

## **THE IMPLEMENTATION OF HIGHER EDUCATION AUTONOMY IN INDONESIA: PROBLEMS AND CHALLENGES**

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### **ABSTRACT**

Indonesian universities are moving toward greater autonomy. The Indonesian higher education landscape is a very complex one with around 70 public universities and almost 1,700 private universities. In June 1999, the Indonesian government issued two important laws in the field of higher education. Government regulation PP 60 covers the changes in the administration of higher education institutions, and government regulation PP 61 relates to the establishment of universities as legal entity (PTN-BH). University of Legal Entity is new in higher education governance. The legal basis for the emergence of such university is the issuance of Act No 12/ 2012 on Higher Education. State Universities of Legal Entity are state-owned universities and cannot be transferred to an individual or private party (Elucidation of Article 65 paragraph 4 of Act No. 12/ 2012). Although called State University of Legal Entity (PTN-BH), it is somewhat different from the previous term State Owned Legal Entity (PTN-BHMN), which implied that there was privatization in education. The research is carried out to know what the problems and challenges faced in the implementation of autonomy in higher education. To obtain a clear point of view from the participants, in-depth interviews were employed in this study. This study also employed questionnaires to triangulate the instruments. In-depth interviews were conducted to obtain the perception of the participants on the State Universities of Legal Entity (PTN-BH) while questionnaires were distributed to support the data gained by interviews. The research proved that the implementation of higher education reform still needs a lot of improvements.

**Keywords:** Higher education, State Universities of Legal Entity, reform, autonomy.

### **INTRODUCTION**

Higher education has become one of the fastest growing segments of the education sector. This expansion is also accompanied by diversification of providers, students, programs, and changing sources and modes of financing, all posing challenges to the management of the system. Higher education institutions have therefore been introducing reform to improve their operational proficiency.

All the reforms have one thing in common – a move away from state control toward the market. This new orientation, combined with managerial concern, has led to institutional restructuring, defined as changes in both the governance and management of institutions. Governance involves in the structures and processes of decision making whereas management implies the implementation of decisions. Making and implementing decisions might entail, therefore the creation of new structures, specified criteria for the allocation of resources to various activities, the allotment of tasks to various groups and the evaluation of performance. Structure mainly concerns the offices, positions, and formal roles within an

organization. Criteria refer to norms that form the basis for the distribution of responsibilities and resources to all lower level units within an organization.

Internally public universities in Indonesia face problems of deteriorating quality and the relevance. The existing prevailing regulation therefore must be reformed to provide a framework that will enable university management to perform its main tasks more efficiently and respond better to changing market needs. The new paradigm which consists of five pillars, namely quality, autonomy, accountability, accreditation, and evaluation has been applied as a development strategy.

Autonomy was provided by changing a university's statutory transforming it from a government institution into an independent legal entity. In 2000, four of the most established state universities were piloted to become legal entity or autonomous universities. As a legal entity, the university is separated from government bureaucracy and becomes more accountable to the public instead of to the ministry. With such statutory, a university can generate and manage its own revenue to support its operations as well as set its own salary scale. Consequently, university management has also been transformed, adopting a more corporate style.

In autonomous universities, the Board of Trustees (Majelis Wali Amanat/MWA) is the highest authority. The MWA represents the stakeholders of the university and consists of representatives from government, the academic senate, the academic community (staff and students), and society. Although this represents a major shift in university governance, a large stake is still in the hands of the Ministry, which is also represented in the MWA (Beerkens, 2002). The responsibility of the Board includes, but not limited to, oversee the general operation, budgetary control, and appointment of the Rector. The Rector appoints Deans after considering nominations from the respective Faculty's Senate. Public Universities with no legal entity statutory do not have such Trustees, and the Rector is appointed by, and report to the Minister of Education and Culture (now to The Ministry of Research, Technology and Higher Education) after considering nominations from the respective University Senate.

