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## PREFACE

Praise and thanksgiving, we pray to God Almighty because, for the blessing of His grace and guidance, the author is very grateful because this book can be resolved smoothly and various obstacles encountered can be resolved properly; without His permission, of course, the author could not complete this book.

This book chapter is a compilation of scientific articles featured in the “Call for paper” event. The implementation of the event and the preparation of this book is an effort to always gather ideas from various academics throughout Indonesia. This gathering is an effort to develop scientific substance in the field of education, politic, health, economic, culture, law, and taxonomics.

This book chapter consists of twelve chapters: (1) Youtube Tutorial Videos and Learning Speaking skill: A study in an Indonesia High School, (2) Transfer of Land Rights as Dowry in Marriage according to National Agrarian Law, (3) *Circumonchobothrium (Postovilata) Pahujensis* N. SP. From Edible Fish *Channa Punctatus* of Bundelkhand Region of (U. P.) India, (4) The Existence of Village Owned Enterprises (BUMDES) Towards Improving the Economy of the West Tapango Village Community KEC. Tapango KAB. Polewali Mandar, (5) Revocation of Political Rights for Convicts of Corruption Crimes,

(6) The Impact of Blended Learning on Learning Enthusiasm in an Indonesian High School, (7) Covid-19, Treatment Issues and the Fear of Survival Among HIV/AIDS Patients in Malakand Division, Khyber Pakhtunkhwa, Pakistan, (8) Juridical Analysis of the Executive Power of the Constitutional Court Decision (Study of the Constitutional Court Decision Number 50/PUU-XII/2014 Juncto Constitutional Court Decision Number 39/PUU-XVII/2019), (9) The Urgency of Enforcement of the Outline of State Policy in the Presidential System in Indonesia, (10) Blended Learning and Online Learning During the COVID-19 Pandemic, (11) Gamification, (12) Cocoa as the mainstream of Nigerian Economy, (13) The Benefaction of EFL Teacher Communication Skills on Students' Oral Communication Performance in Blended Class.

This book has been reviewed by the reviewer team appointed by the committee following the field the expertise he has. The reviewer team has also corresponded with the author several times to discuss to improve the chapter. Preface perfection belongs only to God Almighty, so this book is not perfect either. For these imperfections, we apologize following suggestions and corrections very much we hope. For this effort, hopefully, this book brings benefit to all of us. Amin

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The Benefaction of EFL Teacher Communication Skills on  
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# Youtube Tutorial Videos and Learning Speaking Skill: A Study in an Indonesian High School

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## Introduction

According to Chaney (1998:3), “speaking is the process of building and sharing meaning through the use of verbal and nonverbal symbols in a variety of contexts. Speaking is a crucial part of second language learning and teaching.” It means students should be able to communicate with the others to get or to share information and/or to express what they feel.

However, many students in the school think that speak in English is hard to do. Properly, the teacher ought to know the condition of classroom, the character of students and what the students need. So, the teacher can use the appropriate strategy during the learning process. There are many kinds of method or strategy that the teacher should be able to use to improve the students speaking ability, and the researcher wants to provide an audio visual media that is video to present the speaking materials to the students.

In addition, the development of information and telecommunication technology grows globally, nowadays. It has been playing important role and can be used for various purposes in human life all over the world for the latest few years. For example, people use their smart phones or computers to access various information from global networking that is know as internet. This global development of information technology surely can also be used for educational purpose. It offers learners online materials like websites for learning which can be integrated and utilized by the teacher in teaching process, such as YouTube website



(Almurashi, 2016).

YouTube has become one of the most *popular* websites in the world (Almurashi, 2016) It offers fun and fast access to instruction, culture-based videos, and language from all over the world. In addition, according to Watkins and Wilkins (2011), Using YouTube both inside and outside the classroom can enhance conversation and pronunciation four skills of the students. Besides, YouTube also promotes authentic vocabulary development. YouTube tutorial video is an audio visual media that produced sound, concrete picture, color, and the role of something procedure. Tutorial video distributes language comprehension activities through viewing the visual element orderly, listened the correct pronunciation, stress word or intonation, spelling, and structure or language pattern.

Tutorial video also help the students to improve their speaking skill by stimulating the students through visual elements orderly. In other hand, at the beginning of 2020 the whole world is shocked by the emergence of a *new* pandemic that affects all aspects of life, namely the Corona Virus Pandemic (Covid-19). The Covid-19 pandemic has a major impact on the educational aspect, especially in the learning process directly at school. World Health Organization (WHO) has instructed all countries to be careful and jointly to face this Corona Virus. The prevention efforts that have been delivered by WHO include maintaining healthy lifestyle, always washing hands, wearing masks, and social / physical distancing.

Since the emergence of the Covid-19 pandemic, all aspects of life including work carried out from home (WFH), buying and selling transactions should be with due observance of health protocols, and also teaching and learning activities at school have been carried out from home as a preventive effort with social / physical distancing. Learning activities that usually take place face to face at school is moved to home with an online system.

The government, in this case the Ministry of education in Indonesia, has made various efforts to continue to carry out the

learning and teaching process on an online basis, namely providing education funding to meet the needs of students and teachers in the online learning process so that it remains maximum and of a quality. On the other hand, the author sees that in addition to students and teachers being more flexible in the learning process with online-based learning, this pandemic is also able to accelerate education 4.0, a distance learning system by utilizing information technology. So, YouTube has become one of the best media in the online-based learning process in the midst of the Covid-19 pandemic, because it can be accessed anywhere and anytime as long as students and teachers are able to connect to the internet. Looking at those advantages above, it is obviously that by using YouTube video the students will have better exposure toward speaking aspects like pronunciation, structure, vocabulary, and intonation which then resulting at improvement on the other aspects of speaking namely comprehension and fluency (Muthmainnah. M., 2023)

Looking at those advantages above, it is obviously that by using YouTube video the students will have better exposure toward speaking aspects like pronunciation, structure, vocabulary, and intonation which then resulting at improvement on the other aspects of speaking namely comprehension and fluency.

Based on the explanation above, the researcher will use YouTube Tutorial Video to improve students' speaking skill, because it can help them to enrich their experiences and their ideas, and also to make them more interested in English learning process. So, the researcher will conduct a research entitle The Use Of Youtube Tutorial Videos To Improve Students'

## **Discussion**

1. Classification of students' Interest toward the speaking achievement of the second year students of English education department at UIN Alauddin Makassar.

The percentage of students interest in learning speaking of the second year student of English education department at UIN Alauddin makassar rates based on the questionnaire of 82

students from the two classes. It can be seen that of the 82 students, there were 12 (14.6%) students who got very high score, 57 (69.6%) students who got high score, 12 (14.6%) students who got moderate score, and there was 1 (1.2%) student who got the low score . The highest score of students' interest was 123 and the lowest score was 64.

2. Classification of students' motivation toward the speaking achievement of the second year students of English education department at UIN Alauddin Makassar.

The percentage of students interest in learning speaking of the second year student of English education department at UIN Alauddin makassar rates based on the questionnaire of 82 students from the two classes. It can be seen that of the 82 students, there were 11 (13.4%) students who got very high score, 59 (72%) students who got high score, 11 (13.4%) students who got moderate score, and there was 1 (1.2%) student who got low score. The highest score of students' motivation was 125 and the lowest score was 64.

3. The Classification of students' speaking achievement of the second year students of English education department at UIN Alauddin Makassar.

To prove this research, the researcher continues this research by taken document in the form the students' speaking score from speaking lecturer at UIN Alauddin Makassar. The percentage of students' speaking scores in learning speaking for three semesters. There were 71 (86.6%) out of 82 students were categorized as very good, 9 (11%) out of them were categorized as good, 1 (1.2%) out of them were categorized as poor, and the rest 1 (1.2%) of them belong to very poor. Data showed that most of the students have very good classification of speaking.

4. The Mean Score of students' interest, motivation and speaking achievement

The mean score of interest was 95.6 categorized as high classification, the mean score of motivation was 96.1 categorized as high classification and the mean score of speaking achievement was 94.1 also categorized as high classification.

5. The Correlation between students' interest and motivation toward the speaking achievement.

To find out the correlation coefficient, the questionnaire scores (interest and motivation) as the X variable and the students' speaking scores as the Y variable were calculated using the Product Moment Correlation by SPSS 22 program for windows.

a. The correlation of students' interest toward the speaking achievement of the second year students of English education department at UIN Alauddin Makassar.

		interest	Speaking
Interest	Pearson Correlation	1	-.123
	Sig. (2-tailed)		.269
	N	82	82
Speaking	Pearson Correlation	-.123	1
	Sig. (2-tailed)	.269	
	N	82	82

In the table above, it can be seen in the Pearson correlation between interest and speaking that the number was -0.123. This figure shows that the two variables have a weak correlation because it was below 0.5. The negative sign (-) indicates the opposite relationship, if the interest was high then the speaking was low, and vice versa. Then seen from the significant value, based on the probability value: if the probability value was  $> 0.05$  then there was no correlation and vice versa if the probability value was  $< 0.05$  then there was a correlation. The probability value of sig. (2-tailed) interest with speaking =  $0.269 > 0.05$  which means there was no significant correlation.

From analyzing the data above, the correlation coefficient between interest and speaking achievement was obtained -0.123 it means that between both variable categorized as very low correlation. It can be seen at simple classification table by Arikunto 2013.

- b. The correlation of students' motivation toward the speaking achievement of the second year students of English education department at UIN Alauddin Makassar.

		motivation	Speaking
Motivation	Pearson Correlation	1	-.130
	Sig. (2-tailed)		.243
	N	82	82
Speaking	Pearson Correlation	-.130	1
	Sig. (2-tailed)	.243	
	N	82	82

In the table above, it can be seen in the Pearson correlation between motivation and speaking that the number was -0.130. This figure shows that the two variables have a weak correlation because it was below 0.5. The negative sign (-) indicates the opposite relationship, if the motivation was high then the speaking was low, and vice versa. Then seen from the significant value, based on the probability value: if the probability value was  $> 0.05$  then there was no correlation and vice versa if the probability value was  $< 0.05$  then there was a correlation. The probability value of sig. (2-tailed) motivation with speaking =  $0.243 > 0.05$  which means there was no significant correlation.

From analyzing the data above, the correlation coefficient between motivation and speaking achievement was obtained -0.130 it means that between both variable categorized as very low correlation. It can be seen at simple classification table by Arikunto 2013.

### Conclusion

The result of the correlation coefficient of students' interest in speaking achievement was -0.123. The results showed that there was very low correlation between students' interest toward the speaking achievement. The result of the correlation coefficient of students' motivation in speaking achievement was -0.130. The results showed that there was very low correlation

between students' motivation toward the speaking achievement.

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# Cocoa as the mainstream of Nigerian Economy

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## Abstract

Cocoa was one of the major sources of foreign exchange before the discovery of petroleum in commercial quantities in Nigeria in the early 60s. During the period, cocoa contributed substantially to the economy of the country particularly in the southern part of the country where it was grown in commercial quantity. Going forward to the present, cocoa has taken a back seat in the economy of the country due to neglects suffered by agriculture as a whole due to focus on exploration of oil. This chapter is coming to review some of the benefits of cocoa to the mainstream economy of Nigeria if taken with all seriousness and all hands put on deck to its resuscitation for the benefits of the producers (farmers) and the governments at various levels. This chapter also made some vital recommendations towards the cocoa revitalization which has been attempted by successive governments but without appreciable success due to peculiarities of the country when it comes to policy formulation and implementations by the stakeholders. As bad as the situation of cocoa is in Nigeria, it is in no doubt one of the favourite cash crops providing livelihoods to thousands of farmers across the country.

Keywords: Cocoa, Nigeria, resuscitation, agriculture, foreign exchange.

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## Introduction

Cocoa has contributed immensely to the development of Nigerian economy in the past before the advent of crude oil that

now provides majority of the revenues and foreign exchange for government [1]. Cocoa (*Theobroma cacao* L.) was introduced to Nigeria in 1887 [2] and by the 1960s, Nigeria was rated the second largest world's producer [3]. Cocoa provides livelihoods for millions of people in over 50 countries in Africa, Latin America, the Caribbean and Asia. In major producing countries, the income of around 2.5 million small producers and their families depends on cocoa production. The livelihoods of an estimated 14 million rural workers involved in cocoa picking on big plantations and cocoa processing factories also directly depend on cocoa. Although its contribution to the total national exports earning during the past two decades have dropped considerably due to the enormity of foreign exchange earning of crude petroleum. Despite all these, cocoa remains Nigeria's major agricultural export of which the country was the fifth largest exporter of the crop in the world [4]. [5] reported the spread of cocoa led to changes in the pre-existing pattern of labour employment. The increasing demand for labour in the area of production and marketing in the cocoa belt area contributed to the overall development of a different pattern of labour migration in Nigeria.

In recent time Federal and state governments in Nigeria have made it a matter of policy to diversify the present over dependence of the country's economy on oil, by focusing on tree crops such as cocoa and food crops such as cassava production which is a reflection of the setup of the presidential initiative on the production of these crops. As a result of this, more people are going into establishment of cocoa plantation which in the long run necessitated the spring up of more cocoa plantation and participation of many people in cocoa marketing in Nigeria. In an attempt to appraise performance of institutions involved in cocoa marketing, in order to assess how well the process of cocoa trading is operated with emphasis on the profitability performance of the participants, critical economic evaluation of institutions involved is essential in the frame work of efficiency, equity, stability, technology, price stabilization, level of output and product risks which the economist consider, as an important



issue, since research has shown that the type of pricing policies ,pricing procedure pricing technique , pricing strategy adopted and the set of polices arrived at in an industry influence the performance in such industry [6].

## **2. Contributions of cocoa to the economy**

Cocoa to the farmer is an important tropical tree for income earning which is used for the upkeep of his family by using the proceeds to meet the needs of his household including foods and non-food needs. The proceeds of cocoa in the olden days have been used by the farmers to send their children to school some of those sponsored with the proceeds are now professors and have since reached the pinnacle of the careers. On the other hand, the government sees cocoa as a premium cash crop whose export provides much needed foreign exchange for financing capital projects as it was in the southern Nigeria pre and post-independence with the proceeds from its exports used in building schools and other important monuments which are still noticeable on today's south western Nigeria. By 1962, Nigeria has become the world's leading cocoa producer with twenty percent of the world total production. The production level dropped to 16 percent before the end of the 1960s losing her prime position to Brazil and Cameroon. Within two decades, Nigeria's cocoa production capacity has reduced drastically the major reason being the lack of attention paid to the productive capacity by cocoa farmers who are majorly small-scale farmers. Despite this cocoa remains the leading major foreign exchange earner in the agricultural sector in Nigeria. Through cocoa production, employment opportunities are opened to Nigerian populace in different aspects of cocoa production, processing and marketing [1]. Apart from the direct contributions of cocoa to the economy through provision of revenues to farmers and governments, it has also provided gainful employment to teaming youths in direct and indirect forms [6]. Among others, cocoa production in Nigeria performs the following economic roles. Provision of raw materials for cocoa industries, Provision of revenue for the government, it contributes to aggregate export earnings and provides sources of income to farmers and to many

other groups. It also provides market for various agro-chemicals such as herbicides, insecticides, fungicides and fertilizers. It also provides employment for thousands of people both at the farm level and at the industrial processing stage. Cocoa is a concentrated food with high nutritive value. It provides carbohydrate, protein, fat and minerals. Again it is usually used for making beverages, wine, chocolate, cream and livestock feed. In 1962, Nigeria was second largest cocoa producer in the world with about 97% of its total production coming from the southwestern region [7]. In recent time, however, the trend seems to have changed with production consistently below 1970 figure, which stood at 30,700 tonnes. The fall in cocoa output may be attributable to two reasons. First, is the Dutch disease, which caused negligence of the agricultural sector by the past administrations due to the discovery of the petroleum resources, which accounts for about 97% of the nation's foreign exchange earnings.

### **2.1 Problems militating against cocoa production in Nigeria**

Cocoa production presently faces a lot of challenges that cannot be overemphasized. Among the leading problems faced is the neglects suffered by the subsector in the formulation of policies for the development of cocoa by the stakeholders lately. All the emphases on agriculture have been centered largely on food production. Cocoa is not included among the priority crops of the government of the day for example as the attention has been largely on cashew and few other cash crops. Another problem facing cocoa production in Nigeria is the issue is the technology; the production is not mechanized unlike in developed countries the production is still left in the hands of the old farmers who are mostly uneducated. Marketing is another problem confronting cocoa production in Nigeria, as expected the farmers are left in the hands of market speculators for price which fluctuates at will thereby making the farmers vulnerable to price shocks thus exposing them to associated risks.

Furthermore, the inherent problem associated with cocoa production such as inadequate investment of public and private sectors in cocoa production, rising costs of production, price

instability, differences in management systems and declining productivity due to ageing trees [8]. The magnitude of the problems has affected the position of Nigeria in world production of cocoa bean. By 1994 cocoa production statistics showed that Nigeria was sixth in cocoa production with 135,000 tonnes, while Ghana, Indonesia, Brazil, Malaysia has 245,000 tonnes, 260,000 tonnes, 300,000 tonnes, 220,000 tonnes respectively and Cote D'ivoire has 840,000 tonnes [9].

Similarly, poor infrastructural architecture of the country has also contributed to the problems facing cocoa production in the country as moving the cocoa from the farms to cities where they are graded has been a problem. Drying cocoa has also been dependent on the weather unlike what obtains in the developed countries like Latin America where cocoa is dried by modern dryers to preserve its quality and grades unlike in Nigeria.

Again, diseases and pests are other problems facing cocoa production in Nigeria. The high incidence of pest and disease infestation is considered by many farmers to be the major cause for low cocoa yields [10]. Three major diseases and pest of economic significance exist: (i) swollen shoot caused by virus, (ii) black pod caused by fungus and (iii) capsid, which feed on plant tissues (shoot and pods), eventually killing them. Many diseases affect cocoa on the field. Some of them are *phytophthora* black pod disease, *phytophthora* canker, *phytophthora* seedling blight, *Theilaviopsis* pod rot, cocoa swollen shoot virus (CSSV) disease, *Cherelle wilt*, *charcoal pod rot* and *Collar crack* disease [11].

Black pod disease probably appeared as soon as cocoa was introduced in Ghana and it is considered to be the most destructive among all cocoa diseases which attack the developing cocoa pod. It is caused by soil-borne fungus *phytophthora* and is most prevalent during the wet season. The disease is worse in the areas of heavy rainfall. The disease can cause severe damage, rotten both small and large pods. Coupons, seedlings (in the nursery) and leaves of cocoa can be attacked and destroyed under conditions of long periods of cool and rainy weather. Deduction from analysis of data from the Cocoa Research Institute of Nigeria (CRIN) indicates that pod

loss due to black pod diseases infection varies with variety of cocoa. The average per cent pod loss over the years 1962-1993 was 7.56 for Amazon I, 6.56 for Amazon II, 7.01 for Amazon III and 13.03 for Amelonado. This is not quite different from the rest of West African countries [12]. Generally, losses due to *P. megakarya* range from 60-80 per cent in newly affected farms to about 100 per cent in old affected farms in the black pod season (May to mid-June). Losses for *P. palmivora* are estimated at 4.9 percent to 19 per cent [13]. This deadly disease, through yield reduction, also reduces farmer's revenue and the country's export earnings. The recommended method of control was to remove the affected pods and also to harvest the matured pods at short intervals. However, harvesting at short intervals does not meet the requirements for proper fermentation to obtain quality dry beans. Farmers therefore, prefer harvesting at long intervals, which unfortunately promotes a high incidence of the disease. Since the mid-1980s fungicides have been recommended for the control of the disease [10]. [14] suggested noted yield loss could be reduced through the use of chemical control agents (synthetic pesticides) which have been favored because of their effectiveness (it diminishes with time in many cases), their relative shelf life (when properly stored), and the ease with which they can be transported, stored and applied. It should however not be forgotten that cocoa farm families spent huge amount of money in the procurement and application (labour cost) of these chemicals thus draining the income of these poor small-scale farmers.

[15] estimated the determinants of the occurrence of black pod disease of cocoa. He uses the probit analysis approach to determine the influence of some explanatory variables such as availability of fungicides, price of fungicides, price of cocoa beans and labour availability among other things. The parameters of the probit model were estimated by maximum likelihood estimation rather than by Ordinary Least Square. Price of fungicides was a significant determinant of the probability of cocoa farm having black disease ( $P < 0.05$ ). This simply means that the higher the price of fungicides, the higher

the probability of occurrence of black pod disease. In addition, price of cocoa beans was significant determinants ( $P < 0.1$ ) of the probability of the occurrence of black pod disease. That is, the higher the price of cocoa beans, the lower the probability of the occurrence of the disease. It can therefore be inferred from Oluyole's analysis that increase in the producer price of cocoa can help reduce the probability of occurrence of black pod disease. However, none of these studies focus on the effects of fungicide application on output and how efficient the chemical is used in controlling the disease, hence this study bridge that gap of knowledge.

Capsids which causes the swollen shoot disease were first identified as serious cocoa pests in the early part of the cocoa beans industry's history, 1910 [16]. In the mid-1950s, it was estimated that about 50 per cent of the total cocoa area was severely damaged by capsids, serious attempts to control the insects were made in the late 1950s and directed by government who organized two mass spraying campaigns. The first covered only the western part of the Ashanti Region [10]. Following mass spraying campaigns, responsibility of capsid control was then transferred to farmers. It was reported that by early 1960s, capsid damage had been brought under control [17]. Since then, the supply of insecticides and spraying machines has not been adequate to meet estimated requirements for effective spraying of all cocoa farms. A country-wide mass spraying campaign was designed and implemented to cover only the Ashanti and Brong Ahafo Regions during the 1978/79 season; it was subsequently terminated without achieving the target. In the 1970s, capsid damaged accounted for an estimated 50,000 to 75,000 tonnes in the production loss each year (World Bank, 1980) in respect of the application of fungicides against black pod disease and insecticides against swollen shoot disease, various suggestions have been made. [18] suggested early spraying in the season and application repeated every three weeks until rains ceased. Cocoa Research Institute of Ghana also recommends an average of seven to eight times of spraying fungicides per season and three to four times of insecticides spraying per cocoa season. The

foregoing presupposes that chemical control of cocoa diseases (mainly black pod and swollen shoot diseases) is feasible, acceptable and desirable, that's, technically possible, practically feasible, environmentally acceptable, economically desirable and politically advantageous. However, in the face of escalating costs of agricultural input (insecticides and fungicides), economic desirability appears very questionable. [10] found the following to be some of the reasons for farmer's inability to spray their farms as often as recommended: lack of adequate quantities of insecticides, lack of funds to buy insecticides and unavailability of motorized spraying machines. It follows that, given that these constraints persist, an increase in the usage of insecticides resulting from low cost (subsidization) of insecticides would increase output per hectare and hence increase farmers revenue. The studies on cocoa insects and diseases and their control reveals that there is a knowledge gap concerning the magnitudes and the directions of the effects of the application of fungicides and insecticides as well as their frequencies of application on the output of cocoa in Ghana's cocoa bean industry.

Cocoa, just-like any other crop; is responsive to rainfall and highly susceptible to drought and the pattern of cropping of cocoa is correlated to rainfall distribution. There is a significant correlation between cocoa output yield and amount of rainfall over varying interval prior to harvesting. In Ghana, a year with high rainfall is followed by a year with larger crop output, though the correlations not applicable in all years [19]. [20] reported both positive and negative correlations between rainfalls in certain months with the mean of yield crop in Ghana. The annual total rainfall in the cocoa growing regions of Ghana is less than 2000mm. The rainfall distribution is bi-modal from April to July and September to November. Cocoa as a tropical crop can only be profitably grown under temperature between 30-32C mean max and 18-21C mean minimum and absolute minimum of 10C, Temperature has been related to light use efficiency with temperatures below 24°C having a decreasing effect on the light saturated photosynthesis [21].

Lastly, land tenure system in Nigeria has contributed adversely to the development of cocoa production in Nigeria as the lands for its cultivation are not readily available to the willing farmers. Though, there was a land use act of 1978 promulgated to make land more available to agriculture in Nigeria. Under this act, all lands in a state supposedly belong to the state government with the power to allocate such land vested in respective state governors. However, the implementation of this laudable act has been very slow as the lands are still being controlled by the land speculators who do not relinquish such lands at will and not for tree crop plantation where they do. Various communal clashes have erupted due to this and it has affected the fortunes of cocoa production in Nigeria because cocoa farms are often destroyed during some of these clashes thereby causing economic damages to both the farmers and the governments.

## **2.2 Factors affecting cocoa production in Nigeria**

Various authors have written extensively on those factors that are affecting cocoa production in Nigeria. Models of cocoa supply in Nigeria are found more frequently in the literature than models of other perennial crops in the economics literature, the sum total of models of perennials in general including cocoa models remains unimpressive [22]. The biological lag between the planting decision date and output date presents unique challenges for econometric modeling not only for cocoa, but also for all perennials. Empirical problems also arise because of incomplete, unrecorded or missing data pertaining to plantings, removals and re-planting, yield variations and yield composition.

The cocoa supply modeling literature has therefore evolved as different analysts have tried to obtain more accurate forecast models by taking into account not only the lag but also other exogenous factors that affect output; for example, cocoa output price instability, cocoa production variability, probably caused by bad weather and also the availability of inputs for production (or rather the lack thereof) have all received considerable attention in the literature.

According to [22], studies on cocoa modeling can be divided into three broad categories. First, some studies model the supply of cocoa as a “*technological*” function of the stock of cocoa trees and fertilization effects resulting in long-run or a short-run function that takes into account price and weather shocks. Second, a traditional partial-Adjustment supply model has been used with properly defined elasticity of domestic producer prices. Finally, few studies have estimated the supply response to changes in producer prices in neighboring countries. These studies have generally found that smuggling explains supply fluctuations better than most other variables. [23] made an important contribution to the first group (technological capacity model). As a first step, he estimated a long-run production capacity for Ghana based on tree yields among several variables measuring the chemical spraying of cocoa trees that had a built-in ratchet effect [23]. As a second step, his short – run function included the previously estimated production capacity, real producer price and rainfall variables. Both equations were estimated separately for the three major cocoa producing regions in Ghana, and the short- term price elasticities of supply were found to be of similar magnitudes, ranging between 0.14 and 0.22.

The second and the largest group of empirical studies have concentrated on the traditional partial-adjustment model using several domestically determined explanatory variables [24]. In these studies, the estimated equations and the results of those estimates are similar. As a representative example, [25] have regressed the actual production on its lagged value, an estimate of cocoa production capacity, producer prices of cocoa, and the producer prices of competing food crops. The estimated own short-run and long-run producer price elasticities were 0.22 and 0.62, respectively, and the cross-price elasticities estimated at -0.14 and -0.40 respectively.

The third group of authors focused on the price incentives to smuggle to explain why the officially recorded cocoa production stayed for several years above or below its estimated production capacity. These authors realize that cocoa is a *Golden*



*Cash Crop* that can be easily smuggled, because the borders with Cote d'Ivoire and Togo are practically unguarded. As early as 1982, [26] regressed cocoa output on real prices (both in first-order differences) and a rainfall variable; in addition, their equation included three variables lagged one year: cocoa output, real producer prices, and the Ghana-Cote d'Ivoire price differential (all in level).

Both short-run and long-run domestic producer price elasticities were low and statistically insignificant. However, their models showed the strong impact of price development in Cote d'Ivoire: raising the price differential by 1 per cent lowered the Ghanaian supply of cocoa by one-quarter of 1 percent. In other words, the official sales of cocoa to COCOBOD/Ghana might have fluctuated because of smuggling rather than changes in cocoa output growth.

[27] in estimating the regional motivation to smuggle cocoa to neighboring countries, found that as much as 50 percent of the crop in some regions may have been smuggled either to Cote d'Ivoire or to Togo. As a result, he found that virtually all new cocoa plantings in Ghana in the 1970s and 1980s were made in areas adjacent to Cote d'Ivoire and Togo in order to minimize the cost of transporting smuggled cocoa. [28] formulated and tested a general equilibrium model of Ghana's economy that features parallel foreign exchange and consumer good markets, and cocoa smuggling.

There is evidence that liberalization has led to declining quality and yields, which reduces the premiums available on international markets for cocoa. This is because cocoa marketing boards were used to prevent the sale of small beans and ensured tight quality control; restrictions that were lifted with liberalization and market deregulation. Despite the lessons of the problems encountered when coffee markets were liberalized, no alternative systems have been put into place (with the exception of Ghana, which plans to keep government imposed quality controls). Regulatory boards are needed to replace the old marketing boards. Their activities should be aimed at monitoring markets (including adequate level of competition between

intermediaries), but also at leveling the playing field for small farmers through technical assistance, provision of credit guarantees and building storage facilities (to ensure quality and enable crops to be used as collateral). When appropriate, import duties on inputs need to be eliminated and competition between input suppliers encouraged. The cocoa industry is currently developing many different hybrid varieties with particular attributes; disease and pest resistance, flavour, yields etc. These new varieties could help protect small farmers against catastrophic loss of their crop through weather, disease or pests. While these new varieties would mean higher and more stable yields for small farmers, their widespread introduction might contribute to more oversupply. These varieties work best for larger plantations because they require greater use of chemical inputs to which are unaffordable for small farmers. Increased use of inputs also raises environmental concerns. However, technical assistance to improve yields and quality by using traditional varieties of tree and growing methods would be desirable as they are more suited to smallholder production and better protect the environment.

Low soil fertility has been identified as one of the major causes of decline in yield of cocoa. The significance of fertilizer in ameliorating this problem will go a long way to boost cocoa production. Replacement of soil nutrients that are being mined through cocoa pod harvest annually cannot do without application of fertilizer. Adequate application of fertilizer has been found to increase agricultural output. Traditionally, Ghana's cocoa was grown with minimum purchased inputs, although it has long been recognized that soil nutrients reserves would become exhausted [29]. [30] argued soil nutrients availability had indeed become limiting to cocoa yields and reported a doubling of yields in Ghana from the applications of 4.94bags of triple superphosphate and 2.47 bags of marinate of potash per hectare over 4 years. According to [31], fertilizer could increase food production by at least 50 per cent.[32] in their work noted that, an effective use of fertilizer on cocoa would help not only to improve yield but also has the

advantages of profitability, product quality and environmental protection. [33] noted that tremendous increase in fertilizer use has the highest potential of increasing productivity.

[34] used regression analysis to assess the determinants of the quantity of fertilizer usage on cocoa production. The quantity of fertilizer used was regressed on explanatory variables like farm size, fertilizer availability, and rate of fertilizer application and the price of fertilizer. They showed that the farm size as well as the price of fertilizer was much more critical in determining the quantity of fertilizer to be used. However, the fertilizer availability as well as rate of fertilizer application has no influence on the quantity of fertilizer used by cocoa farmers. However, these authors did not quantify the effects of fertilizer quantity and its usage on annual cocoa production and, hence this work seeks to fill that gap.

### **2.3 Potentials of cocoa production in Nigeria**

As earlier stated, there are lots of potentials inherent in cocoa production waiting to be tapped just like agricultural sector as a whole. The policy makers in Nigeria have not really tapped into the benefits of cash crop production especially cocoa on attaining food security in Nigeria. For instance, if the potentials are well tapped it could be used as a navigating window to attaining food security in Nigeria. If the cocoa sub-sector is properly managed it could provide more income to the farmers that would in turn be used to meet their dietary needs in their respective households. Some of the cocoa farmers on the other hand could use the proceeds from their cocoa to establish mechanized farms that produce food crops in quantities sufficient to feed their households and surplus sold.

Again, if the value chain of cocoa production can be well managed it can generate a lot of employment opportunities for the teaming youths as the manufacturing sectors that will engage in the transformation of the cocoa bean to chocolate and other products will provide millions of direct and indirect employments. This will correct a situation whereby the farmers

that produce cocoa see beverage drinks which are products of what they produced as luxury.

Furthermore, the development and enhancement of the cocoa value chain will ensure a well-nourished society where people will have access to nourished foods fortified with cocoa products especially the children and ensure their brain development.

In the same vein, cocoa stands a chance to enhance the revenue generations for government to meet her primary obligations to the citizens of the country by providing foreign exchange that will be used to fulfill some obligations such as security, provision of essential services, education and health facilities among other things. Due to its importance, the recent Federal Government's concern of diversifying the export base of the nation has placed cocoa in the center-stage as the most important export tree crop. Evidence has, however, shown that the growth rate of cocoa production has been declining, which has given rise to a fall in the fortunes of the sub-sector among other reasons. Folayan *et al.*, (2006) noted that cocoa production in Nigeria witnessed a downward trend after 1971 season, when its export declined to 216,000 metric tons in 1976, and 150,000 metric tons in 311986, therefore reducing the country's market share to about 6% and to fifth largest producer to date. In fact, the recent cocoa stakeholders forum held in Calabar, Nigeria by the Presidential Initiative on cocoa was to deliberate on the state of the cocoa sub-sector and reach consensus on how investments in the cocoa sub-sector can be strengthened and increased among other issues that bother on the sub sector, in view of the renewed Government's interest to boost cocoa production, domestic utilization and export. Quite a number of strategies that attempt to bring about significant increases in cocoa production have been campaigned, one of which is the effective combination of measures aimed at increasing the level of farm resources, and making efficient use of the resources committed to the cocoa production and combining the enterprises in an optimal manner.

