavior for employees of PT. Dedy Jaya Lambang Perkasa because he feels he has knowledge of his work, this makes employees better understand the knowledge in their work, so that employee performance can increase.

Emotional Intelligence affects employee performance through organizational citizenship behavior, meaning that emotional intelligence can provide organizational citizenship behavior for employees of PT. Dedy Jaya Lambang Perkasa because employees can control their feelings and know the feelings of others at work, this makes employees better understand other employees in their work, so that employee performance can increase.

Organizational communication affects employee performance through organizational citizenship behavior, meaning that organizational communication can provide organizational citizenship behavior for employees of PT. Dedy Jaya Lambang Perkasa because information is conveyed to employees so that communication runs smoothly, and is very helpful in doing their work, this makes it easier for employees to understand information in their work, so that employee performance can increase.

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The Influence of Brand Image Perception, Facility Perception, And Nursing Service Perception On Consumer Decisions Through Customer Satisfaction Using Health Services at RSI PKU Muhammadiyah Tegal

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Abstract. Generally has often been argued that customer satisfaction can contribute significantly to a company’s success in a variety of ways. This study aims to analyze the effect of brand image, facilities and nursing service on consumer decision and customer satisfaction. The method of data collection is convenience sampling. The samples of this research are collected from 100 respondents, who are the customers in one of the biggest hospital in Tegal. The technique of data analysis used in this study was regression analysis. The result is: the relationship between brand image, facilities and nursing service have a significant and positive impact toward consumer decision and customer satisfaction.

Keywords : Brand Image, Facilities, Nursing Service, Consumer Decision, Customer Satisfaction

1. Introduction

Indonesia as one of the developing countries with the fourth largest population in the world. The total population of Indonesia reached 273,879,750 people in 2021, an increase from 270,203,917 people in 2020. The increasing number of people in Indonesia will affect efforts to improve their standard of living. One of the basic needs that must be considered by humans is health, where health is a state of well-being of the body, soul, and social that allows everyone to live a socially and economically productive life. As a basic need, the government is responsible for ensuring the health of the Indonesian people through various health service providers, such as clinics, community health centers, and hospitals. These health service providers are required to provide quality health services, including by providing adequate facilities. All health service institutions always strive to provide services in the form of outpatient, inpatient, healing of various diseases, disease prevention, and public health consultations. In addition, health service providers also try to provide satisfaction for patients as users. [1]

The increasingly modern growth of science and technology makes hospitals as one of the health service provider institutions have an important role in efforts to improve health services, both from the facilities provided and the quality of their services. Hospitals must be able to create excellence in terms of quality of services, facilities, innovation, and speed in responding to patient needs. With increasingly fierce competition, various hospitals in Indonesia strive to
provide excellent health services to their patients. For example, through the provision of complete facilities, both physical and non-physical, to help overcome various health problems.

The facilities provided by the hospital can influence consumers' decisions in using health services. Facilities can be said to be physical and non-physical instruments that patients feel in both inpatient and non-in-hospital. The more complete the facilities owned by a hospital, the higher the confidence of consumers (prospective patients) to buy and use the health services provided. An example of a physical facility is having an adequate building, comfortable rooms, security guarantees, maintained cleanliness, neat administrative services, comfortable resting rooms, and adequate parking spaces. Meanwhile, non-physical facilities such as surgery services, inpatient, outpatient, Computerised Tomography Scan (CT Scan), Ultra Sonography (USG), 24-hour Emergency Installation (IGD), antigen swab, Genose, and various other services. All of them can provide satisfaction for patients according to their health care needs. [2]

Patient satisfaction is basically not the result of hard work alone but is created through a culture of quality in the hospital. Consumer satisfaction can provide benefits for hospitals, namely generating patient loyalty. Patient satisfaction can create patient loyalty or loyalty to a hospital that provides satisfactory service quality. Improving the quality of service in an effort to maintain patient loyalty is a demand that must always be met. Patients who are loyal to the hospital will take advantage of the health services they have felt and can also provide recommendations to their family, friends, and neighbors for treatment to the hospital. [3]

Several things need to be improved in the hospital owned by the Muhammadiyah Association, one of which is the patient satisfaction index for services which has been recorded not too high. Data obtained from the Public Relations and Marketing Department shows that the average patient satisfaction index from January 2022 to April 2022 is only 75.77 percent. Details of the patient satisfaction index of RSI PKU Muhammadiyah Tegal in the period are presented in Table 1.

**Table 1. Patient Satisfaction Index of RSI PKU Muhammadiyah Tegal**

<table>
<thead>
<tr>
<th>No.</th>
<th>Month</th>
<th>Patient Satisfaction Index (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>January</td>
<td>75.01</td>
</tr>
<tr>
<td>2.</td>
<td>February</td>
<td>76.05</td>
</tr>
<tr>
<td>3.</td>
<td>March</td>
<td>76.04</td>
</tr>
<tr>
<td>4.</td>
<td>April</td>
<td>76</td>
</tr>
<tr>
<td></td>
<td><strong>Average</strong></td>
<td><strong>75.77</strong></td>
</tr>
</tbody>
</table>

Source: Public Relations and Marketing Department of RSI PKU Muhammadiyah

A person's decision to use health services is basically a complex process and is influenced by various factors. In addition to excellent service, hospitals must have various service advantages, such as setting competitive rates. Patients will usually choose a hospital with health costs that are proportional to the quality of services provided. The patient will conduct a thorough evaluation of the services received, based on his perception of a number of benefits that will be received compared to the costs incurred. The presentation of excellent service can create favorable patient loyalty for the hospital. Patient satisfaction depends on the
quality of health services that are in accordance with the abilities possessed by health workers, especially nurses, in providing excellent service. With quality service, the patient will feel satisfied, will maintain and inform others about the service he has felt.

One of the services in hospitals that needs special attention because it is directly related to patients is nursing services. Nursing services are rights that are carried out holistically based on the needs of the client. Nursing services in the future must be "consumer minded" in order to always be able to adapt to changes and increasingly fierce competition [1,2,4]. A competitive hospital will prioritize quality in providing services to its patients.

If the health services that are felt to provide comfort to patients will automatically affect the quality of customer satisfaction, on the contrary, if the services provided are low, it will affect the quality expected by the hospital. Expectations that match the perception will form a strong positioning in the minds of hospital patients. The patient in question will then tell others both family, relatives, and friends. With this story, the patient will carry out direct marketing activities. A good personal story or experience about a hospital service, will make the patient to the stage of recommending the services he has used to others. Good information like this will certainly bring a good brand image.

Brand image for hospitals is one of the tools to convince patients of the health services received. A brand image is a picture of the entire perception of a service and is formed by information and past experiences of that brand.[5] suggests that brand image refers to the memory scheme of a brand, which contains a patient's interpretation of the use, situation, advantages, attributes, and characteristics of the maker of the brand or product.

The method that the hospital uses is to understand the conditions and development of the market as well as the needs and desires of patients. With this strategy, patients will feel fulfilled their expectations by using marketed product accessories. The important thing in the process of feeling the service is that the patient will consider before going to the hospital by paying attention to the brand. If the brand image of a hospital service is considered to have good quality, then the patient has the desire to buy or use the product.

Purchase intention is an important stage that must be considered by marketing. This also applies to the context of marketing health services by hospital management [5]. purchase intention is an early diagnosis in predicting consumer behavior. [5] found that brand equity has a significant and positive effect on purchase intention. However, [6] concluded a different thing, namely that brand equity does not affect purchase intention.

In Tegal City and Regency there are several hospitals that have been established or are in the development stage, including:

1. Tegal City: Rsud Kardinah, RSUI Harapan Anda, RS Mitra Keluarga, RSIA Kasih Ibu, RSIA Siti Hajar
2. Tegal Regency: DR Soeselo Hospital, Suradadi Hospital, PKU Muhammadiyah Tegal Hospital, Mitra Siaga Hospital, DKT Pagongan Hospital, Pala Raya Hospital, Harapan Sehat Hospital, Hawari Esa Hospital, Mitra Keluarga II Hospital (development stage) and Mitra Siaga II Hospital (development stage)

RSI PKU Muhammadiyah Tegal which is located at Jl. Singkil Km 0.5 Adiwerna Tegal, where the peculiarity of this hospital is that it operates by providing Islamic services to its patients. For example, all employees are required to close their lives while providing services to patients, religious consultations for patients, and spiritual guidance for patients during examinations and treatments.
The management of RSI PKU Muhammadiyah Tegal always strives to provide quality services to its patients by providing various physical and non-physical facilities. This effort will be a consideration for patients as consumers in using health services at RSI PKU Muhammadiyah Tegal. Data from the last 5 years shows that the number of patients treated has increased, both patients from the general patient group, patients of the Social Security Organizing Agency for Contribution Assistance Recipients (BPJS PBI), BPJS Non-PBI, and insurance patients.

<table>
<thead>
<tr>
<th>Year</th>
<th>Hospitalization (person)</th>
<th>Outpatient (person)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>17,908</td>
<td>51,074</td>
</tr>
<tr>
<td>2018</td>
<td>21,761</td>
<td>84,465</td>
</tr>
<tr>
<td>2019</td>
<td>26,033</td>
<td>118,698</td>
</tr>
<tr>
<td>2020</td>
<td>22,783</td>
<td>117,557</td>
</tr>
<tr>
<td>2021</td>
<td>21,881</td>
<td>137,651</td>
</tr>
</tbody>
</table>

Source: Medical Record Data RSI PKU Muhammadiyah, 2022.

Many things can affect a customer's loyalty to a health institution such as a hospital. However, researchers will only focus studies on aspects of brand image, facilities, nursing services, consumer decisions, and patient satisfaction. Meanwhile, the customers who were appointed and became the subject of analysis were patients who had undergone treatment at RSI PKU Muhammadiyah Tegal.

The Satisfaction Index data shows that there is a gap between the expectations that patients want and the reality they get, thus affecting the patient's assessment of the hospital image [7] that one of the problems faced by hospitals is the negative image and physical facilities as a hospital which is also a referral hospital, which is still not on par with other hospitals of the same type in Central Java.

2. Method

This research was conducted at the PKU Muhammadiyah Tegal Islamic Hospital. The data collection time is for 1 month from May 18 - June 17, 2022. The study population was the number of inpatient visits in the Zam-zam, Multazam 1 and Multazam 2 rooms and the study sample was 350 people. The sampling used is a Non Probability Sampling sampling technique. This study used a Cross-Sectional Study design. Data collection was obtained in two ways, primary data was obtained using questionnaires and secondary data in the form of data on the number of inpatient visits at the PKU Muhammadiyah Tegal Islamic Hospital in 2022. The data was processed and analyzed using the AMOS program on the computer by conducting univariate analysis, bivariate analysis, and multivariate analysis of each independent variable.
with dependent variables using the Logistic Regression test with a significant level of alpha (α) 0.05. [8–11]

2.1. Instrument Validity Testing
The validity test in this study was carried out using product moment correlation from Pearson. The number of instruments to be tested for the variables of brand image, facilities, nursing services, patient decisions and patient satisfaction is 25 items. The instrument was tested on 30 respondents with a significant level of 0.05. The calculation that can be seen states that all items pernyataan used have a correlation coefficient greater than rtable = 0.361 so that all instruments are declared valid.

2.2. Instrument Reliability Testing
Reliability testing is carried out to test the consistency of respondents' opinions when given statements through questionnaires. The tool used in measuring reliability in this study was the cronbach alpha test. If the alpha cronbach result ≥ 0.60, then the research instrument is said to be reliable. The results of the reliability test of the research instrument showed that all variables have an alpha coefficient value greater than 0.60 so that all variables are declared reliable and can be used for further analysis.

Normality tests are performed to analyze the distribution of data in a group of data. This is intended to find out whether the distribution of data is normally distributed or not. The test was carried out by looking at the value of the critical ratio (c.r.) to determine the kurtosis (collapse) and skewness (dilution) of the distribution of data. Normality tests can be carried out univariately or multivariately. If the value of c.r. is between -1.96 to +1.96, then the data distribution is said to be normal (for α = 5 percent). Meanwhile, if the number c.r. is below -1.96 or above +1.96, then the data distribution is abnormal.

The results of the normality test showed that the data were univariately distributed normally, because all c.r. values were in the range between -1.96 to +1.96. Meanwhile, normality is multivariately not met, because the total value of the resulting c.r. is greater than 1.96, which is 12.65. Nevertheless, taking into account that all indicators have met the assumption of univariate normality, then the data analysis can be continued.

2.3. Outlier Test
Outliers can be detected by looking at the p1 and p2 values in the mahalanobis distance output in the AMOS software. The data is said to be outlier when the values of p1 and p2 are greater than 0.05. The results of data processing show that all p1 and p2 values are smaller than 0.05 so that it can be concluded that there is no outlier. The results of the mahalanobis distance output in this test can be seen through The Presented Amos output.

2.4. Confirmatory Factor Analysis
2.4.1. Construct Validity Test
This test was carried out by analyzing the construct validity for the main sample, namely as many as 350 respondents using Confirmatory Factor Analysis (CFA). It is necessary to pay attention to the loading factor of the standardized regression weights value for each variable. The loading factor is said to be significant if the standardized loading estimate is ≥ 0.50. Based on the results of the standardized loading estimate shown in appendix 6, it is known that all loading factors are valued above 0.50 so that the construct compiled is valid.
2.4.2. Construct Reliability Test

The construct reliability test is carried out using the Construct Reliability (CR) formula. If the resulting CR value is greater than 0.60, then the construct is declared reliable, and vice versa. The CR formula is as follows:

\[
\text{Construct Reliability} = \frac{\left( \sum \text{standardized loading} \right)^2}{\left( \sum \text{standardized loading} \right)^2 + \sum \varepsilon}
\]

where:
1. standardized loading is the result of estimated standardized loading for each indicator;
2. \(\varepsilon\) is the measurement error of each indicator obtained from 1 - standardized loading.

The results of the reliability construct test can show that the CR value for all variables is greater than 0.6 so that the construct is declared reliable.

2.5. Test of Goodness of Fit

The structural model conformity test aims to test the suitability of the hypothesis model based on the theories with the research data that has been collected. Structural models developed in this study.

2.6. Model Evaluation

Model evaluation is performed to ensure the matching of the model with the overall data. Evaluation of the model will compare the results from Goodness-of-Fit (GOF) with the cut-off values. The GOF value is obtained from the confirmatory factor analysis (CFA) using AMOS 25 software. If the GOF value does not successfully meet the cut-off value, a model specification will be carried out. The results of the model evaluation are presented in the table below.

<table>
<thead>
<tr>
<th>Jenis GOF</th>
<th>Value Cut-off</th>
<th>Result</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chi Square</td>
<td>Semakin kecil semakin baik</td>
<td>273,97 8</td>
<td>Good fit</td>
</tr>
<tr>
<td>Probabilitas</td>
<td>&gt;0.05</td>
<td>0,054</td>
<td>Good fit</td>
</tr>
<tr>
<td>CMIN/DF</td>
<td>&lt; 2,00</td>
<td>1,151</td>
<td>Good fit</td>
</tr>
<tr>
<td>RMSEA</td>
<td>&lt; 0,08</td>
<td>0,025</td>
<td>Good fit</td>
</tr>
<tr>
<td>GFI</td>
<td>(&gt; 0.90 = \text{good-fit}) 0,80 &lt; GFI &lt; 0,90 = marginal fit (&gt; 0.90 = \text{good-fit})</td>
<td>0,917</td>
<td>Good fit</td>
</tr>
<tr>
<td>AGFI</td>
<td>0,80 &lt; AGFI &lt; 0,90 = marginal fit (&gt; 0.90 = \text{good-fit})</td>
<td>0,896</td>
<td>Marginal fit</td>
</tr>
<tr>
<td>TLI</td>
<td>(&gt; 0.90 = \text{good-fit})</td>
<td>0,975</td>
<td>Good fit</td>
</tr>
</tbody>
</table>
The results of the model evaluation in the table above show that some GOF parameters do not meet the cut off value, so it is necessary to modify the model so that the next stage of analysis can be continued.

2.7. Model Modifications

Model modifications can be done by eliminating indicators and comparing intervariables or indicators that have a high Modification Indices (MI) value as recommended by the AMOS software. Any eliminated or co-opted error will be able to correct the size of the goodness of the model. The result of the calculation of the MI value which is the output of the AMOS software.

2.8. Model Modification Evaluation

Evaluation of model modifications is performed to reassure the model's compatibility with the overall data. Mshows the intervariability of variables or indicators, and it can also be seen that several indicators have been eliminated in each variable. The results of testing the goodness of fit criteria on the modified model showed that the values of the Chi-Square, Probability, CMIN/DF, RMSEA, GFI, TLI, CFI, RMR, and IFI indices met the requirements. Meanwhile, AGFI qualifies marginally. Thus, it can be said that the model is accepted for further analysis, that is, hypothesis testing.

Table 2. Evaluation Results of Goodness of Fit Modified Model

<table>
<thead>
<tr>
<th>Kind GOF</th>
<th>Value Cut-off</th>
<th>Result</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chi Square</td>
<td>Semakin kecil semakin baik</td>
<td>273.97 &lt;br&gt; 8</td>
<td>Good fit</td>
</tr>
<tr>
<td>Probabilities</td>
<td>&gt;0.05</td>
<td>0.054</td>
<td>Good fit</td>
</tr>
<tr>
<td>CMIN/DF</td>
<td>&lt; 2.00</td>
<td>1.151</td>
<td>Good fit</td>
</tr>
<tr>
<td>RMSEA</td>
<td>&lt; 0.08</td>
<td>0.025</td>
<td>Good fit</td>
</tr>
<tr>
<td>GFI</td>
<td>&gt; 0.90 = good-fit</td>
<td>0.917</td>
<td>Good fit</td>
</tr>
<tr>
<td>AGFI</td>
<td>0.80 &lt; GFI &lt; 0.90 = marginal fit</td>
<td>0.896</td>
<td>Marginal fit</td>
</tr>
</tbody>
</table>

Source: [12]
3. Result

3.1. Characteristics of Respondents

Table 1 shows that based on gender, the largest proportion of sex is female at 60%, for the proportion of respondents' age, the highest distribution is in the age group of 30 - 34 years, namely 14 respondents (14%), for the most jobs, namely civil servants (Civil Servants) at 28 people (28%), for income most earn 1,000,000 - 2,999,000 and 3,000,000 - 4,999,000 each – 33 people (33%), judging from the type of payment, most of them were Askes patients at 73% and most of the respondents were patients who visited more than twice, namely 68 people (68%).

3.1. Univariate Analysis of Inpatient proportion

PKU Muhammadiyah Tegal Islamic Hospital based on research variables to utilize health services obtained results as shown in Table 2. From the table, it can be seen that 93% of interested in patients who were interested returned while respondents who were not interested returned as much as 7%. Corporate image is measured through reputation, product innovation and updates, concern for customers, and ease of collecting information related to hospitals. The proportion of respondents who think a positive corporate image is higher than the negative one, which is 93%. User image is measured through the similarity between self-concept and brand personality, brand liking, brand experience, brand satisfaction, and peer support. The highest proportion of respondents who have a positive user image is 96%. Product image is measured through personnel services (medical personnel, paramedics, and non-medical personnel), facilities, waiting times, environment, and tariffs. The highest proportion of respondents who had a positive product image was 96%.