As of January 2000, four public universities, namely Universitas Indonesia in Jakarta (UI), Bogor Agricultural Institute (IPB), Bandung Technological Institute (ITB), and Universitas Gadjah Mada in Yogyakarta (UGM) were selected to function as "guides" in Indonesia's moving toward greater academic and financial autonomy. Progress in the first stage has focused on changes in organizational structure and the democratization of the universities. In the new structure, the university no longer has to report directly to the Ministry, but rather to the Board of Trustees (MWA). In the end of 2001, the new rector of ITB became the first Indonesian rector of a public university who was not appointed by the state but chosen by the MWA. After that UGM, UI, and IPB, also appointed the rectors by their MWA as for a five-year period. (Beerkens, 2002).

One of the most delicate issues in the transformation toward a legal entity are the changes in university funding. Modifications in the funding of public universities would entail a detailed review of the existing national budgetary laws and regulations. Until now, funding from the central government is allocated to specified areas, in the form of a regular budget and a development budget, and is rigidly line itemized. Tuition fees are another important way to generate income for the autonomous universities. Although tuition fees were already common before the transition toward autonomy, in the new situation, the universities are supposed to collect tuition fees directly from the students. Not just the allocation of tuition fees will

change, under the new arrangements, the universities themselves will also be able to set tuition fees. Not surprisingly, students are worried about the future cost of higher education, now that the responsibility of setting the level of tuition fees is no longer in the hands of the central government.

The purpose of this paper is a review of problems and challenges faced by the State Universities of Legal Entity in Indonesia so that improvements can be done by related parties in order to make an important contribution to the higher education development.

## LITERATURE REVIEW

### Autonomy

Institutional autonomy plays a significant role in attempts to define international standards of university governance. Its importance derives from the fact that research universities, in order to achieve their distinctive mission, must have a great deal of decision making freedom, particularly in matters related to self-governance, financial management, the appointment of members of academic staff, the selection of students, the choice of curriculum, and the determination of academic standards (Tight, 1992).

Autonomy and Accountability are really two sides of the same coin. Any complex task of a continuing nature which requires the participation of different people at different places, requires a management system which can determine and assign responsibilities, laying down who will do what, where, when, etc., and also the freedom to take the initiative without interference from outsiders who are not accountable to the management for the achievement of organizational objectives. Large industrial or commercial undertakings, multi-nationals and other enterprises, in respect of which every step or situation cannot be predicted, allow their regional boards and managers considerable freedom of action. Generally the degree of interference from the higher authorities in the functioning of a lower formation is determined partly by the nature of the task and partly also by the latter's record of performance (Gandhi, 2013).

Autonomy comes from the Greek word *autos* which means itself, and *nomos* which means punishment or rule, so autonomy is self-regulation (Danuredjo, 1977). An autonomous person is, fundamentally, one able to act according to his or her own direction the prerequisite for rational human action. According to Kantian Ethics, an autonomous institution is one able to regulate its own affairs. The relation between the self government of a group and individual autonomy is complicated by the need to distinguish between the collective self-government of a group and the self-direction of an individual member of that group (Reeve, 1999). Autonomy is the right to govern itself in which rights are obtained from the central government. If we take it to university autonomy, it means that the university has its own right to govern itself without being influenced by others. This means that universities should be free from political interests and economic interests. However, politically, universities are not autonomous. For example, the head (rector) is also based on the political interests in power of the government who has 35% of the vote to determine the rector at the State Universities.

Autonomy enables self-regulation by empowering the Higher Education Institution to exercise freedom in decision making in all functional aspects of their working. Accountability is the owning of academic, administrative and financial responsibilities, with pre-defined goals for each stakeholder, lecturer, student, administrative staff, and

management with the objective of providing quality education. However the key issue is striking the right balance between autonomy and accountability. Too much of operational accountability may lead to stagnation of innovation and potentially undermine the goal of autonomy itself (Lao and Saint, 2008).