Over time cocoa farmers have changed the way they accessed land and labor in response to the changing production conditions of a constantly moving cocoa frontier. When both land and labor were abundant - until the early 1940s - the larger migrant farmers were able to attract rural workers to establish new farms by selling out small plots of land, otherwise drawing labor from family members to establish and maintain new farms. By the second half of the 1960s when land became scarce, sharecropping arrangements increasingly replaced land sales. When the cost of hiring waged workers became too high, alternative forms of labour have been used: mostly a variety of sharecropping arrangements (with both migrants and family members) and – to a lesser extent – informal labor groups known as *nnoboa* [35].

Farmers get a very low proportion of the retail price of chocolate, and of the export price of their cocoa. This is mainly due to the fact that most of the value added to cocoa between the farm gate and the retail outlets is captured by intermediaries, including major multinationals. Small farmers are powerless in relation to local traders, exporters and subsidiaries of major multinationals and are unable to negotiate a good price for cocoa. Because of poor access to credit, infrastructure, transportation and information, or lack of competition between traders, small farmers cannot choose their buyer or the timing of their sales. Fair trade channels guarantee a higher floor price (US\$ 1,750 per tonne) for cocoa than prices offered by intermediaries. Unfortunately, less than 1% of the world cocoa production is traded on fair trade terms. Because of trends towards vertical integration, multinational companies are buying more and more directly at the source. They could therefore be pressured either to provide a price similar to the one fair trade organizations provide, or require their suppliers to offer these prices. The development of producers' associations is another key to increasing the bargaining power of farmers. Associations can provide information to their members about international prices and production techniques and gaining access to credit and price insurance. They can also enable farmers to do some

initial processing which significantly raises the value of cocoa beans. Local processing significantly raises the proportion of value-added retained at a local level by producers. By marketing bigger volumes of production, cooperatives could also sell their products directly to exporters and international buyers.

Finally, appropriate market regulation - for instance lower export taxes and no licensing fees on intermediaries - can help decrease marketing costs and foster competition among intermediaries, both of which contribute to higher producer prices. To avoid cartels and monopolistic behaviour, strong regulatory bodies should be put into place to monitor competition. Finally, improvement in rural infrastructure, transportation, storage capacities and communications would help farmers market their products at a better price, and when necessary, bypass local intermediaries.

### **Conclusion(s)**

This chapter has painstakingly gone through the contribution of cocoa to the mainstream of Nigerian economy by explicitly stated its previous contributions, and potentials to the Nigerian economy. The findings of the review have shown that the fortunes of cocoa production under Nigerian context have continued to dwindle since the discovery of the oil in commercial quantities in the early 70s. Various interventions have been done by successive governments in the country but these have not yielded the desired results due to many factors which include the focus of the stakeholders in agriculture to the food crops production in an attempt to attain food security in the country.

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## **Conflict of Interest**

There is no conflict of interest with this study

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# Gamification

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**Gamification at school:** how to apply the mechanics of game design to stimulate learning

I teach mathematics in high school and this discipline is often difficult and boring for most students. Used only with solving algebra or geometry exercises it can be very dry and for this reason I have been looking for new methodologies that make my lessons more interesting and captivating for years. I tried to apply the flipped classroom, the chunked lesson and then I landed on gamification which continues to give me satisfaction and my students are much more passionate about the study of mathematics.

Since 2010, gamification has become a teaching methodology: how to apply the dynamics of video games to stimulate learning at school? All the advantages, practical examples and dark sides of the constructivist innovation model

Since 2010, gamification has become, in addition to being a commonly used word, a teaching methodology fully accepted in classrooms all over the world. Gamification is the use of elements of game design in non-playful contexts, such as education, marketing, health (Mango Health), corporate training, politics (social credit system), tourism and much more.

Studies show that translating educational, promotional or propaganda goals through exciting challenges, modeled on video games, then through the awarding of progress badges and visibility of performance graphs, satisfies the need for competence and increases the perceived significance of the task.

The term "gamification" seems to have been coined in 2002 by developer Nick Pelling, founder of an in-game advertising start-up. Later, in 2008, the then Senior Director Corporate Development of gaming company Zynga, Bret Terrill, defined

"gamification" as: "Taking the mechanics of games and applying them to other properties of the web to increase engagement".

At school, "Gamification" does not mean "making the lesson playful", rather it is applying elements of video games in teaching, to stimulate the learning of traditional subjects.

### **What happens while we play?**

According to Jane McGonigal (well-known game designer, author of the book "Reality at stake" and former director of Games Research and Development in California) video games are able to bring to light the best of us. Rather than distract us from our goals, he says, they help us make them happen. Video games are able to stimulate motivation, interest, creativity, a sense of belonging and happiness, feelings that translate into resources that can be immediately spent in daily activities. Indeed, it has been shown that American soldiers returning from Afghanistan who played three to four hours of Halo or Call of Duty were less likely to suffer from post-traumatic neurosis and to commit acts of domestic violence or suicide. In short, according to the game designer, if we translated every daily task, from housekeeping to learning, framing it within the schemes and rules typical of video games, we could complete it with greater motivation, thus obtaining better results.

What happens while we play? Mikaly Csikszentmihalyi, a recently deceased Hungarian psychologist, claims that the players experience a sort of rapture: the psychologist in this regard speaks of a "flow experience", an optimal experience in which the subject is totally absorbed in the activity he is carrying out with pleasure. The conditions that make flow possible are: a possible task to be completed, controllable, with a clear goal and immediate feedback. When there is too great a difference between the mission and the actual subjective abilities, individuals feel anger, frustration and anxiety: an inevitable departure from the challenge follows. For the optimal experience to take place, then, it is necessary to regulate the progression in an ascending climax capable of deeply involving the students. An effortless participation, so as to make it possible for the

subject to concentrate on the "game", distracting him from any frustrations and worries related to his daily life. Time, in this case, will be altered, contracted for the pleasure provided by the game.

If the optimal conditions caused by video games were experienced in the classroom, in a training context, learning would obviously be enhanced. In order for the interest caused by the games to become the emotional tone of the training as well, it will be necessary to apply the structures of game design to them.

**Gamification in the classroom:** how to do it and why, even beyond video games.

For gamification there is not a common method for all examples. It is enough to find, in non-gaming contexts, those mechanics with which we identify video games. Similarly, there is no list of qualities that a videogame must necessarily already possess to be such: the philosopher of language Ludwig Wittgenstein argued that there is no single method with which to define all and only the elements that belong to a category. "Game", he said, does not have a valid definition for every activity that we would define as a story. Under the category "Game" we insert very heterogeneous practices, linked to each other by "family similarities": how a child resembles a parent but not the other, from whom, perhaps, he has also inherited characteristics with his grandparents, for games can be seen networks of crossed similarities, such as to recognize a distributed familiarity, without necessarily having a shared essence in each element.

Gamification does not necessarily require the use of video games. It is possible to "gamify" the activities by simulating, in an analog way, the mechanics and plots typical of game design. Where videogames become tools with which to learn "serious" notions and skills, we speak of serious games, which represents a sub-category of gamification.

In the pre-digital era, the saying "ludendo docere" had already been pedagogized through ludodidactics: this strategy was defined starting from the works of the well-known

pedagogues Vygotsky and Piaget, among the first to understand the evolutionary role of the game and its educational function. Through experience and doing, 70% of the information is learned and only 10% is acquired through frontal teaching (Model 70:20:10).

Gamification can be considered as a constructivist method. The pupil is placed at the center of the training process, he is the builder of his own learning, which he acquires through direct experiences. This approach allows you to amplify his motivation, allowing him to memorize information in a meaningful and longer-term way.

There are two different sources of motivation: one based on mastery, the other on the product (and its comparison with the results of others). Evidence shows that learning motivated by the vote alone is effective only in the short term, instead the willingness to learn broader skills guarantees a long-range retention of the same. In this regard, the theorist of Mastery Learning, learning for mastery, Benjamin Bloom argued that every student could achieve excellent results if learning was personalized, that is, adapted to individual characteristics, times and subjective motivations. The curricular program should thus be divided into sub-phases, giving all the best tools to progress from level to level with the aim of stimulating understanding of the processes for solving problems in a concrete way, without distinction between theory and practice. Socialization is also a very important element of these approaches, capable of promoting autonomy and self-control at the same time.

Gamification allows the program to be segmented into consecutive levels and satisfies the needs for growth, activity, self-esteem, while maintaining high levels of satisfaction and interest, also thanks to the customization of the path.

Videogames guarantee the subject wide spaces of freedom, personalization, choice, and make progress immediately visible. Error is no longer a discouraging, anxious definition, but it is an impulse to try again. Instead of the traditional evaluation, the typical scoring-evaluation systems of the video game are

inserted, such as the rewards ranging from zero onwards, instead of the classic subtractive evaluation, calculated based on errors.

As behaviorism already suggested, rewards fix behaviors much more than punishments. Video games, in fact, induce the subject to try again, teaching him to consider the mistake as an opportunity, without a single mistake becoming what is used to define the career, transforming the grade into a condition that can only be remedied through a mathematical average. In the case of gamification, the error blocks the subject only temporarily at a level of the game, while the score is calculated on the actual progressions, according to their own times. It is not important how wrong you are, but when the impasse is resolved, finally acquiring the skills required in the training course.

Neal and Jana Hallford describe four types of rewards, all of which are indispensable for generating optimal gaming experiences:

1. Rewards of glory: badges, trophies, extrinsic prizes that are of no use in game play, but which serve to motivate the pupil, who is recognized as having an objective and comparable merit.
2. Sustenance rewards: medicaments that heal wounds, armor, protective potions or larger boxes and backpacks to expand the inventory. Collecting is also considered a reward. This is the dynamic that underlies the imperative of "gotta catch'em all", "Catch them all" of the Pokemon world.
3. Login Rewards: Allows a player to access new locations or previously inaccessible resources.
4. Skill Rewards: The player gains new skills or improves basic ones to unlock new possibilities in the game.

An evaluation based on the score of video games has the advantage of returning immediate feedback on one's activities: an element necessary to maintain high levels of "engagement". It is important to have feedback on our action, otherwise we would not get any satisfaction from the attempts. Trials without errors

or successes would simply remain empty, never occurred, just as an invisible basket, placed beyond a wall, is not considered a goal. Learning is a continuous process of confirmations and adjustments: it is always based on the comparison between the expected output and the one actually obtained and it is only through immediately visible feedback that the firing parabola can be adjusted.

Having a visible score also satisfies the human being's need for challenge, as well as the sociability resulting from cooperative games. Other key elements of gamification are, then, the mystery, the action, the risk, the uncertainty about what might happen and an emotional plot that is also very useful for increasing prosocial skills. All these elements contribute to facilitating immersion and fun, greatly motivating students.

Finally, gamification has the advantage of translating school requests into concrete possibilities within the video game, into skills useful for the challenge. It is very important to contextualize a school subject and transform the abstractness of a task into a concrete test, the purpose of which has a practical, immediately understandable and usable sense. The well-known problem of Wason's 4 cards, which could be solved by applying the logical rules of the conditional, was solved only by 4% of the individuals: however, when the experiment was translated into a concrete task, most of the people answered correctly, demonstrating that they knew master formal logic. The presentation of a task has a crucial impact on the result.

### **Gamification for learning: practical examples**

Among the examples of gamification, Ribbon Hero, a videogame through which you learn the skills of Microsoft Office or Duolingo, a well-known platform that allows you to learn languages in an easy, fun and free way. The progression takes place through a score that guarantees progress in the levels. The app description states that it could cause gaming addiction.

If you are a language teacher, this app is heaven! **Duolingo** is made for teaching foreign languages, and was awarded “the

app of the year” in 2013. Google invested a lot in this language app. There are just so many languages to choose from.

Students have to set a goal, from 5 up to 20 minutes a day, and pick if they are a beginner or not. If not, they have to take a placement test. Duolingo focusses on words and their translation and is very intuitive.

Duolingo is a microlearning app, perfect to use for flipped learning. Ask your students to go through some lessons at home and talk about it in the classroom.

Plumbers, on the other hand, can use Virtual Reality House to simulate piping construction, as well as material and cost management. Virtonomics is also a simulation videogame that promises, in this case, to develop entrepreneurial competence, so as to increase the yield of one's business.

Brainscape, on the other hand, is used to create flashcards, very useful for memorization. It is a system also used in the pre-digital era: they are cards that include a question on the front and the answer on the back, with a large database of flashcards already available for use. For example I want to show you how Brainscape functions with geometry flashcards. To log in, you can either register or use your Microsoft or Google account.

For example, you can study geometry with some interesting flashcards: on one side there is a term of plane geometry and on the back there is the definition of that term. In this way it is possible to study the elements of geometry. Obviously the platform is full of many elements related to all disciplines and many topics. The teacher can assign both activities already present on the platform and create his own. To apply the dynamics of Brainscape, an app that creates different games called LearningApps can be very useful.

**LearningApps.org** is a versatile tool for learners, teachers and teacher trainers who want to use or create a variety of different activities to practice all the topics for all the subjects you study at school.



LearningApps.org is very easy to use with a walkthrough tutorial on the home page explaining all of the features. You can create your own activities from scratch using one of the templates provided or you can adapt activities already created. Enter a key word or choose a category to explore and, when you find an activity you like, you can 'Create a similar app' with your own ideas and then share it with your learners. Practice tasks can be made in minutes and you can use them again by saving them in your account - creating an account is free! Social interaction.

Tasks can be completed individually and then shared or they can be done in pairs or groups in class or at home. Some LearningApps.org activities also have chat boxes where learners and teachers can add comments during games and there are some more sophisticated competitive tasks which learners can play in groups to compete with each other. As well as interacting with each other to do the activities, learners enjoy working with each other to create activities for their classmates to do. They can collaborate on choosing the task type, finding suitable materials and thinking of hints and feedback.

For learners

- Learners can choose from a wide variety of activities to practice and learn across the full range of systems and skills.
- They can work at their own pace.
- They can work individually or in groups.
- They can get more practice of language learned in class.
- Learners can create their own practice activities using one of the ready-made tasks as an example.

For teachers

- Teachers have access to many activities prepared by other teachers on a wide range of topic and language areas.
- Teachers can use a LearningApp.org activity in class or learners can copy the URL and do the activity at home.
- Teachers can make their lessons more learner centered by getting learners to make their own tasks to share with others.

- The tool is very easy for teachers to use and it is easy to create tasks of your own.
- Teachers can use authentic video, audio and reading texts when creating tasks.

Conclusions: Gamification is good as a complementary training, never as a substitute for the teacher

Beyond the obvious advantages of the methodology examined so far, there are, in my opinion, some quite evident criticalities.

First of all, in gamification, motivation is essentially based on extrinsic rewards, the least effective in the long term. According to Skinner and Belmont, the least motivated students are those who base learning on the expectation of external rewards and not on pure interest, on the love of knowledge as an end in itself. According to the theory of self-determination, it is precisely the intrinsic motivations that make us independent subjects, free and determined to continue learning and not individuals dependent on the judgment of others.

The visibility of the score could then be an incentive only for a few pupils. For many, on the other hand, it could turn out to be an additional reason for performance anxiety. As in Social Dilemma, the inventor of the "like" button revealed the unintended effect of a function designed not to generate depression and a sense of inferiority but to make platforms a place of kindness and mutual exchange, in the same way also the score of gamification could induce pupils to compete negatively, generating deep sadness due to an ideal of unreal perfectionism. The performance would become a sort of graph, a ranking and not an opportunity for improvement and personal growth only.

Furthermore, the gamification methodology, like most constructivist methods, has the disadvantage of not being able to fully cover the demands of school programs. In short, gamification could be a tool with which to train on specific skills, a complementary training to teaching, but it may not be able to replace the charisma of a teacher, the only guarantee against school dropout and adolescent apathy. The goal is to be able to

arouse interest in a subject, managing to grasp valuable links between school requirements, the personal wealth of the pupil and the actual needs of the territory and the world.

# Blended Learning and Online Learning During the COVID-19 Pandemic

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## Abstract

Blended Learning (BL) is an instructional method that combines in-person instruction with information and communication technology (ICT) instruction. Any network considers the Internet of Things (IoT)-based technologies to be devices. During the COVID-19 pandemic, an IoT-based BL model may be the optimal New Normal solution for all educational stakeholders. Social distance compels the evolution of traditional face-to-face interactions. Many Internets of Things (IoT)-based "things" could be added to the classroom to create and improve an intelligent learning environment, and portable devices could be linked to achieving learning objectives. Prevention of COVID-19. The BL could be subdivided into four characteristics: face-to-face, Self-Paced, Tele-Distance, and Ubiquitous, which were further categorised into three typical learning environment scenarios: Digital, Embedded, and Side-by-Side. Online/blended learning could better meet the academic needs of students during emergencies such as pandemics, wars, and natural disasters. The use of ICT-based technologies has transformed the entire teaching pedagogy into a learner-centred pedagogy; therefore, the ability to use technology should be considered one of the essential qualifications for teachers/educators and students. It is necessary to comprehend how teachers and students view blended or online learning modes in teaching and learning transactions. Providing blended or online learning in education is challenging, particularly during and after the COVID-19 pandemic.

Keywords: Blended Learning (BL), Online, Student Outcome, Education, Technology, COVID-19

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## Introduction

The presence of a coronavirus epidemic known as CoronaVirus Diseases-19 (COVID-19) has wreaked havoc on the condition of every country on earth. Every nation must impose a policy of maintaining a safe distance, avoiding publicity, frequent hand washing, and mask use to break the chain of transmission of COVID-19 within a society. It affects the field of education, where learning at home is also known as work from home (WFH). Online learning is conducted with a system that at least applies for social protection at a distance. BL is accomplished through the application, accessed from home.

During the COVID-19 pandemic, the BL model utilised by Information Technology Education students is effective and can be implemented as a virtual learning solution (Sefriani et al., 2021; Siripipatthanakul et al., 2022). In response to the COVID-19 pandemic, social isolation is enforced in many countries worldwide. In all countries, the implementation of social distancing has resulted in the temporary closure of regional and local schools. For the duration of the COVID-19 pandemic, some governments implemented technology-based pedagogy to ensure students had access to learning materials at home. BL is a technology-based instructional system that combines face-to-face instruction with online learning (Mahaye, 2020). The growth and improvement of information technology provide a technical foundation for education reform and opportunities for innovation in education. The global COVID-19 pandemic has ushered in a new norm that paves the way for the widespread implementation of online education. Due to the benefits of adaptability, information accessibility, global reach, equity, innovation, and efficiency of online education, an increasing number of educational institutions are offering degree-granting distance and hybrid education programs. The disadvantages of online education include technological limitations, the absence of a sense of belonging and connectedness, the presence of distractions, and a lack of student engagement. Online education can be successful for students with basic technical skills, access to technology (hardware and software), and are self-motivated and self-disciplined in time management. In the post-COVID-19 pandemic era, the next normal, online education will continue to play an important role. Online education will coexist with traditional education by incorporating artificial intelligence and mobile education to provide more education options, promote education equity, and enhance education innovation (Xie et al., 2020).

### **Blended-Learning During the COVID-19 Pandemic**

Various nations around the globe are currently alarmed by an outbreak of a disease caused by the corona or COVID-19

virus. As a result of the COVID19 pandemic, various policies have been implemented to break the chain of transmission of the COVID-19 virus. One of the efforts made by the government in Indonesia is to implement an appeal to the public to carry out physical distancing, one of which is in the field of Education, where the learning process is conducted online at home to determine the effectiveness of the use of the blended-learning learning model with moodle applications in Elementary School Teacher Education students during the COVID-19 pandemic. It indicated that the blended-learning model in Elementary School Teacher Education students during the COVID-19 pandemic is effective and can be used as a network-based or online learning solution (Rachmadtullah et al., 2020). Blended Learning (BL) is the educational approach that combines face-to-face (F2F) instruction with ICT instruction. The Internet of Things (IoT)-based technology was considered devices through any network. An IoT-based BL model may be the best New Normal solution for all educational stakeholders during the COVID-19 pandemic. Social distance forces traditional F2F interactions to evolve. Many Internets of Things (IoT)-based "things" could be added to the classroom to create and enhance an intelligent learning environment, and portable devices could be linked to achieving the learning objectives To prevent COVID-19. The BL could be divided into four characteristics: F2F, Self-Paced, Tele-Distance, and Ubiquitous, which were further classified into three typical learning environment cases: Digital, Embedded, and Side-by-Side (Siripongdee et al., 2020). During emergencies such as a pandemic, war, or natural disaster, online/blended learning could better meet the academic needs of students. The use of information and communication technology (ICT)-based technologies has transformed the entire teaching pedagogy into a learner-centred pedagogy, because of which the ability to use technology should be regarded as one of the essential qualifications for both teachers/educators and students. It is necessary to comprehend how teachers and students view online/blended learning modes in teaching and learning transactions. Providing online/blended learning in education is

difficult, particularly during and after the Covid-19 era (Bordoloi et al., 2021). Covid-19 has had far-reaching effects on institutions of higher education. However, few studies report the relative perceptions of students regarding face-to-face (F2F) and blended learning (BL) when Covid-19 is not a factor. BL is viewed more favourably during the Covivirus-19 pandemic. However, when Covid is not a concern, F2F is preferred over BL. F2F learning is viewed as superior to BL because students believe that BL is limited in terms of interactions with the instructor, group work, peer engagement, class participation, and the ability to ask questions about technical information. In addition, qualitative evidence indicates that students perceive F2F as superior to BL because social elements expected in a F2F environment may not be incorporated into netiquette frameworks. From a policymaking perspective, BL improves the student experience so that negative attitudes regarding the transition from face-to-face delivery to online/BL can be mitigated. From a practical standpoint, understanding how to incorporate social elements into netiquette frameworks is crucial (Mali & Lim, 2021).

### **E-Learning and Distance Learning During the COVID-19 Pandemic**

The first generation of e-learning or Web-based learning programs emphasised the delivery of physical classroom-based instructional material via the Internet. In addition, early E-learning (digitally delivered learning) programs tended to be a repetition or compilation of online versions of classroom-based courses. Experience gained from the first generation of e-learning was frequently comprised of lengthy sequences of 'page-turner' content and point-and-click quizzes. It has led to the realisation that a single mode of instructional delivery essential the necessary options, engagement, social contact, relevance, and context to facilitate successful learning and performance. In the second wave of e-learning, many learning designers are experimenting with models of blended learning that combine multiple delivery modes. Anecdotal evidence suggests that blended learning is more flexible and effective



(Singh, 2021). The COVID-19 pandemic has indeed compelled individuals to engage in more activities at home, including learning. The home learning policy is not accompanied by rules and regulations regarding how this learning process should be conducted. As a result, various learning processes, ranging from what they are to complex things, have emerged to facilitate home-based learning during a pandemic. Online education is the sole option. It is just that, given the problems and limitations identified, this online learning must be packaged similarly to traditional face-to-face education. The decision then shifted to blended learning, with several modifications. When necessary, face-to-face learning is conducted via video conference. The deficiencies are then remedied by compiling problem-based, text-based, video, or multimedia practical guides. The learning process is enhanced by the introduction of active, interactive channels of communication. Evaluation of learning considers outcomes, strategies, and self-evaluation. The blended learning process should be as efficient as possible using a mobile device or a smartphone (Karma et al., 2021).

### **The Essential of Blended Learning and e-Learning**

As governments and international organisations worldwide seek to prevent the spread of Covid-19, developing nations face unique challenges as they lack technological models and frameworks, and the available literature provides little guidance. Most educators and students from educational institutions expressed support for the implementation of e-learning, citing its advantages. However, the need for improvement in the technological skills required to operate the proposed E-learning programs and a variety of obstacles that may affect e-learning. To improve the implementation, utilisation, and evaluation of e-learning within the educational system is through the proposed distance and blended learning model (DBLM). In addition, an e-learning teacher capability maturity model (eTCMM) enhances educators' competencies and facilitates their active use of e-learning platforms (Al-Hunaiyyan et al., 2021). The blended learning method with its supporting

electronic tools is a well-known strategy in academic education. In most of its practical applications, direct face-to-face interactions between students and teachers and between students in groups are crucial components of the organisation of lectures and classes. It is essential when conducting laboratory classes as part of the engineering education process. However, the COVID-19 lockdown in the spring of 2020 eliminated the possibility of direct interpersonal contact and closed schools and universities. These extraordinary circumstances necessitated adjustments to the organisation of the educational process, including the introduction of distance learning. Consequently, a modified blended learning method and a case study describing its implementation in the education of building automation engineers at a technical university are presented. Active distance learning was implemented during the COVID-19 lockdown. Finally, some experiences, general reflections, and students' preferred forms of distance learning are presented (Ozadowicz, 2020).

### **Student Outcome of Blended Learning**

Information and Communication Technology (ICT) has permeated the educational fields. E-learning has emerged in recent years because of the integration of ICT into education fields. As a result of the application of this technology to education, pitfalls have been identified, resulting in the "blended learning" phenomenon. However, the preference regarding this new method has been extensively debated. The advantages of blended learning over traditional classroom instruction are discussed. It was discovered that blended learning is preferable to pure e-learning and provides numerous benefits for learners, such as fostering a sense of community or belonging. Blended learning can be viewed as an effective method of distance learning in terms of a student learning experience, student-student interaction, and student-instructor interaction. It will likely become the dominant education model in the future (Tayebinik & Puteh, 2013). Some factors appear to dominate more than others: educator presence in online settings,

interactions between students, teachers, and content, and connections between online and offline activities and campus-related and practice-related activities. The question of the relevance of comparing E-learning, online learning, blended learning, and "traditional" face-to-face teaching and learning formats is interesting. Teaching and learning are intricate and influenced by factors other than the instructional format (Nortvig et al., 2018; Siripipattanakul et al., 2022). In the era of COVID-19, lecturers and students could not study in the exact location. This condition presents a new challenge for instructors and students who must continue to implement effective learning using a suitable blended learning approach (Herliana et al., 2020). The clear preference for BL is that students value access to face-to-face instruction despite social distancing measures. It may aid in governmental and institutional decision-making and the development of educational materials during periods of social restraint. The design and implementation of face-to-face and online components for more applied, science-based courses may benefit education (Finlay et al., 2022); Muthmainnah, M. (2023). Moreover, there is a growing trend of online degrees and e-learning among universities or higher education worldwide related to perceived effectiveness and student satisfaction because of the accelerators of the digital economy and the COVID-19 pandemic (Limna et al., 2022; Siripipatthanakul et al., 2022).

## CONCLUSION

Education has been permeated by Information and Communication Technology (ICT). In recent years, E-learning has emerged because of the integration of ICT into education fields. The application of this technology to education has identified pitfalls, leading to the phenomenon of "blended learning or BL." However, the preference for this new method has been the subject of extensive debate. The benefits of blended learning compared to conventional classroom instruction are discussed. Blended learning is superior to pure e-learning and offers numerous benefits for students, such as fostering a sense

of community or belonging. Blended learning is an effective method of distance education in terms of the student learning experience, student-student interaction, and student-instructor interaction. COVID-19 has wreaked havoc on every nation. Each nation must adopt a policy of maintaining a safe distance, avoiding publicity, frequent hand washing, and mask use to break the chain of transmission of COVID-19 within a society. It impacts the field of education, where learning at home is also referred to as work from home (WFH). Online education is conducted with a system that at least applies for remote social protection. Accessible from home through the application facilitates BL. The BL model utilised by students is effective and can be implemented as a virtual learning solution during the COVID-19 pandemic. In many countries worldwide, social isolation is enforced in response to the Covid19 pandemic. The implementation of social distancing has resulted in the temporary closure of regional and local schools in each of these countries. During the Covid-19 pandemic, some governments implemented technology-based pedagogy to ensure students had access to learning materials at home. BL is a technology-based instructional system that combines traditional classroom instruction with online learning that has the effectiveness during the COVID-19 pandemic and further.

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# The Urgency of Enforcement of the Outline of State Policy in the Presidential System in Indonesia

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## Abstract

Knowing the comparison of the Forms of National Development in the form of GBHN and SPPN and knowing the legal implications of the existence of GBHN in the presidential government system, normative research methods. The difference that is not far fundamental between the GBHN and SPPN, Re-enacting the MPR Decree as a regulatory basis, there must be a change in position in the strictness system to make the MPR the Supreme State institution again and the application will be Amendments to the 1945 NRI Constitution again, including many changes to regulations. Another Legislation. Mengetahui perbandingan Bentuk Pembangunan Nasional dalam bentuk GBHN Dan SPPN dan mengetahui implikasi hukum terhadap eksistensi GBHN dalam sistem pemerintahan presidensial, Metode penelitian normatif. Perbedaan yang tidak jauh mendasar antara GBHN dengan SPPN, Menetapkan kembali Tap MPR sebagai dasar yang bersifat mengatur maka harus ada perubahan kedudukan dalam sistem Ketatanegaraan menjadikan kembali MPR sebagai lembaga Tertinggi Negara dan iplikasinya akan ada Amandemen UUD NRI 1945 kembali, termasuk juga akan banyak perubahan Peraturan Perundang-Undangan yang lain.

Keywords: GBHN, SPPN, Presidential System

## **Introduction**

There are 4 elements that form the basis for realizing awareness of state development, Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and Bhineka Tunggal Ika. Pancasila as the basis of the State's Ideology. The 1945 Constitution of the Republic of Indonesia has the position as the Constitution or the highest law. The Unitary State of the Republic of Indonesia which is a form of the State, and Bhinneka Tunggal Ika which has always been the motto of the Indonesian nation. Understanding of the ideology, constitution, form and motto of the State which then becomes the material cause for the realization of a Welfare State with social justice.

Not only from a philosophical point of view of how Pancasila is used as an ideology but also from the point of view of legal science, Pancasila as the basic element of the nation and state gets its formal-positive certainty, as stated in the fourth paragraph of the 1945 Constitution of the Republic of Indonesia which was then made into the basis of the ideological basis of the State. From this it is seen that the most concrete basic principle is the constitution. Therefore, building awareness of the nation and state rests on efforts to build constitutional awareness of the entire nation and citizens of Indonesia.

The State of Indonesia is a State of Law which is stated in Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia, explaining that all actions in the nation and state must be in accordance with the applicable legal rules. The act in question is to get equality before the law, regardless of the social strata he has, the perpetrator of the act is a citizen with all actions, activities, or actions in any field, as long as it is related to national and state issues, must be in accordance with the rule of law.

Likewise with the direction of motion in the development of a country, must obey the rule of law. This subject becomes the area of study for the direction of the development of the State, which must be in accordance with the basic movement of



Pancasila as the State Ideology and the Constitution as the Constitution of the Republic of Indonesia. Previously, the basis and position of authority that formed the direction of the development of the State had been stated in Article 3 of the 1945 Constitution before the amendment, the Constitution had given the MPR as the State's Highest Institution to regulate the flow of the course of State development in the GBHN.

The People's Consultative Assembly (MPR), which is one of the institutions that underwent a fundamental change in terms of its functions, positions, and roles after the amendment to the 1945 Constitution. Previously, the MPR which had the position as the highest state institution with the authority to stipulate the Constitution and also the Guidelines State Policy Committee (GBHN), as well as electing and appointing the President and Vice President. After the amendment, the position of the MPR is no longer the highest state institution, but has an equal position with other state institutions, and its function is limited to the authority to inaugurate the President and Vice President who are elected from the results of the general election, the rest of the MPR's incidental authority, such as dismissing the President. and/or the Vice President during his term of office as regulated in the Constitution, amend and stipulate the Constitution as well as the authorities referred to in Article 8 paragraph (2) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

The authority of the MPR to stipulate the GBHN obtained from the 1945 Constitution prior to the amendment in Article 2 paragraph (1) of the 1945 Constitution affirms that the MPR comes from members of the DPR, plus delegates from the regions and groups, clearly on this basis affirms that why the MPR which was later made the highest state institution, on that basis the appropriate institution to have the authority to determine the GBHN is the MPR which has the authority to make a GBHN is the MPR.

As the highest institution, the People's Consultative Assembly (MPR) has the authority to enact the Constitution, elect the Head of State (President) and Deputy Head of State

(Vice President). Besides that, it also has the authority to determine the GBHN (Outlines of State Policy). The GBHN was previously regulated in the Decree of the MPR RI number iv/mpri/1999 concerning the outlines of the country's policies from 1999 to 2004.

The GBHN is the state's direction in broad outlines as a statement of the people's will then provides the direction of state administration policies and becomes a guideline for state administration and national development that aims to create a just and prosperous society based on Pancasila. So that development can be directed and sustainable.

With the enactment of the 1945 Constitution of the Republic of Indonesia after the amendment, with the consequence there are also changes in the management of development, in the form of, 1. strengthening the function of the legislature in preparing the State Revenue and Expenditure Budget (APBN); 2. the elimination of the Outlines of State Policy (GBHN) as a guide for the direction of movement in the preparation of National development planning; then 3. the establishment of Regional Autonomy and decentralization of government within the Unitary State of the Republic of Indonesia. After the amendment, the MPR's authority to determine the Outlines of State Policy (GBHN) has been revoked, leaving only the functions of changing and enacting laws, inaugurating the President and Vice President, and being able to dismiss the President or Vice President, during their term of office based on the Act. The 1945 Constitution of the Republic of Indonesia.