3.2. Bivariate Analysis

The relationship between the dependent variable (re-interest in utilizing health services) and the independent variable (corporate image, user image, product image) can be seen in table 3 of them as follows. The assessment of corporate image, out of 93 respondents who had a positive corporate image, was found to be 91 (97.8%) who were interested in returning. Meanwhile, of the 7 respondents who had a negative corporate image, there were 2 (28.6%) who were interested in returning. From the results of statistical tests obtained the value of \( p = 0.000 \) (\( p < 0.05 \)). This means that there is a relationship between corporate image and re-interest. The assessment of user image, out of 96 patients who had a positive user image, was 92 (95.8%) respondents who were interested in returning. Meanwhile, of the 4 respondents with a negative user image but interested in returning as many as 1 (25%) respondents. From the results of statistical tests obtained the value of \( p = 0.001 \) (\( p < 0.05 \)).
This means that there is a relationship between the user image and the return interest. The assessment of product image, out of 96 patients who had a positive product image, was 92 (95.8%) respondents who were interested in returning. Meanwhile, of the 4 respondents with a negative product image but interested in returning as many as 1 (25%) respondents. From the results of statistical tests obtained the value of \( p = 0.001 \) (\( p < 0.05 \)). This means that there is a relationship between the product image and the return interest. All three variables have a p-value of < 0.25 so all three are eligible for inclusion in the logistic regression test.

Multivariate Analysis The meaning between dependent variables (re-interest in utilizing health services) and independent variables (corporate image, user image, product image) can be seen in table 4 of which are as follows. The result of logistic regression cannot be directly interpreted from its coefficient value as in linear regression. Interpretation can be done by looking at the value of \( \exp(B) \) or the exponent value of the coefficient of the regression equation formed. From the results of the logistic regression mentioned above, it can be concluded that the variable that greatly affects the interest in returning to utilizing health services starts from the corporate image variable with an influence value of 0.037. This indicates that the corporate image variable has an effect of 0.037 times on the dependent variable. Since the value of \( p < 0.05 \) then \( H_0 \) is rejected and \( H_a \) is accepted. So there is a significant influence between the corporate image and the interest in reuse at Hasanuddin University Hospital. The next influential variable is the product image with an influence value of 0.020. This indicates that the product image variable has an effect of 0.020 times on the dependent variable. Because the value of \( p < 0.05 \), \( H_0 \) is rejected and \( H_a \) is accepted, thus it can be concluded that there is a significant influence between the product image and the interest in reuse at Hasanuddin University Hospital.

The user image variable also affects interest again, namely with an influence value of 0.007. This indicates that the user image has only a fairly small influence on dependent variables. Since the \( p \) value < 0.05, \( H_0 \) is rejected and \( H_a \) is accepted, thus it can be concluded that there is a significant influence between the user image and the interest in reuse at Hasanuddin University Hospital. To see the influence of the three independent variables simultaneously, namely from the value of \( R^2 \) where the value of the influence is 74%. This means that overall this model predicts that the return interest in utilizing health services at Hasanuddin University Hospital is 74% influenced by corporate image, user image, and product image together while the remaining 26% is influenced by other factors.

4. Conclusion

Testing was carried out on 8 hypotheses proposed. There are 6 hypotheses that link independent variables with direct variables and 2 indirect relationships. Testing the direct relationship hypothesis was carried out by looking at the probability value (\( p \)) and the c.r. value at the regression weight of the fit model. If the \( p \)-value \( \leq 0.05 \) and c.r. greater than 1.95 (\( \alpha = 5 \) percent), then it can be concluded that there is a relationship between variables, so the hypothesis is accepted, and vice versa. The results of regression weight can be seen in the results.

Hypothesis testing to determine whether there is an independent intervariable relationship with dependent variables is indirectly carried out by looking at the value of
Standardized Indirect Effects. If the p-value < 0.5 then it can be concluded that the intermediate variable is able to mediate the free variable against the bound variable. The results of the calculation of standardized indirect effects can be seen in the results.

**Hypothesis 1**

Hypothesis 1 in this study is that brand image affects patient vaginal discharge. The results of the data processing presented are known that the P value is 0.037. This value is lower than 0.05. Meanwhile, the resulting CR value is 2.089 which is greater than 1.96. The result has the meaning that hypothesis 1 is declared accepted.

**Hypothesis 2**

Hypothesis 2 is that facility influences the patient's decision. The Nilai P on the relationship between the facility and the patient's kep was lower than 0.05 which was 0.025. Then for CR, a value of 2.238 is obtained which is greater than 1.96, so that hypothesis 2 is acceptable.

**Hypothesis 3**

Hypothesis 3 is that nursing services affect patient decision-making. Data processing results found a P value of 0.035 which means it is lower than 0.05. The CR value was also found to be greater than 1.96, which is 2.111. This implies that hypothesis 3 is accepted.

**Hypothesis 4**

Hypothesis 4 is that brand image affects patient satisfaction. This hypothesis is stated to be accepted because the P value is greater than 0.05 which is 0.035. In addition, the CR value is greater than 1.96, which is 2.607.

**Hypothesis 5**

Hypothesis 5 is that the facility affects patient satisfaction. The hypothesis is stated to be accepted because the value of P indicates a value of 0.00 which is lower than 0.05. Similarly, the nilai CR is known to be greater than 1.96 which is 6.615.

**Hypothesis 6**

Nursing services to address patient satisfaction is the 6th hypothesis in this study. The hypothesis is stated to be rejected because the P value on the relationship between the two variables is 0.546, which means it is higher than 0.05. The CR value is also lower than 1.96, which is 0.603.

**Hypothesis 7**

Decision-making affecting patient satisfaction is the 7th hypothesis in this study. This hypothesis is stated to be rejected because the value of P in the relationship between the two variables is 0.661 and CR is 0.439. The P value is greater than 0.05 and the CR value is lower than 1.96.

**Hypothesis 8**

Hypothesis 8 in this study is that brand image affects patient satisfaction. The hypothesis was stated to be rejected because the P value showed the number 0.885, while the CR value was 0.144. The P value is higher than 0.05 and the CR value is smaller than 1.96.

**The Effect of Brand Image on Patient Delivery**

The results of the study concluded that the brand image affects the patient's satisfaction. Based on the conclusions of the research above, the advice given is as follows: To the hospital to maintain and improve corporate identity, physical environment (physical envorment),
employees (contact personnel), and services (service offering). This is based on the findings of a study in which the four elements of brand image have been shown to affect patient interest in utilizing health services. To the next researcher to conduct similar research in different locations so that the results of research on the influence of brand image on the interest in utilizing health services can be generalized.

**The Effect of Facilities on Patient Decisions**

A direct influence was found on the relationship between the facilities to the patient recovery. Regarding the facilities owned by RSI PKU Muhammadiyah Tegal, there are still many things that need to be repaired and equipped. As well as adding beds, and specialist doctors. In order to increase Patient Satisfaction, it is better to provide facilities both orally and in writing so that patients can submit complaints, criticisms, and suggestions for the hospital. These tools can be in the form of criticism sheets and suggestions that are shared regularly (for example: once a week) in order to provide better services.

**The effect of nursing services on patient care.**

This study found a direct influence of nursing services on patient satisfaction. According to that good service is usually associated with recovering from illness quickly, friendly staff, fast and precise service and cheap rates. Thus, it can be concluded that services, especially nursing services, are closely related to patient care.

**The effect of Brand image on patient satisfaction**

Research has found a relationship between brand image and patient health. The customer loyalty construct is formed by indicators that the brand has a positive image, the brand has distinctive features, and the brand of the product is widely known. Based on the results of data analysis obtained, product quality results have a significant positive influence both directly and indirectly on customer loyalty with the value of the path coefficient is 0.367 and 0.589 respectively so that the magnitude of the total influence is 0.386. Direct influence means product quality directly affects customer loyalty without any intermediaries, while direct influence means product quality can affect customer loyalty through intervening variables, which in this study used consumer satisfaction. This means that the better the brand image is formed in the eyes of consumers, then consumers feel proud and satisfied in using the product, and they will be happy to advise others to use the company's products so that it will have an impact on loyalty.

**The effect of the facility on the patient’s satisfaction**

Facilities are known to affect patient satisfaction. Based on the results of research that has been carried out on facilities for customer satisfaction, the hospital can make it as a study material to increase the quality of hospital services to patients, both by adding facilities and by improving services from nurses. With that, the service products provided will be satisfaction by customers, so as to be able to increase the reputation of the hospital.

**The effect of nursing services on patient satisfaction.**

Nursing services are known to affect patients' satisfaction. If the nursing services received by the patient turn out to be proportional to the patient's expectations, the patient feels satisfied (happy). Patient satisfaction is a priority that will help nurses in providing nursing services so that patients are willing to participate during treatment.

**The effect of decision-making on patient satisfaction.**

The relationship between the patient's decisions and the patient's satisfaction is concluded to have an influence. Consumer satisfaction can occur as a consumer response to
an evaluation of the perceived fit between the initial expectations before the purchase decision occurs. Opinion a process of making a purchase decision does not only end with a purchase transaction, but is also followed by a stage of buyer behavior. In this stage the commentary feels a certain level of satisfaction or dissatisfaction that will affect the subsequent behavior. Satisfied consumers tend to say good things about the service and the hospital in question to others, patients who feel unsatisfied will react with different actions. Some are just keeping quiet and some are making complaints. Kotler (2009) states that the satisfaction of a patient after making a purchase depends on the performance of the offer in the fulfillment of buyer expectations.

**The effect of patient satisfaction on patient satisfaction.**

Patient satisfaction and patient decisions are concluded to have no direct relationship. Patient satisfaction is related to the quality of hospital services. By knowing the level of patient satisfaction, hospital management can improve the quality of service.

**Reference**

The Influence of Leadership, Work Discipline, and Remuneration on Employment Spirit and Their Implications on Perumda Employees Perumda Drinking Water Tirta Baribis, Brebes Regency

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Abstract. The purpose of this research is to 1) determine the influence of leadership on morale, 2) knowing the effect of work discipline on morale, 3). Knowing the effect of remuneration on morale, 4). Knowing the influence of leadership on employee performance, 5). Knowing the effect of work discipline on employee performance 6). Knowing the effect of remuneration on employee performance, 7). Knowing the effect of morale on employee performance, 8). Knowing the influence of leadership, work discipline and remuneration on employee performance with work enthusiasm as a mediator. The subjects of this research are the employees of Perumda Water Drinking Tirta Baribis, Brebes Regency, totaling 167 employees. The technique used to collect data in this research is a questionnaire. The data analysis methods used in this study were instrument validity and reliability tests, descriptive statistics, quantitative analysis, and mediation tests (sobel test). Some conclusions that can be drawn from this research are that leadership, work discipline, and remuneration affect work morale. Leadership, work discipline, and remuneration affect employee performance. Morale is able to significantly mediate the influence of leadership, work discipline and remuneration on employee performance.

Keywords: Leadership, Work Discipline, Remuneration, Work Spirit, Performance.

1. Introduction

The problem with the management aspect of Perumda Tirta Baribis is in several regulations related to organization and staffing that have been too long and are no longer in accordance with the new rules and the spirit of regional autonomy. This has resulted in some employees who are less enthusiastic at work, as can be seen from some employees who are less excited so that performance cannot be maximized. The following is data on the achievement of the performance of employees of the Tirta Baribis Drinking Water Perumda, Brebes Regency in 2021.
Table 1. Employee Performance Achievement Data in 2021

<table>
<thead>
<tr>
<th>Month</th>
<th>Excellent (&gt; 75)</th>
<th>Good (60 - 75)</th>
<th>Good Enough (45 - 59)</th>
<th>Less (30 - 44)</th>
<th>Bad (&lt;= 30)</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>98</td>
<td>51</td>
<td>9</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>February</td>
<td>101</td>
<td>50</td>
<td>8</td>
<td>5</td>
<td>3</td>
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<tr>
<td>March</td>
<td>94</td>
<td>63</td>
<td>7</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>April</td>
<td>89</td>
<td>59</td>
<td>11</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>May</td>
<td>103</td>
<td>53</td>
<td>2</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>June</td>
<td>106</td>
<td>41</td>
<td>12</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>July</td>
<td>99</td>
<td>50</td>
<td>16</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>August</td>
<td>102</td>
<td>45</td>
<td>12</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>September</td>
<td>107</td>
<td>31</td>
<td>21</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>October</td>
<td>98</td>
<td>43</td>
<td>20</td>
<td>3</td>
<td>3</td>
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<tr>
<td>November</td>
<td>97</td>
<td>41</td>
<td>19</td>
<td>5</td>
<td>5</td>
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<tr>
<td>December</td>
<td>102</td>
<td>38</td>
<td>17</td>
<td>6</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: Perumda Drinking Water Tirta Baribis Brebes Regency, 2022

The data above shows that there are still some employees who have poor performance. Perumda Tirta Baribis employees from both the finance, operations and administrative departments have their own performance assessments of employees carried out by the personnel department. The table above also shows that there is still inconsistent employee performance, due to the decline and change in increases. This is considered because there are still many activities or programs that have not been achieved and realized in a certain period so that it will affect the performance value that will be given to the employee.

Perumda Tirta Baribis employees usually have a sufficient level of education to secure their jobs. Employees are free to compete healthily in order to occupy positions in Perumda Tirta Baribis through the quality of work that is output. In addition, the leadership of Perumda Tirta Baribis always provides motivation and enthusiasm to all employees before starting work. The goal is that employees can carry out their duties well and increase employee performance in serving the population. But in reality, some employees are unable to complete the work that has been targeted or assigned to them. This is due to the lack of supervision from the leadership and the lack of supervision in employees, which results in a low level of discipline in the use of their time and results in a low level of performance. While the leading factor in Perumda Tirta Baribis is very good, all employees are free to compete healthily in order to be able to occupy positions in Perumda Tirta Baribis.

This research is also based on several previous interrelated studies but concludes that the outputs are different from each other, creating a gap that needs to be revisited. The differences in these findings include [1] who noted in their findings that work discipline has an effect on performance, and [2] showed that work discipline has a positive and significant effect on
performance. [3,4] [5] found different things, they found that work discipline had no effect on the formation of employee performance. This was also discovered by other researchers, namely Kurniawan and Heryanto [6,7]

Based on the things that have been described above, it is very important to further examine this problem in the form of thesis research with the title. "The Influence of Leadership, Work Discipline, And Remuneration On Morale And Its Implications On The Performance Of Employees Of Tirta Baribis Drinking Water Perumda Brebes Regency."

2. Methods

In accordance with its purpose, this research is part of hypothesis testing research using the survey method. The subjects of this study were employees of the Tirta Baribis Drinking Water Perumda, Brebes Regency, which amounted to 167 employees. The method and sample size in this study were determined using saturated sampling techniques or full sampling techniques. In this study, the technique used to collect data in this study was a questionnaire. The data analysis methods used in this study are instrument validity and reliability tests, descriptive statistics, quantitative analysis, mediation tests (sobel test).

3. Research Results

Data Analysis: Testing the Validity of Research Instruments

Validity is a measuring instrument that shows the level of validity and validity of an instrument. This test is carried out to find out the validity of the question items can be seen in the column which is the calculation r for each question. If the calculated value of r is greater than r of the table, then the points of the question can be said to be valid.

Table 2. Research Instrument Validity Test Results

<table>
<thead>
<tr>
<th>No.</th>
<th>Variable</th>
<th>Item Code</th>
<th>R count</th>
<th>R table</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
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<tr>
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<tr>
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<td></td>
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</table>

Source: Primary data processed; 2022

As soon as testing the validity of the variables of leadership, work discipline, remuneration, morale and performance above, it can be seen that all the points of statements in the questionnaire are valid, because according to Sugiyono (2017) that is, the instrument is said to
be valid if it has $r_{count} > r_{table}$ (n = 30) = 0.361. Then it can be concluded, that all the points of statements in this study are worthy of use in research.

**Testing the Reliability of Research Instruments**

Reliability is the similarity of the results of measurements or observations when diukyour or observed b couple of of time. Both free variable and bound variable reability tests were performed using *Alpha Cronbach* (α). A construct or variable is said to be reliable if it gives the value of the Alpha coefficient greater than 0.70. The results of the reliability test in this study can be seen in the table as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Variable</th>
<th>Cronbach Alpha</th>
<th>Criterion</th>
</tr>
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<tbody>
<tr>
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</tr>
<tr>
<td>2</td>
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<td>0.804</td>
<td>Reliable</td>
</tr>
<tr>
<td>3</td>
<td>Remuneration</td>
<td>0.932</td>
<td>Reliable</td>
</tr>
<tr>
<td>4</td>
<td>Morale</td>
<td>0.853</td>
<td>Reliable</td>
</tr>
<tr>
<td>5</td>
<td>Performance</td>
<td>0.914</td>
<td>Reliable</td>
</tr>
</tbody>
</table>

Source: processed data, 2022

The results of the reliability calculation are known to be the *alpha conbrach* value of the leadership variable of 0.855; the work discipline variable of 0.804; remuneration variable of 0.932; the morale variable is 0.853 and the performance variable is 0.914. According to Hair [8] the research instrument is declared reliable if *alpha conbrach* > 0.7. Because the average value of variables with *alpha conbrach* > 0.7, the research instrument is declared reliable and can be used for data collection.

**SEM Analysis Results**

The structural *equation model modeling* (SEM) in this study is as follows:
Table 4. Confirmatory Analysis Results

<table>
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<tr>
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<th>Estimate</th>
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<tr>
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</tr>
<tr>
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<td>SKZ</td>
</tr>
<tr>
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<td>SKZ</td>
</tr>
<tr>
<td>SK4</td>
<td>SKZ</td>
</tr>
<tr>
<td>SK5</td>
<td>SKZ</td>
</tr>
<tr>
<td>SK6</td>
<td>SKZ</td>
</tr>
<tr>
<td>SK7</td>
<td>SKZ</td>
</tr>
<tr>
<td>SK8</td>
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<td>RMX3</td>
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<td>RM4</td>
<td>RMX3</td>
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<td>RMX3</td>
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<tr>
<td>RM6</td>
<td>RMX3</td>
</tr>
<tr>
<td>KP1</td>
<td>KPX1</td>
</tr>
</tbody>
</table>

Draw 1
Model Structural Equation Modelling (SEM) Equation
that each indicator from each dimension of Leadership (KPx1), Work Discipline (DKx2), Remuneration (RMx3), Morale (SKZ) and Performance Pegawai (KNY) has an average loading factor value greater than 0.500 except for one indicator of the work discipline variable, namely the DK4 indicator which has a loading factor of 0.365 smaller than 0.500, so that the indicator is excluded from the model and is not included in determining the Hypothesis in the structural equation modeling (SEM).

The research model consisting of 40 indicators, to test the influence between variables, structural equation modeling (SEM) analysis was carried out. The specifications of the model of this study are as follows:

1) Leadership Variables (X1)
   - KP1 = 0.823 Leadership + 0.678
   - KP2 = 0.861 Leadership + 0.742

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
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<tr>
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<td>0,678</td>
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<tr>
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<td>KPx1</td>
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<td>KPx1</td>
<td>0,782</td>
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<td>KP6</td>
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<td>KPx1</td>
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<td>KNY</td>
<td>0,860</td>
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<tr>
<td>KN10</td>
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<td>KNY</td>
<td>0,860</td>
</tr>
<tr>
<td>KN11</td>
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<td>KNY</td>
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</tr>
<tr>
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<td>KNY</td>
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</tr>
<tr>
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<td>0,860</td>
</tr>
<tr>
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<td>0,860</td>
</tr>
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<td>0,860</td>
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<td>0,860</td>
</tr>
<tr>
<td>KN9</td>
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<td>0,860</td>
</tr>
<tr>
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</tr>
<tr>
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<tr>
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<td>0,365</td>
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<td>0,528</td>
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<tr>
<td>DK5</td>
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<td>DKX2</td>
<td>0,528</td>
</tr>
<tr>
<td>DK6</td>
<td>0,528</td>
<td>DKX2</td>
<td>0,528</td>
</tr>
</tbody>
</table>

Source: Primary data processed in 2022.
KP3 = 0.782 Leadership + 0.612
KP4 = 0.856 Leadership + 0.732
KP5 = 0.852 Leadership + 0.725
KP6 = 0.873 Leadership + 0.762
KP7 = 0.884 Leadership + 0.781
KP8 = 0.585 Leadership + 0.343

The image of the model present on the Leadership variable can be seen in Figure 4.3.