It has been globally realized that innovation and creativity within universities could only flourish when autonomy is guaranteed, as also recommended in the European Commission's Communication in 2006. The recommendation was later adopted by the European Council in 2007 (Estermann and Nokkala, 2009). Nonetheless university autonomy is still interpreted differently by different concerned parties. In Indonesia, even within the academic community many interpret university autonomy as freedom in financial management only. In fact institutional autonomy, as defined by the European Council, should comprise financial autonomy, human resources autonomy, organizational autonomy, and academic autonomy (Estermann and Nokkala 2009).

### **PTN-BH (State University of Legal Entity)**

According to the theory of juridical reality (*juridische realiteitsleer theorie*), the legal entity is a reality, concrete, real, untouchable, not imaginary, but the juridical reality (Tutik, 2008). According to the doctrine and legislation, the position of PTN-BH is a public legal entity. Described in the Government Regulation No 26/2015 concerning Form and Funding Mechanism of the State Universities of Legal Entity, that PTN-BH is an autonomous public legal entity. PTN-BH has the criteria as a legal entity and can act in public law and private law.

According to Elvia Arcelia Quintana Adriano (2014), the legal entity is formulated as follows : a legal entity is a legal construct, created by the combination of five elements : an entity or subject of law, free will, subjective rights, obligation, and legal personhood." Of the five elements of legal entity, the first must have the ability to have rights. Secondly, it has free will as defined in its articles of incorporation. Third and fourth, with respect to the rights of the subject and the obligation, exist within the corporation (or the incorporated legal entity). Fifth, is the legal personality; group of people or the integrity of property (foundation) which in law is regarded as the subject of law.<sup>1</sup>

Legally, the characteristics of State Universities of Legal Entity are not mentioned in the legislation. However, if we look at some content in the existing regulations, it reflects the characteristics of the above mentioned universities. Article 53 paragraph 3 of Act No 20/2003 on National Education System says that the legal entity of education has non profit principle, and able to manage funds independently to advance the educational units. Article 65 of Act No 12/2012 says that Higher Education must have the following requirements in forming the State University of Legal Entity:

- a. Initial wealth in the form of state assets separated except land.
- b. Independent governance and decision-making.
- c. Units that carry out accountability and transparency.
- d. The right to manage funds independently, transparently and accountably.
- e. Authority to appoint and dismiss lecturers and educational staff.
- f. The authority to establish business entity and develop 2w34efunds; and

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<sup>1</sup> <http://www.kamuskbbi.id/kbbi/artikata.php?mod=view&kepribadian%20Hukum&id=37916-arti-maksud-definisi-pengertian-Kepribadian%20Hukum.html>

- g. Authority to open, organize and close the Study Program.

PTN-BH according to the Government Regulation of the Republic of Indonesia No 26/ 2015 on the Funding Form and Mechanism of State University of Legal Entity, it is clear that it is an autonomous public legal entity. Autonomy according to Indonesian Dictionary (KBBI) means: 1. Stand alone; self-government, 2. Social groups that have the right and power to determine the direction of their own actions (KBBI, 2007). Autonomy in this case contains the meaning of independence.

The first thing in legal entity is the organization. Legal entity must have organizations, both public and private organizations. There are five theoretical approaches that relate to the differences between public and private organizations. In public administration theory, a number of alternative approaches can be recognized concerning the way public and private organizations are distinguished. Based on Rainey (1997), Bozeman and Breitschneider (1994) and Scott and Falcone (1998) cited in Udo Pesch (2008) we can construct five distinct approaches : 1. The generic approach, which assumes that public and private organizations do not differ significantly. 2. The economist core approach which is the dominant approach to public organizations. This outlook is based on a distinction between the state and the market which are featured as realms in which economic goods are produced. 3. The political core approach which claims that public organization have a political influence and therefore should be dealt with as political entity. 4. The normative approach which is an extension of the political core approach. Unlike the political approach, the normative approach does not neutrally observe the political role of public organizations but emphasizes this role and tries to make use of it to fulfill the 'public interest'. 5. The dimensional approach which employs both the political approach and the economist approach.