After the amendment to the 1945 Constitution, the pattern of national development was replaced through the National Development Planning System (SPPN), which was formulated into 3 (three) sub-sections, namely, the National Long-Term Development Plan (RPJPN), the National Medium-Term Development Plan (RPJMN), and the Annual Development Plan, also known as the government work plan (RKP).

When the GBHN is removed from the authority of the MPR and from the MPR Decree, the national development goals are set or formed in a legislative product made by the legislature of the Republic of Indonesia in Law Number 17 of 2005 concerning Long-Term Development Plans (RPJP). The existence of the RPJP as a substitute for the spirit of the GBHN has until now become an actual issue for the Indonesian people in carrying out the goals of the State. 17 of 2007 concerning the National Long-Term Development Plan for 2005–2025.

In order to realize the demands for reform to perfect a basic rule regarding state order, people's sovereignty, distribution of power, social welfare and other matters in accordance with the development of the aspirations and needs of the nation, amendments were made to the 1945 Constitution hereby also in line with the abolition of the GBHN as a the basic direction of the movement of the state and transferred to the RPJPN and RPJMN, to then maintain the Unitary State of the Republic of Indonesia, the global strategy of National Development is formulated in the Long-Term Development Plan (RPJP) through Law Number 17 of 2007 concerning the National Long-Term Development Plan of 2005-2025 and realized in a five-year period in the form of a Medium-Term Development Plan (RPJM) through a Presidential Regulation.

There are several problems found in the implementation of this SPPN, namely, in the era of development reform which is carried out based on multi-government, every change of government will also change the development program. The difficulty of development coordination is a problem that must be faced by the government in implementing development under the RPJPN system. What happened to the national development planning in this reform era, may be an indication of the emergence of thoughts to reformulate the national development planning again. The problems contained in the national development planning certainly cannot be separated from the amendments to the 1945 Constitution, especially in the abolition of the MPR's authority in compiling and establishing the Outline of State Policy (GBHN). And after the abolition of that authority,

the president in the reform era created his own vision and mission and drafted his own development program without following the references of the previously implemented development system, as a result, the development system would become undirected.

Then the National Long-Term Development Plan (RPJPN) system that was formed and offered to replace the GBHN position, it is known that it has not been able to be developed as a more operational conception in the goals and development process is not swayed by the tug of war of interest from various parties and it is judged that the existence of The RPJPN has not been able to balance or replace the existence of the GBHN as a guide for the development of the Indonesian nation in the future. In fact, one of the reasons that some parties agree with efforts to revive the GBHN is based on facts obtained in the field which show that neither the National Long-Term Development Plan (RPJPN) and the Medium-Term Development Plan (RPJM) have not been able to provide a solution to unify the development vision at all levels in order to create prosperity in society.

In Law Number 17 of 2007 concerning the National Long-Term Development Plan (RPJPN), it has a building that is almost the same as the GBHN, but the problem that arises later is that the RPJPN was born in regional autonomy where regions have the flexibility to develop their regions according to the potential and capabilities of the region. each and only set forth in the form of law. On the basis of the implementation of regional autonomy, it is possible that each region will actually form a Regional Medium-Term Development Plan (RPJMD) according to their respective needs. , because the RPJP which is neatly wrapped in legislation products turns out to have discontinuity between the center and the regions as well as undirected and unsystematic goals, this has rekindled the idea that the GBHN is more appropriate to be considered and returned to be realized in the context of national development.

The re-enactment of the GBHN will certainly have serious and far-reaching implications for the Indonesian constitutional system. There are at least three constitutional problems that will

arise if the GBHN is re-enacted in the constitution, namely; (1) government system; (2) relations between state institutions; and (3) until the duties and functions of state institutions will change significantly. One of the many issues that should be reviewed after the reform is the step to abolish the Outlines of State Policy (GBHN) which was in line with the amendments to the 1945 Constitution of the Republic of Indonesia. Since the abolition of the authority of the People's Consultative Assembly (MPR) in establishing the GBHN, since At that time, the Indonesian people seemed to have lost their reference in running the wheels of government, especially the wheels of national development. The loss of the GBHN has clearly resulted in the loss of a means of reference in the implementation of national development which has been proven to be able to guide the previous era government in carrying out development activities from 1973 to 1998.

There are many debates in the formation of the state system. And recently the Outline of State Policy (GBHN) and the National Development Planning System (SPPN) have become controversial, many thoughts arise that the SPPN is no longer relevant to be implemented and does not have an accurate target in National Development. Meanwhile, the GBHN, which once had its authority abolished from the MPR, is thought to be a system capable of bringing back the nation to be more advanced and focused. This is an interesting material to be studied between the two comparisons of the basic direction system of the national development movement.

Based on the description above, the problem to be studied is, how is the comparison between the GBHN and SPPN model planning systems and what are the legal implications for the existence of GBHN in a presidential government system.

This study aims to find out how to compare the forms of national development based on the GBHN and SPPN as a guide for the administration of the state and to find out the legal implications of the existence of the GBHN in a presidential government system.

## **Methods**

This research is a legal research (legal research) normative legal research method to research and write a discussion of this research as a legal research method. The use of normative research methods in research efforts and writing of this thesis is based on the suitability of the theory with the research methods needed by the author. Then use the legal approach (statute approach), conceptual approach (conceptual approach), and philosophical approach (philosophical approach). The statutory approach is used to research, explore, and review various laws and regulations governing the national development planning model. The conceptual approach is used to explore the ideal national development planning model, whether the GBHN or SPPN with the current RPJPN and RPJMN. Furthermore, the deepening of the development planning of the GBHN model uses a philosophical approach as a form of consensus democracy that is in accordance with the social basis of Indonesian society. While the comparative approach is carried out by looking at several countries that regulate directive principles or GBHN in the administration of their country. The activities carried out in the analysis of normative legal research data by means of the data obtained are analyzed descriptively, namely the analysis of the legal materials obtained and then carried out discussion, examination and grouping into certain parts to be processed into information data.

## **Results and Discussion**

### **A. Comparison of National Development Forms Based on GBHN and SPPN**

That in essence the GBHN substantially becomes a basis for reference for development planning for the president to then elaborate in a Five-Year Development Plan (Repelita). The process of forming the GBHN is centralized and top-down. The institution which then forms a plan is dominated by the exclusive central government. it can be interpreted that the GBHN simply explains that all concepts of the country's development movement must be based on the principles which are then embodied in the GBHN.

In fact, after the amendment to the 1945 Constitution, the national development pattern no longer refers to the GBHN but has been replaced through the National Development Planning System (SPPN), which is formulated into 3 (three) sub-sections, namely, the National Long-Term Development Plan (RPJPN), The National Medium Term Development Plan (RPJMN), and the Annual Development Plan, otherwise known as the government work plan (RKP).

National Development is the basic concept of development that is very important for a country, National Development is a series of activities that cover all aspects of the life of the nation's people, and the state to carry out tasks as mandated in the 1945 Constitution of the Republic of Indonesia. The Unitary State of the Republic of Indonesia (NKRI), as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia in the fourth paragraph, it is stated that the essence of national development is to protect the entire Indonesian nation and the entire homeland of Indonesia, to promote general welfare, to educate the nation's life, and to participate in implementing world peace. based on freedom, lasting peace and social justice.

Development planning is a continuous process from time to time involving the policies of decision makers based on existing resources and systematically arranged. National Development as described by the GBHN is an effort to improve the quality of humans and the Indonesian people which is carried out in a sustainable manner, based on national capabilities, by utilizing advances in science and technology and taking into account the challenges of global development. In its implementation, it refers to the nation's personality and universal noble values to realize a nation's life that is sovereign, independent, just, prosperous, advanced, and has strong moral and ethical strength.

The GBHN was then established with the aim of providing direction for the struggle of the Indonesian people to fill independence in order to achieve the desired conditions, either in the medium term of 5 years or in the long term of 25 years, so that gradually what is then expected by the Indonesian people as

stated in the 1945 Constitution. can be achieved, namely the realization of a just and prosperous Indonesian society. Then the scope of national development according to the GBHN is to provide an overview of the form of the future that is desired and fought for and how to achieve it, both in the long term and in the medium term,

The GBHN whose materials include national development, long-term development, five-year development, and implementation are arranged in a systematic way: Chapter I introduction, Chapter II national development, Chapter III long-term development, Chapter IV five-year development, Chapter V implementation, and Chapter VI Closing. The existence of a scope that includes medium-term development or known as five-year development (*repelita*) and long-term is intended to make development easier to achieve. Thus, a planning systematic is made from the introductory chapter to the concluding chapter. Then in the GBHN the principles of national development described are the basic principles that must be established and adhered to in the preparation and implementation of national development. These principles are: 1. The principle of faith and devotion to God Almighty, 2. The principle of benefit, 3. The principle of democracy, 4. The principle of justice and equity, 5. The principle of balance, harmony, and harmony, 6. The principle of law, 7. The principle of independence, 8. The principle of struggle, 9. The principle of science. In controlling and evaluating the implementation of the plan, it is carried out by the MPR and the President, who then follows up on the draft plan that has been prepared and ratified.

The main foundation of development in the GBHN is Pancasila and the 1945 Constitution of the Republic of Indonesia, it is clear then that Pancasila and the 1945 Constitution of the Republic of Indonesia are the basis for development planning because Pancasila and the 1945 Constitution of the Republic of Indonesia are characteristics, culture, and characters that are in accordance with the Indonesian nation, are the basic philosophy of the formation of the State. Unitary Republic of Indonesia. Thus, in order for development to run well, the development



must reflect the character values contained in the basic precepts of Pancasila. Development by negating the nation's character will inevitably result in a failure. Development is not only limited to physical development, but also development in matters that are very sacred, including character development, morality, cultural development, and political and legal development. Thus development can run well and can run in accordance with the expectations and needs of the community.

In National Development, what is meant by SPPN is an effort carried out by all components of the nation in order to achieve the goals of the state. the process of determining appropriate future actions, through a sequence of options, taking into account available resources. Meanwhile, the national development planning system is a unified development planning procedure to produce long-term, medium-term and annual development plans implemented by elements of state and community administration at the central and regional levels.

The principles and objectives described in the SPPN Law: The development principles in the SPPN are; 1) National development is carried out based on democracy with the principles of togetherness, justice, sustainability, environmental insight, and independence by maintaining a balance of progress and national unity. 2) National development planning is prepared systematically, directed, integrated, comprehensively, and responsive to changes, and 3) The national development planning system is implemented based on the general principles of state administration. And the later objectives to be achieved by the national development planning system are: a. Supporting coordination between development actors, b. Ensure the creation of integration, synchronization, and synergy between regions, between spaces, across time, between government functions as well as between the center and regions, c. Ensure linkages and consistency between planning, budgeting, implementation, and supervision, d. Optimizing community participation, and e. Ensure the achievement of efficient, effective, fair and sustainable use of resources.

As for the scope of the National Development Planning model of the SPPN, namely: first, national development planning includes the implementation of macro planning for all government functions covering all areas of life in an integrated manner within the territory of the Republic of Indonesia. Second, national development planning consists of development plans compiled in an integrated manner by ministries/agencies and development planning by local governments in accordance with their respective authorities. Third, national development planning produces, long-term development plans, medium-term development plans, and annual development plans.

In every development planning, it is always accompanied by stages in its manufacture, as for the stages in making development plans in accordance with SPPN, namely, planning preparation, planning determination, planning implementation control, and planning implementation evaluation.

the preparation and determination of the development plan in the SPPN are:

First, the long-term Development Plan: 1) The Minister prepares the draft RPJPN, 2) The Minister organizes the long-term national musrenbang, 3) The Minister prepares the final draft of the RPJPN based on the results of the deliberation on the development plan.

Second, the medium-term Development Plan: 1) The Minister prepares the initial draft of the RPJMN as an elaboration of the president's vision, mission, and programs into the national development strategy, general policies, presidential priority programs, as well as a macroeconomic framework that includes a comprehensive picture of the economy including policy directions. fiscal. 2) The head of the ministry/institution prepares a draft strategic plan for the ministry of institution in accordance with the main tasks and functions by referring to the initial draft of the RPJMN. The Minister prepares the draft of the RPJMN using the ministerial-strategic plan draft. The draft RPJMN as referred to is the material for the mid-term development planning deliberations. 3) The medium-term

development planning meeting is held in the context of preparing the RPJMN, followed by elements of state administrators and involving the community. 4) The Minister shall hold a national mid-term development plan deliberations on an annual development plan.

Third, the Government Work Plan;

- 1) The Minister prepares the initial draft of the RKP as an elaboration of the RPJMN.
- 2) The head of the ministry/institution prepares a draft work plan of the ministry of the institution in accordance with its main tasks and functions by referring to the initial draft of the RKP and guided by the strategic plan of the agency ministry.
- 3) The Minister coordinates the preparation of the draft RKP in using the draft Ministry's annual development plan.
- 4) The RKP draft becomes the material for the development planning deliberation which is attended by government administrators.
- 5) The Minister prepares the final draft of the RKP based on the results of the development planning deliberation.

In controlling and evaluating the implementation of the national development plan at the SPPN, it is carried out by each head of the ministry, the Minister collects and analyzes the results of monitoring the implementation of the development plan from each head of the ministry, then the head of the ministry evaluates the performance of the implementation of the previous ministry's development plan, the Minister prepares an evaluation plan development based on the results of the evaluation of the leadership of the ministry, and the results of the evaluation become material for the preparation of the national development plan for the next period. Development planning is based on accurate and accountable data and information. For national development, a review must first be carried out to see and analyze data and information, the aim is that development is right on target and can be in accordance with its needs.

After reviewing how the process that was later formed and the implementation of the GBHN and SPPN were discussed from the beginning of their formation, the nature and benefits for all levels of society, as we saw the previous GBHN as a basic reference in national development, whose arrangements are detailed and detailed so that it is easier in implementing it, and it is known that the GBHN regulates religion and belief, inter-religious harmony, agriculture, industry, maritime affairs, trade, tourism, telecommunications, road construction, media or press regulation, legal development, political development, development of science and technology, regional development, defense and security development, and many more.

The GBHN then succeeded in realizing the success of food self-sufficiency in fifteen years and suppressing the growth rate which was initially only five percent (5%) and was able to reach two point five percent (2.5%) in the decade of the 1970s, the basic reference which was later contained in the national development is collected in one GBHN document, there are no more references or other development documents, so it is clear and clear to carry out a development that has been collected into one. The GBHN is valid for five years which is familiarly known as the *repelita*, every five years the MPR convenes to stipulate a new GBHN. This is intended so that the GBHN is able to accommodate developments and dynamics that develop in society, so that later the GBHN can and are able to be responsive to problems in society, and pay attention to all aspects and possibilities that will occur. National development between the center and the regions is symmetrically aligned, policies which are then based on the GBHN that have been set by the MPR so that development between the center and the regions is intertwined with one vision and mission, it is more efficient in realizing the goals of the nation and state. As the shaper of the GBHN, the MPR itself is directly under the supervision of the president in carrying out national development.

The first and subsequent *Repelita* are always related and sustainable, so that development is carried out continuously and sustainably. If in the previous *REPELITA* it has not been realized

or has not been completed in realizing the development, it can be continued or continued in the next REPELITA. So that in realizing an ideal or goal of the State contained in Pancasila and the 1945 Constitution, it can be carried out with a systematic and comprehensive development plan.

However, the GBHN is then in the process of being made using the Top Down principle, meaning that in making the GBHN it is enough to leave it entirely to the MPR. Then local governments are not free to regulate their own regions as a result of later development that becomes uneven, including regulations in the regions, and is not in line with developments in the regions, which can feel the results of developments that refer to the GBHN.

The basic reference for national development contained in the SPPN Law, it can be seen that there is a definite reference in a National Development Planning System, both for the long term, medium term, and annual plans. The basic direction of development as stated in the SPPN Law is formed on a democratic basis, seen from the granting of regional authority to better develop their region. Judging from the process of making or compiling which is carried out by preparing designs, deliberation for development planning, and final preparation of development plans, and there is an evaluation in development, so that the formation process is then able to solve problems and provide certainty in development and community progress.

In the reference contained in the SPPN Law regulates in an outline, broad, and general way, it is then able to provide convenience and development development according to its era, changes which then cannot be avoided, then the direction of development must be in accordance with the context of the era, the president and The regional head will be able to create a program that is contextual to a society that continues to develop and progress. Although the SPPN Law gives wider authority to the regions, this does not provide certainty that the regions have no boundaries, the later purpose made in a plan is to change the community to be more advanced, as the national development goals as seen in the SPPN Law, namely : supporting coordination

among development actors, ensuring the creation of good integration, synchronization, and synergy between regions, ensuring linkages and consistency between planning, implementation and budgeting supervision, maximizing community participation, and ensuring the achievement of effective, efficient, fair and equitable use of resources. sustainable.

In the regulation of development planning that refers to the SPPN Law, there is a vision, mission, and program of the president before serving as president, thus development planning cannot run in a sustainable manner. This can be understood because in Law No. 7 of 2017 concerning General Elections, the president and regional head or each pair of candidates must have a vision and mission, the term of office as president is a maximum of two terms or for ten years, after which he cannot continue development and replaced with the next candidate, if the next candidate does not have the same vision and mission as the previous president or regional head, then development planning cannot run in continuity. Seeing that the dynamics of development are now different, the president who later had designed the development so well, but when it was submitted to the DPR, the draft was not necessarily approved by the DPR. Seeing differences in views and differences in political parties greatly influences the existence of the wheels of a community development.

#### A. Legal Implications for the Existence of GBHN in the Presidential Government System

In M Irfan Islamy's book Principles of State Policy Formulation, Mirfan Islamy explains Implications as everything that has been produced by the policy formulation process. In the Big Indonesian Dictionary, implication is defined as a direct result or consequence of the findings of a research, but linguistically means something that has been collected in it. Based on some of these opinions, what is meant by the implications in this study are the consequences that occur or result from a cause or event that arises as a result of the re-

establishment of the State Policy Guidelines in the form of the formulation of the GBHN.

Judging from the philosophy of the state is an organization on a large scale, an organization which then essentially has a goal where the state was formed and has a concept of direction to achieve that goal, it is impossible for an organization which then does not have a direction to achieve the goals it was formed, there are only 2 possibilities What happens is that the first organization only stagnates, the second the organization dies. In Indonesia itself, previously known as the state guidelines as the GBHN, the embodiment of achieving the values of Pancasila and the goals of the state as enshrined in the 1945 Constitution of the Republic of Indonesia, but now the form of the GBHN itself has been replaced by the SPPN, many equate the GBHN with the SPPN, a direction new post-reform replacement GBHN.

Here the author will describe how then the legal implications that arise if the GBHN is re-enacted, then the GBHN which is then re-applied through the MPR product in the form of a People's Consultative Assembly Decree must be a statutory regulation, but seen the MPR attack can no longer make a legislation more higher than the law.

In the explanatory material of Article 7 of Law Number 12 of 2011 concerning the Establishment of Legislations, what is meant by "Stipulations of the People's Consultative Assembly" is the Provisional People's Consultative Assembly Decree and the still valid Decree of the People's Consultative Assembly as referred to in Article 2 and Article 4 Decree of the People's Consultative Assembly of the Republic of Indonesia Number: I/MPR/2003 concerning the Review of the Material and Legal Status of the Provisional People's Consultative Assembly Decree and the Decree of the People's Consultative Assembly from 1960 to 2002, dated August 7, 2003.

The MPR Decree which is no longer a regulatory product but has become a decisive product, regarding the difference between decisions (*beschikking*) and regulations (*regeling*), in

the book of Judicial Examination Procedures by Jimly Asshiddiqie explains that decisions (*beschikking*) are always individual and concrete (individual and concrete), while regulations (*regeling*) are always general and abstract (general and abstract). What is meant is general and abstract, that is, its validity is addressed to anyone who is subject to the formulation of general rules.

Re-establishing the MPR Decree as a regulatory basis, there must be a change in the position in the constitutional system to make the MPR the highest state institution and the implication is that there will be an amendment to the 1945 Constitution of the Republic of Indonesia, including many changes to other laws and regulations.

The 1945 Constitution of the Republic of Indonesia in its general explanation states that this written basic law only contains basic rules, while the rules that administer the basic rules are left to laws that are easier to make, amend, and revoke, but the Constitution can also experience problems. changes, it is recorded that our UDD has undergone changes four times, and a constitution still requires legal methods and rules governing the procedures for its amendment, even though it has to go through quite strict or difficult requirements.

The 1945 Constitution of the Republic of Indonesia clearly stipulates the procedure for changing the constitutional basis, precisely in Chapter XVI of Amendment to the Constitution, article (7) states:

1. Proposals for amendments to articles of the Constitution may be put on the agenda in the session of the People's Consultative Assembly if submitted by at least 1/3 of the total members of the People's Consultative Assembly.
2. Each proposed amendment to the articles of the Constitution is submitted in writing and clearly indicated the proposed section for amendment and the reasons for it.
3. To amend the articles of the Constitution, the Session of the People's Consultative Assembly is attended by at least 2/3 of the total members of the People's Consultative Assembly.



4. Decisions to amend articles of the Constitution are made with the approval of at least fifty percent plus one member from all members of the People's Consultative Assembly.
5. Especially regarding the form of the Unitary State of the Republic of Indonesia, no changes can be made.

To amend the Constitution, the MPR can only implement it if all the provisions in Article 37 of the 1945 Constitution of the Republic of Indonesia have been fulfilled. As for the procedure, it is regulated in the MPR Rules of Procedure Chapter XII concerning Procedures for Amendment to the Constitution, especially Article 78 and Article 79. The Rules of Procedure of the People's Consultative Assembly Chapter XII Procedures for Amendment to the Constitution Article 78:

1. Nominated by at least 1/3 of the members of the Assembly.
2. Each proposed amendment shall be submitted in writing and clearly indicate the part proposed to be changed and the reasons.
3. The proposal as referred to in letter b shall be submitted to the Chairperson of the Assembly and the Chairperson of the Assembly to hold a meeting to discuss the proposal no later than 90 days from the receipt of the proposal.
4. If the meeting of the leadership of the assembly considers that the proposal has met the requirements as referred to in letters a and b, the assembly invites the members of the assembly to carry out the assembly session.

Article 179 Decision making on the proposal to amend the 1945 Constitution of the Republic of Indonesia is carried out in accordance with article 69, article 71 paragraph (1) letter a, article 75 and article 76".

Through the fourth amendment, restrictions on changes have also been recognized, namely the inclusion of Article 37 paragraph (5) of the 1945 Constitution. Furthermore, according to Ellydar Chaidir, there are three paradigms that are considered, namely: 1) The paradigm of people's sovereignty in the principles of democracy which is not merely representative, but also participatory, to shift the old paradigm that tends to be

contaminated by integralistic notions, 2) The rule of law paradigm with the principle of the rule of law that is just and responsive to shift the paradigm of the state of power with its repressive legal typology, 3) a constitution based on human rights as the embodiment of contracts social rights that the people's rights are a gift from the state.

### **Closing**

Comparison of National Development Forms in the form of GBHN and SPPN, namely GBHN in the process of making it using the Top Down principle, meaning that in making the GBHN it is enough to submit completely to the MPR with a legal product in the form of a People's Consultative Assembly Decree, while the SPPN is carried out in an integrated, synchronous and systematic manner, the SPPN is formed 17 of 2007 which has definite references, both for the long term, medium term, and annual plans. The basic direction of development as stated in the SPPN Law is formed on democratic principles

The legal implications for the existence of the GBHN in the presidential government system are that there must be a change in position in the constitutional system to make the MPR the highest state institution and the implication is that there will be an amendment to the 1945 Constitution of the Republic of Indonesia, including many changes to other laws and regulations. that the re-implementation of the GBHN is not really necessary, the SPPN which is now the direction of the State is very much in line with the context of the current government system, namely the presidential government system, besides that if there are development planning provisions regulated in the SPPN it is considered not contextual, it can only be done by change it in the Judicial review or judicial review of the Act conducted by the Constitutional Court.

It is hoped that the SPPN which is still used as a basic reference for Development Planning, the contents of the SPPN Law which are not yet in context with current needs in the National Development pattern should only be changed in the SPP Law through a Judicial review. The regions then only refer

to the National Development Planning System, except in matters that are specific to a regional need that can be regulated by the region itself. Bearing in mind that in the form of our Unitary State, where needs that cannot be covered by the central government are delegated to local governments, the development program must be in accordance with the goals of the State as stated in Pancasila and the 1945 Constitution of the Republic of Indonesia, which are also contained in the SPPN Law.

The government should then socialize the direction of movement and the goals of the State to be achieved to the community so that later during the election of the President or Regional Head, the community can see a better vision and mission in realizing ideals in accordance with the direction of movement to achieve the goals of the nation and state.

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# **Juridical Analysis of the Executive Power of the Constitutional Court Decision (Study of the Constitutional Court Decision Number 50/PUU-XII/2014 Juncto Constitutional Court Decision Number 39/PUU-XVII/2019)**

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## **Introduction**

"The presence of the Constitutional Court (hereinafter referred to as the Constitutional Court) in the Indonesian constitutional system is a demand or a theoretical consequence of the changes made to the Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia). Indonesia as a state of law (rule of law, rechtsstaat) and a democratic state based on the constitution or the Constitution (constitutional democracy). (3), which regulates:

1. "Article 1 paragraph (2), "Sovereignty is in the hands of the people and is implemented according to the Constitution",
2. Article 1 paragraph (3), "Indonesia is a state of law". "

"The authority and obligations of the Constitutional Court are based on the idea of Checks and balances, in the form of judicial control" carried out by the Constitutional Court as an institution that functions to guard the constitution, interpreter of the constitution, enforce democracy, and guard human rights. of Law is the existence of an independent and impartial judiciary to give decisions on all legal cases that occur in a country. "

The realization of a just and prosperous welfare state cannot be separated from the serious efforts of the Constitutional Court to enforce the constitution. The existence of a judiciary that is independent, free and impartial to any group is also an effort towards that direction. Every decision that is given always takes into account the purpose of the law which contains three elements, namely elements of justice, certainty and benefit through a judicial institution that is able to carry out the function of law enforcement and justice properly and correctly.

As a constitutional court, it has a distinctive character that distinguishes it from general courts or ordinary courts. The final nature and no other legal remedies are one of the characteristics of the Constitutional Court's decision. Regarding the final nature of the Constitutional Court Decision, it is emphasized in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia) which states:

"The Constitutional Court has the authority to adjudicate constitutional cases in the first and last instances whose decisions are final".

This provision was then derived into Article 10 paragraph (1) of Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court (hereinafter referred to as the Constitutional Court Law), Article 47 of the Constitutional Court Law also emphasizes this nature by stating that :

"The Constitutional Court's decision has permanent legal force since it was pronounced in a plenary session which is open to the public".

Based on these provisions, the final character indicates at least 3 (three) things, namely:

1. Whereas the Constitutional Court's decision indirectly has legal force;
2. Whereas because it has obtained legal force, the Constitutional Court's Decision has legal consequences for all parties related to the decision;

3. Whereas because it is the first and last court, there is no other legal remedy that can be taken.

In the Constitutional Court's decision related to its authority, namely the Judicial Review of the 1945 Constitution of the Republic of Indonesia (PUU), when the Constitutional Court decides a law is contrary to the 1945 Constitution of the Republic of Indonesia and states that it has no binding force, the decision is not only binding on the party who filed the case in the Republic of Indonesia. The Constitutional Court, but also binding on all citizens as the law binds in general for all citizens. The derivation of this constitutional mandate can be found in Article 10 paragraph (1) of the Constitutional Court Law.

The binding clause is then confirmed in the explanation of Article 10 of the Constitutional Court Law which states that:

"The final nature of the decision of the Constitutional Court in this Law includes binding legal force (final and appeal)".

"The authority of a decision issued by a judicial institution lies in its binding power." The Constitutional Court's decision, especially the decision on judicial review, is a decision that is not only binding on the parties, but also must be obeyed by anyone (Erga Omnes)." from the provision which states that the Constitutional Court's decision can be directly implemented, without requiring the decision of the competent authority except for other laws and regulations. "

"The principle of binding decisions erga omnes is reflected in the final and binding sentence in the Constitutional Court's decision in the Constitutional Court Law which includes final and binding legal force. A right or "an obligation that is erga omnes can be implemented and enforced against, any person or institution," if there is a violation of that right or does not fulfill an obligation. "

This power is also found in Article 29 paragraph (1) of Law Number 48 of 2009 concerning Judicial power (hereinafter referred to as the CoW Law) which states that:

"The Constitutional Court has the authority to judge at the first and final level, whose decision is final".

The juridical consequence of the provisions as described above, is that the decision of the Constitutional Court has had clear and firm legal consequences, and there has been no further legal action since the decision has been pronounced in a plenary session which is open to the public. The juridical basis for this provision can also be found in Law Number 24 of 2003 concerning the Constitutional Court.

In practice, the nature of the final Constitutional Court Decision is often questioned. There has even been a case that was submitted to the Constitutional Court regarding the final nature, namely Case Number 39/PUU-XVII/2019 concerning the Judicial Review of Article 416 paragraph (1) Law Number 7 of 2017 concerning General Elections (hereinafter referred to as the Election Law) against The 1945 Constitution, which was proposed by Ignatius Supriyadi, Antonius Cahyadi, and Gregorius Yonathan Deowikaputra. The main point of the petition is that the rights of the Petitioners have the potential to be harmed as a result of the enactment of the provisions of Article 416 paragraph (1) of the Election Law, where the sound of the provisions of the article is exactly the same or identical or copy-pasted with the sound of the provisions of Article 159 of Law Number 42 of 2008 concerning the General Election of the President and Vice President (hereinafter referred to as the Presidential Election Law). For clarity, it is necessary to quote the sounds of the two articles of the two laws, which are as follows:

"Comparison of Article 159 of Law Number 42 of 2008 concerning General Elections for President and Vice President and Article 416 of Law Number 7 of 2017 concerning General Elections"

Article 159 of the Presidential Election Law:

1) Elected Candidate Pairs are pairs of candidates who obtain more than 50% (fifty percent) of the total votes in the Presidential and Vice-Presidential Election with at least 20%

(twenty percent) of the votes in each province spread over more than (half) of the total number of votes. province in Indonesia.

2) In this case there is no elected Candidate pair as referred to in paragraph (1), the 2 (two) pairs of Candidates who get the first and second most votes are re-elected by the people directly in the Presidential and Vice-Presidential Election.

1) In the event that 2 (two) Candidate Pairs obtain the highest number of votes, the two Candidate Pairs are re-elected directly by the people in the Presidential and Vice-Presidential Election.

2) In the event that the highest number of votes with the same number is obtained by 3 (three) or more Candidate Pairs, the determination of the first and second rank is carried out based on the distribution of the area of the vote acquisition which is wider in stages.

3) In the event that the second largest number of votes with the same number is obtained by more than 1 (one) Candidate Pair, the determination is made based on the distribution of the area of the vote acquisition which is wider in stages.

Article 416 of the Election Law:

- 1) Elected Candidate Pairs are pairs of candidates who obtain more than 50% (fifty percent) of the total votes in the Presidential and Vice-Presidential Election with at least 20% (twenty percent) of the votes in each province spread over more than (half) of the total number of votes. province in Indonesia.
- 2) In this case there is no elected Candidate pair as referred to in paragraph (1), the 2 (two) pairs of Candidates who get the first and second most votes are re-elected by the people directly in the Presidential and Vice-Presidential Election.
- 3) In the event that 2 (two) Candidate Pairs obtain the highest number of votes, the two Candidate Pairs are re-elected directly by the people in the Presidential and Vice-Presidential Election.
- 4) In the event that the majority of votes with the same number are obtained by 3 (three) or more Candidate Pairs, the



determination of the first and second rank is carried out based on the distribution of the area of the vote acquisition which is wider in stages.

- 5) In the event that the second highest number of votes with the same number is obtained by more than 1 (one) Candidate Pair, the determination is made based on the distribution of the area of the vote acquisition which is wider in stages.

The provisions of Article 159 paragraph (1) of the Presidential Election Law have been declared contrary to the 1945 Constitution and have no binding legal force by the Constitutional Court:

"As long as it is not interpreted, it does not apply to pairs of candidates for President and Vice President which only consists of two pairs of candidates,"

As stated in the Decision of the Constitutional Court Number 50/PUU-XII/2014 dated July 3, 2014 because the provisions of Article 159 paragraph (1) of the Presidential Election Law are the same as Article 6A paragraph (3) of the 1945 Constitution of the Republic of Indonesia which contains ambiguity or emptiness that can lead to multi-interpretation/multi-interpretation and confusion in its application so that the Constitutional Court provides a constitutional interpretation that Article 159 paragraph (1) does not apply in the event that there are two Pairs of Candidates for President and Vice President.