Figure 4.3
Leadership Measurement Model

Figure 4.3 can be seen the value of the loading factor in the latent variable Leadership of the first indicator of 0.823, the second indicator of 0.861, the third indicator of 0.782, the fourth indicator of 0.856, the fifth indicator of 0.852, the sixth indicator of 0.873, the seventh is 0.884 and the eighth indicator is 0.585. The value of the loading factor in the latent variable Leadership is on average greater than 0.50, so that all indicators of the variable meet the convergent validity requirement in the SEM analysis.

2) Work Discipline Variables (X2)
DK1 = 0.721 Work Discipline + 0.520
DK2 = 0.843 Work Discipline + 0.710
DK3 = 0.832 Work Discipline + 0.693
DK4 = 0.365 Work Discipline + 0.133
DK5 = 0.607 Work Discipline + 0.369
DK6 = 0.528 Work Discipline + 0.279

The picture of the existing model on the Work Discipline variable can be seen in Figure 4.4.
Figure 4.4
Work Discipline Measurement Model

Figure 4.4 can be seen the value of *the loading factor* in the latent variable Work Discipline of the first indicator of 0.721, the second indicator of 0.843, the third indicator of 0.832, the fourth indicator of 0.365, the fifth indicator of 0.607 and the fifth indicator at 0.528. The *value of the loading factor* in the latent variable of Work Discipline there is one indicator whose value is smaller than 0.500, namely the DK4 indicator 0.365 thus this one indicator does not meet the *convergent validity* requirements in SEM analysis with AMOS 22 software so it must be excluded from the model.

3) Variable Remuneration (X₃)
RM1 = 0.746 Remuneration + 0.556
RM2 = 0.907 Remuneration + 0.823
RM3 = 0.932 Remuneration + 0.868
RM4 = 0.887 Remuneration + 0.788
RM5 = 0.624 Remuneration + 0.390
RM6 = 0.927 Remuneration + 0.859

The image of the model on the Remuneration variable can be seen in Figure 4.5

Figure 4.5
Remuneration Model

Figure 4.5 can be seen the value of *the loading factor* in the latent variable. The remuneration of the first indicator is 0.746, the second indicator is 0.907, the third indicator is 0.932, the fourth indicator is 0.887, the fifth indicator is 0.624 and the sixth indicator is 0.927. The *value of the loading factor* in the latent variable. The average remuneration
is greater than 0.500, so it meets the *convergent validity* requirement in the SEM analysis with AMOS 22 software.

4) Morale Variable (Z)

SK1 = 0.844 Morale + 0.713  
SK2 = 0.775 Morale + 0.601  
SK3 = 0.585 Morale + 0.342  
SK4 = 0.695 Morale + 0.483  
SK5 = 0.793 Morale + 0.629  
SK6 = 0.749 Morale + 0.560  
SK7 = 0.710 Morale + 0.505  
SK8 = 0.754 Morale + 0.568

The image of the existing model on the Morale variable can be seen in Figure 4.6

![Figure 4.6 Morale Model](image)

Figure 4.6 can be seen the value of *the loading factor* in the latent variable Of Work Expectancy of the first indicator of 0.844, the second indicator of 0.775, the third indicator of 0.585, the fourth indicator of 0.695, the fifth indicator of 0.793, the sixth indicator of 0.749, the seventh indicator by 0.710 and the eighth indicator by 0.754. The *value of the loading factor* in the latent variable Morale averages a value greater than 0.500, thus the indicator already meets the *convergent validity* requirement in the SEM analysis with AMOS 22 software.

5) Performance Variable Pegawai (Y)

KN1 = 0.834 Employee performance + 0.695  
KN2 = 0.840 Employee performance + 0.705  
KN3 = 0.851 Employee performance + 0.724  
KN4 = 0.878 Employee performance + 0.771  
KN5 = 0.868 Employee performance + 0.754  
KN6 = 0.558 Employee performance + 0.311  
KN7 = 0.802 Employee performance + 0.643  
KN8 = 0.790 Employee performance + 0.625  
KN9 = 0.612 Employee performance + 0.374  
KN10 = 0.860 Employee performance + 0.740  
KN11 = 0.717 Employee performance + 0.515  
KN12 = 0.687 Employee performance + 0.472

An image of the employee performance variable model can be seen in Figure 4.7
Figure 4.7 can be seen the value of the loading factor in the latent variable Employee performance of the first indicator of 0.834, the second indicator of 0.840, the third indicator of 0.851, the fourth indicator of 0.878, the fifth indicator of 0.868, the sixth indicator of 0.558, the indicator the seventh indicator is 0.802, the eighth indicator is 0.790, the ninth indicator is 0.612, the tenth indicator is 0.860, the eleventh indicator is 0.717 and the twelfth indicator is 0.687. The value of the loading factor in the latent variable Employee performance value is on average greater than 0.500 the indicator has met the convergent validity requirement in subsequent SEM analysis.

The research model after conducting a confirmatory factor analysis consisting of 40 indicators that already meet the convergent validity requirements of Structural Equation Modelling (SEM) analysis.

<table>
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<tr>
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<th>Min</th>
<th>Max</th>
<th>skew</th>
<th>c.r.</th>
<th>Kurtosis</th>
<th>c.r.</th>
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</thead>
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<td>Max</td>
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<td>c.r.</td>
<td>kurtosis</td>
<td>c.r.</td>
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<td>-11.704</td>
<td>5,613</td>
<td>14,806</td>
</tr>
<tr>
<td>KN1</td>
<td>5,000</td>
<td>7,000</td>
<td>-1.386</td>
<td>-7.312</td>
<td>.476</td>
<td>1,255</td>
</tr>
<tr>
<td>KP6</td>
<td>3,000</td>
<td>7,000</td>
<td>-2.511</td>
<td>-13.249</td>
<td>6,362</td>
<td>16,783</td>
</tr>
<tr>
<td>KP7</td>
<td>2,000</td>
<td>7,000</td>
<td>-1.879</td>
<td>-9.912</td>
<td>3,544</td>
<td>9,349</td>
</tr>
<tr>
<td>DK1</td>
<td>4,000</td>
<td>7,000</td>
<td>-2.482</td>
<td>-13.096</td>
<td>7,052</td>
<td>18,603</td>
</tr>
<tr>
<td>DK2</td>
<td>5,000</td>
<td>7,000</td>
<td>-1.874</td>
<td>-9.886</td>
<td>2,652</td>
<td>6,996</td>
</tr>
</tbody>
</table>

| Multivariate | 1214.871 | 135,422 |

Source: primary data processed, 2022.

Uji normality data dnatural output AMOS was carried out by comparing the critical ratio (CR) value in the assessment of normality with the critical ± 2.58 at the level of 0.01. If there is a CR value greater than the critical value then the data is univariately abnormal.

The resulting critical ratio (c.r) value for the Multivariate coefficient is 92.522.
This value is greater than ± 2.58 (for \( \alpha = 1\% \)), so that the *normality of Multivariate* is not met, then it can be concluded that the assumption of normality of *Univariate and Multivariate* data is not met.

The following is the *output of Bollen Stine Bootstrap*:

Table 6

<table>
<thead>
<tr>
<th>Output Bollen-Stine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bollen-Stine Bootstrap (Default Model)</td>
</tr>
<tr>
<td>The model fit better in 250 bootstrap samples.</td>
</tr>
<tr>
<td>It fit about equally well in 0 bootstrap samples.</td>
</tr>
<tr>
<td>It fit worse or failed to fit in 0 bootstrap samples.</td>
</tr>
<tr>
<td>Testing the null hypothesis that the model is correct, Bollen-Stine bootstrap ( p = .004 )</td>
</tr>
</tbody>
</table>

Source: primary data processed, 2022.

After bootstrapping, the probability result of *Bollen-Stine bootstrap* = 0.004 is obtained and this value is significant at 5\% (0.05) so that the assumption of model normality is acceptable.

Bootstrap Distributions (Default model)

ML discrepancy (implied vs sample) (Default model)

| Figure 7. Data Spread Model |
Based on figure 7, the data distribution model can be known to form a bell so that the research model data assumes normality and is worthy of use to test all research hypotheses.

The following are the results of the *Multicollinearity* test:

<table>
<thead>
<tr>
<th>Estimated Correlation Coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPX1 &lt;--&gt; KXX2</td>
</tr>
<tr>
<td>KXX2 &lt;--&gt; KOX3</td>
</tr>
<tr>
<td>MPX1 &lt;--&gt; KOX3</td>
</tr>
</tbody>
</table>

Source: primary data processed, 2022.

Has in Table 7 above shows that the correlation value between its independent variables, which is flattened, has a value below 0.9. Then the results can be known that there is no *multicollinearity* in this study. After performing analysis evaluation normality, *univariate*, *multivariate* and *bootstrapping* then in the next stage will confirm the *regression weights* or relationships between latent variables in this research model, using AMOS 22 software it produces as in Table 4.16 below:

<table>
<thead>
<tr>
<th>Estimated Correlation Coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>PKZ &lt;--&gt; MPX1</td>
</tr>
<tr>
<td>PKZ &lt;--&gt; KXX2</td>
</tr>
<tr>
<td>PKZ &lt;--&gt; KOX3</td>
</tr>
<tr>
<td>KPY &lt;--&gt; MPX1</td>
</tr>
<tr>
<td>KPY &lt;--&gt; KXX2</td>
</tr>
<tr>
<td>KPY &lt;--&gt; PKZ</td>
</tr>
<tr>
<td>KPY &lt;--&gt; KOX3</td>
</tr>
</tbody>
</table>

Source: primary data processed, 2022.

Based on Table 8, structural equations can be made for substructure 1 as follows:

\[
\text{Job Satisfaction} = 0.157 \times \text{Knowledge Management} + 0.678 \times \text{Quality of Work Life} + 0.118 \times \text{Organization Commitment} + z_1
\]

Based on Table 4.16, structural equations for substructure 2 can be made as follows:

\[
\text{Employee performance} = 0.189 \times \text{Knowledge Management} - 0.559 \times \text{Quality of Work Life} - 0.114 \times \text{Organizational Commitment} + 1.282 \times \text{Job Satisfaction} + z_2
\]
Estimate

<table>
<thead>
<tr>
<th>Variable</th>
<th>Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>KPY &lt;--- PKZ</td>
<td>1,199</td>
</tr>
<tr>
<td>KPY &lt;--- KOX3</td>
<td>-.203</td>
</tr>
</tbody>
</table>

Source: primary data processed, 2022.

The research model using AMOS 22 software produces as shown below:

![Research Model of Relationships between Latent Variables]

The results of the research model conformity test are presented in the table below:

**Table 10**
*Goodness-of-Fit Test Results*
Table 10 shows that the Chi Square value = 866.87 with a significance level of 290.56 as well as other feasibility values that have not met the fit criteria so it can be concluded that there is no difference between the sample covariance matrix and the estimated population covariance matrix accepted which means the model is not yet fit.

4. Hypothesis Testing

The results of the SEM analysis of this study are described in the following hypothesis testing steps:

a. The Effect of Knowledge Management on Job Satisfaction

Based on table 4.16 and table 4.17, it can be seen that the coefficient of the knowledge management variable path to Job Satisfaction is 0.157. This means that there is a positive influence of knowledge management variables on job satisfaction, meaning that the better the Knowledge Management, the better the Job Satisfaction. The nature of such positive influences is significant, this is indicated by the calculated CR value = 2.352. The calculated CR value is greater than or equal to that of the table CR (t table) at a confidence level of 95 percent and a degree of freedom of 250 which is 1.97. Thus the first hypothesis that states "There is an influence of Knowledge Management on Job Satisfaction", is acceptable.

b. The Effect of Work Life Quality on Job Satisfaction

Based on table 4.16 and table 4.17, it can be seen that the coefficient of the variable path of Quality of Work Life to Job Satisfaction is 0.678. This means that there is a positive influence of the Work Life Quality variable on Job Satisfaction, meaning

<table>
<thead>
<tr>
<th>Goodness of Fit Index</th>
<th>Cut off Value</th>
<th>Result</th>
<th>Model Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chi-Square</td>
<td>290.5</td>
<td>866.87</td>
<td>Not Fulfilling</td>
</tr>
<tr>
<td>DF</td>
<td>220</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P-Value</td>
<td>0.000</td>
<td></td>
<td>Not Fulfilling</td>
</tr>
<tr>
<td>RMSEA</td>
<td>0.1</td>
<td>0.1</td>
<td>Meet</td>
</tr>
<tr>
<td>GFI</td>
<td>0.773</td>
<td></td>
<td>Not Fulfilling</td>
</tr>
<tr>
<td>AGFI</td>
<td>0.715</td>
<td></td>
<td>Not Fulfilling</td>
</tr>
<tr>
<td>CMIN/DF</td>
<td>3.940</td>
<td></td>
<td>Not Fulfilling</td>
</tr>
<tr>
<td>TLI</td>
<td>0.724</td>
<td></td>
<td>Not Fulfilling</td>
</tr>
<tr>
<td>CFI</td>
<td>0.760</td>
<td></td>
<td>Not Fulfilling</td>
</tr>
</tbody>
</table>
that the better the Quality of Work Life, the higher the Job Satisfaction. The nature of such a positive influence is significant, this is indicated by the calculated CR value = 4.466. The cr value is greater than the cr of the table (t table) at a confidence level of 95 percent and a degree of freedom of 250 which is 1.97 thus the second hypothesis which states "There is an effect of Quality of Work Life on Job Satisfaction", is acceptable.

c. The Effect of Organizational Commitment on Job Satisfaction

Based on table 4.16 and table 4.17, it can be seen that the variable path coefficient of Organizational Commitment to Job Satisfaction is 0.118. This means that there is a positive influence of the Variable Organizational Commitment on Job Satisfaction, meaning that the more Organizational Commitment, the more Job Satisfaction increases. The nature of such positive influences is significant, this is indicated by the calculated CR value = 2.638. The cr value of the calculation is greater than the CR of the table (t of the table) at a confidence level of 95 percent and a degree of freedom of 250 which is 1.97 thus the third hypothesis which states "There is an influence of Organizational Commitment to Job Satisfaction", is acceptable.

d. The Effect of Knowledge Management on Employee Performance

Based on table 4.16 and table 4.17, it can be seen that the coefficient of the knowledge management variable path to employee performance is 0.189. This means that there is a positive influence of Knowledge Management variables on employee performance, meaning that the more Knowledge Management increases, the better employee performance. The nature of such positive influences is significant, this is indicated by the calculated CR value = 2.307. The cr value of the calculation is greater than the cr of the table (t of the table) at a confidence level of 95 percent and a degree of freedom of 250 which is 1.97 thus the fourth hypothesis which states "There is an influence of Knowledge Management on employee Performance", is acceptable.

e. The Effect of Quality of Work Life on Employee Performance

Based on table 4.16 and table 4.17, it can be seen that the coefficient of the variable path of Quality of Work Life to Employee Performance is -0.559. This means that there is a negative influence of the Work Life Quality variable on employee performance, meaning that the lower the Quality of Work Life, the lower the employee performance. The nature of such negative influences is significant, this is indicated by the calculated CR value = -2.345. The cr value of the calculation is smaller than the CR of the table (t table) at a confidence level of 95 percent and a degree of freedom of 250 which is -1.97 thus the fifth hypothesis which states "There is an influence of Quality of Work Life on Employee Performance", is acceptable.

f. The Effect of Organizational Commitment on Employee Performance

Based on table 4.16 and table 4.17, it can be seen that the variable path coefficient of Organizational Commitment to Employee Performance is -0.114. This means that there is a negative influence of the Organizational Commitment variable on employee performance, meaning that the lower the Organizational Commitment, the lower the employee performance. The nature of such negative influences is significant, this is indicated by the calculated CR value = -2.060. The calculated CR value is less than or equal to that of the table CR (t table) at a confidence level of 95 percent and a degree of freedom of 250 which is -1.97 thus the sixth hypothesis which states "There is an influence of Organizational Commitment to Employee Performance", is acceptable.

g. The Effect of Job Satisfaction on Employee Performance
Based on table 4.16 and table 4.17, it can be seen that the coefficient of the variable path of Job Satisfaction to Employee Performance is 1.282. This means that there is a positive influence of the Job Satisfaction variable on employee performance, meaning that job satisfaction increases, employee performance is getting better. The nature of such positive influences is significant, this is indicated by the calculated CR value = 5.190. The cr value is greater than the table CR (t table) at a confidence level of 95 percent and a degree of freedom of 250 which is 1.97 thus the seventh hypothesis which states "There is an effect of Job Satisfaction on employee Performance", is acceptable.

h. The Effect of Knowledge Management on Employee Performance with Job Satisfaction as a mediator

The eighth hypothesis test in this study was used to prove the correctness of the eighth hypothesis carried out using the Sobel test as shown in the calculation below.

The calculation of the Sobel Test can then be known as follows:

\[
S_E.\ PKZ\ MPX1 = 0.067
\]

\[
Beta\ KPY\ PKZ = 1.199
\]

\[
Beta\ PKZ\ MPX1 = 0.197
\]

\[
S.E.\ KPY\ PKZ = 0.247
\]

\[
UnBeta\ PKZ\ MPX1 = 0.157
\]

The calculation of the Sobel Test can then be known as follows:

\[
S_{ab} = \sqrt{(1.199^2 \times 0.067^2) + (1.197^2 \times 0.247^2)} + (0.157^2 \times 0.247^2)
\]

\[
S_{ab} = \sqrt{(0.0065) + (0.0024) + (0.0015)}
\]

\[
S_{ab} = 0.1016
\]

\[
t = \frac{ab}{S_{ab}} = \frac{0.197 \times 1.199}{0.1016} = 0.236
\]

\[
t = \frac{0.236}{0.1016} = 2.325
\]

Based on the calculation of the sobel test, a calculated t value of 2.325 > 1.97 (t table) was obtained, which means that H0 was rejected. This shows that work satisfaction is able to significantly mediate the influence of knowledge management on employee performance.

i. The effect of the quality of work life on employee performance with job satisfaction as a mediator

The ninth hypothesis test in this study was used to prove the correctness of the ninth hypothesis carried out using the Sobel test as shown in the calculations below.

The description of table 4.16 and table 4.17 can be known values:

\[
S.E.\ PKZ\ KKX2 = 0.152
\]

\[
Beta\ KPY\ PKZ = 1.199
\]

\[
Beta\ PKZ\ KKX2 = 0.555
\]

\[
S.E.\ KPY\ PKZ = 0.247
\]

\[
UnBeta\ PKZ\ KKX2 = 0.678
\]

The calculation of the Sobel Test can then be known as follows:

\[
S_{ab} = \sqrt{(1.199^2 \times 0.152^2) + (0.555^2 \times 0.247^2) + (0.678^2 \times 0.247^2)}
\]
According to the calculation of the Sobel test obtained a calculated t value of 2.352 > 1.97 (t_{table}) which means that H0 is rejected. This shows that work satisfaction is able to significantly mediate the influence of the quality of work life on employee performance.