According to Udo Pesch (2008) out of the five different approaches, only 3 approaches present the differences of public organizations from private organizations: the economist core approach, the political core approach, and the normative approach. According to the Ministry of Research, Technology and Higher Education, there are several conditions that must be met to become PTN- BH. The requirements are: accreditation of institution (with 80 percent of study programs accredited A), State University must have publication of minimum 300 articles published in Scopus indexed international journals, and State University must have income at least US\$ 400 billion.

## **Participants**

This study involved the following participants for in depth interview, namely 3 (three) students who study in universities of legal entity (PTN-BH), and 3 (three) full time lecturers who also teach in PTN-BH to obtain information regarding their perception on the university reform, and 1 official of the Ministry of Higher Education. Beside in depth interview, this study also employed self-completion questionnaires as the instrument of data collection which served as triangulation and were distributed to 30 students of university members to obtain information regarding their perception on the autonomy in universities. Moreover, researcher conducted the questionnaires to quantify the qualitative data of interviews.

## **Data Collection Techniques**

### ***In depth interview***

As mentioned above, interviews were conducted in obtaining information from 3 (three) students who study in PTN-BH and 3 (three) lecturers. I chose in depth interview because it

is a flexible and adaptable way of finding things out as stated by Robson (2002). Individual interview was done for obtaining in-depth information from the students and lecturers of PTN-BH to answer the research questions. In this study, semi structured interview was employed because it allowed the researchers the opportunity to direct the interview more closely, to have a pre-determined set of questions while simultaneously allowing the interviewees sufficient flexibility to shape the flow of information given (Wilkinson and Birmingham, 2003). May (2001) states that the semi-structured interview gives the interviewer the freedom to probe beyond the answers in a manner which would appear prejudicial to the aims of standardization and comparability. It is also adaptable, flexible, and relatively unstructured and open ended. The interviewer can ask more questions, if the answer does not come up to expectations

### ***Self-completion Questionnaires***

The self-completion questionnaire is a form of survey which involves written questioning in which it is delivered to the respondents by mail or handed to them personally by the researcher in their homes, at work, school or any other places according to Robson (2002) and Sarantakos (2005). As Sarantakos (2005) says that it allows some flexibility for the respondents in answering the questions. In order to obtain the participants' views on specific issues as well as their general views on the topic. The participants fill in the answers by themselves, and the questionnaire is returned to the researcher after completion. In this study, self-completion questionnaire is employed as one of the research instruments because of its advantages to this particular research. Questionnaire was designed in a semi-standardized one which contains a moderate structure. The combination of closed-ended questions which offered a limited set of responses or options that the participants had to choose and open-ended questions which offered broad views of the participants on the topic had been applied. Finally, the researchers agree with Robson (2002) who advises to cut down open-ended questions to a minimum.

## **FINDINGS AND DISCUSSION**

### **Students' Data**

From the interviews conducted to 3 (three) students who are currently studying at State University of Legal Entity, it is known that since 2012 the enactment of the University Act has not given a positive impact but only the negative one and one of which is the cost of education that always increase every year. The University Act, Article 62 paragraph 1 says that " A college has an autonomy to manage its own institution as the center of the implementation of university devotion". Then Article 64 paragraph 3 explicitly explains about the autonomy of universities in the field of non academic, one of which includes the financial matter. This is the mouthpiece of universities to run the commercialization of education.

Polemics up to now also emerge from the determination of the classification of tuition fee which is confusing, the provision of categories that are not transparent to the amount of tuition fee that continues to rise. The Tuition fee using a subsidized system between rich and poor students seemed to remove the government's responsibility for education, whereas there should be no distinction between the poor and the rich on access to education.