However, the provisions of Article 159 paragraph (1) of the Presidential Election Law are simply copied and pasted into the provisions of Article 416 paragraph (1) of the Election Law without considering the said Constitutional Court Decision Number 50/PUU-XII/2014, so that this condition creates uncertainty. or a vacancy again, even though in the provisions of Article 571 of the Election Law, the Presidential Election Law has been determined to be revoked and declared invalid. The above conditions indicate that the decision of the Constitutional Court is still floating and even tends to be denied by state administrators. The decisions of the Constitutional Court are

only firm at the law in book level, but are blunt at the law in action level. In terms of justice and legal certainty, this is a very serious problem. What is the meaning of a decision that can answer the community's problems if the decision is not implemented, it will only become a paper tiger. The desire to achieve justice is only limited to writing on paper. Finally, the aspect of legal certainty is also neglected because the existing decisions cannot be enforced.

### **Methods**

In this study, the author uses normative law, namely legal research that uses document study research. This method is a research method based on legal principles, systematic use and legal synchronization. This normative legal research uses document studies more because it is mostly carried out on secondary data in the library. In normative research, secondary data as sources/materials of information can be primary legal materials, secondary legal materials, and tertiary legal materials.

A. Basis for Consideration of Judges of the Constitutional Court on Decision Number 50/PUU-XII/2014 in conjunction with Decision Number 39/PUU-XVII/2019

"Alles binnen de cadre van de wet, the method of law is solely based on the law or other terms found are "spelling the law". "Based on Article 24C" paragraph (1) of the 1945 Constitution of the Republic of Indonesia, Article 10 paragraph (1) letter a of the Constitutional Court Law, and Article 29 paragraph (1) letter a of the Law on Judicial Power, the Court has the authority, among others, to adjudicate at the first and final levels whose decisions are is final to examine the Act against the 1945 Constitution."

1. Legal considerations of the Constitutional Court on Decision Number 50/PUU-XII/2014

The Court in its decision then outlines several important norms regarding the election of the President as regulated in Article 6A of the 1945 Constitution of the Republic of Indonesia." Important norms according to the Court include: "First, the pairs of candidates for President and Vice President are proposed by a

political party or coalition of political parties prior to the general implementation." Second, the pairs of candidates for President and Vice President are directly elected by the people. Third, the pairs of candidates for President and Vice President who obtain more than 50% of the total votes in the general election with at least 20% of the votes in each province spread over half the number of provinces in Indonesia are inaugurated as President and Vice President. Fourth, in the event that no pairs of candidates for President and Vice President are elected based on these conditions, the two pairs that get the first and second most votes are directly elected by the people and the pair that gets the most votes is inaugurated as President and Vice President.

The Court then emphasized that the requirement for electability through the distribution of 20% of the votes in each province in more than half of the provinces in Indonesia showed the intent and will of the makers of the 1945 Constitution of the Republic of Indonesia. people and the distribution of support from all provinces in Indonesia. According to the Court, this will is in the context of maintaining and building integrity and unity within the Unitary State of the Republic of Indonesia, due to the reality of Indonesia's unequal geographical and demographic conditions.

The Court then asked a fundamental question, namely whether the conditions for the distribution of votes were generally valid or should be related to the number of pairs of candidates submitted by political parties or coalitions of political parties before the general election was held. Seeing such a construction, the Court tried to retrace the discussion of changes to the 1945 Constitution of the Republic of Indonesia, especially regarding the election of the President and Vice President. When the MPR discusses whether direct elections are by the people or by the MPR or a combination of both, there are substantive considerations, namely the principle of deliberation which is the basis of the state and the principle of representation which means that the President must represent all Indonesian people from various regions. In this regard, there are also considerations regarding who has the right to nominate pairs of candidates for

President and Vice President in the General Election. The dialectic that developed in the MPR shows the diversity of paths for submitting the presidential candidate pair package. Institutions such as political parties and legislative elections, national social organizations and groups of people directly. In the end, the MPR agreed that candidate pairs could only be proposed by political parties participating in the election. This is intended to limit the number of candidate pairs with a maximum limit of a number of political parties participating in the general election. The Court further endorses the genealogical construction of Article 6A of the 1945 Constitution of the Republic of Indonesia, namely that if the number of pairs of candidates for President and Vice President is to be reduced again, this can be done by reducing the number of political parties and general elections.

In addition, the Court also carries out a grammatical interpretation and a systematic interpretation of the overall meaning of Article 6A of the 1945 Constitution of the Republic of Indonesia. The opinion of the Court is:

"It is very clear that the meaning contained in Article 6A paragraph (4) of the 1945 Constitution of the Republic of Indonesia states "In the event that no pair of candidates for President and Vice President is elected, the two pairs of candidates who get the first and second most votes in the general election" relate to the number or at least there are more than two pairs of candidates for President and Vice President who took part in the election in the previous round as contained in Article 6A paragraph (3) of the 1945 Constitution."

The Court further reiterates:

"If from the beginning there were only two pairs of candidates, why is it stated in paragraph (4), "In the event that no pairs of candidates for President and Vice President are elected, the two pairs of candidates who get the most votes first and second," if there is an assumption that there are only two pairs of candidates Presidential and Vice-Presidential candidates who participated in the previous election do not need an

affirmation of "the two pairs of candidates who get the first and second most votes," because with two pairs of candidates, of course, one of them will get the first or second most votes.

The direct presidential election in the 1945 Constitution of the Republic of Indonesia contains a fundamental objective in the context of implementing people's sovereignty as mandated by Article 1 paragraph (2) of the 1945 Constitution. The President of the Republic of Indonesia is the President who has strong support and legitimacy from the people. According to the Court, the most important principle in the Presidential Election is the sovereignty of the people. This is important because it implies that the elected President is a President who has strong legitimacy from the people. If the situation is that there are two pairs of candidates for President and Vice President in a general election, the Court is of the opinion that:

"In the event that there are only two pairs of candidates for President and Vice President who are proposed by a combination of several political parties that are national in nature, according to the Court at the stage of nomination of pairs of candidates for President and Vice President has fulfilled the principle of representative representation of all regions in Indonesia because the presidential candidate has been supported by a coalition of candidates for President and Vice President. a national political party that represents the population throughout Indonesia. Thus, the goal of the Presidential election policy that represents all the people and regions in Indonesia has been fulfilled."

Based on these considerations, the Court gave its final statement, namely that Article 159 paragraph (1) of Law no. 42 of 2008 must be interpreted if there are more than two pairs of candidates for President and Vice President. This was later reaffirmed by the Court with the dictum:

"If there are only two pairs of candidates for President and Vice President, then the pairs of candidates for President and Vice President elected are the pairs of candidates who get the most votes as referred to in Article 6A paragraph (4) of the 1945

Constitution of the Republic of Indonesia, so that there is no need for a direct election by the people on chairman election."

In a sense, according to the Court, the requirement for a 20% distribution of support that is spread over half the number of provinces is irrelevant if the contestants for the Presidential and Vice-Presidential Election are only joined by two pairs of candidates. Based on these considerations, the Court decided to grant the petition of the petitioners in their entirety." Furthermore, in its decision, the Court stated that "Article 159 paragraph (1) of Law Number 42 of 2008 concerning "The General Election of the President and Vice President is contrary to the 1945 Constitution of the Republic of Indonesia" as long as it is not interpreted it does not apply to pairs of candidates. President and Vice President which only consists of two pairs of candidates." Furthermore, the Court stated that Article 159 paragraph (1) of Law Number 42 of 2008 concerning the General Election of the President and Vice President does not have binding legal force, as long as it is not interpreted, it does not apply to pairs of candidates for President and Vice President which only consist of two pairs of candidates. "

However, of the nine judges of the Constitutional Court, there were two judges who expressed different opinions (Dissenting Opinion), namely Patrialis Akbar and Wahidudin Adams. Patrialis said that in order to answer the request for a review of the a quo Act, it must first be answered whether it is one round or two rounds? Then whether through one stage of calculation or two stages of calculation? In his introduction, Patrialis Akbar prioritizes "Elected President and Vice President" if it is related to the provisions of Article 25A of the 1945 Constitution of the Republic of Indonesia, it must reflect and represent the diversity of the Indonesian population whose geography tends to have an archipelagic character. In relation to Article 6A paragraph (3) of the 1945 Constitution of the Republic of Indonesia, Patrialis considers the article to be a constitutional basis for holding the election of President and Vice President for one round. In Patrialis' explanation, the article does not distinguish whether the pairs of candidates for President and

Vice President are two or more pairs. For Patrialis, it is like there are two or more pairs, must first take into account the number of votes received by 50% of the total votes in the general election with at least 20% of the votes in each province spread over half the number of provinces in Indonesia.

Furthermore Patrialis argues:

"Article 6A paragraph (30) of the 1945 Constitution of the Republic of Indonesia was amended in Phase III of the 1945 Constitution of the Republic of Indonesia, while Article 6A paragraph (4) of the 1945 Constitution of the Republic of Indonesia was amended in Amendment to Phase IV which perfected the provisions of Article 6A paragraph (3) of the 1945 Constitution, so that Article 6A paragraph ( 3) The 1945 Constitution cannot be completely ignored to determine the number of votes for the Presidential and Vice Presidential Candidate Pairs."

Regarding the subject matter of the Petitioner's petition, Patrialis gave his opinion. According to Article 159 paragraph (1) of Law No. 42 of 2008 is an organic law from Article 6A paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The implication is Article 159 paragraph (1) of Law no. 42 of 2008 is in accordance with the 1945 Constitution of the Republic of Indonesia and does not conflict with the 1945 Constitution of the Republic of Indonesia. Because then Patrialis is of the view that the Law fulfills the principle of legal certainty and the principle of the rule of law. So that all the articles of the 1945 Constitution of the Republic of Indonesia which were used as a test of the Law were not legally proven. While giving a critique at the end of his opinion, Patrialis stated the errors of the petitioners, namely:

"In his petition, the Petitioner did not state the existence of Article 6A paragraph (3) and paragraph (4) of the 1945 Constitution of the Republic of Indonesia. The Petitioner should also have read and understood well Article 6A paragraph (3) and paragraph (4) of the 1945 Constitution of the Republic of Indonesia."

Another Dissenting Opinion was expressed by Constitutional Justice Wahiduddin Adams. Initially, he described that at the time of the Amendment to the 1945 Constitution of the Republic of Indonesia, it had not been thought that the presidential election could be contested by two (2) presidential/vice presidential candidates. What was thought at that time was that the main ideas and aspirations of the drafters of the amendment to the Constitution were the proportionality of the number of voters and their distribution with the area of Indonesia. So the hope then is that the elected President or Vice President will gain the trust and support that is not only in large numbers, but also widely from the people. This will encourage the realization of community integration and prevent pairs of candidates for president or vice president from campaigning in densely populated areas only.

Wahiduddin then gave his opinion on the Petitioner's petition arguing the need for preventive measures against the potential for political instability. According to him, this is utilitarian-style legal reasoning which is interpreted narrowly. In fact, according to him, the principle of conducting general elections including the presidential election in Indonesia as regulated in Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia is carried out directly, publicly, freely, confidentially, honestly and fairly (Luber and Jurdil). So according to Wahiduddin, the principle of being simple, fast and cheap/low cost is not a principle that must exist in the holding of the presidential election.

For Wahiduddin, if the 2014 presidential election was held in one round, it is not impossible that it would also cause legal problems as argued by the petitioners. This happened "because the implementation of the 2014 Presidential Election was interpreted as not in accordance with Article 6A of the 1945 Constitution which philosophically did not adhere to the concept of simple majority or run-off election." Indonesian territory. While emphasizing his opinion at the end, Wahiduddin considered:



"Regardless of the number of participants in the presidential election, in the event that there are no presidential/vice presidential candidates who meet the cumulative requirements of getting more than 50% of the votes with at least 20% of the votes in each province spread over more than 1/2 of the number of provinces in Indonesia, a second round of presidential elections must be held. (second round) with the absolute majority vote system without distribution requirements in accordance with the provisions of Article 6A paragraph (4) of the 1945 Constitution of the Republic of Indonesia."

1. Basis for Consideration of the Judges of the Constitutional Court on the Decision of Case Number 39/PUU-XVII/2019

The petition of the petitioners is an application to examine the constitutionality of the norms of the Act, in casu Article 416 paragraph (1)" of Law Number 7 of 2017 concerning general elections (State Gazette of the Republic of Indonesia of 2017 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 6109, hereinafter referred to as Law Election), in respect of Article 6A paragraph (3) and paragraph (4) of the 1945 Constitution, the Court has the authority to hear the a quo petition. "In legal standing (legal position) or what it means "things that underlie the justification of the subjectum of justice seekers submitting a request for judicial review to the Constitutional Court." The applicant must be able to postulate the legal standing that underlies the submission of the application for judicial review." Legal standing is the entitlement or right which justifies the subjectum to apply for a judicial review of the Act. Legal Standing is nothing but the right to sue. "

inner court. considering the legal standing of the Petitioners as follows: whereas the norm of the law being applied for, the constitutionality test in the a quo petition is the norm of Article 416 paragraph (1) of the Election Law, the formulation of which is as follows:

“Elected Candidate Pairs are Candidate Pairs who obtain more than 50% (fifty percent) of the total votes in the Presidential and Vice-Presidential Election with at least 20% (twenty percent) of the votes in each province spread over more than 1/2 (half) of the total number of votes. province in Indonesia.”

Whereas the Petitioners argue that as individual citizens their constitutional rights have been impaired because the provisions of Article 416 paragraph (1) of the Election Law do not provide legal certainty in the event that the pairs of candidates for President and Vice President only consist of two pairs of candidates. The Petitioners also stated that they have the potential to be harmed because the provisions of Article 416 paragraph (10) of the Election Law result in the absence of pairs of candidates for President and Vice President who meet the requirements as pairs of elected candidates, so that the general election must be repeated. The repetition of such general elections drains the state's finances from taxes paid by the public, including by the Petitioners.

Furthermore, the Court assessed that the applicants have constitutional rights to obtain legal certainty regarding the criteria or conditions for the election of the presidential and vice presidential candidates. According to the Court, the Petitioners also have a constitutional right to hold elections that are efficient in terms of financing, and are effective or not protracted in terms of implementation. The constitutional rights of the Petitioners have the potential to be harmed because the reading of the provisions of Article 416 paragraph (1) of the Election Law states that the Presidential and Vice-Presidential Election must be repeated when none of the pairs of candidates who meet the requirements “... get more than 50% (fifty percent) of the votes. of the total votes in the Presidential and Vice-Presidential elections with at least 20% (twenty percent) of the votes in each province spread over more than (half) of the number of provinces in Indonesia”. Such repetition of the Presidential and Vice-Presidential Elections has the potential to continue without end as long as not one of the pairs of candidates fulfills the a quo requirements. Thus, the potential for constitutional loss of the

Petitioners has a causal verband with the provisions petitioned for review.

The main point of the petition "The Petitioners is regarding the provisions of Article 416 paragraph (1) of the Election Law, whose formulation is exactly the same as the provisions of Article 159 paragraph (1) of Law Number 42 of 2008 concerning the General Election of the President and Vice President (hereinafter referred to as the Presidential Election Law). . The provisions of Article 159 paragraph (1) of the Presidential Election Law by the Court, through the Decision of the Constitutional Court Number 50/PUU-XII/2014, dated July 3, 2014, have been declared contrary to the 1945 Constitution and therefore have no binding legal force as long as they are not interpreted as not applicable to pairs of candidates for President and Vice President consisting of only two pairs of candidates.

Then the Court was of the opinion "that before considering the subject matter of the petition based on Article 54 of the Constitutional Court Law, since the a quo petition is clear," there is no urgency to ask for information from the parties as stated in Article 54 of the Constitutional Court Law." The Court reads carefully the arguments of the petitioners' petition and the evidence submitted, according to the Petitioners, the constitutional issue requested for review in the a quo petition is the provision of Article paragraph (1) of the Election Law that opens the potential for the presidential and vice presidential elections to be repeated, at least until the second round, although only followed by two pairs of candidates for President and Vice President. This is because the a quo provisions only stipulate the conditions for the election of the President and Vice President in the event that the presidential and vice presidential elections are attended by more than two pairs of candidates, and do not stipulate the terms of electability when since the beginning of the general election the President and Vice President are only followed by two pairs of candidates. . "

"Furthermore, considering that the conditions for electing a pair of presidential and vice presidential candidates in the Presidential and Vice-Presidential Election are regulated in

Article 6A of the 1945 Constitution of the Republic of Indonesia, which is further regulated in Article 416 paragraph (1) of the Election Law. Prior to the enactment of the Election Law, the provisions regarding the conditions for the election of the presidential and vice presidential pair were regulated in Article 159 paragraph (1) of the Presidential Election Law, which further stipulates the following:

“Elected Candidate Pairs are Candidate Pairs who obtain more than 50% (fifty percent) of the total votes in the Presidential and Vice-Presidential Election with at least 20% (twenty percent) of the votes in each province spread over more than (half) of the number of provinces. in Indonesia.”

Furthermore, considering that the norms which are the same as the norms as referred to in Article 416 paragraph (1) of the Election Law, the Constitutional Court has applied for a constitutional review, namely the norm in Article 159 paragraph (1) of the Presidential Election Law, and has also been decided in the Constitutional Court Decision Number 50 /PUU-XII/2014. Dated July 3, 2014. In the Decision the Court granted the petition of the Petitioners and thus the norm in the provisions of Article 159 paragraph (1) of the Presidential Election Law no longer has legally binding conditional force. Amar Decision of the Constitutional Court Number 50/PUU-XII/2014 states:

1. Granting the petition of the Petitioners in its entirety:

1.1. Article 159 paragraph (1) of Law Number 42 of 2008 concerning the General Election of the President and Vice President (State Gazette of the Republic of Indonesia of 2008 Number 176, Supplement to the State Gazette of the Republic of Indonesia Number 4924) is contrary to the 1945 Constitution of the Republic of Indonesia as long as it does not interpreted does not apply to pairs of candidates for President and Vice President which only consists of two pairs of candidates.

1.2. Article 159 paragraph (1) of Law Number 42 of 2008 concerning the General Election of the President and Vice President (State Institution of the Republic of Indonesia Number 4924) does not have binding legal force, as long as it is not

interpreted it does not apply to pairs of candidates for President and Vice President which only consist of candidate pair.

Before arriving at the decision, the Court in its legal considerations, among others, stated the following:

Considering that;

- What if there is a pair of candidates for President and Vice President that only consists of two pairs of candidates? From the search for the minutes of the meeting discussing the amendments to the 1945 Constitution of the Republic of Indonesia, it was not discussed in an expressive way if there were only two pairs of candidates for President and Vice President. It's just that at the time of the third amendment, there are still remaining unresolved issues, namely what is the solution if none of the pairs of presidential candidates meet the requirements in Article 6A paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In this case, there are two options, namely, the two pairs who get The first and second most votes directly elected by the people are re-elected by the people or elected by the MPR which in the fourth amendment it was decided to be directly elected by the people without regard to the requirements stipulated in Article 6A paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

- According to the Court, although there is no confirmation that Article 6A paragraph (3) of the 1945 Constitution of the Republic of Indonesia is intended if there are more than two pairs of candidates for President and Vice President but it is related to the context of the birth of Article 6A of the 1945 Constitution of the Republic of Indonesia, it can be concluded that the discussion at that time was related to assuming that there are more than two pairs of candidates for President and Vice President. In addition, based on the grammatical interpretation and systematic interpretation of the overall meaning of Article 6A of the 1945 Constitution of the Republic of Indonesia, it is very clear that the meaning contained in Article 6A paragraph (4) of the 1945 Constitution which states, "In the event that there are no pairs of candidates for President

and Vice President elected, two the pair of candidates who get the first and second most votes in the general election..." relates to the number or at least more than two pairs of candidates for President and Vice President who took part in the election in the previous round as contained in Article 6A paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The sentence "In the event that there are no elected pairs of candidates for President and Vice President, the two pairs of candidates who get the first and second most votes..." clearly indicate that meaning when it is associated with the provisions in paragraphs (2) and (3) before. If from the beginning there were only two pairs of candidates, why is it stated in paragraph (4) "In the event that no pairs of candidates for President and Vice President are elected, the two pairs of candidates who get the most votes first and second...". If there is an assumption that there are only two pairs of candidates for President and Vice President who participated in the previous election, there is no need to affirm "the two pairs of candidates who received the first and second most votes..." because with two pairs of candidates, one of them must have received the first or most votes. second. Thus the meaning of Article 6A paragraph (4) of the 1945 Constitution of the Republic of Indonesia must be read in a series with the overall meaning of Article 6A of the 1945 Constitution of the Republic of Indonesia.

- According to the Court, the direct election policy for the President in the 1945 Constitution of the Republic of Indonesia contains a fundamental objective in the context of implementing people's sovereignty as mandated by Article 1 paragraph (2) of the 1945 Constitution. The President of the Republic of Indonesia is the President who has strong support and legitimacy from the people. In this case, the most important principle is people's sovereignty. In order to achieve that goal, various alternatives were discussed during the amendment of the 1945 Constitution, among others, there was a proposal that two pairs of candidates for President and Vice President be elected directly by the people; elected by the MPR or proposed by the first and second winning political parties in the general election for the People's

Representative Council. All of this is within the framework of a democratic process based on popular sovereignty. In the event that there are only two pairs of presidential candidates proposed by a combination of several political parties that are national in nature, according to the Court, at the stage of nomination of pairs of candidates for President and Vice President, they have fulfilled the principle of representing all regions in Indonesia because the presidential candidate has been supported by a coalition of national political parties that representing the population throughout Indonesia. Thus, the objective of the presidential election policy that represents all the people and regions in Indonesia has been fulfilled.

Furthermore, based on all the considerations mentioned above, the Court is of the opinion that Article 159 paragraph (1) of Law 42/2008 must be interpreted if there are more than two pairs of candidates for President and Vice President, then the pairs of candidates for President and Vice President who are elected are the pairs of candidates who get the most votes as referred to in paragraph (1). referred to in the provisions of Article 6A paragraph (4) of the 1945 Constitution of the Republic of Indonesia, so that there is no need for a direct election by the people in the second election. Considering that the Presidential Election Law was later revoked and replaced by the Election Law which took effect on August 16, 2017. In relation to the Constitutional Court Decision Number 50/PUU-XII/2014, the process of drafting an Election Law which revoked the Presidential Election Law was carried out after the Constitutional Court Decision Number 50/ PUU-XII/2014, so that according to the Court, it is appropriate for legislators to know and pay attention to the existence of the a quo Constitutional Court Decision which states that the norm of Article 159 paragraph (1) of the Presidential Election Law is contrary to the 1945 Constitution and has no legal force to bind conditionally as long as it is not interpreted. does not apply to pairs of candidates for President and Vice President which only consists of two pairs of candidates. Moreover, the interpretation of the norms of Article 159 paragraph (1) of the Presidential Election Law in the

said Constitutional Court Decision has also been used as one of the legal foundations for the 2014 Presidential and Vice-Presidential Election. However, the substance of the provisions of Article 159 paragraph (1) of the Presidential Election Law has been canceled by The Court is conditionally reloaded with the exact same formulation by the legislators as in Article 416 paragraph (1) of the Election Law as follows:

Article 416 paragraph (1) of the Election Law

“Elected Candidate Pairs are Candidate Pairs who obtain more than 50% (fifty percent) of the total votes in the Presidential and Vice-Presidential Election with at least 20% (twenty percent) of the votes in each province spread over more than (half) of the number of provinces. in Indonesia”.

By loading or reviving the legal norms that have been canceled by the Constitutional Court, in the Decision of the Constitutional Court Number 105/PUU-XIV/2016 dated September 2017 it is stated;

"As an institution that is given constitutional authority by the constitution to examine laws against the 1945 Constitution of the Republic of Indonesia, the most likely step for the Court to take is to respond and at the same time anticipate all kinds of disregard for certain norms or parts of a law that has been declared contrary to the Constitution. NRI 1945 but is revived in a revision of the Law or in a new Law, then for the Court this right will be irrefutable evidence to state that the norms of the law in question are contrary to the 1945 Constitution."

By interpreting it correctly and correctly and there is no strong reason to revive norms that have been declared unconstitutional, so the Court must declare that the provisions of Article 416 paragraph (1) of the Election Law are contrary to the 1945 Constitution and do not have legal force and are conditionally binding. as long as it is not interpreted, it does not apply to pairs of candidates for President and Vice President which only consists of two pairs of candidates, in accordance with Decision Number 50/PUU-XII/2014.



"Based on the legal considerations as referred to above, then Article 416 paragraph (1) of the Election Law which is requested for a quo review, the Court assesses that the norms contained in the provision have been tested and canceled by the Court through the Constitutional Court Decision Number 50/PUU-XII. /2014. Thus the legal considerations of the Constitutional Court Number 50/PUU-XII/2014 apply mutatis mutandis and the Petitioners' argument regarding the conditional unconstitutionality of Article 416 paragraph (1) of the Election Law is legally grounded. "

### **Conclusion**

Based on the research above, the authors conclude:

1. The executive power of the Constitutional Court's decision has the nature of a Constitutive Declaratoir, 'this occurs in the current system, if necessary with legal conditions at a time when it is necessary and critical thinking about this executive power. The legislative (DPR) and Executive (President) institutions remember the orders of Law Number 8 of 2011 regarding amendments to Law Number 24 of 2003 concerning the Constitutional Court Article 59 paragraph (2) did not give clear orders to the DPR and the President even though the article had declared no longer valid since Thursday, July 3, 2014 which stated that the injunction of the article had no binding legal force with Decision Number 50/PUU-XII/2014.

That: The final decision of the Constitutional Court means that it is the first and last resort, which has the consequence that no further legal remedies can be taken against the decision and therefore directly has permanent and binding legal force. - XII/2014 Jo. The decision of the Constitutional Court Number 39/PUU-XVII/2019 would be very absurd without a positive response from the law-making organs and the government in general.""

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# **Covid-19, Treatment Issues and the Fear of Survival Among HIV/AIDS Patients in Malakand Division, Khyber Pakhtunkhwa, Pakistan**

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## **Introduction**

Human beings are facing one of the worst diseases in the form of COVID-19. The coronavirus has been a global health crisis, and within no time, it has spread across nations. In the last three years, COVID-19 has infected millions of people while hundred thousand have been died due to COVID related illnesses. In Pakistan, the number of COVID-19 cases has been increasing with each passing day. Although, it infects all types of people, however; people with pre-existing risky health conditions are at particular risk of contracting the virus. The coronavirus has been a global health crisis which has thrown the world into a major economic decline, with potentially strong adverse impact on the livelihoods of poor communities and groups. The disease (COVID-19) is highly contagious, with a higher reproduction rate which shows that the virus transmits easily and rapidly (Liu, Gayle, Wilder-Smith, & Rocklöv, 2020). At regional levels, Pakistan has been the second most affected country in South

Asia and the number of COVID-19 cases has been increasing rapidly (World Health Organization Report, 2020; Tanne, Hayasaki, Zastrow, Pulla, Smith, & Rada, 2020). In developing countries like Pakistan with existing low indicators of socio-economic development, a pandemic (coronavirus) is further compounding the pre-existing socio-economic inequalities. Although, the virus infect rich and poor, young and old, rural and urban people equally, however; old age people, people living in congested settlements, or people who have pre-existing risky health conditions are at particular risk of severe illness (Garnier-Crussard, Forestier, Gilbert, & Krolak-Salmon, 2020; World Health Organization, 2020b). In addition, the disease (COVID-19) is primarily creating health implications for other patients who require support and healthcare services including HIV/AIDS patients (Heymann & Shindo, 2020).

The precautionary measures in the form of physical distancing and self-quarantine or isolation have produced significant social, economic, and psychological challenges that have further aggravated the already fragile situation (Wu & McGoogan, 2020). During COVID-19, HIV infected people are at particular risk, and they are considered extremely vulnerable. Although, there has been no direct association between HIV/AIDS and acquiring of COVID-19, however; those HIV/AIDS patients who are not taking antiretroviral (ART) face increased risk for contracting COVID-19. In addition, due to weak immune system and many other complications of HIV/AIDS, the body provides a weak response for COVID-19, thus makes it easy for COVID to spread in the human body (Cooper, Woodward, Alom, & Harky, 2020). Consequently, during the prevalence of current COVID-19, HIV/AIDS patients also faced treatment interruptions (Gervasoni, Meraviglia, Riva, Giacomelli, Oreni, Minisci, & Cattaneo, 2020). This occurs due to

restrictions on non-emergency medical appointments and the stress upon physical distancing in order to prevent the transmission of COVID-19. Similarly, when medical services reopened and resume their routine operations, and PLWHA, start attending these treatment services, they become exposed to COVID-19. Such exposure also intensifies their existing vulnerabilities in the form of isolation and restricted mobility and thus making them marginalized (Lodgell & Kuchukhidze, 2020).

Both COVID-19 and HIV/AIDS have certain risk factors and those HIV/AIDS patients who have been infected with COVID-19 are facing double stigma and discrimination in society instead of support and protection (Saeed, Mihan, Mousavi, Reniers, Bateni, Alikhani, & Mousavi, 2020). As a result of COVID-19 seventy three countries have recently warned that they facing shortage of antiretroviral (ARV) medicines (WHO, 2020a), while among these, twenty four countries reported either a critically low stock of HIV treatment medicine (ARVs) or face disruption in the supply of these medicines. In this context, UNAIDS and WHO reports of May, 2020, warned that a six months disruption in ARVs could result in doubling in AIDS related deaths in the world.

Importantly, the unprecedented outbreak of the COVID-19 has intensified the anxiety and stress of HIV/AIDS patients at a global level (Cooper, Woodward, Alom, & Harky, 2020). Such stress thus leads to dangerous coping mechanisms, including the increased use of alcohol and other drugs, which in return reduce the strength of immune system, and weaken the ability of HIV/AIDS patients to fight COVID-19. In addition, maintaining physical distancing for combating COVID-19 also increase loneliness of HIV patients, which in turn aggravate depressive symptoms (Ridgway *et al.*, 2020), such as loss of interest, feelings

of worthlessness, and thoughts of death or suicide. The prevalence of such depressive symptoms have negative effects on HIV/AIDS patients in terms of taking their medications and engaging in the necessary activities and lifestyle that are conducive for their health (Blashill, Perry, & Safren, 2011). Thus, both COVID-19 and HIV/AIDS are global health concerns. The recent outbreak of coronavirus has multiplied the issues of HIV/AIDS patients in Pakistan and they face severe problems in accessing treatment services and getting sociopsychological support.

### **Problem Statement**

The coronavirus has been a global health crisis and it has infected millions of people around the globe. In Pakistan, the number of COVID-19 cases has been increasing with each passing day. Although, COVID-19 do not discriminate in infecting people however; HIV/AIDS patients are at particular risk of contracting the virus (Garnier-Crussard, Forestier, Gilbert, & Krolak-Salmon, 2020; WHO, 2020b). The precautionary measures to control the spread of COVID-19 in form physical distancing and self-quarantine or isolation have produced significant social, economic, and psychological challenges for HIV/AIDS patients (Wu & McGoogan, 2020). In this context, those HIV/AIDS patients who are not taking antiretroviral (ART) face an increased risk for contracting COVID-19, due to their weak immune system and many other health complications (Cooper, Woodward, Alom, & Harky, 2020). In addition, because of the prevalence of COVID-19, HIV/AIDS patients also faces treatment interruptions (Gervasoni, Meraviglia, Riva, Giacomelli, Oreni, Minisci, & Cattaneo, 2020), that occur due to restrictions on non-emergency medical appointments and the stress upon physical distancing in order to prevent the transmission COVID-19 (Lodgell & Kuchukhidze, 2020).



This study is based on the argument that HIV/AIDS patients who are infected with COVID-19 are facing discrimination in society instead of integration, support and protection. COVID-19 also impact treatment services of HIV/AIDS, as during coronavirus the focused has been given to the treatment of COVID patients. Further, it is argued that the outbreak of the COVID-19 has intensified the anxiety and stress of HIV/AIDS patients at a global level, which leads to dangerous coping mechanisms i.e. increased use of alcohol and other drugs, which in return weakens the immune system and reduce the ability of HIV/AIDS patients to fight COVID-19. We also argue that the prevalence of COVID-19 also affects the life of HIV/AIDS patients in terms of taking their medications and engaging in the necessary activities and lifestyle that are conducive for their health and well-being. The COVID-19 has produced dire consequences for HIV/AIDS patients in Malakand Division, and the issue calls attention of research scholars, academician and policy makers. This review based study would help in bridging and integrating policy making regarding COVID-19 and HIV/AIDS patients. This project would strengthen the response of both provincial and federal governments for providing services to COVID-19 as well as HIV/AIDS patients. This study will also prove a milestone in extending social and moral support to HIV/AIDS patients and would result in their integration and would decrease their anxiety, frustration and isolation.