Table 4.16 and table 4.17 can be known values

S.E. PKZ KOX3 = 0.045
Beta KPY PKZ = 1.199
Beta PKZ KOX3 = 0.223
S.E. KPY PKZ = 0.247
UnBeta PKZ KOX3 = 0.118

The calculation of the Sobel Test can then be known as follows:

\[
S_{ab} = \sqrt{(0.0332) + (0.0188) + (0.0280)}
\]

\[
S_{ab} = 0.2829
\]

\[
t = \frac{ab}{S_{ab}} = \frac{0.555 \times 1.199}{0.2829} = \frac{0.665}{0.2829} = 2.352
\]

According to the calculation of the Sobel test obtained a calculated t value of 2.352 > 1.97 (t_{table}) which means that H0 is rejected. This shows that work satisfaction is able to significantly mediate the influence of the quality of work life on employee performance.

j. The effect of organizational commitment on employee performance with job satisfaction as a mediator

Table 11 Path Coefficient Value

<table>
<thead>
<tr>
<th>No.</th>
<th>Relationships between variables</th>
<th>$t_{count}$</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Knowledge Management Employee Performance Job Satisfaction</td>
<td>2.325</td>
<td>Mediating</td>
</tr>
<tr>
<td>2</td>
<td>Quality of Work Life Job Satisfaction Employee Performance</td>
<td>2.352</td>
<td>Mediating</td>
</tr>
</tbody>
</table>
### Relationships between variables

<table>
<thead>
<tr>
<th>No.</th>
<th>Variables</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Organizational Commitment &amp; Job Satisfaction</td>
<td>Mediating 3,244</td>
</tr>
<tr>
<td></td>
<td>Employee performance</td>
<td></td>
</tr>
</tbody>
</table>

## 5. Conclusion

Some conclusions that can be drawn from this study are that knowledge management, employee rewards, and organizational commitment affect job satisfaction, while discipline does not affect organizational commitment. Knowledge management, employee rewards, discipline, and organizational commitment affect job satisfaction. Organizational commitment is able to significantly mediate the influence of knowledge management on job satisfaction, but has not been able to significantly mediate the influence of employee rewards and discipline on job satisfaction.

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Implementation of Electronic Retributions in Tegal City Traditional Market

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Abstract. Withdrawal of market service retribution using electronic retribution application utilizes a tool in the form of Electronic Data Capture (EDC) by swiping the electronic retribution card belonging to registered merchants. The use of electronic levies can increase the confidence of market traders, the performance of market managers is more effective and efficient and can increase market service revenues.

Keywords: Sociodemography, Socialization, Electronic Retribution.

1. Introduction

The use of technology in a bureaucratic environment is one of the concepts that the Tegal City Government wants to realize by implementing the "Tegal Smart City" which includes: a). smart infrastructure, which means how to prepare data center connectivity, servers, storage. b). smart for the platform, especially what services can be provided, so that it can be customized. c) digital services provided to the community. The implementation of this Smart City is that the Tegal City Government tries to manage all resources to be effective and efficient in order to solve challenges, with more innovative, creative, integrated and sustainable solutions.

Smart City is a city development based on information system technology, where in the administration of government starting from the planning, implementation and monitoring process, the evaluation has been applied in information system technology. [1]. The city of Tegal has 14 (fourteen) people's markets which are government assets and one of the many sources of local revenue. The people's market is a market that is built and managed by the government, the private sector, and business entities including cooperation with the private sector which includes places of business in the form of shops, kiosks, stalls and tents that are owned and managed by small, medium, non-governmental organizations or cooperatives with small-scale businesses, small, small capital and with the process of buying and selling merchandise through bargaining. [2]

Traditional markets are one of the targets in implementing the innovation program implemented by the Tegal City Government through the Tegal City Cooperatives, Small and Medium Enterprises and Trade Office, namely the electronic market service retribution management program or commonly called electronic retribution.

The electronic retribution are an application system for managing and paying market service retributions electronically in collaboration with banks, namely Bank Jateng. The
electronic retribution program is a public service system within the framework of the management reform movement, namely the new public management. [2]

Market service retribution is the payment of retribution by traders for the provision of people's market facilities, in the form of courtyards (tebokan), stalls or kiosks managed by the local government. [2]

Reasons why it is necessary to use technology in the form of electronic fees in attracting market service fees: 1. The system of management and collection of retribution is less transparent and not optimal, thus creating opportunities for individuals to deviate from market service retribution; 2. Minimize and prevent leakage from market service revenues; 3. Availability of reports in the form of transaction data that is accountable, transparent and up-to-date reports; 4. The development of technology and electronic transactions which are innovations from the withdrawal of retribution income; 5. Public demands for the convenience of transacting through electronic media without carrying cash.

The electronic retribution application has been implemented since 2018, and of the 14 (fourteen) people's markets in the Tegal City area, only four traditional markets have been implemented, namely Kejambon Market, Langon Market, Bandung Market and Karangdawa Market, while other markets will be implemented gradually.

The payment of market service retribution using the electronic retribution application utilizes a tool in the form of Electronic Data Capture (EDC) by swiping the electronic retribution card belonging to a registered merchant. The use of electronic levies can increase the confidence of market traders, the performance of market managers is more effective and efficient and can increase market service revenues.

This phenomenon is interesting to find out what supporting factors have a positive and significant effect on the behavior of traders on the application of electronic levies in the people's market. The behavior can be seen by the eyes, actions or activities carried out by each individual. In other words, behavior is the result of the relationship between the stimulus (stimulus) and the response (response). [3]

Behavior is real actions or reactions that can be carried out because each individual has the desire to be able to do something. The behaviors that become desires are behaviors whose occurrence processes are the direct result of a person's subconscious efforts. [4] In other words, behavior can also be interpreted as a person's actions in the context of using information technology and behavior is the actual use of technology.

Trader's behavior means a trader's response or reaction to stimuli or the surrounding environment. Trader behavior is one of the characteristics possessed by every trader, to capture the reaction that has been given by the environment to the current situation. [5] While the trader's reaction is behavior that can influence decision making whether a plan will be successfully implemented or it will fail.

Many factors can influence individual behavior, one of which according to Lawrence Green, states that human behavior is influenced by 3 (three) main factors [6]: a. Predisposing factors, consisting of knowledge, behavior, values, beliefs, and sociodemography. Sociodemography consists of age, gender, economic status, education and so on. b. Enabling factors, in the form of skills and facilities including the physical environment, or other facilities such as work safety equipment, for example the existence of supporting tools, training, socialization and so on. c. Reinforcing factors can be in the form of attitudes and behaviors including laws or government regulations.
2. Method

The research in this research is survey research using a quantitative approach. The sample size in this research was determined at 218 people with the sampling method using quota samples, namely the sampling technique based on certain characteristics of the population up to the desired number. The object of the research is the people's market traders who sell in 4 (four) markets that have implemented electronic levies.

The research instruments which are primary data as well as test equipment in the form of a closed questionnaire or questionnaire, it means that the respondent only needs to choose the answers that have been provided.

3. Discussion

Electronic retribution is an innovation strategy implemented by the Department of Cooperatives, Small and Medium Enterprises and Trade of the City of Tegal in traditional markets through a non-cash payment method for market service retribution by using a tool in the form of electronic data capture (EDC) as an effort to increase income. market service.

In the application of electronic levies to traditional market traders, there are many things that need to be considered, namely the behavior of market traders themselves. Furthermore, this behavior is influenced by several factors that can support the efforts of the Tegal City Government to apply electronic levies to traditional market traders.

a. Sociodemography. Sociodemography is a predisposing factor that needs to be analyzed, because it can influence the behavior of market traders being analyzed. [7] Age is the most important factor to determine individual attitudes, because the more mature age tends to have an influence on positive behavior compared to the age below it. According to [8] [9] education can also affect human behavior, because the higher a person's level of knowledge or education, the more appropriate and faster behavior will be to achieve goals. Age and education may affect the success of the application of electronic levies in the withdrawal of market service levies at the Tegal City People's Market, given that market traders have different backgrounds.

b. Socialization Another factor that can be an influence variable is socialization. Socialization is a process of social interaction in order to acquire knowledge, values, and attitudes and behaviors essential to be able to participate effectively in the community. The change in the market service retribution payment system from manual to electronic will of course have an impact on the attitudes of market traders. This socialization is one way of communication to approach market traders so that they can easily accept the application of electronic levies without any rejection. Socialization is carried out regularly and continuously so that market traders are more aware of paying market service fees using electronic fees. Socialization is one of the variables to determine how much influence it has on the application of electronic retribution for market traders.

The application of this electronic levy makes it easier for traders to make retribution payments because there is no need to spend cash, just by sticking the card on the EDC device, in addition to making it easier for collectors to make reports and transaction data that is realtime and accountable.
Figure 1. Payment of Retribution with Conventional/Manual Model

Figure 2. Electronic Registration Procedure
4. Conclusion

The number of leakages of market service retribution revenue managed by the Tegal City Cooperative, Small and Medium Enterprises and Trade Office is one of the reasons why innovation is needed to minimize and prevent unscrupulous market service retribution collectors from committing fraud. The innovation made is the application of electronic user fees in payment of market service fees using electronic devices and cards. The application of electronic levies is expected to provide benefits for a transparent and accountable revenue management system.

Another impact that can be expected with the implementation of this electronic levy is an increase in market service income from year to year, so that it can make a real contribution to development.

In the future, the application of electronic levies will not only be applied to people's markets, but can also be applied to the utilization of other Tegal City Government assets such as parking for two-wheeled or four-wheeled vehicles so as to increase regional income from other sectors.

Acknowledgements

Appreciation and gratitude to Mr. Joko Mariyoono as the Main Advisory Lecturer, Mr. Mahben Jalil as the second Advisor, Head of the Department of Cooperatives, small and medium enterprises and Trade of the City of Tegal along with the staff, my friends and all parties who have contributed provide support, so that we hope that this research can run
smoothly and the results will be very useful for us personally as well as for the wider community.

References


Marketing Strategy, Quality of Education Services and Education Facilities as The Basis of Efforts to Increase Community Interest in Choosing MTSN 2 Pekalongan Through The Marketing Mix

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Abstract. : The purpose of this research is to determine the effect of: 1) marketing strategy on the marketing mix, 2) Knowing the effect of the quality of educational services on the marketing mix; 3) educational facilities on the marketing mix; 4) marketing strategy towards public interest; 5) the quality of education services to the public interest; Knowing the influence of educational facilities on public interest; 7) marketing mix to public interest; 8) the significance of the marketing mix in mediating marketing strategies on public interest; 9) the significance of the marketing mix in mediating the quality of educational services on public interest; 10) the significance of the marketing mix in mediating educational facilities on public interest. The subject of this research is the people of Pekalongan Regency with a sample of 250 respondents. The technique used to collect data in this study is a questionnaire. The data analysis methods of this research are instrument validity and reliability tests, descriptive statistics, and quantitative analysis with SEM analysis.

Keywords: Marketing Strategy, Quality of Education Services, Education Facilities, Marketing Mix, Community Interest.

1. Introduction

Tsanawiyah Negeri 2 Pekalongan (MTsN 2 Pekongan), it is interesting to research how the strategies used by MTsN 2 Pekongan in increasing student interest every year. [1] states that in order to increase student interest, schools need to implement appropriate marketing strategies. Marketing strategy can be a new breakthrough for schools to achieve the goals set. Schools as non-profit institutions as well as important institutional segments, the goal is not the creation of economic wealth but an effort to carry out activities that will positively affect society in general [2].

Schools need to pay attention to the things that have been, are being, and have not been done to improve services for customers of education services. Through the right marketing strategy, schools can increase customer interest (including student interest). Schools that are in demand by customers and have quality Human Resources (HR), but exist and are able to improve the quality of education. Marketing strategy is an activity or business plan to deliver goods or services from producers to consumers (including customers), and an effort to create
satisfying exchanges through distribution activities, as well as an effort to adjust to external environmental conditions [3].

Marketing strategy in the context of educational services is a social and managerial process to get what is needed and wanted through creating offers, exchanging products of value with other parties in the field of education. The ethics of marketing services in the world of education is to offer quality intellectual services and overall character building. Because education is more complex, which is carried out with full responsibility, the results of education refer to the future, fostering the lives of citizens, future generations [4].

MTsN 2 Pekongan is one of the Madrasah Tsanawiyah in Pekalongan Regency that has been accredited A. It is a superior MTsN that is in great demand by the public. In order to grow the interest of users of educational services, MTsN 2 Pekongan has certain advantages. The interest of users of educational services must always be considered carefully, because interested parties actually see the advantages possessed by the school. As at MTsN 2 Pekongan, there are many customers of educational services who want to send their children to MTsN 2 Pekongan because this school has excellent programs that are very attractive to students, namely the tahfidz program, active achievement, adiwiyata (greening) and literacy. MTsN 2 Pekalongan does not collect monthly education donations, and also receives the management of the Smart Indonesia program (assistance for underprivileged students) from the APBN. The following is the student data at MTsN 2 Pekongan for the last 5 years:

<table>
<thead>
<tr>
<th>No</th>
<th>School year</th>
<th>Number of Rombel</th>
<th>Target</th>
<th>Realization</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2017/2018</td>
<td>21</td>
<td>750</td>
<td>726</td>
</tr>
<tr>
<td>2</td>
<td>2018/2019</td>
<td>22</td>
<td>750</td>
<td>710</td>
</tr>
<tr>
<td>3</td>
<td>2019/2020</td>
<td>21</td>
<td>750</td>
<td>691</td>
</tr>
<tr>
<td>4</td>
<td>2020/2021</td>
<td>23</td>
<td>800</td>
<td>758</td>
</tr>
<tr>
<td>5</td>
<td>2021/2022</td>
<td>23</td>
<td>800</td>
<td>764</td>
</tr>
</tbody>
</table>

The data above shows that in the 2017/2018 to 2019/2020 school year MTsN 2 Pekalongan set the number of new student admissions to 750 people, while for the 2020/2021 and 2021/2022 school years the school increased its student enrollment target to 800 people. The increase in the target is based on the consideration that there will be an increase in the number of groups to 23 groups. The target that has been set has not been able to be met due to the lack of facilities owned by MTsN 2 Pekalongan, including the availability of classrooms. Facilities are a very important supporting factor in the world of education in addition to teaching staff. Education will never run properly without adequate facilities and infrastructure.

Based on the explanation of the background above, it is interesting to conduct a research entitled "Marketing Strategy, Quality of Educational Services and Education".

Educational Facilities as a Basis for Fostering Public Interest in Choosing MTsN 2 Pekalongan through the Marketing Mix".
2. Method

This research is a causal associative research using a quantitative approach. The subject of this research is the community (parents of MTsN 2 Pekalongan students) of the number of students in the 2021/2022 school year is 764 students and the sample is taken using the formula from Slovin. The technique used to collect data in this study is a questionnaire.

2.1. Test The Validity and reliability of The Instrumen

The validity test is used to measure the validity of an indicator in the form of a questionnaire. This validity test was carried out using the Pearson product moment correlation test technique. For the interpretation of the coefficients, if $r_{count} > r_{table}$ is obtained, it can be concluded that the questionnaire items are included in the valid category. Instruments that can be trusted, which are reliable will produce reliable data as well. Reliability refers to the level of reliability of something. Measuring the reliability of the research instrument used the Cronbach alpha formula. A measurement item can be said to be reliable if it has an alpha coefficient greater than 0.7.

2.2. Descriptive Statistics

This analysis was conducted to obtain a descriptive picture of the respondents of this study, especially regarding the research variables used. This analysis was carried out using index statistical analysis techniques, as a description of respondents' perceptions of the questions asked.

2.3. Analisis Kuantitatif

2.3.1. SEM (Structural Equation Modeling) analysis

Data analysis used the structural equation modeling (SEM) from the AMOS 4.0 statistical software package in the model and hypothesis assessment. The advantages of the application of SEM in management research are due to its ability to confirm the dimensions of a concept or factor that is very commonly used in management and its ability to measure the influence of theoretically existing relationships [5] The steps for testing the assumptions of SEM analysis used in this study include:

1) Sample Size

The sample size provides the basis for estimating the sampling error. The estimation model uses the maximum likelihood where the recommended sample size between 100-200 can give stable results [6]
2) Confirmatory Factor Analysis.

[7] stated that confirmatory factor analysis aims to test whether the variables studied are really accurately incorporated into one factor variable or construct. A variable is considered valid if the value of \( r \) has a t-value whose significance is 0.05. Another provision is also stated that a variable is considered valid if the value of the loading factor 0.05.

3) Data Normality Test.

Evaluation of normality is carried out using the critical ratio skewness criterion of ±2.58 at a significant level of 0.01. A data can be concluded to have a normal distribution if the critical value of the skewness ratio is below the absolute value of 2.58.

4) Outlier Evaluation

Outliers are observations from data that have characteristics that look very different from other observations. These observations appear in the form of extreme values, both for single variables or combination variables. Detection of outliers by looking at the mahalanobis distance value compared to the chi-square value criteria for the degree of freedom (according to the number of indicators) and = 0.001.[8].

5) Assessing the Goodness-Of-Fit Criteria

Model that meets construct validity is not enough, to be declared an acceptable model, a measurement model must also be fit. The measure or index commonly used to assess the fit of the model is the statistic of chi square beservavalue, RMSEA, GFI, and CFI or IFI [9].

a) Chi Square

Chi-square is the first and only statistical test in GOF. Chi-square is used to test how close the match is between the covariance matrix of the sample S and the covariance matrix of the (\( \theta \)) model. value is the probability of obtaining a large deviation so that the significant chi-square value (≤ 0.05) indicates that the empirical data obtained has differences with the theory that has been built. While the insignificant probability value is what is expected to show empirical data according to the model. Therefore, it is concluded that the hypothesis is accepted if the expected value is greater than 0.05.

b) RMSEA

RMSEA or root mean square error of approximation is an informative index in SEM. According to [10] RMSEA tells us how well the model, with unknown, but optimally selected parameter estimates will fit the population covariance matrix. According to [3], the value of RMSEA 0.05 indicates close fit, while 0.05 < RMSEA 0.08 indicates good fit. According to Bryne as quoted by [6], the RMSEA value 0.05 indicates model fit.

c) GFI

GFI or goodness of fit index can be classified as an absolute fit measure because basically GFI compares the hypothesized model with no model at all (\( \Sigma(0) \)). The GFI value ranges from 0 (poor fit) to 1 (perfect fit) and the GFI value 0.90 is good fit, while 0.80 ≤ GFI < 0.90 is often called marginal fit.

d) IFI
The model is said to be good fit if it has an incremental fit index or IFI 0.9 and is said to be marginally fit if 0.8 IFI 0.9.

6) Interpretation and Modifikation Model
   The last step of SEM is to interpret if the resulting model has been accepted. While the modification of the model is needed because the results do not fit. To test the significance of the parameters, the focus is on the critical ratio value and its p-value. If CR > 1.96 (for \( \alpha = 5\% \)) or CR > 2.58 (for \( \alpha = 1\% \)) then the hypothesis is accepted.
   To test the significance of the indirect effect, it can be seen from the value of the regression coefficient of the independent variable on the dependent variable and the regression coefficient of the independent variable on the dependent variable through the mediating variable.

3. Result and Discussion

3.1. Effect of Marketing Strategy on the Marketing Mix
   Research proves that marketing strategy has no effect on the marketing mix. This means that the marketing strategy implemented by MTs N 2 Pekalongan does not necessarily affect the marketing mix.

3.2. The influence of the quality of educational services on the marketing mix.
   Research proves that the quality of educational services affects the marketing mix. This means that the quality of educational services offered by MTs N 2 Pekalongan can affect the marketing mix.

3.3. The influence of educational facilities on the marketing mix.
   Research proves that educational facilities have an effect on the marketing mix. This means that the educational facilities owned by MTs N 2 Pekalongan can affect the marketing mix.

3.4. Effect of marketing strategy on public interest
   Research proves that marketing strategy has no effect on public interest. This means that the public's interest in entering MTs N 2 Pekalongan is not influenced by the marketing strategy implemented by MTs N 2 Pekalongan.