In PTN-BH, the universities still get the flow of funds from the government, but why they continue to search again? It means there is not enough funds. "And, we do not even know exactly what the additional funding is for." If autonomous university will seek funding, it

means that the university will commercialize itself. In the end the university will be touched by the rich people. Since 2013 the cost of education has continued to rise and the number of students who get the highest category of tuition fee has always increased until now. Some of these things are evidence of the commercialization of education. "The reason that campus autonomy will bring progress to the institution is not proven. University is just like a company that continues to be profit oriented while the quality of education is left behind. Students' parents are promising sources of campus income. "

Although the government always states that PTN-BH will reach out to the poor, but, in fact the Central Bureau of Statistics says that the Indonesian School Participation Rate (APS) for the population aged 19-24 years only ranges 13% in 2010. That means there are about 87 % of Indonesians who were supposed to be in college but were unable to afford due to cost issues. The universities only provide 5% of low tuition fees for the poor and 5% for the second class. This means that its affordability is very far away from the number of Indonesians who are not in college. So it can be concluded that universities seek funding is not for the affordability of the population for college.

University of legal entity has more authority in managing its finances, especially with the existence of private actors with promising financial assistance. However, in the end (as a feedback) we should not be surprised with the existence of the corporation. Let's say a fast-food restaurant or an overpriced coffee shop or whatever it might be. "Students with thick pockets, eating at such places certainly will not be a problem. But what about the students with limited money? Small canteens that usually exist with the reasonable prices of food have been changed with expensive restaurants."

In addition, with PTN-BH, the election of the rector becomes the university's full right, so it can be imagined, it is easier now to get this position, because there is no government interference anymore and it has been proven by the unfolding of bribery cases in the election of rector some time ago at a university of legal entity. "So, it will trigger corruption."

### **Lecturers' Data**

From the interviews with 3 (three) lecturers of PTN-BH, it is known that there are positive sides that can be taken with the statutory change from the State University (PTN) into the State University of Legal Entity (PTN-BH). There are many benefits perceived of non-academic autonomy. In the field of finance, for example, the use of internal funds could bail out the delay of scholarship disbursement for students and lecturers. In student activities, dynamic activities are often not accommodated by government budgeting systems whose schedules are very rigid and the amount is inadequate. "Interestingly, in PTN BH, it is stated that the country should not be off hand to supervise and provide educational subsidies. Unlike the previous statutory of BHMN, the state is independent of that authority. "

In addition, the positive side is the involvement of students as the largest stakeholders in the formulation of university policy. Some colleges that have been changed into the State University of Legal Entity (PTN-BH) have ensured the element of students in the Board of Trustees (MWA) so that the transparency process of the autonomy can work well. However, this MWA does not yet have a clear and definitive legal basis. In addition, the placement of elements of students within the MWA itself is still lacking even there are still some universities that have not included students in their MWA. It is actually detrimental to the

university, because the absence of students within MWA will cause the transparency in questionable autonomy.

Higher education must make changes towards autonomy in the framework of 21st century human resource development. It is clear that the pace of global change will require human resources with adaptive and flexible capabilities, lifelong learning skills, critical, innovative, creative and able to work together. For higher education, this means that universities should be able to be more adaptive and flexible, with the facility's ability to respond to every change quickly. Universities must be able to detect early the changes that will occur and have the capacity to develop new programs or close the existing programs according to developments in the community.

To be able to do the above mentioned action, university must have autonomy in a significant degree. With this autonomy, universities can design their curriculum and make changes to it, manage staff / personnel according to the existing workload (including relocation / other assignments), the existing resources are adjusted to the changes, and able to change the management structure that allows autonomy to be well implemented.

### **Government Official's Data**

From the interview with the official of the Ministry of Higher Education, it is known that the government is seriously encouraging more and more State Universities (PTN) to become State Universities of Legal Entity (PTN- BH). According to him, by doing this, the burden of the state to take care of higher education can be lighter. He reminded again if the establishment of PTN- BH is not necessarily associated with the tuition fee which is more expensive. The government itself has fenced off tuition fees with the application of a single tuition. With this single tuition rule, the government can control the policy of the tuition fee in every institution. To implement the Act, the Ministry of Education and Culture (MoEC) issued decree 55/2013 regulating student tuition fees in public universities, preventing over commercialism in public universities, which was considered as alarming in the last few years. By international standard, the decree is considered as an intervention of institutional autonomy, and suggested to be revoked in appropriate time. Flexibility is given however in setting the student tuition fee for postgraduate and non-regular programs.