### **Objectives of the Study**

- To identify treatment issues of HIV/AIDS patients during COVID-19 in Malakand Division
- To investigate the associated risk factors of COVID-19 affecting HIV/AIDS patient's treatment and survival

- To know about the extent of stigma, social isolation and stress factors affecting HIV/AIDS patients during COVID-19

### **Methodology**

This is a review based study and library method and content analysis were adopted for its implementation. All relevant studies were searched, however; 25 most relevant studies were identified for review and for inclusion or exclusion abstracts of these studies were consulted. Specific consideration was given to studies conducted on coronavirus and HIV/AIDS treatment. The main focus was to find out the risk factors of COVID-19 for HIV/AIDS patients and how coronavirus has impacted treatment of the HIV/AIDS patients. An explicit criterion was developed and studies conducted and published during 2010-2022 were considered. Further, those studies were considered which fulfills the objectives and purpose of the study and were mostly related to: 1. Prevalence of HIV/AIDS, 2. COVID-19 and HIV/AIDS, 3. Risk factors of COVID-19 for HIV/AIDS patients, 4. COVID-19 and treatment issues of HIV/AIDS patients. Most of the reviewed materials were published in renowned journals indexed with African Index Medicus, Google Scholar, Web of Sciences; EBSCO, SSA, and SCOPUS etc. Adoption of systematic methodology helped us in conducting the study in accordance with study objectives and deriving findings and conclusion.

### **Analysis**

#### **COVID-19, Risk factors, Treatment interruptions and integration issues of HIV/AIDS patients**

The disease (COVID-19) primarily creating health implications for HIV/AIDS patients who require constant healthcare (Heymann & Shindo, 2020). The precautionary measures in form of physical distancing and self-quarantine or

isolation have produced significant social, economic, and psychological challenges for HIV/AIDS patients and have further compounded their existing vulnerabilities (Wu & McGoogan, 2020). There has been significant impact on HIV prevention, testing and treatment during COVID-19, due to centralized HIV treatment facilities. The growing number of corona cases resulted in shortage of medical services and medicine that are used for treating infectious diseases. In addition, self-quarantine, enforcement of physical distancing and transportation lockdown used for controlling the spread of COVID make it difficult for HIV patients to maintain treatment and get admission in hospitals whenever it was required. The COVID-19 created barriers and it made it difficult for most of HIV/AIDS patients to continue their treatment (Chamola, Hassija, Gupta, & Guizani, 2020). The fear of corona infection has completely disturbed the routine treatment of HIV/AIDS patients, while constant lockdown has made it impossible for them to move to cities and maintain treatment. The pandemic of COVID-19 has intensified the existing vulnerabilities of these patients and those HIV/AIDS patients who are not taking antiretroviral (ART) face increased risk for contracting COVID-19 (Nitpolprasert, Anand, Phanuphak, Reiss, Ananworanich, & Peay, 2022). Further, as HIV/AIDS destroys the immune system of the body and provides a weak response for COVID-19 thus makes it easy for COVID to spread in the body easily (Cooper, Woodward, Alom, & Harky, 2020).

During the prevalence of current COVID-19, HIV/AIDS patients also faced treatment interruptions (Gervasoni, Meraviglia, Riva, Giacomelli, Oreni, Minisci, & Cattaneo, 2020), which occurs due to restrictions on non-emergency medical appointments and the stress upon physical distancing in order to prevent COVID-19 transmission. The shift of focus on emergency

treatment of corona patients makes it difficult for HIV/AIDS patients to continue their follow up checkups. Further, these patients would become exposed to COVID-19, when medical services reopened and resume their routine operations, and PLWHA start attending these treatment services (Lodgell & Kuchukhidze, 2020). As a result of COVID-19 seventy three countries have recently warned that they facing shortage of antiretroviral (ARV) medicines (World Health Organization, 2020a), while among these, twenty four countries reported either a critically low stock of HIV treatment medicine (ARVs) or face disruption in the supply of these medicines. The UNAIDS and WHO reports of May, 2020, warned that a six months disruption in ARVs could result in doubling in AIDS related deaths in the world (Nachega, Kapata, Sam-Agudu, Decloedt, Katoto, Nagu,& Zumla, 2021). During the outbreak of COVID-19, there has been interruption in treatment services, ranging from minimal to complete interruptions. The interruptions in treatment occurred due to closure of clinics, change in clinic operations hours, and non-availability of existing services and health care providers. Similarly, other supportive services including counseling, distribution of their routine packages and outreach services have been suspended. In order to avoid exposure to COVID-19 protect themselves from double economic burden (treatment of two diseases) also influence the patterns of interruptions of treatment HIV/AIDS patients (Beima-Sofie, Ortblad, Swanson, Graham, Stekler & Simoni, 2020). Although, online clinics and consultation along with postal testing facilities have been introduced, there have been shocking reports about challenges to HIV/AIDS patients during the COVID-19 (Nachega, Kapata, Sam-Agudu, Decloedt, Katoto, Nagu,& Zumla, 2021). HIV/AIDS patients have faced critical challenges and difficulties in accessing health care services. The actual adherence to treatment

and regular attendance to clinics have been impacted due to certain structural barriers (Sun, Hou, Chen, Lu, Brown, & Operario, 2020).

The COVID-19 has intensified the level of stigma as it has increased the chances of their exposure to families and communities. This occurred as a result of mailing medicine, interpersonal proximity and quarantine. This led to high levels of stigma, depression, anxiety, and low adherence to treatment (Sun, Hou, Chen, Lu, Brown, & Operario, 2020). Those HIV/AIDS patients who have been infected with COVID-19 have faced double stigma and discrimination in society instead of support and protection. Importantly, COVID-19 has increased in anxiety at a global level and individuals having chronic health conditions such as HIV/AIDS patients may experience a significant stress condition than the general population, and such stress is developed due to the fear of an increased risk of contracting COVID-19 (Cooper, Woodward, Alom, & Harky, 2020). Such stress thus leads to dangerous coping mechanisms, including the increased use of alcohol and other drugs, which in return reduce the strength of immune system, and weaken the ability of HIV/AIDS patients to fight COVID-19. The increased intake of alcohol may exacerbate symptoms of depression and anxiety (Gervasoni et al., 2020), and the development of depression is two to four times higher in HIV positive people than the general population. Thus maintaining physical distancing for combating COVID-19 further increase loneliness of HIV patients, which in turn aggravate depressive symptoms (Ridgway et al., 2020), such as loss of interest, feelings of worthlessness, and thoughts of death or suicide that have negative effects on HIV/AIDS patients in terms of taking their medications and engaging in the necessary activities and lifestyle

that are conducive for their health (Blashill, Perry, & Safren, 2021).

### **Conclusion**

COVID-19 pandemic has created significant economic issues for HIV/AIDS patients and have impacted their treatment globally. It has created barriers to HIV prevention, testing, and access to care and support services. The COVID-19 precautionary measures such as strict quarantine, lockdown of economic activities and services, travel restrictions, focus on non-emergency care and allocation of resources to combat the spread of coronavirus have severely impacted HIV/AIDS patients. The prevalence of COVID-19 has also disrupted routine treatment operations, reduced working hours, and decreased the availability of healthcare providers in HIV treatment clinics, thus impacted counseling and social support services. The study concludes that people living with both HIV and COVID-19 experience mistreatment, and COVID-19 as well as HIV patients face discriminatory attitudes in family, health services and community. The study also found that efforts are required to address both COVID-19 and HIV/AIDS, in terms of allocation of resources, provision of free treatment services. Development of effective strategies to reach HIV/AIDS patients in this critical time to avoid intensification of their vulnerabilities is required. Further, there is also a need of providing integrated COVID-19 and HIV testing and treatment services at district as well as local levels. The relevant authorities i.e. health department, NGOs and health administration shall take necessary steps to avoid constant treatment interruptions of HIV/AIDS patients, and ensure the operational hours, availability of health care providers, necessary medicine and testing services during the outbreak of COVID-19.

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# Functioning Language Experience Approach to Elevate the EFL Students' Writing Skill

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## Introduction

Writing is generally unpopular. Writing has long been neglected in the practice of teaching English as a foreign language in Indonesia for a variety of reasons. It necessitates greeter efforts on the part of the teacher, and thus it is quite demanding, resulting in a greeter burden greater than other language aspects to teach. Writing instruction has traditionally been associated with time-consuming correction and marking of individual students' work. Writing is one of the English language skills that is useful not only in formal situations but also in informal ones. When people are unable to express themselves verbally, they can do so through writing (Nurhikmah, et al., 2020). Many factors influence which elements or components should be highlighted in writing.

Teaching students to write well is critical in today's classroom. That is why the teacher must use a good technique or method to inspire students and motivate them to express themselves creatively through writing (Syam et al., 2021). To encourage students' creativity, the teacher should provide them with a variety of activities. In this case, the teacher should use a good approach and be well prepared when teaching them. Using the Language Experience Approach as an aid in teaching writing is a delightful way to encourage students to write paragraphs. The Language Experience Approach is an activity-based writing lesson that helps students see the connections between their

experiences, what they say, and what they write. (Beach et al., 2014).

Writing must be taught at all grade levels, not just the test grades. Students learn the writing skills necessary for success in the next grade level at each grade level. Students' basic skill concepts are strengthened as they progress through elementary, middle, and high school (Nurhikmah et al., 2021). Making writing a part of other content areas, such as science and social studies, will help to strengthen this alignment (Syam et al., 2020). Furthermore, by providing students with numerous opportunities to practice writing, they learn to write effectively (Muthmainnah, M. (2023)). Students cannot sharpen the skills required to write competently and confidently unless they practice. Considering the forementioned facts on writing skills at classroom, therefore this issue concern on how well language experience approach is functioned to elevate EFL students' writing skill using the score and classification in Figure 1.



Figure 1. Score and classification of students writing skill

## Discussion

The study appeared by collecting the data from 12 EFL students through writing test during the pre- to post-test. Afterwards, these data were calculated in the mean score to obtain the elevation of the students' writing skill. The students' writing result was viewed by two components of writing: completeness and Language use.

1. The proportion of students' writing pretest and posttest in completeness



Table 1. The proportion of students' writing pretest and posttest in completeness

On Table 1, it shows that 12 students who obtained posttest score classified into fair. It means that the score of the students ranges between 50-69. It was also not found single student who obtained other classification. This indicates that the students are classified fair in dealing with completeness for their writing skill in the pretest.

Meanwhile, the completeness in the post-test writing shows that 2 out of 12 students obtained fair classification and on the other hand 10 students as the majority classified into good. Therefore, poor and excellent classifications are not taking into account. This result indicates that most students are classified good in dealing with completeness for their writing skill in the posttest. This means that the writing result in posttest outperforms the result in pretest regarding the component of completeness.

2. The proportion of students' writing pretest and posttest in language use

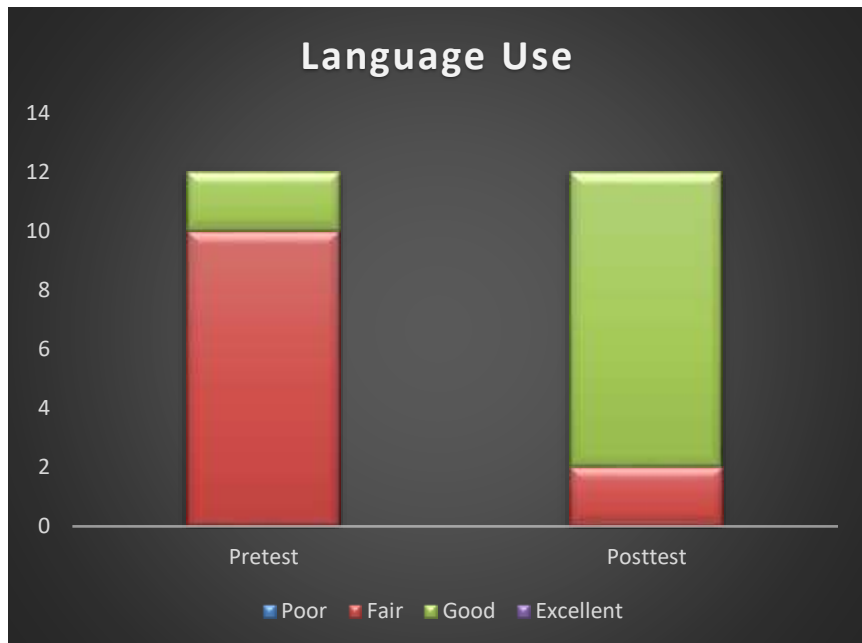


Table 2. The proportion of students' writing pretest and posttest in language use

Table 2 shows that none student who obtained excellent and poor classification. Majority students are classified into fair in pretest while 2 students are classified into good. Opposite result is appeared in the posttest where minority students are classified into fair while 10 students are classified into good. This data indicates that the result of writing in posttest regarding language use outperforms the result in pretest.

3. Mean differences between students' writing in pretest and in posttest



Figure 2. Mean differences between pretest and posttest

The statistical summary of the mean differences between students' writing skill in pretest and in posttests shows that mean in pre-test substantially lower than in posttest. The score and the classification This statistic indicates that the students' writing skill elevates from pretest result to posttest result.

#### 4. Test of significance

Test of significance used in order to know whether or not the mean score is statistically different from two variables (pre-test and post-test) at the level of significant difference (0.005).

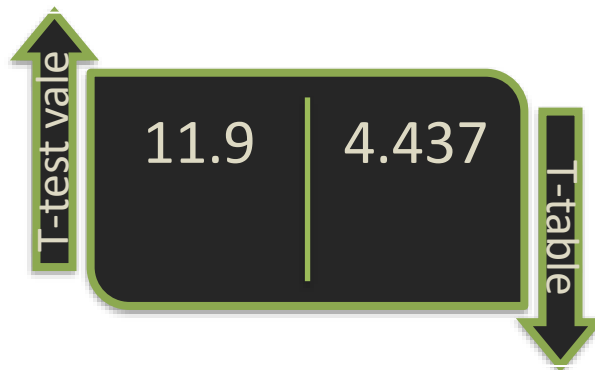


Figure 2. The differences between T-test value and T-table

Table above indicates that the value of t-test is greater than the value of t-table. It shows that there is a significant difference between the results of students' writing skill in pre-test and post-test.

The study discovered that the students were very interested in the material during the implementation of Language Experience Approach (LEA). The students' writing ability elevates based on the result of the writing test. This was seen from the results of the pre-test and post-test viewing from completeness and language use components. Using the language experience approach has numerous advantages for second language learners (Pappamihiel & Knight, 2016). The LEA motivates students to learn the target language.

Furthermore, the pre-test result of the students' writing ability was still low. It is discovered that the students did not

know where to begin writing in the pre-test. As a result, the students did not understand how to turn their ideas and opinions into sentences on paper. The students were still confused at the start of delivering the approach, but during the meeting, the students elevated their writing skill and were able to write longer sentences.

### **Conclusion**

From the result, it can be concluded that the students' writing skill was elevated during the implementation of Language Experience Approach. Looking forward to the comparison between the students' pre-test and post-test in terms of proportion and mean differences, it finally appears that there was an improvement of the students' writing after implementing Language Experience Approach.

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# The Impact of Blended Learning on Learning Enthusiasm in an Indonesian High School

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## Introduction

In this era of pandemics, information and communication have a significant impact on human life. Technology has had a significant impact on our lives in recent years, changing many aspects, with information technology having the greatest impact. The shift in learning, particularly during the pandemic, has changed the way teachers and students carry out teaching and learning activities from face-to-face learning or traditional learning in class to online learning (Nurhikmah et al., 2021). The current era is changing the global learning system, particularly the world of education in Indonesia. Whereas the current era situation forces us to adapt to the situation (Syam et al., 2021).

However, as technology advances and becomes more sophisticated. The government provides guidelines for using online learning, which can also be combined with face-to-face learning models to form Blended Learning (BL). Traditional learning, also known as face-to-face learning, is a method of learning with old concepts in an educational setting, in which the learning takes place directly in the classroom and the teacher provides learning materials. Online learning is the use of electronic technology to access educational content outside of a traditional classroom setting. Actually, many terms were used to describe online learning that is delivered online via the internet, such as distance education, computerized electronic learning, internet learning, and many others. Blended Learning is a teaching and learning process that combines two learning

methods, namely face-to-face learning (also known as traditional class) and online learning (also known as virtual education). Blended learning courses include some face-to-face class meetings as well as some class sessions that are replaced by online instruction (Singh et al., 2021). Furthermore, Blended Learning supported all of the benefits of E-learning, such as cost savings, time efficiency, and location convenience for learners, as well as the essential one-on-one personal understanding and motivation that face-to-face instruction provides (Talis et al., 2018).

A blended learning model or a learning mix model that uses technology is a technology-based learning model that is currently being developed. The goal of Blended Learning is interactive learning, which results in the Blended or mixing of a teacher's role in a traditional classroom with that in a virtual classroom (Nurhikmah et al., 2020); (Apriani, et al., 2021). Learning methods can sometimes have an effect on students' learning enthusiasm during the learning process. This demonstrates that interest or enthusiasm is a significant aspect that requires research on students' levels of interest or enthusiasm in his learning subject, particularly in English, and must be at an accommodating level to ensure an effective learning process. Students with a high level of interest are often able to master the subject (Syam et al., 2020); Muthmainnah, M. (2023). Because it can motivate students' actions, interest or enthusiasm plays an important role in the teaching and learning process. They are more likely to take their learning seriously if he is enthusiastic or interested in the subject, particularly English.

Learning methods can sometimes have an effect on students' motivation to learn. Enthusiasm is defined as an attitude of enthusiasm, motivation, and encouragement that originates within humans.

Considering the facts above, the issue taken in this article is how Blended Learning affects the students' enthusiasm for learning at senior high school students. To investigate the issue, a method of quantitative survey taken into account.

## Discussion

1. Using online media in the form of WhatsApp or Zoom during the online learning process

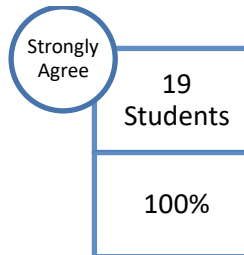


Figure 1. The percentage of the survey number 1

Figure 1 indicates that 19 students (100%) strongly agree that there are used media in the form of WhatsApp and zoom in a blended learning class.

2. Providing facilities such as book and others during the offline learning process

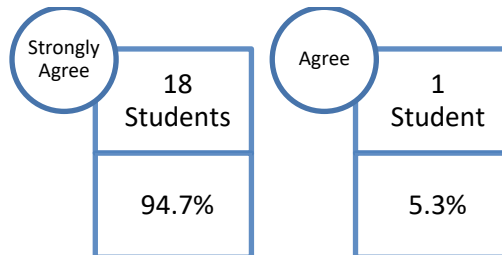


Figure 2. The percentage of the survey number 2

In Figure 2, 18 students (94,7%) strongly agree that the offline learning process provides facilities such as books and others. And a student chose to agree (5,3%). According to the students' statements above, they pay attention to facilities when learning face-to-face in class.

3. Communication with teacher and friends is effective during blended learning.

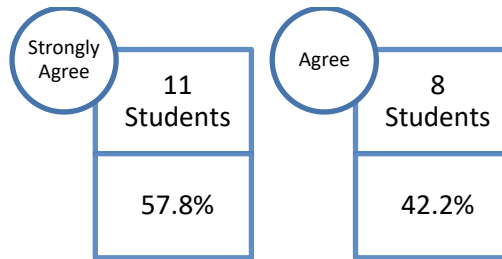


Figure 3. The percentage of the survey number 3

In Figure 3, 11 students (57.8%) strongly agree that blended learning allows them to communicate with their teacher and friends. In addition, 8 students (42,2%) agree with this statement.

4. Lack of using online media such as WhatsApp and Zoom during blended learning

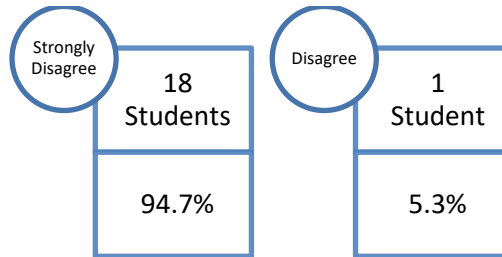


Figure 4. The percentage of the survey number 4

In Figure 4, 18 students (94,7%) strongly disagree with the statement questionnaire number 4, implying that the majority of students used WhatsApp or Zoom when online learning in class. And one student (5.3%) chose to disagree with that statement.

5. Unavailability of the necessary facilities for teaching and learning during face-to-face learning.

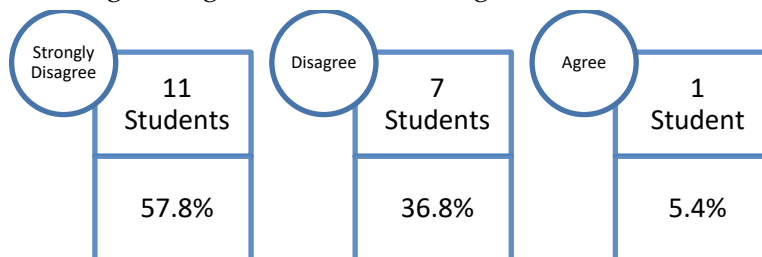


Figure 5. The percentage of the survey number 5

In Figure 5, 11 students (57.8%) chose strongly disagree with statement question number 5, 7 students (36,8%) choose to

disagree with statement number 5, and a student (5.4%) chose to agree with statement number 5.

6. Finding it difficult to communicate with the teacher during blended learning.

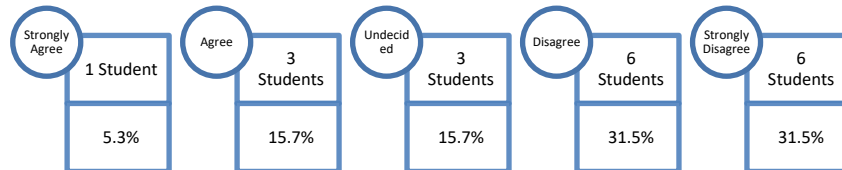


Figure 6. The percentage of the survey number 6

In Figure 6, there are 6 students (31,5%) who strongly disagree and disagree with statement number 6, 3 students (15,7%) choose to agree and undecided, while a student who strongly agrees with the statement.

7. Blended learning can accommodate the learning outcomes.

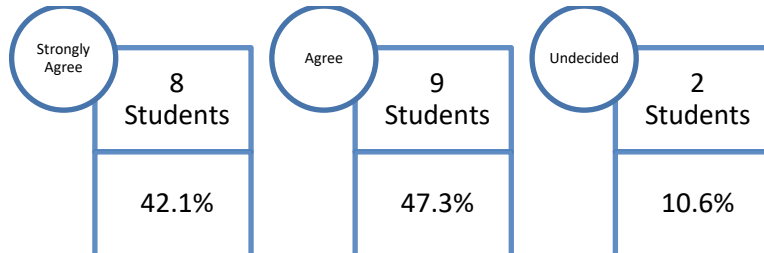


Figure 7. The percentage of the survey number 7

In Figure 7, it can be concluded that the majority of students agree with the statement that blended learning can improve learning outcomes. There are 9 students (47.3%) who confirmed agree and 8 students (42.1%) who chose strongly agree. Meanwhile, 2 students (10,6%) have made no decision.

8. Blended learning provide opportunities to learn knowledge and gain information extensively.

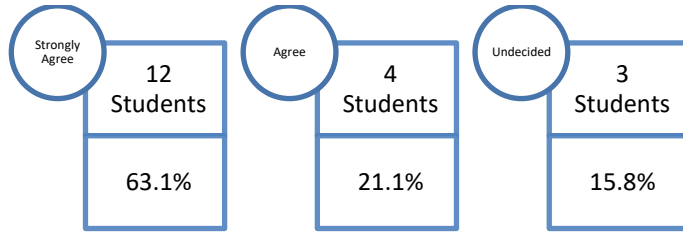


Figure 8. The percentage of the survey number 8

In Figure 8, 12 students (63.1%) strongly agree with the statement 8. This demonstrates how blended learning allows them to expand their knowledge. The views of 4 students (21.1%) agree with this statement and 3 students (15.8%) are undecided.

9. Blended learning makes the learning process easier in the class.

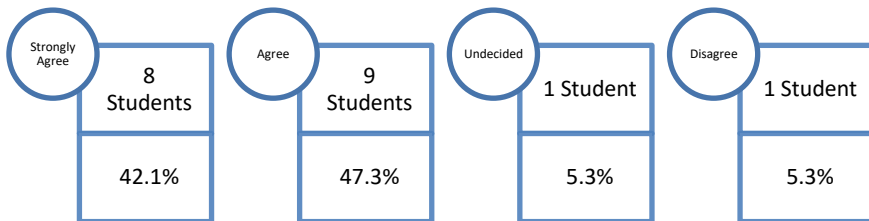


Figure 9. The percentage of the survey number 9

In Figure 9, 8 students (42,1%) chose strongly agree with the statement question number 9. There are 9 students (47.3%) who agree with that statement. However, a student (5.2%) chooses to disagree and undecided with the statement. Even though some students disagree with this statement, blended learning makes the learning process in the classroom easier. Students who agree and strongly agree receive the highest score.

10. Blended learning reduces learning achievement.

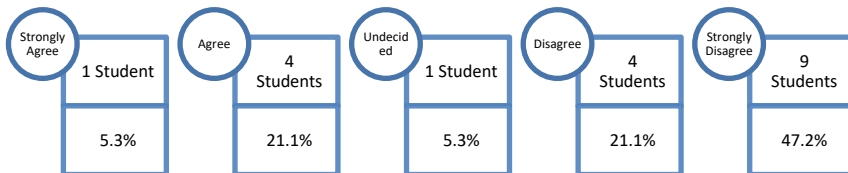


Figure 10. The percentage of the survey number 10

In Figure 10, 9 students (47,2 percent) strongly disagree with statement number 10. Moreover, 4 students (21.1%) disagree and agree with that statement. However, a student strongly agrees and undecided (5,2 percent).

Blended learning is defined as learning that makes use of information technology and networks in which the learning process can be mixed or done in the classroom with face-to-face (conventional) and also done outside the classroom with distance online (learning from home). Students' enthusiasm in this study refers to an internal drive in the form of motivation, high aspirations, and external encouragement from students who are taught by teachers who use blended learning so that they can be active and creative in the learning process. The results of this study indicate that there is a significant impact of blended learning (X) on the students' enthusiasm in learning (Y).

### **Conclusion**

There is a strong link between blended learning (X) and student enthusiasm (Y). According to the result's analysis, there is an impact or effect of blended learning on students' enthusiasm for learning. In an Indonesian high school, the blended learning method has a significant impact on students' learning enthusiasm. As a result, the majority of students' enthusiasm for learning is influenced by blended learning.

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# Revocation of Political Rights for Convicts of Corruption Crimes

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## Abstract

This study aims to examine and analyze the nature of the additional criminal revocation of political rights for convicts of criminal acts of corruption. This research is a normative juridical research. The approach used in this research is to use a statutory approach, a conceptual approach, a case approach, and a comparative approach. The results of this study indicate that the nature of the additional criminal revocation of political rights for convicts of criminal acts of corruption is a form of legal protection to the public and at the same time as a guarantee that perpetrators of criminal acts of corruption no longer have the opportunity to commit crimes.

Keywords: Political Rights, Human Rights, Humanity, Revocation of Rights, Corruption.

## Introduction

Corruption can have an effect on the political order. Political conditions that were previously stable could be in danger if a government fails to tackle corruption. Rulers running for decades can be destroyed by corruption. A long-running party that enjoys power may lose power. Presidents, members of parliament, ministers, governors, regents and state officials can be knocked out of their seats of honor because of corruption.

Countermeasures against corruption have been carried out in many ways and by many strategies by the government, both taking repressive and preventive action. The efforts that have been made by the government have also involved all elements of the state, both the executive itself, the legislature, and the judiciary. However, corruption is still rampant in Indonesia.

In terms of judicial power, one of the efforts made apart from imposing fairly severe criminal sanctions is to impose sanctions on the revocation of political rights of convicted corruption convicts. Spokesman for the Corruption Eradication Commission (KPK), Febri Diansyah, said that during 2013-2017, the corruption courts (tipikor) revoked the political rights of 26 corruptors who were proven to be involved in corruption cases.

The problem then is that political rights are part of human rights that must be protected. According to Saefuddin, political rights are rights that are owned and obtained by a person in his capacity as a member of a political organization (state), such as the right to vote (and be elected), run for office and hold public office in the state. Meanwhile, Adrianus Bawamenewi explained that political rights are rights that are owned by everyone who is given the law to achieve, seize power, position and wealth that is useful for him. There are several examples of political rights as stated by Ranti Fatya Utami, namely as follows:

1. The right to vote. The right to vote is one of the basic rights possessed by every Indonesian people and the state must ensure the fulfillment of this right. The 1945 Constitution as Indonesia's highest constitution guarantees the right to vote in Article 1 paragraph (2) which reads "sovereignty is in the hands of the people and implemented according to the law", Article 2 paragraph (1) "The MPR consists of the DPR and DPD elected through elections", and Article 6A paragraph (1) "President and Vice President are directly elected by the people". These articles clearly show that there is no discrimination in voting and the state must fulfill this right to vote, especially in the Presidential and Vice Presidential Elections, Legislative Elections, Regional Head Elections, and so on.
2. Right to be elected. In a democracy, political leaders or actors come from the people. Therefore, the right to be elected is included in the political rights of every Indonesian citizen who meets the requirements. This right to be elected has been expressly regulated in the 1945 Constitution, namely Article 27 paragraph (1) "every citizen is equal before the law and

government", Article 28C paragraph (2) "everyone has the right to propose himself in fighting for his rights legally. collectively to build society, nation and state", and Article 28D paragraph (2) "every citizen has the right to have equal opportunities in government". Therefore, we as Indonesian citizens have the right to propose ourselves as village heads, regents, governors, members of the DPR, and even presidents as long as we fulfill the requirements to become political actors.

3. The right to participate in government. As mentioned in the second point, the articles in the 1945 Constitution are also the legal basis for the right to participate in government. As we know, there are only a few government positions that go through the election mechanism. While outside that there are still many positions obtained through other mechanisms. We usually know government officials by the term Civil Servants (PNS). Well, we all have the same right to join the government through this mechanism.
4. The right to establish a political party. Article 22E of the 1945 Constitution states that the candidates for president and vice president, members of the DPR and members of the DPRD must be carried by a political party or a combination of political parties. The existence of political parties is important here because it is a form of the people's voice. Therefore, the right to establish a political party is part of a political human right that we can always use as long as we fulfill the requirements.
5. The right to give an opinion. The administration of the state is not always carried out solely with the opinion of government officials. Often inputs and proposals for national development are obtained from Indonesian citizens. Therefore, the state guarantees freedom of expression in Article 28 and Article 28E paragraph (3) of the 1945 Constitution, and in Law No. 9 of 1998 concerning freedom of expression in public.
6. The right to be appointed in government positions. As mentioned in the second point, the people have the same opportunity before the government. The right to be appointed

to a government position is one of the basic political rights. For example, ministers who are tasked with assisting the president in government are elected and appointed by the president, ministerial expert staff are also selected and appointed by the minister, as well as expert staff members of the DPR. The same is true for the leaders of government agencies in the regions.

7. The right to establish political-related organizations. Talking about politics is not only about political parties or the government. However, there are many Non-Government Organizations or Non-Governmental Organizations that are the third sector in the political world, either as supervisors or supporters of the government. The easiest example is Indonesian Corruption Watch, which monitors the level of corruption in Indonesian politics. Since the end of the New Order, NGOs have continued to grow rapidly. In 2000 alone the number of NGOs in Indonesia has reached 10000 NGOs. This is because the right to establish an organization is guaranteed.
8. The right to oversee the running of the government. Politics exists not only to be carried out by the organizers of popular sovereignty, but its implementation must also be monitored. The people as agents of social control have the right to oversee the running of this government in various ways. The most commonly used method is to find information about government in various media, pay attention to the budget plan and compare it with facts on the ground. If it is not appropriate, it can be reported to the competent authorities. This will certainly make Indonesia cleaner and free from corruption. There are many cases of corruption, collusion, and nepotism that can be prevented by the supervision of the Indonesian people.

Warih Anjari stated that although the convict is a person who is legally found guilty and must carry out the sentence that has been decided by the court, he still has rights that must be protected by the state as a criminal executor. Especially with regard to human rights that are inherent in humans and cannot

be abolished, and are natural rights because they are based on natural law so that human rights are also natural rights. To distinguish between natural law rights and legal rights is that legal rights emphasize the formal legal side, while natural rights uphold the natural human being which is inseparable from the dimension of human life (inalienable rights). Human rights are rights inherent in humans as human beings. This right is fundamental, universal, and cannot be separated from humans. In addition, it is always general in nature, often in conflict with state sovereignty and is international in nature. State sovereignty is related to the constitution which contains guarantees of human rights. This is in accordance with the Declaration of Human Rights, namely that human rights are a prerequisite that must exist in human life to be able to live in accordance with their human nature.

Article 4 of Law Number 39 of 1999 concerning Human Rights (Human Rights Law) regulates human rights that are absolute (non derogable). Article 4 of the Human Rights Law stipulates that:

The right to life, the right not to be tortured, the right to freedom of person, thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person and equal before the law, and the right not to be prosecuted on the basis of retroactive law are rights. human rights that cannot be reduced under any circumstances and by anyone.

Everyone's political rights should basically be respected. In the international world, recognition of civil and political rights is stated in the International Covenant On Civil and Political Rights as ratified by Indonesia in Law Number 12 of 2005 concerning Ratification of the International Covenant On Civil and Political Rights. (International Covenant on Civil and Political Rights). In Article 1 of Law Number 12 of 2005 it is determined that:

(1) All people have the right to determine their own destiny. This right gives them the freedom to determine their political status and to achieve economic, social and cultural progress.