3.5. The influence of the quality of education services on public interest
   Research proves that the quality of educational services has no effect on public interest. This means that public interest in entering MTs N 2 Pekalongan is not influenced by the quality of education services implemented by MTs N 2 Pekalongan.

3.6. The influence of educational facilities on public interest
   Research proves that educational facilities have an effect on public interest. This means that public interest in entering MTs N 2 Pekalongan is influenced by the educational facilities owned by MTs N 2 Pekalongan.

3.7. Effect of marketing mix on public interest
Research proves that the marketing mix has an effect on public interest. This means that public interest in entering MTsN 2 Pekalongan is influenced by the marketing mix applied in marketing by MTsN 2 Pekalongan.

### 3.8. The influence of the quality of educational services on public interest through the marketing mix.

Research proves that the marketing mix significantly mediates the quality of education services on people's interest in choosing MTs N 2 Pekalongan. The marketing mix applied by MTs N 2 Pekalongan is able to inform the quality of what services it has so that it can influence public interest.

### 3.9. The influence of educational facilities on public interest through the application of the marketing mix.

Research proves that the marketing mix significantly mediates educational facilities on public interest in choosing MTs N 2 Pekalongan. The marketing mix applied by MTs N 2 Pekalongan is able to inform its educational facilities so that it can influence public interest.

### 4. Conclusion

After analyzing and testing the tested hypotheses, several conclusions are drawn, namely the quality of educational services and educational facilities has an effect on the marketing mix, while the marketing strategy has no effect on the marketing mix. Educational facilities and marketing mix have an effect on people's interest in choosing MTs N 2 Pekalongan, but marketing strategies and quality of educational services have no effect on people's interest in choosing MTs N 2 Pekalongan. Marketik mix is able to significantly mediate the influence of marketing strategy, quality of educational services and educational facilities on public interest in choosing MTs N 2 Pekalongan.

### References


The Impact Of Work Involvement, Psychological Capital, Organizational Commitment, Quality Of The Work Environment On Employee Performance With Job Satisfaction As A Mediator For KPKNL Tegal Employees

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Abstract. The purpose of this study is to 1) determine the impact of work involvement on employee performance, 2) knowing the impact of psychological capital on employee performance, 3) knowing the impact of organizational commitment on employee performance, 4) knowing the impact of the quality of the work environment on employee performance, 5) knowing the impact of job engagement on job satisfaction, 6) knowing the impact of psychological capital on job satisfaction, 7) knowing the impact of organizational commitment on job satisfaction, 8) knowing the impact of the quality of the work environment on job satisfaction, 9) knowing the impact of job satisfaction on employee performance, 10) knowing the impact of work involvement on employee performance with job satisfaction as a mediator, 11) knowing the impact of psychological capital on employee performance with job satisfaction as a mediator, 12) knowing the impact of organizational commitment on employee performance with job satisfaction as a mediator, 13) knowing the impact of the quality of the work environment on employee performance with job satisfaction as a mediator. The subjects of this study were all KPKNL Tegal employees, totaling 42 employees. The technique used to collect data in this study was questioner. The data analysis methods used in this study are instrument validity and reliability tests, descriptive statistics, partial least square analysis.

Keywords: Work Engagement, Psychological Capital, Organizational Commitment, Quality of the Work Environment, Job Satisfaction, Employee Performance.

1. Introduction

Employee performance in addition to being influenced by work involvement is also influenced by psychological capital. Psychological capital is the development of positive organizational behavior that emphasizes the use of excess or positive forces that exist in the resources of society. [1] said that every company needs psychological capital development so that the company is different from other companies so that a competitive advantage is achieved through investment, utilization, development and management of psychological capital. Increasing psychological capital which is the capital that already exists in employees will perfect the potential of employees. A high commitment to the agency will also improve employee performance [2]. A loyal attitude towards the organization is indicated by the desire
to work optimally for the progress of the organization, the willingness to continue to accept common values, and acceptance of what is the goal of the organization [3].

Job satisfaction is also a factor that affects employee performance because job satisfaction is a feeling felt by every employee in carrying out all their work, where the feeling of being happy about their work or unhappy with their work. Job satisfaction will be seen from the performance produced by each employee. Good employee performance indicates that a person is satisfied with their job. Some experts give opinions that are not so different depending on the point of view and emphasis on different dimensions of satisfaction, but basically have the same goal of providing clarity about job satisfaction that a person's level of job satisfaction will affect the performance of employees.

Based on the Regulation of the Minister of Finance of the Republic of Indonesia Number 154 / PMK.01 / 2021 concerning the Organization and Work Procedures of Vertical Agencies of the Directorate General of State Assets (DJKN) of the Ministry of Finance, the State Wealth and Auction Service Office, hereinafter referred to as KPKNL, is a DJKN Vertical Agency which is under and directly responsible to the Head of the DJKN Regional Office. The KPKNL is headed by a Chief. KPKNL has the task of carrying out services in the field of state wealth, appraisal, and auctions. Employees who have effective and efficient performance are needed in achieving organizational goals.

KPKNL Tegal as one of the vertical office units of DGT, has an important role for the economic development of the community and the government in its work area, namely Tegal City, Tegal Regency, Brebes Regency and Pemalang Regency which are Cities / Regencies with dynamic economic growth rates, so that KPKNL Tegal is needed in the task of carrying out services in the field of state wealth, appraisal, and auctions. KPKNL Tegal must continue to improve performance in its duties and functions so that it can play a role in increasing economic growth for the community itself and for the local government.

Performance is the quantity and quality of individual work in the organization in carrying out the main tasks and functions that are guided by norms, standard operating procedures, criteria and measures that have been set or applicable in the organization. The results of employee performance measurements carried out by KPKNL Tegal employees are as follows:

<table>
<thead>
<tr>
<th>Year 2021</th>
<th>Performance Status</th>
<th>Total Employees</th>
<th>Number of Employees With Performance Achievements</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>6</td>
<td>35</td>
<td>17 %</td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td>26</td>
<td>35</td>
<td>69 %</td>
<td></td>
</tr>
<tr>
<td>Enough</td>
<td>8</td>
<td>35</td>
<td>14 %</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: KPKNL Tegal

Based on the table above, it shows that the results of measuring the achievement of employee performance at the KPKNL Tegal Office, 69% of employees have good performance and 14% have sufficient performance and only 17% have excellent performance. The measurement of employee performance achievement is obtained from the recapitulation of the calculation of Employee Performance Achievement (CKP), Behavioral Value (NP) and Employee Performance Value (NKP). The performance improvement efforts that have been
carried out by KPKNL Tegal broadly include four pillars, namely service quality, facilities and infrastructure, human resources, and information systems.

The existing problem can be seen from the results of observations made by researchers, namely that there are still some employees who arrive late for work, where KPKNL Tegal has operating hours from 07.30 to 16.55 WIB and there are also some employees who although not late but do not immediately work but do not immediately work but chat with colleagues, sometimes there are employees who leave the workplace without permission so that the completion of work becomes delayed. Delays in completing the workload owned so that it makes the schedule that has been set backwards.

KPKNL has several divisions, namely the general section, state financial management, state receivables, law & information, internal compliance and functional position groups and from these divisions there are physical and non-physical work environment conditions and different impacts on each employee's performance in the agency. The problem related to the work environment is the lack of air circulation that enters the room so that it feels stuffy even though you have used an air conditioner. The problem of the non-physical environment is the lack of personal closeness of the leadership to its employees, so that the relationship is only limited to work relations which results in a lack of familiarity and a sense of protection felt by both parties and still lacks smooth communication between employees between divisions.

Research on psychological capital on performance studied by Julianti which proves that psychological capital has an influence on job satisfaction while the research [2,5] proves that psychological capital has no effect on job satisfaction. Based on the above presentation, it is interesting to discuss this problem in a study entitled "The Impact of Work Involvement, Psychological Capital, Organizational Commitment, Quality of the Work Environment on Employee Performance with Job Satisfaction as a Mediator of KPKNL Tegal Employees".
2. Methods

This research belongs to the type of survey research. The population of this study was all KPKNL Tegal employees, totaling 42 employees. The technique used to collect data in this study was a questionnaire.

3. Results And Discussion

3.1. Instrument Validity and Reliability Test

The purpose of the act of study is to get the truth. In this context, the question of validity is basically a very urgent aspect, since the truth can only be obtained through effective tools. This validity test was carried out using Pearson's product-moment correlation test technique. For the interpretation of the coefficient, if a rhitung is obtained > rtable, then it can be concluded that the questionnaire item is included in the valid category.

Reliability means that the instrument is reliable enough to be used as a data collection tool because the instrument is good. A good tool is less likely to direct the informant to a specific answer. In this study, the Alpha Cronbach technique (coefficient) was used to analyze the problems in this study, and an internal consistency reliability test was carried out on the instrument. A measurement can be said to be reliable if its alpha coefficient is greater than 0.7.

3.2. Descriptive Statistics

This analysis was carried out in order to obtain a descriptive picture of the informants of this study, especially those related to the study variables used. The analysis was carried out using exponential statistical analysis techniques to describe the informant's perception of the questions asked.

3.3. Partial Least Square Analysis

In this study, data analysis used Partial Least Square (PLS). PLS is a structural equation modeling (SEM) equation model based on components or variants. According to Ghozali (2018), PLS is an alternative approach that has shifted from a covariant-based SEM approach to a variant-based one. Ghozali (2016)Partial Least Square conducted in this study can be explained as follows:

3.3.1. Designing a Measurement Model or Outer Model

Convergent validity of the measurement model with reflexive indicators is assessed based on the correlation between the item score / component score and the construct score calculated with PLS. The individual reflexive measure is said to be high if it correlates more than 0.70 with the construct to be measured. However, for early-stage research, the development of a scale measuring the loading value of 0.5 to 0.60 is considered sufficient [7]

Another method for assessing discriminant validity is to compare the square root of average variance extracted (AVE) values of each construct with a correlation between the construct and the other constructs in the model. If the value of the square root of the AVE of each construct is greater than the value of the correlation between the construct and the other constructs in the model, then it is said to have a good discriminant validity value. Composite reliability block indicators that measure a construct can be evaluated with two kinds of measures, namely internal consistency and Cronbach's Alpha
3.3.2. Designing Structural Models or Inner Models

The inner model draws the relationship between latent variables based on substantive theory. The structural model was evaluated using Rsquare for the dependent construct, the Stone-Geisser Q-square test for predictive relevance and the t test and the significance of the coefficients of structural path parameters.

### Table 3. Inner Model Evaluation

<table>
<thead>
<tr>
<th>Index</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coefficient of determination (R2)</td>
<td>0.75, 0.50 and 0.25 indicate strong, moderate, and weak models</td>
</tr>
<tr>
<td>Predictive Relevance Q2 = 1-(1–R12 ) (1-R22 )... (1 – Rp2)... Q-square &gt; 0 indicates the model has a predictive relevance value, and if the Q-square value</td>
<td></td>
</tr>
<tr>
<td>Goodness of Fit (GoF) = GoF small = 0.1, GoF medium = 0.25 and large GoF = 0.38</td>
<td></td>
</tr>
</tbody>
</table>

3.3.3. Test the Goodness of Fit Model

At this stage, testing of the suitability of the model will be carried out through various goodness-of-fit criteria. Partial Least Square (PLS) does not assume the presence of a specific distribution for parameter estimation so parametric techniques for testing the significance of parameters are not required. Measurement models or outer models with reflexive indicators are evaluated with convergent and discriminant validity of the indicators and composite reliability for indicator blocks. Meanwhile, outer models with formative indicators are evaluated based on their substantive content, namely by comparing the magnitude of the relative weight and looking at the significance of the weight size.

3.3.4. Coefficient of Determination Test

Changes in R-squared values can be used to assess the impact of certain latent variables on latent variables, regardless of whether the variable has a substantial impact. In addition to looking at the R-squared value, the PLS model is also evaluated by looking at the Q-squared prediction correlation of the constructed model. Q-squared measures the quality of observations produced by the model and the estimated values of the parameters. A Q-square
value greater than 0 (zero) indicates that the model has a predictive correlation value, and a Q-square value less than 0 (zero) indicates that the model has a smaller predictive correlation.

### 3.3.5. Hypothesis Test

For testing in this study, a PLS program was used where the significance level used was 5%. The basis for hypothesis testing is that if the Sig value < 0.05 then the hypothesis is accepted, while if the Sig value > 0.05 then the hypothesis is automatically rejected.

### Reference

The Influence of Indonesian Culture Toward Attitudes and Surveillance of Data Privacy in Financial Sectors

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Abstract. This paper examines how the culture of Indonesia contributes to the nation's behaviour regarding its privacy data and its legal products in the form of regulations implemented by the government in anticipation of the risk of data breaches in the financial sector in Indonesia. It is socio-legal research that examines how the law relates to the societal context or how effective it is and its relation to its ecological context. The results show that the communalistic culture that develops in Indonesia affects how the nation views privacy and how the readiness of regulation, supervision and law enforcement in the courts

Keywords: Attitudes, Data Privacy, Indonesian Culture, Surveillance,

1 Introduction
Based on the 2020 Indonesian Digital Literacy Status Research by Katadata Insight Center (KIC), it was revealed that the public's understanding of the importance of personal data confidentiality has not been high [1]. Furthermore, A total of 67.4% of internet users in Indonesia shared their date of birth, and 53.7% wrote down their phone number on social media. Meanwhile, a survey conducted by the Public Perception Survey on The Protection of Personal Data through Computer Aided Web Interviewing (CAWI) revealed that as many as 28.7% of the public has experience of misuse of Indonesian personal data. Some experts argue that a nation's behavior towards privacy is influenced by several factors, one of which is culture [2]. Not only how citizens' attitudes to privacy, culture also affects the readiness of regulators and law enforcement to the urgency of regulation, supervision and dispute resolution related to privacy data. In this paper will examine how the culture of the Indonesian affects their attitude towards privacy data and current legal product in both at the supervisor level and the court level, especially privacy data in the banking and fintech sectors.

2 Method
This research is socio-legal research with a qualitative approach. Socio-legal research positions the law in a broad societal context, with various methodological implications [3]. This study examines how the law relates to the societal context or how effective the law is and its relation to its ecological context [4] This paper tries to provide a view of the influence of
Indonesian culture on behavior on data privacy and the legal products specifically in the financial sector.

3. Result & Discussion

Regulation of internet privacy is currently being debated, particularly in Europe. According to researchers, concerns about information privacy are not universal, but are influenced by a variety of factors such as demographic differences, privacy attitudes, cultural dimensions, and contextual/situational factors [2].

Law as a system, it can be judged from 2 sides that are different are as follows [5] The law was seen as a value system, where the entire law-enforcement in order based on the grundnorm which later became the source of the values at the same time guidelines for law enforcement itself; The law is seen as part of the Community (social reality), in which the law cannot be separated from the environmental community because, in this case, the law is one of the subsystems of the subsystem-other social subsystem.

Regulatory involvement responds to individual concerns about online privacy. The ideal creation of a unified privacy regulatory framework to accommodate disparate concerns appears to be impossible. These disparate issues are mostly related to different cultures and different views on privacy [6]. Citizens respond to privacy data depending on their country's culture, according to the Hofstede's cultural dimensions theory (firstly developed in the 1960s and 1970s at IBM [7]) Geert Hofstede's framework for cross-cultural communication, which demonstrates the effects of a society's culture on its members' values and how these values connect to behavior, recently identified the six cultural dimensions models [8]. It is called Hofstede’s cultural dimensions, Individualism versus Collectivism is one of Hofstede's cultural dimensions, which is related to the integration of individuals into primary groups. Individualism is defined as a preference for a loosely-knit social framework in which individuals are expected to care for only themselves and their immediate families. Cultural values and norms largely determine how online privacy is perceived and negotiated [9].

Individualism Culture (Europe and North America) and Collectivism Culture (Asia, Africa, South America and Pacific Rim) are two broad categories of world culture [10]. Different cultures, different ways people treat privacy. People in individualistic cultures tend to be more concerned about online privacy. They tend to value private life more, whereas collectivistic societies are more accepting of groups' and organizations' intrusion into an individual's private life [6]. These findings imply that countries with higher levels of individualism will have less government involvement and more individualistic approaches to information privacy regulation. This, however, is not the same as the effect of individualism on attitudes toward information privacy. Individualists generally believe in the right to privacy. Individualistic cultures prefer less government intervention, but they are more concerned about the privacy of their personal information than collective cultures [11]. The GLOBE variables capture in-group collectivism, which is the degree to which individuals express pride, loyalty, and cohesiveness in their organizations or families. People emphasize group relatedness. Based on the arguments presented above, these societies should embrace stronger regulation if they are the polar opposite of individualism. Individualism with a high score indicates that people are only loosely connected to society and are expected to look after themselves. In contrast, in a collectivist society, people can be protected by some strong cohesive groups throughout their lives as a reward for their unwavering loyalty. However, the relationship between individualism and time preference is unclear. On the one hand, social connection in a collectivist culture may provide its citizens with a "cushion" or safety net in the event of a loss,[12]. Bellman et al.(2004 ) developed an alternative theory implying that such societies will be less concerned with
information privacy and will feel less compelled to seek government intervention [13]. The reason they suggest is that low individualism and high collectivist societies have a greater acceptance that groups, including the government, can intrude on the private life of the individual. In support of this intrusion theory they cite Milberg et al [14].

The group collectivism dimension refers to how much pride members of a society take in belonging to small groups such as their family and close circle of friends, as well as the organizations in which they work. Being a member of a family and a close group of friends is important in countries with high group collectivism scores, and there is a tendency to prioritize friends and family over society's rules and procedures. This focus and proclivity to share may cause people to be less concerned about information privacy, resulting in less stringent codification of these elements in law such countries include the Asian countries Singapore, Malaysia and Japan. One explanation for this apparent anomaly is that the right to privacy is not a basic tenet of such societies. Furthermore, societies with a high level of group collectivism (Reflects the degree to which individuals express pride, loyalty and cohesiveness in their organizations or families) are less likely to include laws governing the transfer of personal data to third countries, and sanctions are less likely to be present [11]. Thus, the communal culture of Indonesian people greatly affects concerns about privacy data, not only the general public but also regulators.

Justus M van der Kroef, in his article entitled "Collectivism In Indonesian Society," mentioned that Indonesia is a communal state, this can implicitly be concluded in Article 33 of the Constitution 45 that water, land and natural resources shall be organized cooperatively, and that those branches of economic life effecting most people shall be held in common[15]. To explain these tendencies by citing Indonesian leaders' fondness for traditional communal patterns in the inventive peasant society is to beg the question. The collectivist trend is a reaction to colonial capitalism, but it is also a reaction to the peculiar social structure of the time [15]. According to Made Suwitra, the communalistic Culture of the Indonesian nation departs from the noble values that developed from the philosophy that underlies the Indonesian nation, namely religious communalism, in the sense that the relationship between personal people and society always prioritizes the interests of society [16]. Indonesia as a collective country is also strengthened based on surveys. Survey data conducted by the Indonesian Survey Institute (LSI) on July 18-28, 2009 of 1,265 respondents spread across all provinces in Indonesia.[17] To measure the tendency of communalism-individualism of society, the survey put forward two dichotomous statements. Respondents were asked to provide a score on a scale of 1 to 10 against the two statements. And the results show that Indonesian society tends to be communal rather than individualism.