Currently, even every university in Indonesia is competing to become PTN-BH. The reason is that campus must have non-academic autonomy, namely funding and management, easier appointment of lecturers, stimulate to produce academic work, more conducive campus, and various reasons that fall on the independency on the center. This is in accordance with Tight's (1992) statement that the research universities, in order to achieve their distinctive mission, have a great deal of decision making freedom, particularly in matters related to self-governance, financial management, the appointment of members of academic staff, the selection of students, the choice of curriculum, and the determination of academic standards.

In the concept of PTN-BH that has been proclaimed, it is stipulated that autonomy is given to state universities to act as moral force, and this is an important aspect of the current higher education reform. However, the notion of "moral force" is still abstract and needs to be translated in the form of guidance / implementation guidelines for each university.

In some universities, understanding of the changes is still confusing because of the personnel conflict of interest of some colleges. It is therefore necessary to have a public understanding



about the benefits of the change, not only at the college level but also at the level of government and parliament. Thus it is necessary to define the level of autonomy expected for each level along with the supporting arguments. Without such clarity, it is feared that there is a free autonomy interpretation by any interested parties tailored to their personal interests. Autonomy of financial management may be translated by lecturers as a salary increase, which can then result in an increase in student fees. Autonomy for students may be translated as student freedom to act freely including for example refusing the increase of the tuition fee.

The Ministry of Finance may translate autonomy as free of responsibility for college funding which could result in the loss of government functions to save the noble task it must carry. Autonomy in universities should include financial autonomy, human resources autonomy, organizational autonomy, and academic autonomy. This is in accordance with what is said by Estermann and Nokkala (2009) that "institutional autonomy, as defined by the European Council, should comprise financial autonomy, human resources autonomy, organizational autonomy, and academic autonomy."

There are two advantages with the existence of autonomy, namely: 1) higher level of accountability and 2) the ability of the government to apply its policy to the college. These two advantages seem to contradict the meaning of autonomy so far that seems to give the widest possible freedom. The autonomy approach in college funding is emphasized on output-based and non-input-based calculations.

For this purpose, it needs to define the output carefully and can be used by the community to measure the output produced by universities in the form of the number of graduates, the quality of the graduates and their relevance to the national needs. This is to show the public, the accountability of funds used by universities. Input-based funding (eg by the number of lecturers) has a greater risk of abuse because it will be used more for the lecturers' personal interests and does not lead to institutional productivity. As a result the efficiency of the use of funds cannot be achieved.

So far, the financial system in PTN-BH has been lack of flexibility, such as difficulties in managing the budget given by the Ministry of Higher Education, so that the absorption of the budget is low and the financial report system applied by the Ministry of Finance is quite complicated and not in line with dynamic academic activities." PTN-BH should have at least five powers, namely self-governance, self-funding, transparency and accountability, the authority to appoint and dismiss lecturers and education personnel, the authority to establish business entity and develop funds, and the authority to open, organize and close the study program.

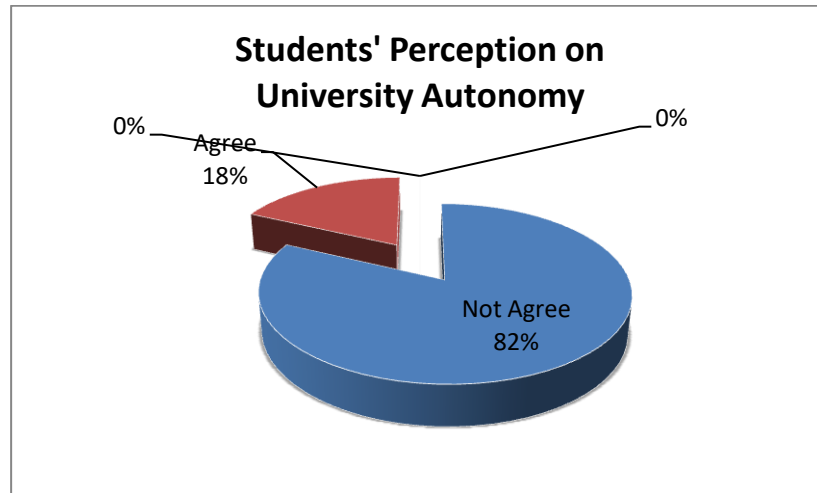
The anxiety of commercialization and liberalization of education behind the Act No. 12/2012 is a hypothesis that needs to be tested further with empirical data. Allegations and prejudices are not empirical evidence that deserves to be used as a tool to test the hypothesis scientifically.