- (2) All peoples, for their own interests, can freely manage their natural wealth and resources without prejudice to the obligations arising from international economic cooperation based on the principle of mutual benefit and international law. In any case, it is not justified to deprive the people of their rights to their sources of livelihood.
- (3) The States Parties to the present Covenant, including those responsible for the administration of Non-Self-Governing Territories and Trust Territories, shall promote the realization of and respect for the right to self-determination, in accordance with the provisions of the Charter of the United Nations.

Based on the provisions of the Human Rights Law and Law No. 12 of 2005, it is clear that civil and political rights are human rights that must be respected and upheld by everyone.

One of the steps that has been taken by the government is to include the nomination requirements for Candidates for Governor and Candidates for Deputy Governor, Candidates for Regents and Candidates for Deputy Regents, as well as Candidates for Mayor and Candidates for Deputy Mayor in Article 7 paragraph (2) letter g of Law Number 10 Year 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors to become Laws (Pilkada Law) where it is determined that one of the requirements to become Candidates for Governor and Deputy Governor, Candidates for Regents and Candidates for Deputy Regents, as well as Candidates for Mayor and Candidates for Deputy Mayor are:

Never as a convict based on a court decision that has permanent legal force or for former convicts have openly and honestly stated to the public that the person concerned is a former convict.

However, this provision was later annulled by the Constitutional Court through Decision Number 42/PUU-XIII/2015 which essentially decided that the Constitutional Court

had deleted the explanation in Article 7 letter g, while the norm of Article 7 letter g in the torso was considered contrary to the Constitution of the Republic of Indonesia. 1945. As a result of the decision of the Constitutional Court, there was a change in the sound of Article 7 paragraph (2) letter g. At least, there are 4 (four) things regulated in that article, namely:

1. First, a person who can nominate himself as a regional head has never been threatened with a prison sentence of 5 years or more, except for criminal acts of negligence and political crimes.
2. Second, ex-convicts can nominate themselves as regional heads only if the person concerned has passed a period of 5 years after completing his imprisonment.
3. Third, a candidate for regional head who is an ex-convict must announce his background as an ex-convict.
4. Fourth, the person concerned is not a repeat offender.

Basically human rights can be limited by law, but in these restrictions it must be expressly stated that the time limit for revocation will not occur so that there are no violations of the human rights of the convict. If this is not done, it can result in the occurrence of criminogenic factors against convicts committed by the state through its equipment. As a result, there are human rights violations by the state, namely the convict becomes a victim of violations committed by judges as state officials through their decisions.

#### Formulation of the problem

Based on the description of the background above, the formulation of the problem in this study is how is the nature of the additional criminal revocation of political rights for convicts of criminal acts of corruption

#### **Discussion**

The crisis of public confidence in the law is caused, among other things, because there are still many cases of corruption, collusion and nepotism (KKN) that have not been legally resolved. In order to restore public confidence in the law, the effort that must be made is to take an inventory and legally

follow up on various cases of KKN. The enforcement of criminal law is always in touch with morals and ethics. According to Muladi, this is based on 4 (four) reasons, namely:

- a. The criminal justice system typically involves the use of coercion or violence (coercion) with the possibility of an opportunity to abuse power (abuse of power).
- b. Almost all professionals in criminal law enforcement are government employees (public servants) who have special obligations to the public they serve.
- c. For everyone, ethics can be used as a tool to help solve ethical dilemmas that people face in their professional life (enlightened moral judgment).
- d. In professional life it is often said that a set of ethical requirements are as part of its meaning.

With the development and change of forms of crime, the law enforcers as a whole and the Prosecutor's Office in particular give emphasis and update on existing cases. The most worrying case is the increasing number of corruption cases in Indonesia. Corruption has become an extraordinary crime (extraordinary crime). Likewise, eradication efforts can no longer be carried out in an ordinary way, but are demanded in an extraordinary way which is carried out in special ways and steps that are firm and clear by involving all the potential that exists in society, especially the government and law enforcement officers. Corruption from one country to another from its intensity and modus operandi is highly dependent on the quality of society, customs, and a country's law enforcement system.

The crime of corruption in Indonesia is currently a very serious problem to be handled. Corruption is carried out not only jointly, but has been carried out systemically by the perpetrators in the hope of enriching themselves and others. The existence of this act of corruption certainly hinders the sustainability of development in Indonesia. The crime of corruption threatens the ideals of the state which requires a more serious and extraordinary legal treatment. Public demands to eradicate corruption are a reflection of the problem of law



enforcement in this country, because corruption is a form of unlawful act that harms the state and society.

The seriousness of the government of the Republic of Indonesia in tackling criminal acts of corruption began to be seen with the issuance of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption which in its development was later amended and revised by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999. Regarding the Eradication of Corruption Crimes. In addition, in 2002, the government then established the Corruption Eradication Commission (KPK) based on Law Number 30 of 2002 concerning the Corruption Eradication Commission as amended and revised by Law Number 19 of 2019 concerning Amendments to the Law. -Law Number 30 of 2002 concerning the Corruption Eradication Commission. In addition, in 2006 the government of the Republic of Indonesia also ratified the 2003 United Nations Convention Against Corruption (UNCAC) through Law Number 7 of 2006 concerning Ratification of the 2003 United Nations Convention Against Corruption (United Nations Convention Against Corruption).

Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption is the result of an amendment to Law Number 3 of 1971 concerning the Eradication of Criminal Acts of Corruption which was later declared null and void since the enactment of Law Number 31 of 1999. Previously, Indonesia had also issued Government Regulation in Lieu of Law (Perppu) Number 24 of 1960 concerning the Investigation, Prosecution and Examination of Corruption Crimes (Tipikor).

The amendment of Law Number 31 of 1999 to Law Number 20 of 2001 is an effort to revise several provisions, especially regarding the threat of sanctions which are considered weak and do not have an impact or shock therapy for the community so that corrupt behavior still occurs. Considering Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, it is determined that corruption crimes that have been widespread so far have not only harmed state finances, but

have also constituted a violation of human rights. social and economic rights of the community at large, so that criminal acts of corruption need to be classified as crimes whose eradication must also be carried out in an extraordinary manner. This is the background for categorizing corruption as a serious crime, so its eradication needs to be carried out in extraordinary ways (extraordinary measures) and using extraordinary legal instruments (extraordinary instruments).

A rational effort to tackle corruption is not only by using penal means, but can also use non-penal means. Non-penal means have a preventive effect on crime. Preventive efforts in question are efforts made before the occurrence of criminal acts of corruption by dealing with the factors driving the occurrence of corruption. This can be done in several ways, namely as follows:

1. **Moralistic Way.** The moralistic way can be done in general through mental and moral development of humans, sermons, lectures and counseling in the fields of religion, ethics and law.
2. **The Abolitionist Way.** This method arises from the assumption that corruption is a crime that must be eradicated by first exploring the causes and then leaving it to efforts to eliminate these causes.

Efforts to tackle crime non-penally can be in the form of prevention without a crime and or in the form of influencing public views on crime and punishment through the mass media. Considering that crime prevention efforts through non-penal channels are more of a preventive measure, the main target is to address the factors that cause corruption, where these factors are centered on social problems or conditions that can directly or indirectly foster crime.

Although many efforts have been made and ideas and ideas born from legal thinkers in Indonesia and even the world, corruption still cannot be eradicated. Especially in Indonesia, almost every year there are reports of state officials committing corruption. This shows that efforts to eradicate corruption in

Indonesia are not yet optimal and new breakthroughs are still needed that are able to change the perception and mindset of the Indonesian people.

Uncontrolled corruption will bring disaster, not only to the national economy but also to the life of the nation and state. According to Barda Nawawi Arif, the problem of corruption is related to the complexity of several problems, including moral problems or mental attitudes, problems with lifestyle and culture and the social environment, problems with economic needs or demands and socio-economic welfare, problems with economic structures or systems, problems with systems or political culture, and problems with development mechanisms and weak bureaucracy/administrative procedures (including supervisory systems) in finance and public services.

The Anti-Corruption Law is issued and enforced with a view to tackling and eradicating acts of corruption. Criminal politics is a strategy for overcoming corruption that is attached to the Corruption Law. The dimension of criminal politics is considered and claimed to be dysfunctional, this is related to the law enforcement system in Indonesia which is not egalitarian. The existing law enforcement system can place high-level corruptors above the law. The law enforcement system that is not conducive to a democratic climate is exacerbated by the existence of pardons for corrupt conglomerates based on taste, not legal considerations.

One of the problems in eradicating criminal acts of corruption according to the author is the legal instruments used in Indonesia which are very repressive by prioritizing corporal punishment for the perpetrators, namely giving the threat of imprisonment. When compared between Law No. 31 of 1999 and Law No. 20 of 2001, Law No. 31 of 1999 provides more options (alternative in nature) that may be imposed simultaneously and may only be imprisoned. Law No. 20 of 2001 changed several articles and made the nature of the imposition of imprisonment and fines to be imposed simultaneously (cumulatively).

Elaborating on additional penalties as mentioned above, Article 10 paragraph (6) of the Criminal Code has confirmed that additional penalties consist of revocation of certain rights, confiscation of certain goods, and announcement of judge's decision. In Article 35 of the Criminal Code it is determined that what may be revoked in the judge's decision from the rights of the guilty are:

1. The right to hold any particular position or position.
2. The right to become a member of the Armed Forces of the Republic of Indonesia, whether by air, land, sea or the Police.
3. The right to vote and be elected in elections based on general laws and regulations.
4. The right to become advisor, ruler and guardian, supervisory guardian, curator or supervisory curator over someone other than their own child.
5. The power of parents, guardianship and forgiveness of their own children.
6. The right to do something.

Furthermore, Article 35 paragraph (2) stipulates that a judge who is not in power will dismiss an employee from his position, if another official has been appointed in general law who is solely authorized to carry out the dismissal. Then in Article 36 of the Criminal Code, revocation of rights can be carried out against people who violate special obligations or use the power, opportunity, or effort obtained from their position, commit criminal acts.

Regarding the duration of the revocation of rights contained in Article 38 of the Criminal Code which stipulates as follows:

- (1) If a right is revoked, the judge determines the duration of the revocation as follows:
  - a. in the case of capital punishment or life imprisonment, the duration of revocation is life;
  - b. in the case of imprisonment for a certain time or imprisonment, the duration of revocation is at least two

years and at most five years longer than the main punishment;

- c. in the case of a fine, the duration of the revocation is a minimum of two years and a maximum of five years.
- (2) The revocation of rights shall take effect on the day the judge's decision can be executed.

Next about the confiscation of certain goods. This is regulated in Article 39 of the Criminal Code which states that:

- (1) Goods belonging to the convict obtained from a crime or which are intentionally used to commit a crime may be confiscated;
- (2) In the case of a conviction for a crime that was not committed intentionally or because of a violation, a decision on confiscation may also be imposed based on matters stipulated in the law;
- (3) The confiscation can be carried out against a guilty person who is handed over to the government, but only on goods that have been confiscated.

The convict's belongings obtained from the crime of counterfeiting money, bribes obtained from the crime of bribery, and so on are referred to as Corpora Delictie. Then the items used to commit crimes, such as firearms to commit the crime of mugging or knives used to commit murder and so on are referred to as Delictie Instruments. The confiscated goods must belong to the convicted person, except in Article 520bis of the Criminal Code, namely in the case of making counterfeit money. The punishment for confiscation of goods may only be in the provisions of the relevant criminal law, in the case of crimes with an element of culpa or violations. The provisions for confiscation of goods are generally facultative (may be confiscated), but sometimes also imperative (must be confiscated), for example in the crimes mentioned in Articles 250bis, 261 and 275 of the Criminal Code (regarding the crime of counterfeiting).

Provisions on the threat of sanctions in Law Number 31 of 1999 jo. Law Number 20 of 2001 seems to place more emphasis on imposing sanctions or corporal punishment to perpetrators.

As for the imposition of fines for perpetrators, it is still possible to convert or replace them with imprisonment if the convict is unable or unwilling to pay it. This will not be effective because the Indonesian people seem to have a way of thinking "it is better to be imprisoned than poor" which is their patron.

In general, the author can say that the laws and regulations issued in Indonesia to tackle corruption crimes adhere to the principle of premium remidium and not ultimum remidium. In the criminal law system, the principles of Ultimum Remidium and Premium Remidium are known in relation to the imposition of sanctions. Primum Remedium in criminal law cases can be said to be the only thing that can be done except by applying the criminal law, there is no other alternative as the basis or foundation for enforcing a law. An example of this Primum Remedium is when someone commits a criminal act of terrorism, then based on the Primum Remedium principle there is no other alternative such as administrative sanctions or civil sanctions, but will be given criminal penalties directly in accordance with the Terrorism Act. The provisions regarding criminal sanctions as Primum Remedium can also be seen in the law on the distribution of illegal drugs and several other laws that regulate criminal acts that have a major impact on the public interest so that in terms of giving sanctions or punishments, there is no need anymore. consider the use of other sanctions other than criminal sanctions.

Then hit Ultimum Remidium. Ultimum Remedium is the opposite of Primum Remedium which means that criminal law should be used as a last resort in law enforcement and it is considered that there is still an alternative solution other than applying a criminal law rule. An example is when someone abuses illegal drugs or drugs. The person can request himself to be rehabilitated and not subject to the criminal article on drug abuse, as long as the person's capacity is only as a user who can be categorized as a victim but of course with various considerations and several applicable procedures.

The characteristics of Criminal Law in the context of the Ultimum Remedium can be interpreted that the existence of

criminal sanctions arrangements is placed or positioned as the last sanction. This means that the imposition of sanctions is prioritized by giving administrative sanctions or civil sanctions. If administrative sanctions and civil sanctions are not sufficient to achieve the goal of restoring balance in society, then the imposition of new criminal sanctions can be considered as a last resort.

Eradication of corruption must always be made a priority on the government's agenda to be addressed seriously and urgently and as part of a program to restore the trust of the people and the international community in order to increase the economic growth of a country concerned, Indonesia is no exception. The enforcement of criminal law, like the law enforcement process in general, involves at least three related factors, namely statutory factors, factors of law enforcement officers or agencies, and factors of legal awareness. These three factors can be related to the division of three components of the legal system, namely legal substance, legal structure, and legal culture. Seen in the framework of the criminal justice system, the emergence of the Corruption Eradication Commission (KPK) in this reform era creates problems because it will disrupt the existing system, namely the criminal justice system against corruption or the law enforcement system against corruption.

The emergence of the problem of criminal acts of corruption include the greed or greed possessed by humans, a consumptive lifestyle, and less strong morals. In addition, there are also political, legal, economic, cultural or cultural organizations, leadership, accountability and management or system factors.

Eradication of corruption is not the only hope of the wider community, but is an urgent need to be prevented and even eliminated. Therefore, law enforcement to eradicate corruption is aimed at providing equal access and opportunities to all levels of society in enjoying and using the results of development which have been hampered by many cases of corruption. In addition, eradicating corrupt behavior will be able to reduce and as much as possible eliminate poverty, which should be part of the

community's share of development planning and the results of development.

In the perspective of criminal law, corruption is classified as a very dangerous crime, both against society and against the nation and state. Loss of state finances and the state's economy is a real result which is the basis for justifying the criminalization of various forms of corrupt behavior in the policy of criminal legislation. However, the loss of public confidence in the government of a country is actually a far bigger and more dangerous result than just a loss from a purely financial and economic point of view.

The above can be an indicator of the dangers of corruption if allowed to develop continuously. The dangerous nature of the criminal act of corruption and its wide-ranging effects on the life of the state and society have also been emphasized at the 9th United Nations Congress. The results of the congress in Cairo were then discussed by the Commission on Crime Prevention and Criminal Justice in Vienna which resulted in a resolution on Actions Against Corruptions and emphasized that corruption is a serious problem because it can endanger the stability and security of society, undermine democratic values and morality (undermined the values of corruption). democracy and morality), and jeopardized social, economic and political development.

Thus, it can be understood that the extraordinary nature of the crime of corruption is the existence of state financial losses that have a systemic impact on the economic losses of a country. In this context, victims of state financial losses have an extraordinary impact, namely to the wider community. In addition, the extraordinary crime nature of corruption can also be seen from the practices carried out. Most of the facts show that corruption is systemic and widespread so that losses are not only experienced by the state in the form of state financial losses, but also harm the rights of its citizens.

Haerudin explained that the consideration of applying additional punishment to corruption convicts in the form of



revocation of certain rights, which in this case is in the form of revocation of political rights in the qualification of revocation of the right to vote and be elected in the General Election, is because it has received strict regulation as a positive law in the provisions of Article 10 letter b number (1) KUHP Jo. Article 35 paragraph (1) number 3 of the Criminal Code Jo. Article 38 paragraph (1) number 2 of the Criminal Code. Likewise, Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption has regulated additional criminal acts, among others, in the form of revocation of all or part of certain rights or the abolition of all or part of certain benefits, which have been or may be granted by the Government to the convict, as regulated in Article 18 paragraph (1) letter d. The imposition of revocation of all or part of certain rights in the qualifications of the right to be elected is intended or aims to protect the public or the public from facts, information, and or wrong perceptions of potential leaders. The possibility that the public is wrong to re-elect must be prevented by revoking the right to vote for someone who has clearly betrayed the mandate that the public had given him.

In connection with the position of the convict as a Member of the DPR/DPRD (Province/Regency/City) or as the head of the Region (Governor or Deputy Governor/Regent or Deputy Regent/Mayor or Deputy Mayor) who is directly elected by the people in their electoral district, of course the community has It is hoped that these officials can play an active role in efforts to prevent and eradicate corruption in their jurisdiction and are expected to be able to become role models for the people they lead. Corrupt public officials have not only harmed the democratic order that is being built, but has also increased public distrust of state institutions and legitimate government. The additional penalty of revocation of political rights is also useful to prevent the state and/or the Indonesian government/regional government from being led by a person who has been sentenced for committing a criminal act of corruption. ) for a certain time it

is still relevant to be applied in accordance with the provisions of the applicable laws and regulations while still respecting Human Rights.

Haerudin further explained that when referring to the provisions regulated in Law Number 39 of 1999 concerning Human Rights, the application of additional punishment in the form of revocation of political rights shows that there is a form of legal violation of the guarantee of the right to vote and be elected which is attached to every citizen. Indonesia. The existence of space to carry out these restrictions has given birth to regulations that the right to vote and be elected is not possible to be attached to all citizens. This means that the right to vote and to be elected is given restrictions so that citizens who are guaranteed the right to be elected and to vote are actually citizens who have met the specified requirements.

Political rights are essentially rights that stem from dignity and are inherent in every human being whose existence is guaranteed and respected by the state so that humans are free to enjoy political rights whose fulfillment is the responsibility of the state. In essence, political rights are a means for citizens to participate directly in the life of the nation and state. This happens because one form of political right is the right to participate in government which consists of two things, namely the right to vote and the right to be elected. The right to vote in this context means that a person can choose his own representative in a general election, while the right to be elected means that a person has the right to nominate himself as a representative of the people in a government. The big difference is that when exercising the right to be elected, a person is no longer in his own name, but in the name of the general will (*volunte generale*).

Philosophically, in fact the imposition of additional criminal decisions in the form of revocation of political rights to convicts of corruption is a preventive effort and is a manifestation of law enforcement efforts in realizing the noble ideals of punishment or providing sanctions for criminals, namely justice. In the context of this justice, the author pays

attention to the theory of justice initiated by John Rawls which divides justice into 2 (two) forms, namely:

1. The principle of freedom, namely that everyone should have the same right to the broadest basic liberties, as broad as the equal freedoms for all.
2. The difference principle, namely that social and economic inequalities should be arranged in such a way that it is expected to benefit everyone and all positions and positions are open to everyone.

The two principles above function as a conception of political economy, namely as a standard for assessing economic policies and plans and the background of their institutions. A political economy doctrine must include an interpretation of public policy based on a conception of justice. Political opinion is concerned with what advances the benefits of the political body as a whole and gives rise to a number of criteria for the equitable distribution of social benefits.

In 2007, the Constitutional Court issued a decision number 14-17/PUU-V/2007 regarding the review of Article 58 letter f of Law Number 32 of 2004 concerning Regional Government against the 1945 Constitution of the Republic of Indonesia which regulates the revocation of the right to vote. . The Constitutional Court narrowed the application of the decision which previously contained two conditions, namely it did not apply to crimes of minor negligence (*culpa levis*) and did not apply to crimes for political reasons.

From the decision of the Constitutional Court Number 14-17/PUU-V/2007 above, it can be explained that additional criminal penalties in the form of revocation of political rights can be imposed on a convict who has a political position or position where the convict commits a criminal act of corruption by abusing his authority or power. have. Thus, the convicted person no longer has the right to vote for an office or political position in the government. The revocation of political rights is expected to restore national security or public safety, public order, protection

of public health and morals or protection of the rights and freedoms of others.

Ideally, people who have committed crimes of corruption have lost their trust in being the “managers” of the state and the interests of the people. For this reason, people who have been convicted of corruption should no longer be given the mandate to occupy certain positions in the government. If the person is still given the trust to “manage” the country and the people by holding certain positions, then it is very likely that he will do the same thing for the umpteenth time. It cannot be denied that the person may have repented for his actions and will not repeat it for the umpteenth time, but if the person concerned is still given the trust to “manage” the country and the people through certain positions, this is the same as opening up opportunities for the person concerned. to repeat the same crime. Moreover, wealth and power have always been a tough temptation for humans.

Based on this description, the author is of the opinion that the sanction of revocation of political rights is very realistic to always be applied in a corruption case. If the defendant is indeed proven to have committed a criminal act of corruption, the sanction of revocation of political rights must always be considered for inclusion in the prosecution and even in the judge's decision. Although currently the nature of the criminal sanction of revocation of political rights is only an additional crime, this is sufficient to be used as a consideration for the imposition of punishment for perpetrators of corruption. Moreover, if the criminal revocation of political rights can be used as a primary sanction in the Anti-Corruption Law, then this is deemed to be able to suppress the desire to commit corruption. Furthermore, this can form an anti-corruption culture by the state apparatus in particular and society in general.

### **Conclusion**

Based on the previous descriptions, a conclusion is made as follows: The nature of the additional criminal revocation of political rights for convicts of criminal acts of corruption is as a form of legal protection to the public and at the same time as a

guarantee that perpetrators of criminal acts of corruption no longer have the opportunity to commit crimes. Corrupt public officials have not only harmed the democratic order that is being built, but has also increased public distrust of state institutions and legitimate government. The additional penalty of revocation of political rights is also useful to prevent the state and/or the Indonesian government/regional government from being led by a person who has been sentenced for committing a criminal act of corruption. ) for a certain time it is still relevant to be applied in accordance with the provisions of the applicable laws and regulations while still respecting Human Rights.

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**The Existence of Village Owned  
Enterprises (BUMDES) Towards  
Improving the Economy of the West  
Tapango Village Community KEC.  
Tapango KAB. Polewali Mandar**

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## Abstract

This research is to find out how the implementation of BUMDES was carried out by all villages in Indonesia until the issuance of Law No. 6 of 2014. Regarding the Establishment of BUMDES Even in some areas, the existence of BUMDES is still not effective and is able to contribute to the development of improving the economy of the community in Indonesia. West Tapango Village. This study intends to determine the pattern of utilization of BUMDES funds by taking a research study in the village of West Tapango, sub-district. Tapango kab. Polewali Mandar which is one of the villages that run the BUMDES program as a community economic institution. As a support for community economic activities in the village and working on the potential of the existing village according to the needs of the Tapango Village community and to find out the contribution of the BUMDES of West Tapango Village in development and improving the village economy through the existing village potential. This research method is a qualitative descriptive study of data collection through structured interviews with 15 respondents in the village of West Tapango for primary and secondary data collection. The results of this study indicate that community participation in BUMDES is still lacking because there are still many people who do not know.

Keywords:Existence, Bumdes, Economy

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## Introduction

The emphasis of development is placed on the economic sector which is the main driver of development in line with the quality of human resources and is encouraged to be mutually reinforcing, interrelated and integrated with the development of other fields which are carried out in harmony, harmony and balance for the success of development in the economic field in order to improve welfare. and achieve national development goals and objectives.

Starting from this development, the government and the people of Indonesia have the obligation to explore, cultivate and foster these natural resources in order to achieve a just and



prosperous society in accordance with Article 33 of the 1945 Constitution. The Indonesian people, whose majority of the population live in rural areas. Therefore, the central point of development is rural areas. The importance of rural development is that by placing villages as development targets, efforts to reduce various gaps can be realized. In the countryside (Base on village). In this regard, the priority scale carried out by KPDT for rural-based regional development includes: Institutional development, Local economic development, Development of facilities and infrastructure.

This priority scale is expected to be able to stimulate and move the wheels of the economy in rural areas, one of which is through the establishment of an economic base institutional development that is fully managed by the community. This economic development institution is no longer established on the basis of government instructions but departs from the existing potential, then the ownership of this institution must be managed by the village and jointly controlled so that the main purpose of the institution in community empowerment can be realized.

Regional Autonomy is a freedom or authority in making political and administrative decisions in accordance with those in the laws and regulations. In a regional autonomy there is an authority possessed by a regional government in determining what the needs of the region are, but the needs of other regions must always be adjusted to a national interest as regulated by higher laws and regulations. Without regional autonomy, people have difficulty dealing with free trade that has come into effect. An important element of regional autonomy is the existence of village authority which is the right of every village in fully managing its own household affairs.

Village development should be pursued in order to improve the quality of life of the community. The implementation of village development is carried out by the village government by involving all the potential of the village community. In carrying out village development, the village government forms community institutions and an implementing committee for development activities that can carry out development by involving all the potential of the village community. One thing that is needed in accelerating the economic growth of rural communities is to establish a Village Owned Enterprise or BUMDES.

BUMDES as a social institution must side with the interests of the community through its contribution in the provision of social services. This is in accordance with the objectives of establishing a BUMDES in general, namely:

- 1) Improving the Village Economy,
- 2) Increase Village Original Income,
- 3) Improving the management of village potential in accordance with community needs,
- 4) Become the backbone of village economic growth and equity.

Therefore, serious efforts are needed to make the management of these business entities run effectively, efficiently, professionally and independently. To achieve the objectives of BUMDes, it is carried out by meeting the needs (productive and consumptive) of the community through distribution services of goods and services managed by the community and the village government. Fulfilling this need is sought not to burden the community, considering that BUMDes will be the most dominant village business in driving the village economy. This institution is also required to be able to provide services to non-members (outside the village) by placing prices and services that

apply market standards. This means that there are institutional mechanisms or rules that are mutually agreed upon, so as not to cause economic distortions in rural areas due to the businesses run by BUMDES.

At this time the regulation regarding BUMDES is regulated in PP Number 11 of 2021 concerning Village-Owned Enterprises or BUMDES which are legal entities established by the village and/or together with the village to manage businesses, utilize assets, develop investment and productivity, provide services, and/or provide other types of business for the greatest welfare of the village community.

PP 11 of 2021 concerning BUMDES states that Village-Owned Enterprises have the following objectives:

1. Conducting economic business activities through business management, as well as developing investment and economic productivity, and village potential. Carrying out public service activities through the provision of goods and services as well as meeting the general needs of rural communities, and managing village food barns.
2. Obtain a profit or net profit for increasing the village's original income and developing the maximum benefit from the economic resources of the village community
3. Utilization of village assets to create added value for village assets
4. Develop a digital economy ecosystem in the village.

West Tapango Village is a plantation area where there is still a large area of land and lots of unspoiled grass fields, so the people there partially use the land behind their houses to raise livestock and make it a field for grazing cows or goats.

But most of the livestock are only used as investment and livestock yields for their own consumption when there are

family events, weddings or other things. The presence of livestock does not provide great benefits for people's income. Therefore, the existence of BUMDES can be used by the community to sell livestock seeds, especially goats to be maintained and raised by the Goat Breeding and Development business unit so that it can increase people's income.

But most of the livestock are only used as investment and livestock yields for their own consumption when there are family events, weddings or other things. The presence of livestock does not provide great benefits for people's income. Therefore, the existence of BUMDES can be used by the community to sell livestock seeds, especially goats to be maintained and raised by the Goat Breeding and Development business unit so that it can increase people's income.

Based on the uniqueness above, the authors are interested in digging deeper to research BUMDES because it has a significant influence on the economic development of the village. Therefore, researchers are interested in choosing the title about.

“EXISTENCE OF VILLAGE OWNED BUSINESS ENTITY (BUMDES) TOWARDS ECONOMIC IMPROVEMENT OF THE COMMUNITY OF WEST TAPANGO VILLAGE” KEC. TAPANGO. KAB. POLEWALI MANDAR.

One of the regencies that established BUMDES is Polewali Mandar Regency, which is mandated in the Polewali Mandar Regency Regional Regulation (Perda) No. 4 of 2007, concerning guidelines for the Establishment and Management of Village Owned Enterprises (BUMDES). The existence of BUMDES which has been stipulated in the Polewali Mandar Regency Regulation, is expected that the Village Government can understand the formation and management of BUMDES, so that it can be used as a driving force for the village community's economy and later is expected to improve the welfare of rural communities.

In addition, the village government must also be able to have a creative and innovative pattern in dominating village economic activities through BUMDES so that it can build the regional economy, especially underdeveloped villages or villages with low economic levels. The Polewali Mandar Regency Government hopes for the establishment and management of BUMDES in every village, but there are only a few villages that form and manage BUMDES.

For example, Tapango Barat Village. The establishment and management of BUMDES is based on the needs and potentials as well as to overcome the problems faced by farmers. Considering the abundant agricultural potential of Tapango Barat Village such as coconut, cocoa, rice, soybeans and to overcome obstacles felt by the community.

Departing from the potential and needs that exist in the community which if properly managed potential will drive the wheels of the economy in the area so that it can realize and overcome existing problems and can make a prosperous life for the community. However, the potential is not followed by the facilities and infrastructure to support agricultural activities. For example, farmers often experience difficulties in meeting agricultural needs such as capital difficulties, agricultural medicines, fertilizers and irrigation. Another problem faced is that farmers have difficulty in marketing their agricultural products due to lack of knowledge and human resources, and often farmers only rely on middlemen to buy their agricultural products at sub-standard prices.

Therefore, the village government should try to facilitate so that all the needs and difficulties experienced by the village community can be met. The Village Government, which previously received socialization about the formation and management of BUMDES, increasingly has enthusiasm in

establishing BUMDES, this is also because of the difficulty conditions experienced by farmers in West Tapango Village in meeting the needs of facilities and infrastructure. In essence, the village government has the initiative to overcome the difficulties of farmers and can take advantage of the agricultural potential in the West Tapango Village through BUMDES.

#### Problem Formulation

Based on this background, the formulation of the problem in this study is: How is the Existence of Village Owned Enterprises Against Community Economic Improvement in West Tapango Village, Tapango District, Polewali Mandar Regency?

#### **Methods**

##### Types of research

Based on the background and problem formulation, this type of research includes qualitative research with descriptive methods. Qualitative research is research that intends to understand the phenomena of what is experienced by research subjects, for example behavior, perceptions, motivations, actions, and others holistically and by means of descriptions in the form of words and language according to Meleong (2011: 6).

##### Place and time of research

Research with case studies, the research will be limited by the following scope:

1. This research was conducted in West Tapango Village, Tapango District, starting on April 14, 2021 until now.
2. The location is limited by Tapango Timur Village, Tapango District, Polewali Mandar Regency.

##### Research subject

1. The subject is a generalization area consisting of objects/subjects that have certain qualities and characteristics that are determined by the researcher to be studied and then drawn conclusions.

(Sugiyono2007:90). As for the subject in this study, namely the entire community in the Village of West Tapango, Tapango District.

### **Research focus**

The focus of research in this study are:

#### 1. The existence of Bumdes

Bumdes is a village institution and village business managed by the village government and the community, in order to improve the village economy. Bumdes can be said to exist if its existence can be felt by the community and the planned program is running. By utilizing the existing natural resources in the village.

#### 2. Community Economic Improvement

Community income is the use of natural resources (farmers) in the village community who have the initiative to improve the situation and condition to a better level.

In relation to the implementation of village fund allocations (ADD), the process of strengthening the village economy through BUMDES is due to the support, namely the increasing village budget funds. So that it allows the availability of sufficient capital for the establishment of BUMDES. If this applies in line, there will be an increase in PADes which can further increase the income of the community and build a better village.

### **Definition of overrational**

Data collection technique

The research procedure is the process of procuring primary and secondary data for research purposes. Data collection is a way to obtain objective data, namely data obtained based on actual data, not on essays (Nasir 1988:111).

#### 1. Observation

Observation, namely data collection by going directly to the field in conducting observations of the community, in this case respondents, to find out the existence of BUMDES in improving the community's economy. Observations are carried out to observe objects (BUMDES) that are examined by BUMDES managers and the community uses all senses to obtain accurate results.

#### 2. Interviews

According to Sumarsono (2014: 69) interview is a conversation on question and answer by asking a number of questions verbally to be answered verbally also with the aim of gathering information about the construction going on regarding the Existence of Village Owned Enterprises (BUMDES) Against Community Economic Improvement. The number of respondents are: 20 people.