Based on the theory of Individualism versus Collectivism above, it can be said the theory is align with the facts that occur in the country of Indonesia which is a country with communal culture. About 196.71 million people in Indonesia had accessed the internet 73.7% of the total 270 million) (APJII Bulletin 2020) Based on research by the Indonesian Internet Service Users Association (APJII) in 2019 . However, based on the 2020 Indonesian Digital Literacy Status Research by Katadata Insight Center (KIC), the public's understanding of the importance of personal data confidentiality has not been high [1]. A total of 67.4% of internet users in Indonesia shared their date of birth, and 53.7% wrote down their phone number on social media. Meanwhile, a survey conducted by the Public Perception Survey on The Protection of Personal Data through Computer Aided Web Interviewing (CAWI) which aims to map public perception of the right to the protection of personal data in 34 provinces against internet users aged 17 years and over as many as 11,305 respondents revealed that as many as 28.7% of the public has experience of misuse of Indonesian personal data. Based on the survey, respondents assessed
banking products such as e-wallets and bank accounts are products that are considered vulnerable to data leakage. On the other hand, 22.9% of respondents believe that banking products and financial institutions have adequate data protection so that it is impossible to experience data leakage. A total of 12.1% of respondents had experienced a financial data leak. As a result of the data leak, the thing they experienced the most was a reduction in savings in bank accounts (44.1%), followed by reduced balances in e-wallets (32.2%). Other losses felt by respondents are such as making transfers or purchases because they are contacted by certain people or companies.

Here are the results of a survey that shows how Indonesians share their privacy data

Personal Data that has been shared to the Public over as many as 11,305 respondents conducted by kdepartment of Communication and Informatics and Katadata Insight Center

Table 1. Indonesian Personal Data Shared to Public

<table>
<thead>
<tr>
<th>Data Name</th>
<th>Percentage</th>
<th>sum</th>
<th>Percentage of Regrets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Name</td>
<td>58,3%</td>
<td>5,586</td>
<td>31,7%</td>
</tr>
<tr>
<td>Gender</td>
<td>53,7%</td>
<td>6,070</td>
<td>11,2%</td>
</tr>
<tr>
<td>Mobile Number</td>
<td>48,2%</td>
<td>5,444</td>
<td>72,5%</td>
</tr>
<tr>
<td>Religion</td>
<td>45,7%</td>
<td>5,094</td>
<td>10,6%</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>44,3%</td>
<td>5,007</td>
<td>30,4%</td>
</tr>
<tr>
<td>Email Address</td>
<td>38,2%</td>
<td>4,324</td>
<td>42,9%</td>
</tr>
<tr>
<td>Statehood</td>
<td>31,6%</td>
<td>3,575</td>
<td>8,5%</td>
</tr>
<tr>
<td>Home Address</td>
<td>30,0%</td>
<td>3,389</td>
<td>38,8%</td>
</tr>
<tr>
<td>Workplace</td>
<td>25,3%</td>
<td>2,863</td>
<td>26,4%</td>
</tr>
<tr>
<td>NIK</td>
<td>10,2%</td>
<td>1,353</td>
<td>60,8%</td>
</tr>
<tr>
<td>Diploma</td>
<td>4,8%</td>
<td>541</td>
<td>22,6%</td>
</tr>
<tr>
<td>TIN</td>
<td>2,9%</td>
<td>331</td>
<td>26,9%</td>
</tr>
<tr>
<td>Marriage Book</td>
<td>1,3%</td>
<td>147</td>
<td>27,2%</td>
</tr>
</tbody>
</table>

Sensitive Personal Data

<table>
<thead>
<tr>
<th>Data Name</th>
<th>Percentage</th>
<th>sum</th>
<th>Percentage of Regrets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location Data/GPS</td>
<td>16,4%</td>
<td>648</td>
<td>35,0%</td>
</tr>
<tr>
<td>Photos of &lt;17-year-old family members</td>
<td>13,7%</td>
<td>693</td>
<td>44,6%</td>
</tr>
<tr>
<td>Opinions/views/political choices</td>
<td>13,1%</td>
<td>475</td>
<td>32,1%</td>
</tr>
<tr>
<td>Birth mother's name</td>
<td>10,0%</td>
<td>316</td>
<td>27,9%</td>
</tr>
<tr>
<td>Child data</td>
<td>6,8%</td>
<td>250</td>
<td>32,7%</td>
</tr>
<tr>
<td>Online purchase data</td>
<td>5,8%</td>
<td>223</td>
<td>34,3%</td>
</tr>
<tr>
<td>Website search data</td>
<td>4,2%</td>
<td>184</td>
<td>38,6%</td>
</tr>
<tr>
<td>Train/plane tickets</td>
<td>3,8%</td>
<td>92</td>
<td>21,2%</td>
</tr>
<tr>
<td>Sexual life/orientation</td>
<td>3,6%</td>
<td>130</td>
<td>31,7%</td>
</tr>
<tr>
<td>Biometry data</td>
<td>3,4%</td>
<td>129</td>
<td>33,2%</td>
</tr>
<tr>
<td>Health data / medical records</td>
<td>2,8%</td>
<td>80</td>
<td>25,6%</td>
</tr>
<tr>
<td>Financial/banking data</td>
<td>2,3%</td>
<td>116</td>
<td>44,1%</td>
</tr>
<tr>
<td>Crime record</td>
<td>0,8%</td>
<td>42</td>
<td>45,2%</td>
</tr>
</tbody>
</table>
Judging from the survey, Indonesian people have not been able to distinguish which data sensitive and non-sensitive data, whereas Categorization of personal and sensitive data, determined based on a country's discrimination, what is the source of the country's discrimination, that determines the list of sensitive data such as race, ethnicity, religion, validity data and others. [19].

Thus, according to the complaint data of the Indonesian Consumer Institute Foundation (YLKI) in 2019, there have been 96 complaints related to online loan persons. A total of 54 of them occurred in illegal online loans. The complaints include complaints related to high interest rates that are not in accordance with the rules, but also related to access to consumer data used to terrorize relatives during the debt collection process. In 2020, data leaks in the financial sector derived from fintech and banking were committed to approximately 18% of privacy data leaks from 22 sectors that were analyzed or the second most for data leakage cases of privacy data.

Table 2: Data leak by sectors, June 2020

<table>
<thead>
<tr>
<th>Sector</th>
<th>Data Leak</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 Other sectors</td>
<td>140</td>
</tr>
<tr>
<td>Bank</td>
<td>120</td>
</tr>
<tr>
<td>Fintech peer to peer</td>
<td>110</td>
</tr>
<tr>
<td>Electricity</td>
<td>100</td>
</tr>
<tr>
<td>Telecommunication</td>
<td>90</td>
</tr>
<tr>
<td>E commerce</td>
<td>80</td>
</tr>
</tbody>
</table>

Nowadays, Indonesia still does not have a personal data protection law. So it is still not able to determine how the form of independent agency supervisory commission, form of authority, whether plural, single or dual.

In the midst of lateness in responding to the urgency of the privacy data protection law due to an entrenched cultural background, the popularity of fintech in Indonesia is currently increasing rapidly amid the Covid-19 pandemic. Indonesia is the country that has the largest fintech and e-commerce market share in Southeast Asia. [20] Not only fintech, the Bank also began to transform its services by utilizing the advantages of digital technology such as forming a digital bank and implementing an open banking API. In 2020, the distribution of financial financing by fintech P2P lending has reached Rp128.7 trillion or an increase of 113 percent year-on-year [21]. The financial inclusion of developing countries was initiated in 2010 led by the G-20 and the World Bank to increase financial inclusion and reduce poverty levels in developing countries [22]. Like a double-edged sword, fintech and digital financial institutions are present for the purpose of accelerating exclusion, but on the other hand present crucial legal problems, including the danger of misuse of data privacy. Meanwhile, the Indonesian government in collaboration with relevant agencies for the past 7 years has been trying to draft personal self-protection that in the near future will be passed, considering that in ASEAN countries Indonesia is late to include in the establishment of the data privacy Law compared to
neighboring countries such as Malaysia, Thailand, Singapore etc [23]. To control the rate of privacy data leakage cases, Indonesia issued a regulation specifically for the protection of personal data that is contained in an electronic system, namely Ministry of Communication and Informatics (Ministry) Regulation No 20 of 2016 regarding the Protection of Personal Data in Electronic Systems.

The Ministry of Communication and Informatics is Indonesia's primary data protection regulator. In the event of a dispute, the Ministry may delegate authority to its Director General of Informatics Application, who will form a data privacy dispute resolution panel. This panel may recommend to the Ministry that administrative sanctions be imposed against the relevant Electronic system provider (ESP), though the dispute can also be resolved amicably or through any other alternative dispute resolution process between the ESP and the data owner. In the event of misuse of personal data or even a system provider company 'fails' in protecting the user's personal data, there are two legal steps that users can take. **First**, users can file a complaint with the Ministry of Communication and Information technology of the Republic of Indonesia ("Kominfo") on the basis that the provider of the electronic information system has failed to protect the user's personal data. In the context of legal efforts pursued is a complaint, then the element of loss generated in the case of a personal data breach that occurs does not need to be proven. As for the sanctions for violations of personal data protection provisions, stipulated in Article 36 Ministry of Communication and Informatics regulation 20/2016, namely in the form of verbal and written warning sanctions, temporary suspension of business activities and / or announced through online sites (online websites). It's just that if the user wants compensation, more precisely can take the **second** step, which is to file a lawsuit with the court.

In the financial services sector, regulations regarding privacy data on fintech are regulated by the Financial Services Authority specifically for peer-to-peer landing fintech and crowdfunding. The sanction of personal data violations in online loan services has been stated in the Financial Services Authority Regulation No. 77/POJK.01/2016 concerning Information Technology-Based Money Lending Services, which is affirmed in Article 26 that the organizer is responsible for maintaining the confidentiality, integrity and availability of users' personal data and in its use must obtain approval from the owner of personal data unless otherwise specified by the provisions of the laws and regulations. As for the sanctions for violations of personal data protection provisions, stipulated in Article 26 of the Law on Electronic Transactions and Electronic Signatures of 1999, namely in the form of: education; consulting; and facilitation. Both regulations apply administrative sanctions, but for customers to be able to sue for damages can file a lawsuit with the district court. Actually, in Indonesia the regulation of privacy data is still spread in various rules and there is overlapping of regulations and authorities [24].

However, obstacles were also found in the litigation stage related to proof. Privacy data that is generally collected and transferred through electronic systems poses obstacles in law enforcement in court. Since Individualist societies' legal institutions frequently emphasize adversarial trial procedures in which individuals can file claims if their rights are violated. A communal purpose of law, on the other hand, is concerned with preserving harmony for the greater good. Individual rights are supplanted by the good of the community [25], so that the justice system is inquisitorial (judges play an important role) in directing and deciding a case he handles. This system makes judges strict towards the rules of law, which are rigid and slow to adapt to changing circumstances.

In general, the regulation of civil procedure law, the provisions regarding electronic evidence as one of the valid evidence tools and can be used as a basis in court in principle have
not been specifically regulated, although its status as a means of evidence has been accommodated in various laws of a special nature both in the form of media and electronic information. Provisions regarding what legitimate evidence has been regulated in civil procedure law, Article 164 HIR/284 RBg and Article 1866 BW, have regulated imitatively regarding the evidence tools that can be used in the resolution of civil disputes to the Court and compiled sequentially starting from the evidence of letters, witness statements, disclaimers, confessions and oaths. Limiting valid evidence and can be used as evidence in the trial in the regulation, in practice makes the existence of electronic evidence as a means of evidence that can be used in the trial depends heavily on the judge's interpretation of the use of electronic evidence in the trial. In some cases there are judges who reject and exclude electronic evidence on the grounds that the civil event law in HIR and RBG has not accommodated electronic evidence as a valid evidence so that it can be used as a basis in the trial, one example is in the verdict in the divorce case examined in Jombang District Court with Number 81 / PDT.G / 2020 / PN.Jbg, which in its consideration rejects the electronic evidence submitted by the plaintiff, taking into account:

"...in civil evidentiary law the Judge is bound by valid evidence, which means that the Judge may only make decisions based on evidence using evidence that has been determined by the Law only."

Furthermore, based on these considerations, the Panel of Judges in the case excluded the electronic evidence submitted by the Plaintiff with the following interpretation:

"Considering, that after the panel of Judges reviewed, researched, paid attention to electronic evidence tools connected with the renewal of national civil event law, has not been accommodated in the civil event law which, because civil event law does not regulate explicitly about the electronic evidence tool and the arrangement of electronic evidence that exists until now only in the material law level only, among others in the Electronic Information and Transaction Law so that from the electronic evidence tool P-8, P-9 submitted by plaintiff at trial must also be ruled out."

In addition to its arrangements in the regulation of event law as a condition for the use of electronic evidence in the trial, in practice, the use of electronic evidence at the trial as the basis for the panel of judges to determine whether or not a trial fact is true also depends on the material requirements of electronic evidence, for example related to the integrity and validity of electronic evidence as required in the law governing it. There are several cases where the Panel of Judges excludes electronic evidence submitted in civil trials, because the parties do not include experts who can assess the material requirements of the electronic evidence, for example in the case of child custody revocation (hadhanah) with case number 192 / Pdt.G / 2020 / PA. Bitg was examined at the Bitung Religious Court. Where in the case the Panel of judges has basically recognized in force the electronic evidence presented by the Plaintiff, with its consideration:

"Considering that the evidence of P-1, P-2 and P-3 is a proof of photocopy of screenshots of Whatsapp conversations between Defendants and Plaintiffs dated October 21, 2017, and November 02, 2017 has been sealed sufficiently and has been matched in accordance with the original, according to the Assembly the evidence tool can be categorized as electronic evidence or electronic documents and qualify Formil as evidence".
Although it has been recognized formal regarding electronic evidence, the Panel of judges in the procession, then excludes the evidence presented by the Plaintiff with consideration, the absence of expert information from the Plaintiff that can explain the authentication and validity of the electronic evidence submitted by the Plaintiff. Therefore, as in consideration of the verdict mentioned:

"Considering, that although formil evidence Watsapp Plaintiff in the form of P-1, P2 and P-3 can be accepted as a valid evidence in the face of the trial but materially must be validated, conformity, authenticity, integrity and availability which of course must be strengthened by expert testimony upfront of the trial in this case specializing in digital forensic experts to provide a belief to the Panel of Judges that a means of evidence of conversation. Watsapp on social media meets the conditions of authentication and verification and can really be used as a means of evidence in the trial."

Based on the above cases, some of the obstacles that are still obstacles in the use of electronic evidence in civil trials both formal and materiel will basically boil down to the importance of special regulations governing how electronic evidence can be applied at trial, not only as a guideline for judges in examining electronic evidence but also as a clue for the parties who will talk at the trial. In addition, the existence of digital forensic experts is also needed at trials, coupled with the importance of training for judges to be able to assess the authentication and validity of electronic evidence. This is because the obligation of the judge to authenticate electronic evidence is based on the principle of ius curia novit. This principle is a principle that attaches the obligation to judges to play an active role in finding laws, developing laws, or forming new laws, if no written law or a law is not clear.

According to Sage and Woodlock, justice sector reforms are regarded as a failure because they fail to take into account the 'cultural characteristics' of the target countries, where multiple non-state and customary norms exist. [26]. The Recent studies have returned to the 'position that culture matters,' thereby initiating a new discourse, namely legal pluralism. According to this viewpoint, legal reform fails because donor agencies frequently fail to consider the diversity of legal orders that exist in the target countries. According to Kyed [27], donor agencies' approach to legal pluralism is "surrounded by ambiguity and ideological baggage." Customary laws are respected to the point where they do not conflict with Western legal principles. In order to address the problems encountered in the practice of legal pluralism projects, proposes the concept of a 'hybrid political order' to advocate the idea that 'justice and security institutions are not only plural, but continuously overlap, influence, and transform each other [27]. Her explanation of overlapping legal orders applies primarily to developing countries, and this feature is explained as a result of the nature of the state. Kyed's response to the question of why certain states are distinguished by the presence of multiple and overlapping legal systems remains unanswered [28].

4. Conclusion

The communalistic value of Indonesian society that grows and develops contributes on how Indonesian people behave towards data privacy. Not only the readiness of the Indonesian but also the regulators have not formed Data Protection Act so that they have not been able to determine the form of Independent supervisory commission, whether plural, single or dual which causes overlapping. So far in the financial sector there are 3 authorities that regulate privacy data, namely the Minister of Communication, The Financial Services Authority and Bank Indonesia who issued their own rules and are given the authority to investigate complaint
reports, monitoring, education, consultation, facilitation and provide administrative sanctions. Meanwhile, the indemnity lawsuit can lead to litigation, and litigation is still constrained related to proof and digital forensic experts to facilitate authentication and validity of electronic evidence.

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References


The Influence of Leadership Style, Work Spirit, Work Environment and Discipline Through Motivation and Communication on Employee Performance MV. Ocean Dream - Peaceboat

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Abstract. The company will always demand the skills of every human resource used even though it does not guarantee the proper performance of any given task except with a clear integration from its leaders. In managing employees, it takes a leader who has a distinctive leadership style to be able to generate enthusiasm and discipline in the work environment through the motivation given and good communication. Lack of discipline in complying with regulations on board and lack of communication in doing work will reduce employee performance. The work instructed will not be carried out properly without discipline and communication in carrying out their respective duties. Achievement of work results will be achieved with workers who are in accordance with their job positions and perform well so that the goals that have been determined are achieved.

Keywords: Discipline, Leadership Style, Motivation, Communication and Performance, Work Spirit, Work Environment

1. Introduction

Cruise Ship is a means of water transportation as well as a floating hotel[1]. Cruise ships are usually in the sea between continents / countries or in river waters. A cruise ship is a floating inn or hotel that requires skilled workers and has the knowledge and skills to do their job. The staff must have a good and friendly attitude to provide the best service.

In the development of the cruise ship business, many competitors provide better services, thus requiring company management to create competitive advantages, good performance, while being trusted by passengers, and will encourage business growth. An increase in employee performance will bring a business progress in order to survive in unstable competition. Therefore, it is necessary to be serious in managing the resources owned for the achievement of goals and business continuity as well as improving employee performance as a challenge for management.

Success and failure in managing the company depends on the way in which the leader directs the work that must be done by his subordinates. Successful leaders can set an example for their employees with motivation as an effort to improve performance[2]. Leadership style is a method used by leaders in an effort to improve employee performance by creating a desire to work, work spirit and motivation of their subordinates[3]. Leadership is created because of
interpersonal relationships shown by certain conditions and directed through the communication process to achieve certain goals [4]

Work spirit is a deep quality framework and is characterized as the work environment in the organization to work superior and more rewarding. A worker will be easily motivated and affect the efficiency and continuity of work if he accepts in the work he pays attention to. Work spirit may be a reflection of an individual or group's sentiment, desire, or devotion to the organization that affects workers [5]

Another important part in supporting employee performance is the work environment provided. The work environment combines all the devices and materials experienced by the individual, the environment in which the work is carried out and which can affect the performance of one's work [6]

Teaching about discipline can be a framework for progress and build representative attitudes and behavioral talents so that they obey the rules and can participate with colleagues. Discipline in doing work is needed so that the work plan can be carried out properly so as to achieve the desired goals and productivity. Discipline of employees is important as a routine activity to improve and build attitude and behavior skills in order to comply with regulations and be able to cooperate with colleagues. Discipline is an attitude of self-control from employees and regularity in carrying out work in a team as a form of compliance with company regulations [7] An understanding of the rules and instructions given by the leadership is needed to minimize mistakes in carrying out work responsibilities.

Explanation as a form of communication will support motivation to work in achieving good performance. Motivation is a driving force for individuals, both external and internal factors that inspire, provide enthusiasm and desire to work optimally [8]. Inspiration may be away of empowering somebody to be able to work together so that they can work well and productively within the company. Motivation is defined as an ability that a person has in broad participation for the success of the organization in achieving its goals [9]. Good, clear, honest, open and accurate communication will spur work and increase productivity.