### **Questionnaires' Data**

To be able to dig deeper information related to the perspective of students on state universities of legal entity, the researcher distributed 30 questionnaires. Triangulation is done to get a better picture on student perception on PTN-BH. Out of the 30 questionnaires distributed, 82% say that they do not agree with PTN-BH. It is different from previous years

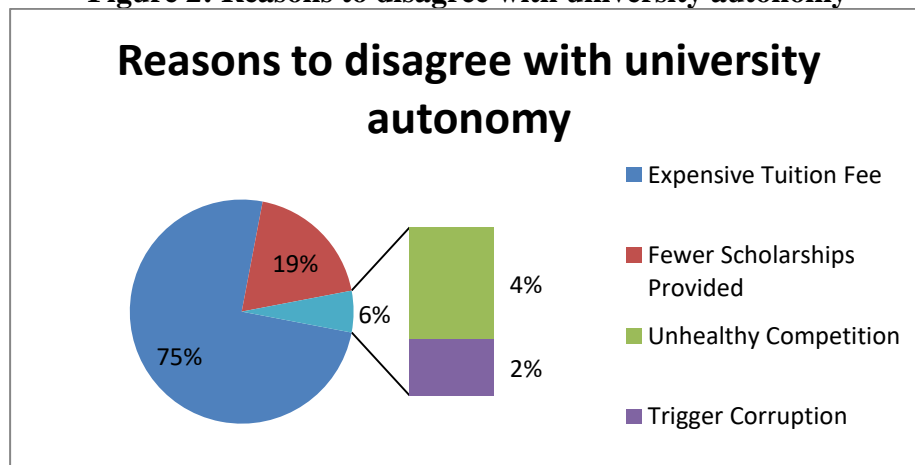
ago when their siblings studied in state universities. The tuition fee was inexpensive. Meanwhile 18% say that they agree with the autonomy in universities in order that campus is not politized by the government and university does not become the mouthpiece of the government as seen in Figure 1.

**Figure 1: Students’ Perception on university autonomy**



The reasons students disagree also vary. 75% of the students answer that the cost of education is expensive, 19% answer that scholarships for high school students who are directly accepted at university PTN-BH is getting fewer, because the universities rely on fees from parents of new students. 4% of them say that with the change of PTN into PTN-BH, it creates wider corruption loopholes due to the lack of government oversight. While 2% of the participants answer that there is unhealthy competition among the universities because universities are competing in terms of luxurious buildings and facilities but no longer paying attention to quality aspects in teaching and learning process, as can be seen in Figure 2 below.

**Figure 2: Reasons to disagree with university autonomy**



**CONCLUSION AND RECOMMENDATION**

From the research results described above, it can be concluded that in the concept of the State Universities of Legal Entity (PTN-BH) that has been proclaimed, it is stipulated that autonomy is given to state universities to act as moral force, and this is one of the important

aspects of the current higher education reform. But the notion of "moral force" is still abstract and needs to be translated in the form of guidance / implementation guidelines for each university. Therefore, the authors suggested that there should be a public understanding of the benefits of the change, not only at the college level but also at the level of government and legislature. Thus it is necessary to define the level of autonomy expected for each level along with supporting arguments. Without such clarity, it is feared that the free autonomy translation by any interested parties will be adjusted to their own personal interests since education is not only the right of every human being, but also a public instrument that guarantees student integration in civil society and equitable access in obtaining it without discrimination of any social class.

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