#### 2. Documentation

is a technique or method of collecting data by taking data from existing documents, either in the form of notes, transcripts, agendas or others (Arikunto 1997:136). For more details, see the results as follows:

### **Data analysis technique**

To analyze this research, it was carried out with the following steps: (Miles and Huberman, 1992: 133)

1. Information gathering, through interviews, observation and documentation



2. Reduction, this step is to choose which information is appropriate and not in accordance with the research problem.
3. Presentation. After the information is selected, it can be presented in the form of a table, or an explanatory description
4. The final stage is drawing conclusions.

The questionnaire submitted to the informants is solely as a basic study material to draw conclusions. However, the opinion of many people is important even though its validity is not guaranteed. The more information, it is expected to produce data that has been filtered tightly.

### Results and Discussion

Eksistensi badan usaha milik desa di desa tapango barat.

No	Draft	Dimensi	Indicator	Instrument	Data source
1	1. The existence of BUMDES	1. Business Plan	1. Realization of Business Programs	Interview Observation	BUMDES Manager, Village Government, Community
		2. BUMDES program direction	2. Output of BUMDES business activities		
		3. The purpose and function of BUMDES	3. Village Productive Economic Management		

2	Improving the community's economy through BUMDES	1. Natural wealth	1. Utilization of Agricultural Products	Documentation Interview	BUMDES managers, village governments, communities
		2. Community resources	2. The community as an object in managing the BUMDES program		
		3. Type of business	3. The business of procuring gas cylinders and making coconut oil		

Based on the research objective, the researcher is trying to find out the existence of village-owned enterprises to improve the economy of the people of West Tapango Village, Tapango District, Polewali Mandar Regency.

Village-Owned Enterprises (BUMDES) are a type of business that is managed in the village in order to achieve the welfare of the village community as an effort to increase village original income. The government has also made a new policy regarding Village Owned Enterprises (BUMDES), which is

present as a government effort in tackling community economic problems through managing village assets and assisting and supporting community small businesses in meeting the needs of life. This is in accordance with what was stated by the informant:

"I am the chairman of BUMDES along with all the administrators, as well as the village government and the community. Previously held a discussion about what kind of business we would build through BUMDES and finally we agreed to use BUMDES funds for the procurement of gas cylinder business, because people still sometimes find it difficult to get gas cylinders for cooking purposes, and also seeing the majority of people are coconut farmers, we also have discussions agreed to establish a coconut oil business through community groups which are managed directly by the people of the West Tapango village". (waw. 01 August 2021) head of Bumdes. Fitriani. And also according to Khaerul Umam said that apart from the business of procuring LPG gas cylinders which are intended for the community, we also formed a business group for making coconut oil from the community which is expected to be able to increase the community's economy through village original opinions. This is according to what is said:

"With the LPG gas cylinder business, it really helps the community in getting gas cylinders, because it can be said that gas cylinders in the village of West Tapango are very difficult to get. Even if there is it is very expensive, sometimes people even go to the market just to buy gas cylinders." (waw. 01 august 2021) bumdes secretary. Khaerul Umam.

"In addition to using bumdes to procure LPG cylinders, we also encourage business groups through and bumdes to make coconut oil as an effort to improve the community's economy". (waw. 01 august 2021) bumdes secretary. Khaerul Umam.

Also conveyed by the general treasurer of BUMDES, Hasnawati, said that the community really appreciates, and supports the BUMDES business program. This is according to what is said:

"The community really supports us as BUMDES managers in running this village-owned business, because of that it was very difficult for the community to get LPG cylinders as one of the needs of the community, especially mothers". (waw. 01 august 2021) general treasurer of bumdes. Hasnawati.

"As well as the manufacture of coconut oil, the community no longer makes oil individually but through groups that have been provided". (waw. 01 august 2021) general treasurer of bumdes. Hasnawati.

From the description above, the Bumdes program for village-owned businesses was initiated to meet one of the needs of the community, especially in family life, which was born from deliberation. Because it looks at the condition of the community and the available natural resources (HR).

Meanwhile, according to the head of the village of West Tapango, Hasbullah Bakri, it is not much different from what was said by the management of the Village-Owned Enterprises, he also said that the existence of a government program through the allocation of village funds which was intended to develop the village economy was very, very helpful, not only for local government but society in general. As said:

"Based on the results of consensus deliberation with the BUMDES management and the community in the village regarding the business to be run, we agreed to procure an LPG gas cylinder business, because apart from being difficult for the community to get, sometimes the price that people get is too expensive. So we agreed that the business is still running at a

price that the public can afford." (wow. 02 August 2021). Head of the village of west tapango. Hasbullah Bakri

"Furthermore, the head of the village of West Tapango also said that the management of the Village-Owned Enterprises (BUMDES) and the business units being run was to form a coconut oil business group from the community. Because it can be said that the Tapango people each have a coconut garden. So that's what we manage through BUMDES and then market it in the market." (wow. 02 August 2021). Head of the village of west tapango. Hasbullah Bakri.

Then, he also said that:

"With the business of making coconut oil through community groups and also the procurement of LPG gas cylinders, the community is very supportive. Because besides being easy to get LPG, it can also increase the welfare of the community because the community itself manages its natural product, namely the manufacture of coconut oil". (wow. 02 August 2021). Head of the village of west tapango. Hasbullah Bakri

Then the researchers also interviewed each head of the West Tapango hamlet. Namely the head of hamlet 1 takaturung, head of hamlet 2 taheo, head of hamlet 3 papparandangan, hamlet head 4 tambungi bungin. Yang said that through village-owned enterprises, it is hoped that they will be able to increase the village's original income. Moreover, the majority of the people in the village of West Tapango are cocoa farmers and also coconut farmers. This is in accordance with what was stated:

"Before there was a coconut oil making business group program, the people here each made oil at home. But with the existence of BUMDES, it provides the community with a place to improve the economy. So there are 4 business groups in Tapango, one in hamlet I tkaturung, there are also in hamlet 2, hamlet 3, and

hamlet 4 so it can be said that every community is involved". (waw. 02 august 2021) the head of hamlet I takaturung. Kamaruddin

"The involvement of the community in making coconut oil is mostly housewives, apart from filling the void, it can also help increase income both from an economic point of view" (waw. 02 August 2021) head of hamlet 2 taheo. hello

Furthermore, the head of hamlet 3 and hamlet 4 said that apart from LPG gas and coconut oil production, the community directly involved managing their plantation products. As mentioned:

"The impact of the existence of a bumdes for the Tapango village community apart from the provision of lpg gas and also the manufacture of coconut oil, there are many positive impacts that the community gets, starting from us using the community (HR) we also utilize natural resources (HR) ".(waw. 02 August 2021. Head of hamlet 3 papparandangan, Herman.

What the head of hamlet 3 papparandangan said is almost the same as what the head of hamlet 4 tambungi bungin said. He said: "By procuring a business through the Bumdes, it is hoped that it will be able to increase the economy of the community, especially the West Tapango Village, as the purpose of the Bumdes itself is to increase the village's original income". Burhan.

Furthermore, the researchers also interviewed the villagers of West Tapango as the main respondents in this study, regarding the impact they felt through village-owned enterprises (BUMDES).

"Alhamdulillah, with this bumdes. It is easy for us to get LPG gas cylinders as a household need, where previously we were difficult to get even sometimes we went to the market just to buy

cylinders, also we as housewives we grouped together to make coconut oil and then we marketed it "(waw. 03 august 2021) the community hamlet 1 takaturung. Hasnawati and kaco, eccu.

Furthermore, the researcher also went to the community of hamlet 2 to ask the same thing, as a community what impact have you felt since the existence of BUMDES?

"I am a parent who has children who are still in school, thank God this group's efforts can help a little." (waw. 03 August 2021) 2 taeho hamlet community. Sumiati

"In managing the bumdes here, we as a community can feel the impact, starting from us young in getting gas cylinders for cooking purposes." (waw. 03 August 2021). The hamlet community of 3 papparandangan. Nurlia

"With the group's effort to make coconut oil, I as a farmer can feel the impact because the coconut in the garden is managed into coconut oil and then we market it". Anding.

The village-owned enterprise program is a development program based on village community development. Village development is concerned with human resources and natural resources in the village can be managed and developed according to the needs of the community. The government can support it by improving the facilities and infrastructure needed in village activities. So that all existing arrangements in the village government and the community will contribute to carrying out the activities and activities that will be carried out. This is in accordance with what was conveyed by the people of the village of West Tapango:

Regarding the management of agricultural products, in this case coconut, which is managed directly by the community, it really helps the community in providing oil as one of the

community's needs. So it is very, very helpful when there are family events such as weddings and others.

Also as stated by Aslan as a youth leader who said that with the management of coconut into oil which is managed directly by the community itself, I see that this is a program that really directly involves the village community itself. This is according to what is said:

"With the group program through Village-Owned Enterprises (BUMDES) which directly involves the community in managing their agricultural products, apart from helping the community, it also revives local products made from coconut". (waw. 03 august 2021) youth leaders. Aslan

The same thing was conveyed by Muh Idris as a community leader who also said that the community in general, and also the village government. Must really focus on developing, advancing the village through community empowerment. Through this BUMDES, thank God, the community directly felt the impact and was taught to collaborate in developing a jointly managed business. Something similar as said:

"I observe that this BUMDEs program is one form of advancing the village, both from an economic perspective, and also community empowerment. Because the progress of a village when the community is able to work together in building each program. One of them is through the tube procurement program for the community and also group efforts by village communities". (waw. 04 august 2021) community leaders. Muh Idris.

In accordance with what was conveyed by MUH Idris as a community leader, that what the government does to advance



the village through programs launched through BUMDES can be realized. Ridwan also conveyed the same thing.

"BUMDES here, especially in the village of West Tapango, is a program that directly involves the community, because the management of coconut which is processed into oil is the village community itself." (waw. 04 August 2021) West Tapango village youth. Ridwan.

In line with the impact felt by the community regarding the existence of BUMDES in West Tapango Village, in addition to facilitating the community in terms of gas tabus needs, coconut oil is also one of the kitchen needs. It also affects the improvement of the community's economy towards the management of BUMDES. As said by Hasnawati as a housewife:

"With the Village Owned Enterprise which is managed in the village of West Tapango, it provides benefits to the economy. Because of this coconut oil management group business, we can sell the results and this can help a little in meeting our daily needs." (waw 05 August 2021) West Tapango village community, Hasnawati.

This statement was also conveyed by Haris as the head of the household or the West Tapango village community. He said:

"With the formation of a business group in making coconut oil, it can help a little to earn money. Through the production of oil which is marketed directly by the community". (waw. 05 August 2021) the people of the West Tapango village.

The existence of a Village-Owned Enterprise was also very much felt by Ridwan as a young man from the village of West Tapango. As a village youth ridwan said:

"The existence of village-owned enterprises is very much felt by the community, apart from making it easier for the community to meet their needs, it is also able to increase community income,

through the jointly managed coconut oil group business". (waw. 05 August 2021) West Tapango village youth, Ridwan.

The existence of a Village-Owned Enterprise is very helpful for the community in terms of the economy, because the BUMDES program that is run in the village of West Tapango, one of which is the manufacture of coconut oil which is managed in groups. And coconut that has been processed into oil will be marketed, as a result of a joint effort. As said by Aras and Jannah as Tapango villagers, he said:

"The results of the group's business, namely the manufacture of coconut oil will be marketed in the market, usually it is also sold using BUMDES funds. And this really helps the community in improving the community's economy, in terms of daily needs". (waw. 05 august 2021) the villagers of West Tapango, Aras and Jannah.

From the description above, it can be seen that the existence of Village Owned Enterprises (BUMDES) in West Tapango Village, Tapango District has a very positive impact on people's economic income. The existence of BUMDES can be felt by the people of the village of West Tapango, apart from the management of gas cylinders and the coconut oil group business as programs run through Village-Owned Enterprises. This apart from making it easier for people to get gas cylinders for cooking purposes, and also coconut oil as one of the household needs. Halo also has an impact on improving the community's economy through the coconut oil business which is managed directly by the community and then marketed. The sales proceeds will become wages for the community, as the end result of joint efforts through programs realized through BUMDES.

1. Existence of Village Owned Enterprises (BUMDES) in West Tapango Village

One of the institutions that will build villages and support the economy of the village community, namely the Village Owned Enterprise (BUMDES) is an economic pillar in the village that functions as a social institution. Bumdes is an institution that prioritizes the interests of the community through participation in providing social services for the village community.

The results showed that the existence of Village-Owned Enterprises (BUMDES) in improving the economy of the community in Tapango Barat Village, Tapango District, Polewali Mandar Regency had not experienced an increase both in terms of income from managing gas cylinder businesses so that the existence of BUMDES in the village could be said to be still very far away from said to exist in improving the economy for the village or community

The problem with Village-Owned Enterprises (BUMDES) in the community in Tapango Barat Village, Tapango District, Polewali Mandar Regency, one of which is the lack of human resources (HR) in the management of this BUMDES. In terms of quality, there is still very little and lack of socialization of BUMDES both in terms of government and BUMDES management regarding the existence of BUMDES. So that the attractiveness of the community to take part in the management of BUMDES is still lacking, most of the people of West Tapango Village prefer to work as farmers because BUMDES reports twice a month which is very burdensome for some people to manage it.

## 2. Community Economic Improvement

The establishment of Village-Owned Enterprises (BUMDES) is an effort to manage the village's productive economy from all aspects of society because it is not only the government that will build the economy of the village

community but the community must also play an active role in improving the economy of the community itself.

Human resources (HR) must play an active role because in the progress of an area, the most important thing is to mobilize and direct all activities carried out by BUMDES, especially in the village of West Tapango, Tapango District, Polewali Mandar Regency. Where the government directs the implementation of BUMDES activities and fosters the community in increasing the potential and skills to develop programs that will be implemented by BUMDES in order to improve the community's economy in accordance with the potential of the village. Through the gas cylinder business program and the coconut oil making group business as a form of community-based BUMDES program, so that the existence of Village-Owned Enterprises is not only a government program that is only followed but its existence is directly felt by the community.

One of the important elements that can support the existence of Village Owned Enterprises (BUMDES) in the village of West Tapango is the influence on improving the community's economy, as the main supporter of welfare in meeting daily needs. From the results of interviews found in the community, the community really feels the impact of the existence of Village Owned Enterprises (BUMDES) through community-based programs. Such as the provision of gas cylinder business which is intended for the community as one of the needs and also the coconut oil group business as one of the kitchen needs. This has a positive impact on the people of West Tapango because in addition to facilitating the community in their needs for gas cylinders, it is also the business of the coconut oil group. This also affects the improvement of the community's economy through the coconut oil-making business group program by the people of the West Tapango village. Where the results from the

manufacture of coconut oil are then marketed and the final results of the marketing are distributed to the people who are members of the group's business, as wages in the business group.

In terms of the role of BUMDES profits, it was found that BUMDES profits or revenues were also influenced by income received from other BUMDES businesses such as real businesses managed by the BUMDES. The bumdes business can also be formed according to the existing village potential so that it can maximize the advantages and benefits for the village community.

Increasing the PADEs, there are still some obstacles in its management. The inhibiting factors in terms of asset management managed by BUMDES are difficulties in developing new businesses, limited innovation in developing local products, lack of facilities and infrastructure, low supervision from local governments.

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Government (PP) number 71 of 2005 concerning Villages.

# **Circumonchobothrium (Postovilata) Pahujensis N. SP. From Edible Fish Channa Punctatus of Bundelkhand Region of (U. P.) India**

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## Abstract

Bundelkhand region of the Indian continent is peculiar and unique in its topography having vast stony area and numerous water resources including the ancient as well as historical water reservoirs. Morpho-taxonomic study of helminth parasites viz. tapeworm we come across a Pahuj reservoir from Jhansi Bundelkhand region of Uttar Pradesh, India (Fig 03) and collected twenty *Channa punctatus* fresh water fish with the help of local fisherman. After thoroughly examination one was found infected with many cestode parasites in its intestine. Morphological character of permanent slides of given cestode parasites viz. 28-30 number of rostellar hooks, funnel shape rostellum, testes 80-120 in numbers and two lateral fields never touches posteriorly, receptaculum seminis absent, vitelline gland posterior to ovary and operculate eggs. Morphological studies of the worm *Circumonchobothrium (Postovilata) pahujensis* n.sp. revealed them to belong to the subgenus *Circumonchobothrium (Postovilata)* Khare (2020) of the genus *Circumonchobothrium* Shinde(1968) of the family *Ptychobothriidae* Luhe (1902). Result of present study therefore is expected to be helpful for future research on helminth parasites of fresh water fish in tropic and sub tropics countries

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## Introduction

Bundelkhand region is very rich for piscian fauna. Few villagers in district Jhansi use edible fish in their daily diet. Fish are important components of ecosystem from ecological, medicinal, nutritional, and economical point of view but most of



the fish are infected by helminth parasites, which reduce food value. Parasitic diseases are among major public health problems of tropical countries including India. They infect man and also invade domestic animals and wildlife. Notable contributions of helminth parasites by earlier researchers viz. Luhe described Ptychobothriidae in 1902, Southwell published a classical volume on cestode parasites 'The Fauna of British India (1930). Shinde described *Circumonchobothrium* in 1968 on the basis of morpho taxonomic character. Khare described *Circumonchobothrium (Postovilata)* in 2020. Major contribution in taxonomy of cestodes parasites by Roman Asian fish tapeworm in 2018 and Caryophyllidean tapeworm reported by Tomas in 2021 from North America.

### **Methods**

The fish *Channa punctatus* were procured for tapeworm parasites from Pahuj reservoir, district Jhansi (U.P.) India (Fig. 03). Different body parts of collected fish viz. Large Intestine, small intestine, stomach, gall bladder, liver and gills of fish were examined on petridish for helminth collection than cut open in normal saline water in through or petrifies. It was lightly shaken and its contents decanted several times, body parts and its contents containing helminth parasites were examined thoroughly under a binocular microscope to ensure that none of the parasite is left behind In some cases, the scolex and rostellar hooks of tapeworm parasites were deeply embedded, it was found necessary to take them out by scrapping the mucosa of the intestine with sharp scalpel or by releasing the scolex with a pair of needles or forceps and then preserved in 5% formalin and now in the laboratory worms washed by tapewater for removing formalin, after totally removing of formalin whole mounts of worm were stained in Mayer's haemalum and then dehydrated

by alcoholic series 30%; 50%;70%;90% and 100% of alcohol grade, cleared in Xylol and ultimately mounted by Canada balsam.

The figures were drawn with camera Lucida attached to a light microscope (Fig.01) and digital photography captured by digital camera (Fig.02). All the measurements have been given in millimeters.

### **Theoretical Framework**

#### *Tapeworm (Permanent slide: Morphology)*

Tapeworms medium sized and segmented measure 60.2514-90.2147 X 0.6135-0.6213 (105.35875 X 0.92415). Scolex narrow anteriorly and broad posteriorly with anterior apical disc measure 0.3981-0.4608 X 0.1547-0.2393 (0.6285 X 0.27435) and rostellum funnel shape. Rostellar hooks present in single row, twenty eight to thirty in number measure 0.003943-0.0129 (0.010393) in length. Bothridia tube like curved and both bothridia crossed in posterior region of scolex measure 0.02187-0.05678 (0.05026) in length. Neck present measure 0.0241-0.03652 X 0.08723-0.1254 (0.04236X0.14993).

Immature proglottids acraspedote measure 0.04513-0.07312X0.11281-0.11341 (0.08169X0.169515). Mature craspedote proglottids and gravid acraspedote proglottids broader than long measure 0.20641-0.23212 X 0.51610-0.59342 (0.32247X0.81281) and 0.22057-0.24510 X 0.59727-0.61734 (0.34312 X 0.90594) respectively.

Testis partly cortical, partly medullary numerous in numbers, never touches posteriorly measure 0.01239-0.02538 X 0.01263-0.02562 (0.02508X 0.02544) in two lateral fields which crosses the ventral longitudinal excretory canals. Cirrus pouch strongly developed measure 0.04128-0.05289 X 0.04773-0.06451 (0.067725X0.079985). External and internal seminal vesicles absent.Ovary bi-lobed, medial and post equatorial measure

0.02437-0.04157 X 0.02584-0.04258 (0.04516X0.04713). Vagina measure 0.00123 – 0.00143 (0.001945) in diameter, opens laterally into genital atrium. Receptaculum seminis absent.

Vitelline gland single, compact and post-ovarian measure 0.02314-0.04816 X 0.02581- 0.05164 (0.04722X0.05163). Genital atrium medial measure 0.01261-0.02317 X 0.01261-0.02317 (0.024195X0.024195). Uterus coiled in mature proglottids and sac like in gravid proglottids measure 0.16781-0.21342X0.02581-0.19358 (0.27452X0.1226). Uterine pore ventral, medial measures 0.01254-0.02454 X 0.01254-0.02454 (0.02481X0.02481), situated on the posterior end of the uterus.

Eggs broader than long operculated measure 0.00213-0.01439 X 0.02850-0.04120 (0.009325X0.0491). Ventral longitudinal excretory canals measure 0.003751-0.006474 (0.006988) in diameter.

Table 01:

*Morphological studies of the worm revealed them to belong to the subgenus Circumonchobothrium (Postovolata) Khare (2020) of the genus Circumonchobothrium Shinde(1968) of the family Ptychobothriidae Luhe (1902).*

S. no	Character	<i>Circumonchobothrium (Postovolata)betwaensis</i> Khare 2020	Tapeworm (Permanent slide: Morphology)
1	Worm size	90.0-220.0 X 1.3-1.5 (155.0 X 1.4)	60.2514-90.2147 X 0.6135-0.6213 (105.35875 X 0.92415)
2	Scolex	1.0-1.15 X 0.625-0.751 (1.075 X 0.688)	0.3981-0.4608 X 0.1547-0.2393 (0.6285 X 0.27435)
3	Bothridia	<i>Separated in both</i>	Crossed in posterior

			<i>ends</i>	region of scolex
4	Rostellum		Cap shape	Funnel shape
5	Rostellar hooks		30-32	28-30
6	Neck		0.125-0.168 X 0.22-0.25 (0.146 X 0.235)	0.0241-0.03652 X 0.08723-0.1254 (0.04236X0.14993)
7	Immature Proglottids	Shape	Craspedote	Acraspedote
		Size	0.15-0.35 X 0.187-0.375 (0.25 X 0.281)	0.04513-0.07312 X 0.11281-0.11341 (0.08169X0.169515)
	Mature Proglottids	Shape	Acraspedote	Craspedote
		Size	0.187-0.437 X 0.75-1.5 (0.312 X 1.125)	0.20641-0.23212 X 0.51610-0.59342 (0.32247X0.81281)
	Gravid Proglottids	Shape	Acraspedote	Craspedote
		Size	0.312 - 0.437 X 0.125 - 1.5 (0.374X1.375)	0.22057-0.24510 X 0.59727-0.61734 (0.34312 X 0.90594 )
8	Testis	Number	180 – 340	80-120
		size	0.022-0.052 X 0.025-0.05 (0.037 X 0.037),	0.01239-0.02538 X 0.01263-0.02562 (0.02508X 0.02544)
		Position	two lateral fields which separate anteriorly but touches posteriorly	two lateral fields never touches posteriorly

9	Ovary		0.06 - 0.125 X 0.20 - 0.525 (0.092X0.362)	0.02437-0.04157 X 0.02584-0.04258 (0.04516X0.04713)
10	Recptaculum seminis		Present	Absent
11	Vitelline gland		0.012 - 0.018 X 0.05-0.22 (0.015 X 0.135)	0.02314-0.04816 X 0.02581- 0.05164 (0.04722X0.05163)
12	Uterus		0.187-0.3 X 0.162-0.425 (0.243 X 0.293)	0.16781- 0.21342X0.02581- 0.19358 (0.27452X0.1226)
13	Eggs	Shape	Round and Nonoperculate	Broader then long and Operculate
		Size	0.018 - 0.033 X 0.021 - 0.039 (0.025X0.033)	0.00213-0.01439 X 0.02850-0.04120 (0.009325X0.0491)

### Discussion

The present form comes closer to the species *Circumonchobothrium (Postovilata) betwaensis* Khare2020.

The present form differs from *Circumonchobothrium (Postovilata) betwaensis*Khare 2020 in having smaller worm, small flat scolex, bothredia tube like and crossed in posterior region, rostellum funnel shape, rostellar hooks 28-30 in numbers, small neck, immature proglottids acraspedote, mature proglottids craspedote and gravid proglottids acraspedote lesser number of testes and never touches in posterior region of proglottids, smaller ovary, absence of reseptaculum seminis, larger vitelline glands and operculated broader than long eggs. (Table 01).

The name of the species is after the reservoir from where the hosts were collected.

Type of Species : *Circumonchobothrium (Postovilata) pahujensis*n.sp.

Host : *Channa punctatus*

Habitat : Intestine

Locality : Pahuj reservoir,  
district Jhansi (U.P.)  
India (Fig.03)

Date of Collection : 4 January 2021

Number of specimen : 05

Deposition : Parasitological  
laboratory,  
Department of  
Zoology,  
Institute of Basic  
Science,  
Bundelkhand  
University,  
Jhansi (U.P.) India

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# Transfer of Land Rights as Dowry in Marriage according to National Agrarian Law

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## Abstract

Marriage is an inner and outer bond between a man and a woman, where according to Islamic law this bond is a strong bond or *Mitzaqaan Ghalizan*. The marriage process in Indonesia refers to the national law and the law of their respective religions. In Islamic law marriage, there is a dowry that must be given by the husband to the wife. The dowry given by the husband to the wife can be in the form of movable objects or immovable objects, one of which is land. In the area of South Sulawesi with the majority of Bugis-Makassar tribes, especially in the Tanralili-Maros area, there is a lot of dowry giving to prospective brides with land objects. In fact, the process of transferring land rights as a dowry often experiences problems, because the dowry is only spoken verbally and witnessed during the marriage process without any previous transfer of rights. Whereas in the National Land Law, the transfer of land rights can only be through buying and selling, exchanging, grants or giving in a will with an authentic deed issued by PPAT.

Keywords : \_ Switch Right Over the Land, Dowry, Marriage

## Introduction

Since the days of the Dutch East Indies, Indonesia has been known as an agrarian country with a land area of  $\pm 1,919,440 \text{ km}^2$ , where most of the people depend on agriculture for their livelihood. And also an important element for the people of Indonesia, especially in earning a living as a place to live as well as a social function. The importance of land for the Indonesian people can be greater than its meaning when discussing customary law communities. In customary law, there are several ways to obtain



customary land rights, namely through inheritance, grants or purchases, and clearing and cultivating land within the customary territory . After the Basic Agrarian Law (UUPA) was formed on September 24, 1960, Indonesia has a unified legal system in the land sector, the LoGA emphasizes that national agrarian law is based on customary law on land, guaranteeing legal certainty for all Indonesian people, without ignore elements that rely on religious law .

In the UUPA it is emphasized that property rights are hereditary, strongest and fullest rights that people can have on land (Article 20). Furthermore, in Article 23 it is explained that property rights, as well as any transfers, cancellations and encumbrances with other rights must be registered according to the provisions referred to in Article 19. The obligation to register is intended so that the right holder gets certainty of his land rights. Therefore, the transfer of land rights in marriage with the provision of a land dowry should be subject to the UUPA by registering the land to be transferred to the owner in accordance with existing regulations . According to the UUPA, all kinds of transfers of land rights should be registered, this is intended so that orderly land administration can occur. The various types of transfer of land rights recognized by the LoGA include:

- 1) Buy and sell
- 2) Exchange
- 3) Grant
- 4) Giving according to custom
- 5) Income in the company or “ *inbreng* ” and
- 6) grant or “ *leaseat* ”

Buying and selling, exchanging, grants, giving according to custom and income in the company, as well as the implementation of testaments, are carried out by the parties in the presence of the Land Deed Making Officer (PPAT), who is in charge of making the deed. So that happen transition rights . In order to obtain a stronger and more extensive proof, the transfer of rights should be registered at the City/Municipal Land Office, to be recorded in the land book and certificate of the relevant right. By recording the transfer of rights on the certificate of title,

a strong letter of evidence is obtained. Gifts in marriage, especially for the gift of land as a dowry object according to Government Regulation no. 37 of 1998, a deed of transfer of rights is made by and/or before PPAT<sup>17</sup>.

This is intended so that the deed of transfer of land rights can be used as evidence in the event of a dispute regarding the ownership of the land in the future. Article 37 paragraph (1) Government Regulation no. 24 of 1997 explains that the transfer of land rights can only be registered at the City/City Land Office if it is proven by a PPAT deed. So the deed, the PPAT can then be registered at the City/City Land Agency Office to then be given a certificate as the basis for the rights to the land that has been transferred.

Like the customary law communities in other areas, the people of the Tanralili sub-district, which consists of the Bugis-Maros indigenous people, also highly value land as a legacy from their ancestors that must be preserved and preserved. Therefore, land is often used as an object of dowry or dowry in the marriage system of the people of Tanralili District.

One of the positive things about land as an object of a dowry is that it can be more secure after marriage because it already has land that can be used as shelter for a new family that will soon be formed, besides that it can also be used as a source of income for the family if used properly. . Meanwhile, the negative aspect of land as one of the objects of dowry, which in this case is called *sompa land*, is if the transfer of land ownership is not in accordance with applicable law in Indonesia or the legal status of ownership of *sompa land rights* is unclear between husband or wife.

In fact, the granting of land is carried out only verbally, which is required to provide a plot of land as the object of a dowry in marriage and is not accompanied by an authentic deed of transfer of land rights made by PPAT. Although the transition was carried out in front of many people who could be called witnesses who witnessed the transition taking place, but still the transition was only carried out verbally, the proof of which was

not as strong as when it was done in writing, so that conflicts were not uncommon due to weak evidence. From the background back described \_ so that writer interesting formula problem How is the implementation of dowry land in marriage according to the National Land Law and legal protection for women who receive land as a dowry in marriage in the sub - district Tanralili Regency Maros .

### **Methods**

This research is a normative research and empirical namely legal research that puts the law as a system of norms with Location research in the District Tanralili Regency Maros . The types of data used in this study are: Primary data and secondary data. Primary data is data obtained by conducting interviews with parties who are directly related to the problem to be studied, namely the people of Tanralili Subdistrict, Maros Regency who have had marriages by giving land or *sompa land dowries* . Secondary data, namely data obtained through certain sources, namely by analyzing various existing references, for example the documents in the Tanralili KUA Office and the Borong Lurah Office and other existing documents

### **Discussion**

In Law no. 1 of 1974 concerning Marriage in Article 1, it is explained that marriage is 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 God Almighty.

In the law it is also stated in Article 2, that "Marriage is valid, if it is carried out according to the laws of each religion and belief". The article explains that a marriage is valid if it is in accordance with the law and beliefs of each party who wants to carry out the marriage. In the Bugis-Maros society, the influence of Islam in every wedding ceremony is felt, this is because the majority of the Bugis-Tanralili Maros people are devout adherents of Islam.

One literature mentions the notion of *sompa* ( *sunrang* ). In the perspective of the Makassar people, it is stated that *sompa* (

*sunrang* ) is a dowry or dowry as a condition for the validity of a marriage. The amount of *sompa* ( *sunrang* ) has been determined according to the class or degree of the girl. At the end of the 19th century the amount of dowry ( *sompa / sunrang* ) was determined based on one's status. Each dowry unit is called a *kati* (ancient currency) one *kati* is equal to 66 ringgit, or equal to 88 rials, 8 coins (8/20 rials) and 8 coins (8/12 coins) and each *kati* will have to add one slave which is worth 40 rials and a buffalo which is worth 25 rials . *Sompa* for high-class aristocratic women *Sompa bocco'* or *sompa (sunrang) peaks* can reach 14 *kati* . As for the lowest aristocratic women, only 1 *catty* , and good people or *tau deceng* half a *catty* , and ordinary people only a quarter *catty* . This calculation system is still in effect today, but since the mass independence of the Republic of Indonesia, the ringgit (formerly 2.5 rupiah or 2.5 Dutch guilders) was used as one calculation. However, due to inflation and the decline in the price of the rupiah in the early 1960s, it is clear that this *sompa* is no longer valid. However , this *sompa* is still very important, especially for high-status families because of its -additional gifts, including symbolic gifts (cane stalks, pumpkins, fruit, jackfruit, wickerwork, and various traditional cakes).

Based on the description above, the definition of *sompa land* ( *sunrang* ) is a dowry given by a man to a woman in the form of land, in her research, Nurfaidah Said explains that there are three patterns in women's ownership of land dowries, namely: full, meaning to have a land certificate and enjoy the results, only partial land ownership, meaning that you don't have a land certificate but enjoy the results, and land ownership is only a symbol, meaning you don't have a land certificate and don't enjoy the results. Women as land owners for the gifts they receive at the time of marriage are not protected by law, in this case the Basic Agrarian Law no. 5 of 1960, because to register the land, a certificate of grant is still needed from the man as the giver to the woman.

In the transfer of *sompa land* , where ownership of the land is transferred from the prospective husband to the prospective wife, it is usually carried out in verbal form only, whereas in

order to maintain legal certainty and for the sake of orderly land administration, the transfer should be made by and before the PPAT as an official who authorized for it. In addition, the transfer should be registered with the Land Office.