Communication as a horizontal activity between employees must always be carried out properly to support all company plans and achieve goals. Communication as a form of basic human activity that is done well will function perfectly and bad communication will harm the organization[10]. Lack of effective communication between employees causes unequal behavior in employees in carrying out their duties and responsibilities. This happens because of the lack of firmness in good communication in the description of work obligations and work information in several divisions on the ship, causing misunderstandings from employees in absorbing messages or information which results in errors and inaccuracies in carrying out tasks. This condition is because the communication that occurs is less thorough and poorly understood so that it becomes the cause of errors in carrying out tasks and sometimes results in employee indiscipline in carrying out their duties. Therefore, communication as a transmission must be carried out effectively so that the meaning and message conveyed can be understood to achieve the goals that have been set by the company.

2. Method

This study will examine several variables, namely independent variables: Directive Leadership Style (X1), Work Spirit (X2), Work Environment (X3) and Discipline (X4), Intervening Variables: Motivation (Z1) and Communication (Z2) and the dependent variable is Performance (Y). Causal design will be used to analyze the relationship and level of influence
on the dependent variable from the independent variables used through intervening variables, then the data obtained will be analyzed statistically.

The research method used is survey research which is part of descriptive research in order to provide information about the relationship between variables. In this study also used regression analysis method to test the presence or absence of the influence of the independent variable with the dependent variable and used to assess the strength of the relationship between the variables used. Data was collected by interviewing several questions and previous research literature. Data collection is used to prove the hypothesis of the theories used to obtain the information needed to achieve the research objectives.

The data obtained will be processed by SPSS with descriptive analysis and multiple regression. From the calculation of partial hypothesis testing that Ha is accepted and Ho is rejected, the influence of work discipline partially has a positive and significant effect on the performance employees of MV. Ocean Dream, and communication partially have a positive and significant relationship to the performance employees of MV. Ocean Dreams. Discipline and communication together have a positive effect on the performance of MV employees. Ocean Dreams.

3. Result & Discussion

Leadership style is the ability of leaders by means of the techniques they have to influence, direct and move in a better direction through the process [11]. The leadership style that is reflected is the ability of the individual, the methods and patterns used in behaving, interacting, communicating, encouraging, controlling and guiding his subordinates to do their work in order to achieve goals. The leadership style used by the leaders in each department of MV. Ocean Dream – Peace Boat is a directive leadership style where the leader will give a lot of briefing to his subordinates.

According to [12], good work spirit will provide benefits for the organization because it reflects high performance. [12] proves that there is a positive and significant effect of directive leadership style on performance. Work discipline is a form of personal desire and willingness to obey all the rules set, both written and unwritten, in order to achieve common goals. Therefore, it requires skills and understanding of the legal principles, regulations, rules and technical standards that apply within an organization. To be able to understand every rule and delegation of tasks received, it is necessary to have effective communication in the delivery of tasks so that they can be understood properly which will increase discipline in work.

The work environment is a condition that exists around employees and has different characteristics that interact with each other [13]. Those research shows that there is a positive and significant influence of the work environment variable with the performance variable.

That a high degree of discipline is a reflection of the level of personal responsibility for the dharma that is enjoined on those who believe that they are complying with the goals, objectives, and established plans, guidelines, directives, and other organizational rules[14]. Work discipline has a good influence on the implementation of duties and company regulations effectively, because the higher the employee's work discipline, the higher the performance that results. With good discipline in doing work, the duties and responsibilities will be controlled and will give a feeling of pleasure and enthusiasm in managing their work. Discipline will be beneficial for employees to educate and comply with established rules and procedures in order to perform well which will be reflected in their responsibilities in completing work[14].

Motivation is a personal drive in achieving goals [15]. The results of Arif and Indrawijaya's research found that there was a positive influence of motivation on performance. High
motivation makes employees do their work with enthusiasm and can complete obligations according to the specified target. Motivation is energy that will produce a feeling of enthusiasm that stimulates, directs and maintains good behavior and is in accordance with the work environment. Motivation is a trigger for an employee to give all his abilities as well as his best energy and time to do the work that is his responsibility.

Communication is a method of information from one idea to another, both by individuals and groups, so that what is being pursued can be done and tasks can be done in different ways [16]. Communication is a process in conveying information from one person to another to understand the message conveyed [17]. Good communication will launch the tasks given so as to encourage employee performance [18]. Communication will keep employees motivated by explaining the job and how to do it well. Rozzi's research proves that communication will increase employee morale which has a good effect on increasing performance. Leadership that is able to communicate work well and is supported by discipline and a pleasant environment, will provide enthusiasm for employees to work and will indirectly be motivated to be able to complete work well.

4. Conclusion

In carrying out the tasks assigned by the leadership, it is necessary to have a good understanding of the tasks given. Leadership style will have a positive effect on the performance of each employee MV. Ocean Dream – Peace Boat so that determines the good or bad performance. This study concludes that employees expect leadership participation in terms of providing clarity of tasks for completing work. Good work spirit will realize good performance because employees will try to complete the work according to the specified target. The results of the study concluded that work spirit had a positive effect on the performance of employees MV. Ocean Dream – Peace Boat.

The working environment in the MV. Ocean Dream – Peace Boat cruise ship has a positive effect on employee performance. A good work environment will affect the performance of employees in doing their jobs. A good work environment will provide comfort, security, enthusiasm and motivation for every employee so as to encourage increased performance. This cannot be separated from the communication used in the delivery of duties and responsibilities to employees.

Discipline is created due to adherence to regulations and the behavior of each employee, which is reflected in punctuality in doing work, wearing uniforms and attributes and neatness. Discipline has a positive influence on employee performance, where employees of MV. Ocean Dream – Peace Boat must be able to complete the task given correctly. Discipline at work has a strong relationship to performance which means that the higher the discipline of the employees, the higher the performance that will be generated.

The results of the analysis show that motivation has a positive influence on performance. Motivation as an individual driver in work can improve employee performance MV. Ocean Dream – Peace Boat. Motivation strengthens the positive influence of leadership style, morale, work environment and discipline on employee performance MV. Ocean Dream – Peace Boat. With the motivation given by the leadership of each department in the MV. Ocean Dream – Peace Boat for employees, it will increase enthusiasm and discipline that support performance improvement. Motivation that is communicated well by the leadership will burn the enthusiasm of employees to be able to do their jobs well.

Effective communication in delivering obligations will have a good impact on employee work discipline and will also have a good impact on improving employee performance. Good cooperation between employees will support the completion of work well. Leadership style,
work spirit, work environment and discipline simultaneously have a positive effect on performance of MV. Ocean Dream – Peace Boat employees. Leadership style, work spirit, work environment and discipline affect the performance of MV. Ocean Dream – Peace Boat employees through motivation and communication

References


The Influence of Fintech on the Financial Inclusion of the Tegal City Community

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Abstract. Financial inclusion is the availability of public access to financial service products that are in accordance with the needs and abilities of the community. This study aims to analyze the impact of financial literacy and the use of fintech on financial inclusion. Fintech in this study is a disruptive innovation in the financial sector by utilizing technology and the internet to encourage the implementation of financial transactions. The survey was conducted on residents of the city of Tegal by selecting a sample using a targeted sampling technique. The sample selected is individuals who meet the criteria above 15 years old and are residents of the city of Tegal. Questionnaire data was distributed to respondents. More than 100 respondents can meet the requirements and analyze. The analyzed data meets the requirements for validation and reliability checks. Hypothesis testing is done by multiple regression analysis. The results of financial literacy analysis show that financial literacy has a significant positive effect on financial inclusion. The results of fintech data analysis show that fintech has a significant positive effect on financial inclusion. This study shows that increasing financial literacy and using fintech can increase financial inclusion.

Keywords: Fintech, Financial Inclusion

1. Introduction

During the COVID-19 pandemic, the role of fintech is very helpful and fintech technology is the fastest growing and widest segment in offering the latest service features and its role in making it easier for people to get financial products and literacy.[8]. For most groups of individuals, fintech is a solution in conducting financial transactions. During the pandemic, the implementation of the PSBB (Large-Scale Social Restrictions) rules hampered the pace of the economy in transactions. With the sophistication of fintech artificial intelligence, it allows economic actors to transact peer to peer without meeting face to face[16]. The pandemic period resulted in narrower community movement and the number of public services that made transactions via online. Financial services are also not spared from digital services that make it easier for people to make transactions with online media such as transfers, shopping, electronic wallets, and even online loans. Fintech offers a "revolution" of combining financial services with information technology that has improved the quality of financial services, and created financial stability. Fintech refers to the use of technology to provide financial solutions.

Apart from the above phenomena, there is some disagreement from several previous studies on the impact of FinTech on financial inclusion[5]. During the study, fintech said it had a significant positive effect on financial inclusion. A previous study stated that fintech had no effect on financial inclusion[24].

Therefore, it can be concluded that fintech is a service innovation. Financial services that take advantage of technological advances in financial transactions, and generate business
models, applications, processes or products. Provide financial services. There are different types of service-oriented banks. Fintech such as mobile payment (payments), mobile banking (banking), internet, etc. Banks and e-commerce (electronic money). This service can be provided.[1]

Financial inclusion is an example of a program to expand access to finance in Indonesia, which can provide solutions to various factors causing low levels of financial literacy. OJK shows that the “level of knowledge” of financial community groups in Indonesia is only approaching 29.66%, while the level of use or groups of people who have access to financial services and the index of financial services is close to 67.82%”[20]. With the government's target in the Financial Inclusive National Strategy (SNKI) which is expected for the 2019 financial inclusion index period to be close to 75%, this is the urgency of this research.[21].

Financial inclusion is not an option, it is important, and banks are an important driver for achieving it. The development of financial inclusion supported by technological developments has great power over financial markets, especially in business activities. The revolution in the financial sector plays an important role in improving financial services and has an impact on financial system stability. Financial system stability is reflected in the performance of the banking sector, such as credit and credit, as well as increased welfare. Society through financial inclusion. However, the role of financial inclusion through fintech integration has not succeeded in reaching the wider Indonesian community, and the dominant contribution of financial inclusion has not been seen to affect financial system stability.[9]

To achieve a high level of financial inclusion, both individuals and economic actors must go through a decision-making process and use freely available resources. With the era of globalization, the impact of modernization has brought socio-cultural changes from traditionalism to modernity in Indonesian society, with increasingly progressive patterns of financial management and the use of financial products and services by formal financial institutions.[25]. However, not all Indonesians have embraced modernization. In some areas of Indonesia, customary (informal) institutions are used to meet the financial needs of the community. It is based on the principle of trust and respect for adat, which is very strong and makes it easy for Indonesians to finance. Activities through traditional institutions as compared to financial institutions.

2. Methods

This type of research is quantitative research. Quantitative analysis is done by analyzing the problems that are realized with data that can be explained quantitatively. This study uses a sampling method in the form of non-probability sampling with a convenience sampling technique, namely a sampling method based on considerations of convenience to obtain some basic information quickly and efficiently.[2]. This study uses fintech as the independent variable, while financial inclusion is used as the dependent variable.

The survey was conducted using a closed questionnaire which is a research instrument that contains a number of written questions and includes answer choices. The process of collecting data using closed questionnaires can facilitate researchers because the questionnaire has provided answer choices. So that the answers from respondents are more focused and also do not deviate from the expected answers. This will make it easier for researchers to analyze the data because the data obtained will be more focused[2]. The purpose of reliability testing is to find out how reliable the rating of the scale is.
3 Discussion

Financial technology (fintech) is an innovation in financial technology. Quoted from a large Indonesian dictionary. Financial Meaning Finance is a special edition dealing with finance and technology means technology. i) Scientific method to achieve practical goals (Applied Science). ii) Total funds for the provision of goods needed for human survival and comfort. From the explanation of the two words above, financial technology can be interpreted as a means / scientific method in managing finances to achieve practical goals in providing the products needed for survival and comfort.[23].

Indonesia's financial sector startup services (known as fintech companies) themselves began to grow in 2006. This is also a sign that Indonesia has entered FinTech Generation 3.0. Even in the Industrial Revolution, especially in the development of payments, these technologies have historically been highly renewable. Judging from the overall development and progress, fintech was in the middle of the market from 1661 to 2014. However, due to the rapid expansion and development of the FinTech pandemic, 33% of FinTechs in Indonesia recorded more than IDR 80 billion transactions, reported to be in 2017. 2020. or more than IDR 4.6 trillion. This value sounds great, but in reality there is still a lot of room for improvement. According to the survey results, used by 70, 3% of adults financial products or services provided by formal financial institutions 55.7% of adults have accounts with financial institutions [4]. This means that there are still many who do not have access to formal financial institutions.

After the 2008 financial crisis, financial inclusion gained popularity. The goal of financial inclusion is to eliminate all costs and restrictions on access to and use of formal financial services for the general public. There are 4,444 financial inclusions, which leads to financial inclusion. The economic exception is the impossibility of using formal financial institutions because of a number of limitations, such as: The goal of financial inclusion is to promote economic growth through distributing income, reducing poverty, and ensuring the integrity of the financial system. A decrease in wealth and inequality in the nation may lead to a rise in financial inclusion. Financial inclusion is therefore not a choice but a necessity, and banks are a key factor in achieving it.[13].

Supported by the development of information technology and the rapid spread of the internet, several digital financial services have emerged, making it easier for the general public to obtain knowledge and education about finance and financial services. This definition is expected to enable consumers of financial products and services, as well as the wider community, to not only know and understand financial service institutions and financial products and services, but also change and improve people's financial management behavior. To improve their welfare. Therefore, based on the explanation above, the following hypothesis can be made:

3.1 Fintech (Risk and investment management) has an influence on financial inclusion (financial knowledge) in the people of the city of Tegal

Currently, Perum Pegadaian, cooperatives, and other microfinance institutions are the three financial institutions that give the underprivileged access to financial services. In many nations, access to formal financial services is widely seen as one of the key factors in efforts to reduce poverty. Increased public access to financial services has a considerable positive impact on the economy, according to a number of academic studies. reduction of poverty. In several developing nations, increasing public use of financial services is a key topic on the policy agenda.[5].
3.2 Fintech (Market provisioning) has an influence on financial inclusion (financial knowledge) in the people of the city of Tegal

Digital financial service financial technology. Paying doesn't require physical form. The government and wider community must establish FinTech in Indonesia to monitor and manage financial activities at the state, corporate, and individual levels. Financial technologies will produce a cashless world. These two aspects give the people innovative and affordable financial services and make the country more competitive. The foregoing explanation led to the following hypothesis:

3.3 Fintech (Cashless society) has an influence on financial inclusion (financial knowledge) in the people of the city of Tegal

Payment systems, peer-to-peer lending, asset management, market offerings, and crowdfunding are common Indonesian fintech services. In 2018, commercial and agricultural sectors received 7.64 trillion Rp in Fintech loans [6]. Fintech solves challenges that payment banks can't.

3.4 Fintech (Risk and investment management) has an influence on financial inclusion (financial behavior) in the people of the city of Tegal

Well-regulated Fintech will solve financial issues. Fintech can empower individuals. The digital economy, especially financial technology, allows users to get financial services without a bank. Without proper infrastructure and internet, a cashless society is impossible. If infrastructure and internet don't support, people use cash. Financial technology requires internet access.

3.5 Fintech (Market provisioning) has an influence on financial inclusion in the people of the city of Tegal

Digital economy advances. Technology Finance may influence the economy. Financial technology can make us cashless. Cashless societies reduce corruption. You can also prevent and monitor illicit donations. Financial technology and a cashless society allow this. Free internationalization. Growth Digital technology, notably finance and cashless communities.

3.6 Fintech (Cashless society) has an influence on financial inclusion (financial behavior) in the people of the city of Tegal

Both banks and fintechs have a mission to provide the best experience. Therefore, Complementing customers. By merging their capabilities, dependable banks and fintech eliminate each service's blind spots. FinTech drives digital economy through service and product innovation. By expanding promotional financial services. Mobile, efficient fintech is expected. Can solve problems financial services can't As usual, digitalization has impacted the financial services business.

3.7 Fintech (Risk and investment management) has an influence on financial inclusion (financial attitudes) in the people of the city of Tegal

Market provisioning is a market data analysis service model. In a 2014 survey on digital and banking. Currently, 40% of mass Asian and HNWI customers prefer online or mobile banking services, half under 40 years choose digital banking services. The current digital banking customers in Asia It reaches 670 million and is expected to grow to 1.7 1 billion customers by 2020 [8].

3.8 Fintech (Market provisioning) has an influence on financial inclusion (financial attitudes) in the people of the city of Tegal
The changing times have led to changes in society. Everyday life, one of which is modern trading activities. In this case, cash payments are gradually being abandoned and changed to card payments. Non-cash payment behavior is also influenced by lifestyle. Latifah's study (2015) This also shows an influence on lifestyle (activities, interests). Opinion) When I bought 36.8% from BCA Fraz. This lifestyle is based on the need for non-cash transactions. The impact of a lifestyle that tends to be minimal in cash when making a decision to buy a BCA flash.

4. Conclusion

(1) Fintech variables (risk and investment management and market provisioning) have no effect on financial inclusion (financial knowledge), while fintech (cashless society) variables affect financial inclusion (financial knowledge); (2) Fintech variables (risk and investment management and market provisioning) have no effect on financial inclusion (financial behavior), while fintech (cashless society) has no effect on financial behavior (financial attitude). (1) Researchers are hampered in providing a survey about fintech and financial inclusion to the people of Tegal because they have not fully studied these two concepts. (2) The results of this study emphasize the current development of a cashless society, therefore other variables cannot contribute more. Initial assumptions are that few Tegal residents comprehend risk, investment, and market provisioning. (1) Researchers are unable to provide a survey about fintech and financial inclusion to the people of Tegal since they have never completely examined these ideas. (2) This study emphasizes the development of a cashless society, thus other variables cannot contribute more. Initial assumptions are that few Tegal residents comprehend risk, investment, and market provisioning. (1) Researchers are unable to provide a survey about fintech and financial inclusion to the people of Tegal since they have never completely examined these ideas. (2) This study emphasizes the development of a cashless society, thus other variables cannot contribute more. Initial assumptions are that few Tegal residents comprehend risk, investment, and market provisioning.

Acknowledgement

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Reference


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The Role of The Work Environment and Motivation in Mediating The Influence Of The Ministry of Religious Affairs' Culture Work on Employee Performance
Office of The Ministry of Religious Affairs of Brebes Regency

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Abstract. This study analyzes the influence of the work culture of the ministry of religion on employee performance and the effect of mediating the work environment and work motivation. What is meant by the work culture of the Ministry of Religion in this case is integrity, professionalism and innovation. The sample of this study amounted to 239 employees in the Islamic Community Guidance work unit, the Office of the Ministry of Religion, Brebes Regency. The analysis tool uses Structural Equation Modeling (SEM) and mediation test. The results of this study indicate that the variables of integrity, professionalism and innovation affect performance, and from the mediation results, there is an influence of integrity on performance through the work environment, while professionalism on performance through the work environment, innovation on performance through the work environment, integrity on performance through work motivation, professionalism on performance through work motivation, and innovation on performance through work motivation has no effect

Keywords: Integrity, Professionalism, Innovation, Performance, Work Environment, Work Motivation

1. Introduction

Performance is the result of work or the comparison of the results of work, in which a predetermined quality, quantity, and time can be achieved. The concept of performance can basically be seen from two aspects, namely employee performance and organizational performance, and the keduanya is closely related. The achievement of organizational goals is encouraged and managed by employees who play an active role and perform optimally to achieve organizational goals (Sastikasari, 2019). Therefore, the quality of human resources (HR) greatly affects the performance of the organization.