The legal basis for the transfer of land rights, namely the transfer according to the customs and habits of the local community, is explained by Boedi Harsono, namely-

"The UUPA has provided arrangements regarding property rights in Articles 20 to 27. But only about very basic matters. The dimensions in Article 50 paragraph (1) are determined that further provisions will be regulated by law. Article 56 states that:

"As long as the law regarding property rights as referred to in Article 51 paragraph (1) has not been formed, then the provisions of local customary law and other regulations concerning land rights that give authority as referred to in Article 51 are or are similar to those referred to in Article 51 shall apply. 20, as long as it does not conflict with the spirit and provisions of this law" (meaning UUPA).

Article 56 does not provide details regarding which regulations are currently still being applied to the Property Rights. Only designated in the regulations customary law regulations that give authority as or similar to those referred to in Article 20. According to Article 20 Hak Milik is a land right that is hereditary, meaning that the tenure is not limited and if the owner dies it will be continued by his heirs. Besides being able to be inherited by the heirs, property rights can also be transferred (in the sense of being transferred) to other parties, for example through buying and selling, exchanging, grants, testamentary grants, and income in the company .

Boedi Harsono said that the transfer of customary ownership rights to land which in this case was carried out by providing a land dowry could be referred to in accordance with Article 56 of the LoGA which gives authority to local customary law and other regulations regarding land rights as long as it does not conflict with the spirit and provisions of the UUPA. .

In this *sompa transfer of land rights*, it can be categorized as a transfer of land rights by way of a grant. Effendi Warin explained the meaning of grants, namely:

"Like the transfer of ownership rights by buying and selling and exchanging, the land grant is not an agreement whose implementation must be fulfilled by the delivery of legal rights to the party receiving the grant, but is a legal act that causes the transfer of ownership rights to the land in question to the recipient of the grant. given a grant. The difference with buying and selling is that, in the case of a grant, the owner does not receive compensation in exchange for the land that is being donated."<sup>18</sup>

As a legal act that results in the transfer of ownership rights to land, the grant is regulated in the Land Law, and according to Government Regulation no. 24 of 1997 must be registered and proven by a deed made by PPAT.

Still according to Effendi Warin, that including the transfer of land by way of this grant is the gift of land which is usually given to children who are born *when the* owner still alive .<sup>19</sup> In the Customary Law library it is called *toeschheiding*. Because it is included in the Law of Inheritance, in addition to the provisions of the Land Law, it is necessary to pay attention to the interests of the Inheritance Law that apply to the giver. The custom in the Tapanulis community to give land to married daughters and their husbands can also be classified in the definition of this grant. Therefore, the transfer of land rights by giving a land dowry in marriage can be classified as a grant .

Giving land as a dowry, should be subject to the applicable rules regarding the transfer of land. The UUPA stipulates that all kinds of transfers of land rights, namely buying and selling, grants, exchanges, and income in the company must be registered at the local Land Office, and all kinds of transfers of land rights can only be registered if it is proven by a deed made. by the authorized PPAT. Thus, it means that every transfer of ownership rights to land is carried out in the form of buying and selling exchanges or grants must be made before the PPAT.

Thus, so that the transfer of land rights can be carried out properly, a PPAT who will make the transfer of land rights must ensure the truth about the rights to the land, including the ownership rights to the land to be transferred.

Every land transfer activity, especially in the form of transfer of land along with all its legal aspects, must be based on an agreement between the parties who wish to transfer the land to the party receiving the land. The agreement is made on the basis of the will between the two parties without any elements of coercion, oversight, and fraud and is carried out in good faith.

This is done because the relationship between the two parties is a civil relationship originating from the agreement regulated in Article 1320 of the Civil Code. In order to further confirm the agreement between each party who is orderly in the transfer of land at the marriage, the agreement and transfer are made in written form made by and in the presence of the authorized official for that purpose.

The research was conducted in Tanralili Subdistrict, Maros Regency, by interviewing the Head of BPN Maros Regency, Head of Tanralili Subdistrict, Head of Borong Village, Head of KUA (Tanralili Religious Affairs Office). In addition, a question-and-answer session with a questionnaire/questioning technique to the community was also conducted with an emphasis on women who received dowry land. in marriage. The provision of land dowries in marriage is generally discussed and discussed in advance between the family who will carry out the marriage. The land is generally given in one of the customary processions that have been mutually agreed upon . Proof of land dowry ownership is very important to prevent conflicts in the future because the unclear ownership of land dowries before national land law causes the certificate function to be important. The transfer of land in marriage in Tanralili District is mostly not accompanied by a certificate of ownership of land rights, moreover the wife's control and control over the dowry land given to her . very weak. This relates to the position of the wife in the family which is often under the control of the husband. South Sulawesi society is a society that adheres to a patriarchal

culture, namely a system that places a man or father as the ruler in the family.

Furthermore, regarding the control over the control and use of dowry land by the wife, as explained in the previous chapter, there are 3 (three) categories of women's *control* (control) over land given in marriage, namely:

- 1) Full ownership of the gifted land, namely having access (opportunity) to enjoy the results of the gifted land, having *control* (control) over the gifted land, having *control* (control) over the gifted land, and even having a certificate of land rights.
- 2) Ownership is not full, or only partially on the land given, that is, do not hold and do not have a land title certificate, but still can enjoy the results.
- 3) Ownership of the land given as a symbol, namely the wife does not control the land at all and also does not enjoy the results of the land given.

Muslimin, S.Ag., MM, expressed his opinion regarding the land dowry which is not controlled and controlled by the wife:

"... The dowry of the land cannot be controlled by the husband or his family, there is no bias at all to intervene because this is the wife's full right. But I think that if there is a husband-wife relationship there is still interference from the husband, but in this case the full authority remains in the hands of the wife, so if the name is husband and wife, there is still something called coordination, but the husband is only limited to coordination. the one who has the full right to decide is the wife, because basically it is a property that is given to the wife..."<sup>33</sup>

According to the above opinion, it can be concluded that although at the time of marriage the wife is given land as a dowry, but still all matters relating to the utilization and control of the dowry land should be discussed and discussed first with the husband. This is so that between husband and wife there is mutual trust and a sense of togetherness is created for the property owned, both by the husband and by the wife, regardless of who the previous owner of the property was, there was only



family property. However, it is still necessary to have clear and strong evidence against who is the owner of the land, in this case by the wife, with a certificate of ownership of the land .

One of the objectives of land registration, as stated in Article 19 paragraph (1) of the LoGA and according to Article 3 of Government Regulation no. 24 of 1997 concerning land registration is to provide legal certainty and legal protection to holders of rights to a plot of land . From this, it is clear that the purpose of land registration is to provide legal certainty and legal protection of land rights, where the success of the implementation of land registration, which is basically stipulated in Article 19 of the UUPA, is highly dependent on the role of the community. Based on results research is obtained that still many respondents who do not get dowry certified land . \_ As for who gets certificate not yet divert right on soil the on her name alone . Most only get letter details and letter information on land rights even some are just given SPPT PBB. This shows that most of the land transfers that occur are not in accordance with the national land law. In the case of dowry land, as happened in Tanralili District , Kabupaten Maros , the role of the community in this case by the wife who receives the dowry land is very important to register the transfer of land given to her, so that legal certainty and protection are expected to be achieved.

### **Conclusion**

Based on the results of research and discussion, the following conclusions are obtained:

1. That the implementation of the awarding of dowries in marriages under national land law is legal, it is permissible to guarantee legal certainty so that the certificate is submitted at the time of the marriage contract and according to national land law if it is registered at the national land office by first being proven by a grant deed made by the Land Deed Making Official. (PPAT). Transfer of land in marriage in Tanralili Kecamatan District Regency Most of Maros is still carried out using customary law, as a result, the

evidence and guarantees of legal certainty are very weak.

2. That the legal protection for women who receive land as a dowry in marriage in the Tanralili District, Maros Regency, is to carry out the process of transferring land rights because the strongest for land is a certificate made by the local land office. Transfer of land in marriage in Tanralili Kecamatan District Regency Most of the Maros are not accompanied by land title certificates.

#### Suggestion

1. In order for land dowry in marriage to be recognized for its implementation according to national land law, all kinds of transfers of land must be carried out in accordance with the Basic Agrarian Law (UUPA) and other regulations on land, which are done in writing, attended by witnesses, and a deed is made. grants by the Land Deed Making Officer (PPAT) and registered with the local land office to obtain a certificate as the strongest evidence of land.
2. In order for the wife who receives the land dowry in marriage to have full control and control over the land given, it requires awareness from various parties, especially for the husband and husband's family to give the wife the right to be able to control the land that has been given to her by submitting a certificate of land rights and full control over the land grant. Awareness is needed of the importance of having a land title certificate and registering the transfer of land at the local land office for women who receive a land dowry in marriage. This is done in order to create a strong legal protection for the land given.

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Government Regulation of the Republic of Indonesia No. 37 of 1998 concerning the Regulation of the Position of the Official Making the Land Deed. hlm . 25.

# **The Benefaction of EFL Teacher Communication Skills on Students' Oral Communication Performance in Blended Class**

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## Abstract

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Presently, 5.0 A new paradigm in education is one that emphasizes innovation and makes the most of technology, the internet, and information. In the classroom, the teacher plays a number of crucial roles. One of those responsibilities is that of the teacher as communicator and facilitator. In the classroom, teachers help the students. They assist them in carrying out the instructional process. While the class is engaged in activities, teachers converse with the students. It is crucial to understand whether the teacher uses communication skills effectively in the classroom, as well as how the students perceive the impact of the teacher's communication skills on their speaking abilities. This study applied qual-quan method. This study used a qualitative approach. Data were gathered through interviews, questionnaires, and observation. To identify the types of communication techniques the lecturer employed in class, the researcher gathered, examined, and interpreted a range of data. She then discovered how the students perceived the lecturer's communication techniques in relation to their oral communication performance. The lecturers' in-class verbal and non-verbal communication served as the data sources. The data's sources are two English lecturers—one from a public university and one from a private university—who provided observations for the study. Additionally, the interview with those professors' pupils. The professors' use of non-verbal communication techniques. Each communication technique used by the teacher had an impact on how well the students performed in oral communication, whether that impact was direct or indirect. Not all non-verbal communication techniques or all verbal communication techniques can have a positive impact on a student's oral communication performance.

Keywords: Communication skills, EFL teacher, blended class, oral communication performance

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## Introduction

Teacher or lecturer has the important role in the classroom. As Mahdi & El-Naim, (2012) stated that 80% of teacher or lecturer time in the class, is spent to communicate to the students, whether it is verbal or nonverbal Rasyid in his note (2013) stated that an effective communicator exhibit effective interpersonal and transactional communication skills in the classroom. He defined interpersonal skills as communication involves face to face meetings between two participants and two people in varying roles and relationships to one another; it is also two-ways. Besides, it does not simply involve the exchange of the messages but it involves in creation and exchange meaning. It is partly or wholly intentional. It is ongoing process rather than an event or series of events. Interpersonal communication is divided into four behaviors; they are attending behavior and active listening, reflection, and inventory questioning.

Today, there were still many students of State University of Makassar and Universitas Muhammadiyah Makassar who were not confident in English oral communication. Based on this findings, the present research attempted to find the communication skills used by the lecturers at UNM and UNISMUH. In addition, this research investigates the students' perception on the lecturers' communication skills toward the students' oral communication performance.

Hong-Li (2011) conducted a research entitled the effects of non-verbal communication on college English classroom teaching. The researcher found that the lecturers should learn how to use non-verbal communication to attract the students attention in learning, especially in building a good rapport between the lecturer/ teacher and the students. Teacher should take an advantage of non-verbal communication to assist and complement classroom teaching to achieve the best effect and high efficiency. According to Dixon and O'Hara (2013), communication skills consist of active listening skills, non-verbal communication, giving constructive feedback, questioning skills, and giving presentations. Effective listening is

a specific skill that can be consciously developed and practiced in various workplace situations. Feedback can be said as reinforcing. Questioning is intended to get information from students in order to build communication or keep the communication going.

Maarof (2018), He examined the effects of the role-play and simulation approach on the ESL oral communication skills of Malaysian Polytechnic engineering students. He found that the role-play and simulation technique have a positive influence on the improvement of ESL oral communication. Abilities among students of Malaysian Polytechnic Engineering. This paper offered insights into how a function, a role, plays a role. A more dynamic and up-to-date learning approach to developing ESL oral learning can be an enjoyable learning technique.

Rust et al (2020) revealed that the communication skills training reduced the communication apprehension. They used pre-test and post-test to gather the data. Post-course reviews and student feedback. In addition to the data obtained for this research project, demonstrated an overall positive reaction to the design and delivery of course materials, active learning assignments and evaluations.

The previous researches investigated the communication skills for college students. They showed the effects on non-verbal communication on college English classroom teaching. However, there is no one of them had investigated the effect of EFL teacher communication skills on the students' oral communication performance using mix method research, especially in the blended class. Some of them the research in the communication field but they did it partly that is verbal cues or non-verbal cues only. This study aims to find out the kinds of communication skills used by EFL lecturer of Indonesian universities (Universitas Negeri Makassar and Universitas Muhammadiyah Makassar) and to explore the effects on their communication skills on the students' oral communication performance.



## Method

This study applied qualitative research. The researcher collected, analyzed and interpreted a variety of data to reveal the kinds of communication skills that were used by the lecturer in the class, then found the students' perception about the lecturer communication skills toward their oral communication performance. They took the additional data from online class as the crucial part in this research. The data resources were the lecturers' verbal and non-verbal communication applied in the classroom. The sources of the data based on the observation taken from one English lecturer in public university and one of English lecturer in private university. In addition, the interview taken from students of those lecturers. The students were the first year students in order to know the students' perception toward the lecturer communication skills as the first and the basic consideration of improving the quality of the learning and teaching process in the university level. As the techniques of data analysis for this study, the researcher conducted some steps namely: observation (the video-audio recording and field notes were analyzed by coding and reducing the data through the video-audio transcripts. After that the researcher listed the communication skills used by lecturer in the class); questionnaire (the researcher analyzed the questionnaire using rating scale. The questionnaire consisted of three columns. The column contains non-verbal, verbal cues, and rating effects scale from 1 to 5 scales. 5 means strongly effective, 4 means effective, 3 means quite effective, 2 means not really effective, 1 means strongly not effective. The interval of the effective rating scale is as follow:

<b>Interval Score</b>	<b>Category</b>
210-250	Strongly Effective
170-209	Effective
130-169	Quiet Effective
90-129	Not really effective

50-89	Strongly not effective
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Interview (the data taken from five students from each university, Universitas Negeri Makassar and Universitas Muhammadiyah Makassar. Then the researcher transcript the audio recording interview and coded the data transcription).

## Result and Discussion

### a. The kinds of communication skills used by EFL lecturers;

After analyzing the data, the researchers found some kinds of communication skills used by the lecturer in Universitas Negeri Makassar:

#### 1. Reflection

Both lecturers in those universities performed reflection in the class. The Lecturer at Universitas Negeri Makassar gave reflections about the actions, events, and decisions made by the students in the class and inferences to the students. The reflections made by the lecturer in Universitas Muhammadiyah Makassar by giving comments about the students enthusiasm in studying. However, they did not do this regularly. They gave reflection sometimes when both teachers thought that is necessary for the students.

Refelction applied by the teacher at UNM:

T: Class, You know what? That's why I give you a very large paper so can write in a bigger form. Okay?

T: ..."it is very good. Ya, I really surprised, you can perform very well.

T: ..."a good example has been shown Dea and Hans. ...

T: "The pronunciation is good. Overall, you pronounced very good, except the word here"an hour" *jam* "near".

T: "Some of you need to raise your voice. *Ya itu* Okay.

Reflection applied by the lecturer of Unismuh:

T: Oh yes correct, you do not need to translate all the words, just find the keywords!

## 2. Questioning

Both lecturers applied questioning strategy. They asked the question in order to stimulate the students to communicate, to clarify information, to encourage alternative behavior. The example of the questioning strategies that applied by those lecturers are:

Questioning applied by the lecturer of Unismuh:

T: Okay, How about Raihan? Did you have your breakfast?

S: Yes, Sir

T: How about Adi?

T: Which one do you consider if you want to continue your study abroad? Environment, lecturer, or curriculum or university's program?

S: Curriculum, lecturers.

Questioning applied by the lecturer of UNM:

T: What is your favorite section?

S: Sport

T: Okay Claudia, come on!

S: Not yet

T: Where is the Green School located?

T: Not in Sulawesi ya?

S: No Sir.

T: Not in Makassar?

S: No

Those questions pointed out that the lecturers gave question to the students in order to clarify information and led the students to speak.

3. Explaining

Both lecturers in those universities applied explaining strategy by explaining the lesson through defining new terms, avoiding vagueness, variation in gestures, and the use of voice and pauses. In addition, lecturers explained the lesson by using media, examples, paraphrasing, and explained with logical and clear sequence pattern and clear instruction in giving the task.

4. Humor and laughter

Those lecturers inserted some jokes in their teaching and learning process. They did jokes in order to attract the students' interest and attention toward the lesson.

Example of humor in their class:

T: Okay, anyway, do you know a horse? Where do you think people should send a horse when it is sick? In order to be cured?

S: Vet, Sir!

T: No, no

S: Beach, Hasanuddin University Sir.

T: No,,do you have another answer? Or Give Up?

S: The field.

T: No. Okay I'll tell you and the answer is a horsepital....

The lecturers gave a joke in 10 minutes before the class ended or break time.

5. Feedback

The lecturers in those universities conducted the feedback by telling the students individually and group. They asked about the lesson that they have

learnt. Sometimes, they asked about the meaning of new term in Bahasa Indonesia.

The example of the feedback conducted by the lecturer of Universitas Negeri Makassar:

T: There are some minor errors. Good, Industry. DPR is parliamentary member. What *menyumbang* in English?

S: donate

T: Very good. Charity *juga bisa*. Bill Gates is a good person. He is so rich. He loves to donate his wealthy everyweek.

T: *Diskriminasi bahasa Inggrisnya apa?*(What is the English of diskriminasi)?

S: Discrimination

T: Will done, how do you make in Verb?

S: Discritmint Sir,,,,

T: Thank you for the answer but I am sorry the correct answer is Discriminate

T: "he loves to play with kids,,you may say He loves playing with the kids. Okay,, Time is over. We are thanking for your very good presentation today.

The example above indicated that lecturers did feedback, corrected the mistakes and did some trigger about the students' mistake so they can get the great insights.

**b. The effects of verbal and non-verbal communication used by the EFL teachers on the oral communication performance.**

Table 4.1 The mean score of students' perception on teacher's communication skills in Universitas Negeri Makassar

Interval Score	Category	Mean Score
210-250	Strongly effective	
170-209	Effective	

130-169	Quiet effective	185.73
90-129	Not really effective	
50-89	Strongly not effective	

Table 4.2 The mean score of students' perception on teacher's communication skill in Universitas Muhammadiyah Makassar.

Interval Score	Category	Mean Score
210-250	Strongly effective	192.53
170-209	Effective	
130-169	Quiet effective	
90-129	Not really effective	
50-89	Strongly not effective	

According to the findings, the majority of students at UNM and Unismuh believed that their teachers' communication skills have a positive impact on their oral communication performance. Perception scores for those students range between 185.73 and 192.53. The students completed the questionnaire, which was followed by an interview session. Only the students with the most effective perceptions were interviewed and it is extremely reliable. The researcher selected five students from each school to participate in the study. The following is an explanation of the students' perceptions of the teacher's communication skills:

- a. Verbal Communication
  - 1). Reflection

Based on the students' perception, this communication skill is effective on students' oral communication performance. As the respondent in UNM stated that by giving reflection students can get any corrections so that the students can fix them. Besides, they also stated that the teacher gave reflection by giving appreciation to the

students' work and at the same time giving correction. The respondent of UNISMUH stated that by giving reflection, student felt they were appreciated by the teacher. In addition they got correction for any mistakes they have done. The respondents also said that the students are motivated when teacher gave reflection in the class.

#### 2) Questioning

Students' perception about this was varied. However, most students perceived this effective on their oral communication performance. The respondents of UNM stated that giving questions they can be fluent in English oral communication, good comprehension, and get additional vocabulary. They added that the teacher gave questions to check their understanding about the lessons whether they understood or not.

#### 3). Explaining

Most of students stated that explaining skill used by teacher is strongly effective on them. Confirming that, the respondents said that explaining skills applied by the teacher make them easily understood the lesson. They also added that they would put in their mind if the lesson were stated repeatedly at the time teacher teaching. Clarifying and repetition help the students to understand very well.

#### 4). Humor and laughter

The respondents revealed that the lecturers rarely made jokes in the class. They expected the teacher had more jokes in the class because they felt enjoyable and fun if the teacher did some jokes in the class.

#### 5). Feedback.

Based on the students' perception this is effective on their oral communication performance. According to the respondent in UNM, the feedback given by the teacher were effective because the students felt they were more fluent in oral communication, more comprehensible in the lesson taught.

#### b. Non-Verbal communication

##### 1). Physical appearance

The respondents stated that this kind of communication quiet effective on their oral communication performance because wearing neat clothes for example makes them more comfortable and motivated in studying and feeling comfortable and enthusiastic make them easily understand the lesson given by the teacher.

2). Eye contact

The students' of perception on eye contact are varied and that can be seen in the data (Universitas Muhammadiyah Makassar)

Eye Contact	Frequency				
	Strongly effective	Effective	Quiet effective	Not really effective	Not effective at all
Teacher shares eye contact to students	9	6	5	2	0
Teacher makes eye contact when they do interaction	8	8	6	0	0

3). Facial Expression

Facial	Frequency				
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expression	Strongly effective	effective	Quiet effective	Not really effective	Not effective at all
Teacher applies facial expression during teaching (UNM)	12	5	3	2	0
Teacher applies facial expression during teaching (Universitas Muhammadiyah Makassar)	2	18	12	0	0

The students regard facial expression is effective on their oral communication performance. According to respondents, when the teacher uses facial expression student was able to figure out the things were explained. With facial expression students were motivated to learn, especially when the teacher made funny expression.

In addition, the respondents stated that they were able to understand the lesson; students are able to copy the teacher expression when speaking and students are more interested in the teacher's explaining.

#### 4). Body posture and gesture

The students' perceptions about this are varied. The respondents found that teacher used gestures helped them understand the lesson. Moreover, teacher did gestures to get more attention from the students. They brought up that sitting partly when teaching was rarely done and it is not effective o

their oral communication performance because teacher does not communicate with he/she is sitting. They added that standing can make students motivated to communicate to the teacher.

The other respondents said that when the teacher stands up while teaching, students feel more comfortable and easy for them to communicate with teacher. They also said that by walking around, the students will listen carefully to teacher's words are new or already known, new words will be new vocabulary bank for the students, teacher can also control students and ask the students while walking.

## **Discussion**

The verbal communication skills used by the EFL teachers and their contribution toward the students' oral communication performance are:

### **a. Reflection**

Teacher at private university had done some reflection by giving comments about the enthusiasm of students in studying. As the observation, he did that because he appreciated what students had done in the class. The effectiveness of doing this was confirmed through the interview. The respondents stated that this made students more motivated to speak when teacher give reflection in the class. Dickson in Hargie (2013: 179) supported this statement. In his book he stated that statements act as stimuli to promote the class of response represented in the other's preceding line talk.

### **b. Questioning**

The teachers in both universities had utilized questioning strategy in order to stimulate the students to communicate. The students agreed that this is effective on their oral communication performance. However, the effect is depends on the content of the question. There are several researchers agree with this. One of those researchers is Rasyid (2013), he believed that questioning enables individuals to get themselves to speak and stimulate critical thinking (Muthmainnah, et al., 2022). They stated that usually teacher ask questions to the students who rarely speaks in the class to stimulate the students to speak.

Teacher also gave questions to clarify information. Other intentions the teacher asks questions were encouraging alternative behavior; to identify discrepancies. The teacher usually asks about the meaning in Bahasa Indonesia or English, or asks the synonym. As the result, most students stated that this is effective on their speaking performance.

c. Explaining

Explaining is the crucial activity in the class. A great teacher should have the skill of explaining. The skills are defining new terms, the use of explicit items, avoiding vagueness, variation in gestures, use of voice and pauses, repetition, summarizing, paraphrasing, or verbal cueing. By explaining the lesson with those skills above, made the students clearly understood the lesson. Not only telling the students the meaning of the words using concrete things, paraphrase, verbal cueing, utilizing examples that suitable with the topic students learned, and using link words and phrases. In Universitas Muhammadiyah Makassar, the teacher usually used media in teaching. Every session he has worksheets, power point or picture in explaining the lesson. While, the teacher in Universitas Negeri Makassar (UNM), the teacher used realia and picture in explaining the lesson. The last important things that those teacher had explained the task with logical, clear sequence patterns and precise instruction Muthmainnah, M. (2023).

The way lecturer explains the lesson effects on the students' pronunciation. Using gesture in explaining lesson is more understandable for students, get more new words. The media that teacher used can enrich the students' vocabulary and adjusting with defining words.

The result of the research, revealed the theory of Brown (2006). He stated that the ways teacher explain the materials are based on clarity, fluency, emphasis, interest, the use of examples, summaries and recall. In addition, as the finding above, the effects of the way teacher explains may cause the students to imitate him.

d. Humor and laughter

Both the lecturers apply humor and laughter to attract the students or make students focus on them. However, the lecturer of Unismuh made jokes more frequent than the lecturer in UNM. The researchers found that when the lecturers made jokes, students enjoyed the lesson, being motivated and more comfortable in studying. By utilizing humor in the class, that is a good strategy of the lecturer to engage the students. That is one way to engage the students because it makes the students enjoy studying.

e. Feedback

The feedback given by the lecturer is to remind the students about the lesson. The researchers found that feedback could help students to understand more and correct students' mistakes during the lesson. Besides, student would be more understand and remember the lesson. As McPheat (2010) stated that communicator uses feedback to help to determine how successful the communication is. As the researchers' observation, they found that the students were enthusiastic in learning and practicing the sentences. The students' responses were very important because the way the lecturer regards the feedback should be positive unless they will not receive the feedback there will be not improvement. The researchers concluded that giving feedback is effective for the students' speaking performance. The feedback can make the students more accurate and comprehensible. In this part, it is a time for the lecturer to do concept checking in order to know whether the students understand the lesson or no.

**Conclusion**

Teaching performance was measured by how a teacher presented the materials during a class. The teachers' application of nonverbal communication skills. Each communication ability used by the instructor had an impact on students' oral communication efficiency, whether it was direct or indirect. Not all forms of verbal communication are effective. on the students' ability to communicate verbally The study concluded that students' communication skills were extremely necessary and needed. The teaching effectiveness was determined by the

teacher's presentation of the lesson. The verbal communication skills were bolstered by nonverbal communication abilities. Those verbal and nonverbal communication skills had direct and indirect consequences. This study is intended to be a valuable contribution to all lecturers or teachers in terms of being more attentive to their students' perceptions and expectations regarding learning environments and strategies, especially their communication skills.

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## SYNOPSIS

This book was designed based on the gathering of ideas from various academic throughout Indonesia; there are 12 chapters in this book with several themes as follow: (1) education, (2) health, (3) politic, (4) economy, (5) law, and (6) *taxonomic*. This book, there are twelve chapters. Every chapter can give information to the reader the entire chapter based on the researcher.

The first discusses education and explains (1) “YouTube tutorial videos and learning speaking skill”. At the beginning of 2020 the whole world is shocked by the emergence of a *new* pandemic that affects all aspects of life, namely the Corona Virus Pandemic (Covid-19). The Covid-19 pandemic has a major impact on the educational aspect, especially in the learning process directly at school. . So, YouTube has become one of the best media in the online-based learning process in the midst of the Covid-1 9 pandemic, because it can be accessed anywhere and anytime as long as students and teachers are able to connect to the internet. (2) “The Impact of Blended Learning on Learning Enthusiasm”. In this era of pandemics, information and communication significantly impact human life. Technology has significantly impacted our lives in recent years, changing many aspects, with information technology having the greatest impact. Blended Learning is a teaching and learning process that

combines two learning methods: face-to-face learning (also known as a traditional class) and online learning (also known as virtual education). (3) Blended Learning and Online Learning During the COVID-19 Pandemic". During the COVID-19 pandemic, an IoT-based BL model may be the optimal New Normal solution for all educational stakeholders. Social distance compels the evolution of traditional face-to-face interactions. Blended Learning (BL) is an instructional method that combines in-person instruction with information and communication technology (ICT) instruction (4) "Gamification". Teaching mathematics in high school and this discipline is often difficult and boring for most students; gamification has become, in addition to being a commonly used word, a teaching methodology fully accepted in classrooms all over the world. Gamification is the use of elements of game design in non-playful contexts. (5) "Functioning Language Experience Approach to Elevate the EFL Students' Writing Skill". Teaching students to write well is critical in today's classroom. That is why the teacher must use a good technique or method to inspire students and motivate them to express themselves creatively through writing. Looking forward to comparing the students' pre-test and post-test in terms of proportion and mean differences, it finally appears that there was an improvement in the students' writing after implementing Language Experience Approach. (6) "The Benefaction of EFL Teacher Communication



Skills on Students' Oral Communication Performance in Blended Class". Teaching performance was measured by how a teacher presented the materials during a class. Each communication ability used by the instructor had an impact on students' oral communication efficiency, whether it was direct or indirect. Not all non-verbal communication techniques or all verbal communication techniques can have a positive impact on a student's oral communication performance. With the right teaching methods, educators can create an enjoyable and productive classroom experience for students where they can learn important academic and social. Teaching methods are opportunities to make learning engaging, inspiring, and fun for students.

The second explains economy (1) "The Existence of Village Owned Enterprises (BUMDES) Towards Improving the Economy". As a support for community economic activities in the village and working on the potential of the existing village according to the needs of the Village community and to find out the contribution of society in the development and improving the village economy through the existing village potential.

BUMDES as a social institution must side with the interests of the community through its contribution to the provision of social services. (2) "Cocoa as the mainstream of Nigerian Economy". This chapter has painstakingly gone through the contribution of cocoa to the mainstream of the

Nigerian economy by explicitly stating its previous contributions, and potential to the Nigerian economy.

In law, explain Law (1) "Transfer of Land Rights as Dowry in Marriage according to National Agrarian Law". If the implementation of the awarding of dowries in marriages under national land law is legal, it is permissible to guarantee legal certainty so that the certificate is submitted at the time of the marriage contract and according to national land law if it is registered at the national land office by first being proven by a grant deed made by the Land Deed Making Official. (2) "Juridical Analysis of the Executive Power of the Constitutional Court Decision (Study of the Constitutional Court Decision Number 50/PUU-XII/2014 Juncto Constitutional Court Decision Number 39/PUU-XVII/2019)". As a constitutional court, it has a distinctive character that distinguishes it from general courts or ordinary courts. The final nature and no other legal remedies are characteristics of the Constitutional Court's decision. There are many important reasons why laws are important; Laws keep people safe, keep order in society, and protect the right of individuals. (3) "The Urgency of Enforcement of the Outline of State Policy in the Presidential System in Indonesia". Pancasila as the basis of the State's Ideology. The 1945 Constitution of the Republic of Indonesia has the position as the Constitution or the highest law. The Unitary State of the Republic of Indonesia which is a form of the State, and Bhinneka Tunggal Ika which

has always been the motto of the Indonesian nation. From this it is seen that the most concrete basic principle is the constitution. Therefore, building awareness of the nation and state rests on efforts to build constitutional awareness of Indonesia's entire nation and citizens.

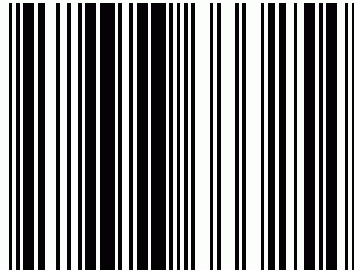
In health expose about health (1) “Covid-19, Treatment Issues and the Fear of Survival Among HIV/AIDS Patients in Malakand Division, Khyber Pakhtunkhwa, Pakistan”. The study concludes that people living with both HIV and COVID-19 experience mistreatment, and COVID-19 as well as HIV patients face discriminatory attitudes in family, health services and community. The study also found that efforts are required to address both COVID-19 and HIV/AIDS, allocating resources and providing free treatment services. The coronavirus has been a global health crisis, and within no time, it has spread across nations. COVID-19 pandemic has created significant economic issues for HIV/AIDS patients and has impacted their treatment globally. It has created barriers to HIV prevention, testing, and access to care and support services.

In political take up about Politic (1) Revocation of Political Rights for Convicts of Corruption Crimes. The nature of the additional criminal revocation of political rights for convicts of criminal acts of corruption is as a form of legal protection to the public and, at the same time, as a guarantee that perpetrators

of criminal acts of corruption no longer have the opportunity to commit crimes.

The last chapter about taxonomic “*Circumonchobothrium* (*Postovilata*) *Pahujensis* N. SP. From Edible Fish *Channa Punctatus* of Bundelkhand Region of (U. P.) India”. Bundelkhand region of the Indian continent is peculiar and unique in its topography having vast stony area and numerous water resources including the ancient as well as historical water reservoirs. Result of present study therefore is expected to be helpful for future research on helminth parasites of fresh water fish in tropic and sub tropics countries.

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