Reliable human resources are a demand and are a factor that is needed in the era of globalization (Rumondor, 2013). The State Civil Apparatus (ASN) in government agencies has the main task of organizing government and public services properly (good-governance) and clean (clean-government). Success in carrying out both tasks is largely determined by the professionalism and adequate competence of the ASN.
One of the efforts made towards good-governance is through the development of a work culture that is conducive to all ASNs, including ASNs within the Ministry of Religious Affairs. For this reason, the Minister of Religious Affairs has issued a Decree of the Minister of Religious Affairs (KMA) Number 582 of 2017 concerning the revision of KMA Number 447 of 2015 concerning the Value of Work Culture of the Ministry of Religion. In the KMA, Integrity, Professionalism and Innovation are part of the work culture of the Ministry of Religious Affairs.

According to Edison et al (2018), performance is often placed as an issue and a central or main (dependent) variable that is influenced by other variables. The phenomenon that occurred at the Office of the Ministry of Religious Affairs of Brebes Regency that there is still a work unit (Satker) at the Office of the Ministry of Religious Affairs of Brebes Regency that has a realization of spending below the national target, which is 97 percent. The task force in question is the Guidance of the Islamic Community (Bimas Islam) which was only able to absorb spending of 93.06 percent in 2020.

The low absorption of the budget of the Islamic Bimas Task Force of the Office of the Ministry of Religious Affairs of Brebes Regency is one indication of the non-optimal performance of employees. This can be caused by the fading of the application of the ministry's work culture values, namely professionalism, innovation, and integrity. There are still many employees who are known to violate the disciplinary rules set by the agency, ranging from arriving late to not coming to work without permission. The inoptimal performance of employees at the Islamic Bimas Task Force can also be seen from the average performance achievement value. The performance performance of the employee in question is measured based on employee performance targets (SKP) and the behavior of civil servants.

The phenomenon surrounding employee performance, as described for ASNs within the Brebes County Ministry of Religious Affairs Office, has been analyzed by many researchers before. Sujianto (2017) for example, has analyzed the influence of leadership and integrity on the performance of police members through job satisfaction as an intervening variable. The results of his research show that integrity affects performance. Sukmana and Indarto (2018) also produced the same research findings as Sujianto (2017). In another study, Sari (2017) concluded that professionalism has a positive and significant effect on employee performance. Meanwhile, Ismail et al (2018) found the opposite research results, namely that professionalism has a negative effect on performance. Based on the results of previous studies that raised about employee performance, there was still a research gap, which included differences in results between researchers and the limitations of previous research. So this research is still urgent to do.

2. Literature Review

Integrity

Integrity as part of the work culture of the Ministry of Religious Affairs in accordance with KMA No. 582 of 2017 means harmony between good and right hearts, thoughts, words, and deeds. Employees who have high integrity must understand that working hard will not only improve their careers, but also affect the progress of their organization.

Professionalism

ASN has a duty to organize good-governance and clean-government in public services. To carry out these duties, professionalism and competence of employees are required. Professionalism as one of the work cultures of the Ministry of Religious Affairs means working in a disciplined, competent, and timely manner with the best results (KMA
No. 582 of 2017).

**Innovation**

Bwork of the Ministry of Religious Affairs. Innovation means perfecting existing ones and creating new things that are better (KMA No. 582 of 2017). By becoming an innovative person, an employee will be encouraged to increase his productivity. Employees who are creative, innovative and productive, will lead the organization to the maximum achievement of the goals that have been set.

**Integrity to the Work Environment**

Integrity is a quality that underlies public trust and is a benchmark for organizations in testing all their decisions. It is understood that the inherent integrity of employees will be reflected in optimal organizational performance (Yuni, 2019). The working relationship between an employee and his superiors or fellow colleagues, or with subordinates, will be fostered by having integrity in the employee. Thus it will affect its work environment.

**The Influence of Professionalism on the Work Environment**

Professional attitude in working is the main requirement for an organization. Employees who have a professional attitude will be able to understand their duties and obligations; understand relationships and relationships; and be able to carry out work with focus. The professionalism of an employee will have a positive impact on the organization, including the pattern of cooperation in the team will be solid. This will create comfort in working. Thus, a good working environment will be created.

**The Effect of Innovation on the Work Environment**

Work innovation is the willingness of members of the organization to introduce, submit, and implement new ideas, products, processes, and procedures into the work, work unit, or even the organization where they work (http://news.unair.ac.id, April 2020). The presence of innovations in work will increase work productivity, so that the goals of the organization will be achieved. The maximum achievable goals of the organization will create a pleasant or conducive working atmosphere.

**The Effect of Integrity on Employee Work Motivation**

Integrity is a consistent action that is carried out continuously based on organizational policies. Having integrity in an employee will be reflected in optimal organizational performance (Yuni, 2019). The increase in organizational performance is partly due to employees having work motivation to complete work well.

**The Effect of Professionalism on Employee Work Motivation**

Professionalism can be interpreted as the commitment of the members of a profession to improve their abilities and constantly develop strategies used in doing work in accordance with their profession (Danim, 2010). According to Yamin (2006), people will be motivated if they believe that a certain behavior will produce certain results. A professional employee will have a high motivation. This is reflected in a positive attitude towards work, loyalty, and dedication in their duties and services, as well as a willingness to carry out duties with full sense of responsibility.

**The Effect of Innovation on Work Motivation**
Employee innovation can affect the development of a work unit or organization. Employees who have work innovations will have motivation in completing their duties and obligations well. Thus, employees will be encouraged to work hard.

The Effect of the Work Environment on Employee Performance

A good work environment will make employees carry out their activities optimally and comfortably. The suitability of the work environment has a positive impact on employees, so that employees can work more effectively and efficiently (sodexo.co.id, January 2020). Pleasant working conditions will go a long way in speeding up the completion of work.

The Effect of Work Motivation on Employee Performance

The thing related to performance is the willingness or motivation of employees to work. Abilities are inherent in a person and are innate from birth and are embodied in his actions in work. While motivation is a very important aspect to drive a person's creativity and ability to do a job, and is always enthusiastic in carrying out the work (Gomez, 2003). To realize maximum performance, an encouragement is needed to bring out the will and morale, namely motivation. Motivation serves to stimulate the abilities of employees, so that maximum performance results will be created.

From the foregoing, the following theoretical framework of thought can be drawn up.

![Frame of Mind](image)

**Figure 1** Frame of Mind

3. Method

This research can be categorized as an explanatory study using a quantitative approach. Sugiono (2013) explained that explanatory research is a study that explains the position and relationship between the variables studied through testing hypotheses that have been formulated. A quantitative approach was used, because the data in this study was in the form of numbers which were then analyzed using statistical methods. The population in this study were employees of the Islamic Milky Way Work Unit at the Office of the Ministry of Religious Affairs of Brebes Regency, which amounted to 239 people. This empirical p-ray takes a sample using the technique of total sampling or saturated sample.

The tool used to collect primary data in this study is a closed questionnaire with answers that have been provided by the researcher. The questions contained in the questionnaire were derived from the operational definitions, dimensions, and indicators of each variable used in
this study. The question items on the questionnaire were measured using an Interval Scale of 1-9. The primary data collected in this study will initially be analyzed using descriptive statistics to determine the behavior of the data, then the analysis will continue using Structural Equation Modeling (SEM) and mediation tests.

3. Results and Discussion

Descriptive respondents' responses include minimum, maximum, average, standard deviation, and average values per dimension. In this study, the mean value of each indicator was greater than the standard deviation. It can be concluded that the data deviations that occur are lower and the distribution of values is evenly distributed.

Table 1. 3 Validity and Reliability Test

<table>
<thead>
<tr>
<th>Variable</th>
<th>L</th>
<th>P-value</th>
<th>CR</th>
<th>AVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrity</td>
<td>0.733</td>
<td>***</td>
<td>0.892</td>
<td>0.543</td>
</tr>
<tr>
<td>Professionalism</td>
<td>0.744</td>
<td>***</td>
<td>0.938</td>
<td>0.558</td>
</tr>
<tr>
<td>Innovation</td>
<td>0.738</td>
<td>***</td>
<td>0.906</td>
<td>0.548</td>
</tr>
<tr>
<td>Employee Performance</td>
<td>0.738</td>
<td>***</td>
<td>0.906</td>
<td>0.548</td>
</tr>
<tr>
<td>Work motivation</td>
<td>0.714</td>
<td>***</td>
<td>0.880</td>
<td>0.514</td>
</tr>
<tr>
<td>Work Environment</td>
<td>0.737</td>
<td>***</td>
<td>0.915</td>
<td>0.546</td>
</tr>
</tbody>
</table>

The data shown in table 1.1. is that each variable has a standardized loading estimate value greater than 0.5. In the table above, it is also shown that the P value is lower than 0.05 (5%) with an AVE value greater than 0.5 (i.e. 0.548). Based on the above, it can be concluded that each variable is valid. Whereas a variable is said to be reliable if the value is greater than 0.7. The above data obtained the CR value of each variable \( \geq 0.7 \). So each variable is reliable.

In this study, the multivariate cr value obtained was 2.572. Because its cr value is between the value of \(-2.58\) to 2.58 so it can be concluded that the data is normally distributed. Likewise, the cr skewness and cr kurtosis values in each indicator are between the values of \(-2.58\) to 2.58 so it can be concluded that the data are normally distributed. This means that the data has met the assumptions of univariate and multivariate normality.
Figure 1.2 Research Model from AMOS Output

Based on the research model presented in Figure 1.1, it can be known the relationship between each independent variable and the dependent variable which is described in detail in Table 5.16 below:
Table 1.4 Summary of Hypothesis Test Results Partially

<table>
<thead>
<tr>
<th>Hypothesis</th>
<th>Estimate</th>
<th>S. E.</th>
<th>C. R.</th>
<th>P</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>H1</td>
<td>A &lt;</td>
<td>0,1</td>
<td>0</td>
<td>93</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>92</td>
<td>6</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>H2</td>
<td>A &lt;</td>
<td>0,2</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>06</td>
<td>6</td>
<td>26</td>
<td>0</td>
</tr>
<tr>
<td>H3</td>
<td>A &lt;</td>
<td>-0,</td>
<td>0</td>
<td>-3</td>
<td>*</td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>227</td>
<td>7</td>
<td>5</td>
<td>*</td>
</tr>
<tr>
<td>H4</td>
<td>M &lt;</td>
<td>0,2</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>08</td>
<td>4</td>
<td>92</td>
<td>0</td>
</tr>
<tr>
<td>H5</td>
<td>M &lt;</td>
<td>0,0</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>72</td>
<td>5</td>
<td>05</td>
<td>9</td>
</tr>
<tr>
<td>H6</td>
<td>M &lt;</td>
<td>-0,</td>
<td>0</td>
<td>-1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>091</td>
<td>5</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>H7</td>
<td>M &lt;</td>
<td>0,1</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>92</td>
<td>4</td>
<td>73</td>
<td>0</td>
</tr>
<tr>
<td>H8</td>
<td>M &lt;</td>
<td>0,1</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>98</td>
<td>5</td>
<td>87</td>
<td>0</td>
</tr>
<tr>
<td>H9</td>
<td>M &lt;</td>
<td>-0,</td>
<td>0</td>
<td>-2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>169</td>
<td>0</td>
<td>.4</td>
<td>0</td>
</tr>
</tbody>
</table>
The Effect of Integrity on Performance

The calculated t value obtained is 2.936 which is greater than the table t value (1.96). Thus, it can be concluded that the integrity variable affects the performance variable. From the calculation results obtained the value of the path coefficient of 0.192. The value of this resulting path coefficient indicates the existence of a unidirectional relationship between X1 and Y, since it is positive (0.192 > 0). The meaning is that if X1 increases, then Y will also increase.

Integrity is often understood in the context of behavior, and integrity behavior is generally understood in relation to ethics and morals. Efforts to improve employee integrity can be done by providing an understanding to each employee about the importance of integrity which is manifested in the form of attitudes and behaviors in the workplace. Such as consistency between speech and behavior, obeying principles, carrying out obligations diligently, being able to control actions and thoughts, and being able to behave in accordance with the values and norms that apply to the organization.

The Effect of Professionalism on Performance

From the calculation results obtained the value of the path coefficient = 0.206 positive value (0.206 > 0). This shows a unidirectional relationship between X2 and Y, because it means that if X2 increases then Y will increase, and vice versa. The calculated t value = 3.265 is greater than the table t value (1.96), meaning that there is an influence of the professional variable on the performance variable.

Professionalism is a value that prioritizes expertise and competence in carrying out duties and responsibilities. A professional is trusted and reliable in carrying out his work, so that it can be explained that the relationship between professionalism and ASN performance is that if an employee has high professionalism, his performance will increase. This condition causes employees to be trusted and reliable in carrying out their work.

The Effect of Innovation on Performance
The resulting path coefficient N indicates a non-unidirectional relationship between X3 and Y, this is because it is negatively valued at -0.227. Negative value can be interpreted as if X3 increases then Y will decrease. While the resulting calculated t value is -3.516 where the value is greater than the table t (-1.96). The calculation means that the innovation variable affects the performance variable.

Drucker (in Ellitan & Anatan 2019) stated that the environmental changes facing the company provide an opportunity to give birth to something new and different through systemic innovation that requires organized and directed change so as to provide an opportunity to create innovations both economic and social. In conclusion, innovation is a very important thing that every organization must have.

### The Effect of Integrity on the Work Environment

Based on the calculation results, it is known that the calculated t value (2.923) is greater than the table t value (1.96). The meaning of the calculation is that the integrity variable affects the work environment variable. For the result of the calculation of the value of the path coefficient shows a unidirectional relationship between X1 and M1, since it is positively valued (0.208 > 0). The value of the path coefficient above has arti if X1 increases then M1 will increase, and vice versa.

The working relationship between an employee and his superiors or fellow colleagues, or with subordinates, will be fostered by having integrity in the employee. Thus it will affect its work environment.

### The Influence of Professionalism on the Work Environment

The N value of the path coefficient for the influence of the professionalism variable on the work environment variable is 0.072 with a calculated value of t = 1.057. The value of the path coefficient of positive value (0.072 > 0) indicates a unidirectional relationship between X2 and M1. This means that if X2 increases then M1 will increase. The t value of the table with a significance level of 0.05 is ±1.96 so that t counts (1.057) < t of the table (1.96). Thus it can be interpreted that the variable professionality has no effect on the variable lin the environment.

Professionalism does not directly affect the work environment. However, the work environment will affect the performance of employees first and then Professionalism.

### The Effect of Innovation on the Work Environment

The innovation variable in this study has a non-unidirectional relationship between X3 and M1, where the calculation of the value of the path coefficient is -0.091. Karena is negative (-0.091 < 0) then it can be concluded that when X3 increases then M1 will decrease, and vice versa. Nilai t table with a significance level of 0.05 is ±1.96. The calculated t value generated in the calculation is -1.310. Then t count < t table (-1.96). Artinya innovation has no effect on lingkungan kerja.

The work environment will have a psychological impact on employees. The positive impact that will arise if employees feel comfortable at work is that employees easily concentrate on thinking about innovative ideas that will be used in the field. As for the negative impact if employees feel uncomfortable at work, it will be difficult for employees to concentrate on finding innovative ideas that can streamline their work (Sedarmayanti, 2016).

### The Effect of Integrity on Work Motivation

P's calculation of the value of the path coefficient is 0.192. Since nilai this path coefficient is positive, it shows a unidirectional relationship between X1 and M2. The meaning of
unidirectional discharge is that the increase in X1 will be followed by the increase in M2. The result of the calculated t value is greater than the table t, therefore it can be concluded that the variable integritas affects the motivasi kerja.

Motivation is the impulse that arises in a person consciously or unconsciously to perform actions with a specific purpose (Afriyani et al., 2014). Whereas integrity shows the consistency of attitudes of a person towards what is said and done. Work motivation is the provision of impulses that create excitement in a person so that they are willing to work together, work effectively and integrated with all their efforts to achieve maximum performance (Darmawan et al., 2011).

The Effect of Professionalism on Work Motivation
In the calculation of t count, the value obtained is 2.877. The t value of the table with a significance level of 0.05 is ±1.96 so that t counts (2.877) > t of the table (1.96). Thus it can be concluded that the professional variable affects the variable of work motivation. For the value of the path coefficient obtained 0.198. The efficiency of the path shows a unidirectional relationship between X2 and M2, because it is positively valued (0.198 > 0). This can be interpreted to mean that if X2 increases then M2 will increase, and vice versa.

According to Yamin (2006), people will be motivated if they believe that a certain behavior will produce certain results. A professional employee will have a high motivation. This is reflected in a positive attitude towards work, loyalty, and dedication in their duties and services, as well as a willingness to carry out duties with a sense of responsibility.

Effect of inovasi on motivasi kerja
At the calculation of the value of the path coefficient obtained -0.169. The value of the coefficient of the path above indicates a non-unidirectional relationship between X3 and M2, since the calculation value is negative. It can be concluded that if X3 increases then M2 will decrease. For the calculation of the calculated value of t is obtained -2.428. The calculated t value obtained is greater than the table t value, meaning that inovation has an effect on motivation kerja.

Motivation is the internal and external encouragement of an employee in carrying out his main duties. Motivation as an impulse that arises in or within an individual that moves and directs behavior. Therefore, motivation can mean a condition that encourages or becomes the cause of a person doing an act / activity that takes place reasonably.

The Effect of the Work Environment on Employee Performance
The calculation of the calculated t value on the influence of the work environment on employee performance is 3.719, whereas the table t with a significance level of 0.05 is 1.96. Thus, it can be concluded that the work environment variables affect the employee performance variables. While the value of the path coefficient is 0.245 which is positive. This means that the increase in M1 will be followed by an increase in Y, and vice versa.

A comfortable work environment created through harmonious relationships between colleagues, subordinates and superiors and supported by adequate facilities. This kind of work environment will have a positive impact on employees, thus affecting employee performance.

The Effect of Work Motivation on Employee Performance
Nilai path coefficient according to the calculations carried out obtained the number 0.143. The value of the path coefficient is positive, indicating the relationship then the unidirectional one is between M2 and Y. This means that if M2 increases, Y will increase. Nilai t count is known
to be 2,133, where the value is greater than the table value. So it can be concluded that the work motivation variable affects the employee performance variable. According to Suwati (2013) every employee is not necessarily willing to exert their work achievements optimally because of the lack of motivation that employees have from within themselves, this is because motivation is not the dominant thing to improve employee performance. Work motivation is a form of encouragement of a person to work for and achieve goals. An employee has motivation as an encouragement to do work by leading to the achievement of what is a human need. Motivation for an employee is one of the important things because from the results of this study, motivation can affect the performance of an employee.

Conclusion

Based on the results of the analysis and interplay, it can be concluded that integrity has a partial positive effect on performance. This means that if employee integrity increases, it will improve employee performance. Professionalism has a positive effect on performance. It can be concluded that by having professionalism for an employee, the resulting performance will be better. Innovation negatively affects performance, where high innovation will not affect employee performance. Positive integrity affects the environment, the higher the integrity of employees, the better the work environment. Professionalism does not have a positive effect on the work environment. It can be interpreted that the more professionalism is possessed by employees, the less influence it has on the work environment. Innovation does not negatively affect the work environment. Integrity positively affects the motivation of employees. The higher the employee's work motivation, the more the integrity of employees increases, the higher the employee's performance. Professionalism has a positive effect on the work environment. Integrity positively affects the motivation of employees. If the integrity of employees increases, the employee's work motivation will also be higher. Innovation has a positive effect on the work environment. If the innovations owned by employees are increasing, then work motivation will also increase. The work environment has a positive effect on employee performance, the better the work environment, the better the employee performance. Work motivation has a positive effect on employee performance, meaning that if work motivation increases, employee performance will also increase.

Thus it can be proved that performance is determined by integrity, professionalism, innovation, work environment, as well as motivation. Therefore, the implementation that can be taken by the leadership is to create a positive working atmosphere so that these variables are integrated with each other and create good performance.

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